

**IN THE ENVIRONMENT COURT
AT AUCKLAND**

**I TE KŌTI TAIAO O AOTEAROA
KI TĀMAKI MAKĀURAU**

Decision [2024] NZEnvC 185

IN THE MATTER OF

appeals under clause 14 of the First
Schedule of the Resource Management
Act 1991

BETWEEN

TRANSPower NEW ZEALAND
LIMITED

(ENV-2023-AKL-000113)

FEDERATED FARMERS OF NEW
ZEALAND

(ENV-2023-AKL-000114)

ROYAL FOREST AND BIRD
PROTECTION SOCIETY OF NEW
ZEALAND INCORPORATED

(ENV-2023-AKL-0000116)

LIVINGSTON PROPERTIES
LIMITED

(ENV-2023-AKL-000117)

NEW ZEALAND AGRICULTURAL
AVIATION ASSOCIATION

(ENV-2023-AKL-000118)

TUKITUKI WATER SECURITY
PROJECT & WATER HOLDINGS
HAWKE'S BAY LIMITED

(ENV-2023-AKL-000119)

J W BRIDGE

(ENV-2023-AKL-000121)

Appellants



AND

CENTRAL HAWKE'S BAY
DISTRICT COUNCIL

Respondent

Court: Environment Judge MJL Dickey sitting alone under s 279 of the Act
Last case event: 25 June 2024
Date of Order: 7 August 2024
Date of Issue: 7 August 2024

CONSENT ORDER

A: Under section 279(1)(b) of the Resource Management Act 1991, the Environment Court, by consent, orders that:

- (1) The appeals are allowed subject to the agreed amendments to the Central Hawke's Bay Proposed District Plan as set out in Appendices A – L, attached to and forming part of this order;
- (2) All references to the “LLRZ - Large Lot Residential Zone (Coastal)” in the Central Hawke's Bay Proposed District Plan shall be amended to “LLRZ – Large Lot Residential Zone”;
- (3) The following appeals are dismissed in full:
 - (a) Transpower New Zealand Limited – ENV-2023-AKL-113;
 - (b) Federated Farmers of New Zealand – ENV-2023-AKL-114;
 - (c) Royal Forest & Bird Protection Society of New Zealand Incorporated – ENV-2023-AKL-116;
 - (d) New Zealand Agricultural Aviation Association – ENV-2023-AKL-118;

(e) Tukituki Water Security Project & Water Holdings Hawke's Bay Ltd – ENV-2023-AKL-119;

(4) The following appeals are otherwise dismissed, with the exception of relief coded to the Topics noted below:

(a) Livingston Properties Ltd - ENV-2023-AKL-117 – excluding relief sought in Topic 10 – Zoning; and

(b) James Bridge - ENV-2023-AKL-121 – excluding relief sought in Topic 10 – Zoning.

B: Under section 285 of the Resource Management Act 1991, there is no order as to costs.

REASONS

Introduction

[1] These appeals relate to the decisions by Central Hawke's Bay District Council on the Central Hawke's Bay Proposed District Plan (**PDP**).

[2] The appeals have been managed on a topic basis.

[3] Consent documents relating to the following Topics were filed on 27 May 2024:

(a) Topic 1 – Water Storage;

(b) Topic 2 – Ecosystems and Indigenous Biodiversity;

(c) Topic 3A – Natural Features and Landscapes;

(d) Topic 4 – Subdivision;

(e) Topic 5 – Coastal Environment;

(f) Topic 6 – Earthworks;

- (g) Topic 7B – Gas Transmission;
- (h) Topic 8 – Agricultural Aircraft;
- (i) Topic 9 – Rural Setbacks;
- (j) Topic 11 – Miscellaneous.

[4] The above Topics were the subject of Environment Court assisted mediation on 5 – 7 March, 18 – 19 March, and 9, 10 and 15 April 2024.

[5] Consent documents relating to Topic 7A – National Grid were filed on 6 June 2024. This Topic was the subject of Environment Court assisted mediation on 10 April 2024.

Appeals

[6] The parties are agreed that appeals by the following appellants are resolved in full or part:

- (a) ENV-2023-AKL-000113 Transpower New Zealand Limited (**Transpower**) v Central Hawkes Bay District Council – in full;
- (b) ENV-2023-AKL-000114 Federated Farmers of New Zealand (**Federated Farmers**) v Central Hawke’s Bay District Council – in full;
- (c) ENV-2023-AKL-000116 Royal Forest and Bird Protection Society (**Forest & Bird**) v Central Hawke’s Bay District Council – in full;
- (d) ENV-2023-AKL-000117 Livingston Properties Limited (**LPL**) v Central Hawke’s Bay District Council – in part;
- (e) ENV-2023-AKL-000118 New Zealand Agricultural Aviation Association (**NZAAA**) v Central Hawke’s Bay District Council – in full;
- (f) ENV-2023-AKL-000119 Tukituki Water Security Project & Water Holdings Hawke’s Bay Limited (**WHHL**) v Central Hawke’s Bay District Council – in full; and

- (g) ENV-2023-AKL-000121 Bridge v Central Hawke’s Bay District Council
– in part.

[7] The following parties have joined the appeals under s274 RMA:

- (a) For the Transpower appeal – Federated Farmers, and Horticulture New Zealand (**HortNZ**);
- (b) For the Federated Farmers appeal – First Gas Limited, Forest & Bird, HortNZ, Paul Robottom and Pairatahi Holdings Ltd (**PR & PHL**), and Transpower New Zealand (**Transpower**);
- (c) For the Forest & Bird appeal – Federated Farmers, HortNZ, Mr Bridge, PR & PHL, Rayonier Matariki Forests (**RMF**), and Transpower;
- (d) For the Bridge appeal – Fire and Emergency New Zealand (**FENZ**), HortNZ, and LPL;
- (e) For the NZAAA appeal – Transpower;
- (f) For the WHHL appeal – Forest & Bird, Hort NZ and Trevor LeLievre;
and
- (g) For the LPL appeal – Federated Farmers and Mr Bridge.

Topic 1 – Water Storage

[8] The following parties were involved in this Topic:

- (a) Forest & Bird, as appellant and a s274 party to the appeal by WHHL;
- (b) WHHL, as appellant;
- (c) Trevor LiLievre, as a s274 party to the appeal by WHHL; and
- (d) HortNZ, as a s274 party to the appeals by Forest & Bird and WHHL.

[9] The Topic broadly concerned references within the PDP to water storage, either within the Mākāroro Gorge or more generally within the district:

- (a) Forest & Bird sought deletion of a policy in the Rural Land Resource chapter, RLR-P6 which provided:

To recognise the value of reliable stored water resources and associated infrastructure where it provides increased water availability and security for maintaining and enhancing the productive capacity of the rural land resource.

- (b) WHHL sought instatement of a policy deleted by the Council decision in the Outstanding Natural Features and Landscapes chapter, NFL-P5, to provide:

To recognise the regional social and economic significance of water storage within ONF-4 (Mākāroro Gorge).

- [10] The parties have agreed to resolve these points of appeal by amending RLR-P6 as follows, and as shown in **Appendix B**:

To recognise the value of reliable stored water resources and associated infrastructure where it provides increased water availability and security for maintaining ~~and enhancing~~ the productive capacity of the rural land resource.

- [11] The relief sought in relation to reinstatement of NFL-P5 (being the only relief sought in the appeal) is withdrawn by WHHL.

- [12] The Topic is resolved in full.

Topic 2 – Ecosystems and Indigenous Biodiversity

- [13] The following parties were involved in Topic 2 – Ecosystems and Indigenous Biodiversity:

- (a) Federated Farms, as appellant and a s274 party to the appeal by Forest & Bird;
- (b) Forest & Bird, as appellant and a s274 party to the appeal by Federated Farmers;

- (c) HortNZ, as a s274 party to the appeals by Forest & Bird and Federated Farmers;
- (d) PR & PHL, as a s274 party to the appeals by Forest and Bird and Federated Farmers;
- (e) RMF, as a s274 party to the appeal by Forest & Bird; and
- (f) Transpower, as a s274 party to the appeal by Forest & Bird.

[14] Mr Bridge was a s274 party to the appeal by Forest & Bird in relation to relief sought seeking a new rule to regulate clearance and trimming of indigenous biodiversity in the Coastal Environment chapter. That aspect of Topic 5 was agreed to be transferred to Topic 2.

[15] Forest & Bird sought amendments to the definitions of “Environmental Compensation” and “Biodiversity Compensation”, which were agreed. The definition of “Biodiversity Compensation” is to be deleted and the definition of “Environmental Compensation” is to be amended as follows:

For the purposes of the RE – Renewable Energy chapter, any action (work, services, financial contribution or restrictive covenants) to compensate for the environmental effects of activities that cannot be avoided, remedied, mitigated, or addressed by a biodiversity offset ~~or biodiversity compensation~~. For avoidance of doubt this definition does not apply to biodiversity matters which are to be considered through Biodiversity Offsetting.

[16] A consequential amendment is made to Method ECO-M3 Biodiversity Offsetting, as follows:

Applying nationally accepted best practice principles for biodiversity offsetting where biodiversity offsetting ~~or compensation~~ is proposed, ...

[17] Forest & Bird sought to amend Objective ECO-O2 to refer to “enhancing” or “restoring” indigenous biodiversity within Central Hawke’s Bay. It was agreed to amend ECO-O2 to provide:

Maintain, and where appropriate promote restoration of, biodiversity within Central Hawke's Bay District.

[18] Forest & Bird sought to amend Policy ECO-P4 which relates to avoiding, remedying or mitigating adverse effects of subdivision, use and development that would result in a loss of biodiversity values from listed activities. It was agreed to amend ECO-P4 to read:

To avoid, remedy or mitigate adverse effects, including cumulative adverse effects of subdivision, use and development that would result in a loss of indigenous biodiversity values from:

1. Clearance, modification, damage or destruction of ~~large~~ areas of ~~intact~~ significant indigenous vegetation and/or significant habitats of indigenous fauna.

[19] It was generally agreed that clarification of the intention that the least restrictive relevant rule apply to any trimming or clearance of indigenous vegetation would be useful and would resolve parties' concerns about the rules in the Decision's version or as proposed to be amended as a result of appeals. To reflect the "Least Restrictive Rule" approach, amendments were agreed to the descriptions of Rules ECO-R1A, ECO-R2, ECO-R3 and ECO-R4 to specify that the rule only applies where the activity is not provided for by an earlier applicable rule.

[20] Forest & Bird sought to amend Rule ECO-R1 (a permitted activity rule relating to trimming or clearance of indigenous vegetation) so that it applies only outside areas identified as Significant Natural Area (**SNA**) in ECO-SCHED5 and to delete reference to plantation forestry undergrowth and planted indigenous forestry. It was agreed that the rule should not apply to SNAs and that consequently there was no need to remove the plantation forestry reference from the rule. The parties agreed the rule is to read:

Trimming or clearance of indigenous vegetation within any of the following (excluding where it forms part of any areas identified as a Significant Natural Area or any natural wetland identified as a Significant Natural Area in ECO-SCHED5):

1. Areas of domestic or ornamental landscape planting; or
2. Planted shelter belts; or
3. Plantation forestry undergrowth; or
4. Planted indigenous forestry.

[21] Forest & Bird sought to amend Rule ECO-R3 to clarify the date from which the permitted level of clearance of indigenous vegetation per Significant Natural Area is to be calculated. It was agreed that the rule should be amended to refer to the date of notification of the Proposed District Plan, being 28 May 2021.

[22] Forest & Bird sought to amend Rule ECO-R4 in various ways, including so that trimming or clearance of indigenous vegetation outside an SNA was limited to 0.5 hectares per 10-year period from when the District Plan was notified, and that non-compliance should be a discretionary activity. The parties agreed that it was appropriate to differentiate between areas inside and outside the Coastal Environment and provide for the more significant limitation within the Coastal Environment. The amended rule is set out in **Appendix E**.

[23] Forest & Bird sought amendments to Rule ECO-R6 which is a non-complying rule applying to trimming or clearance of indigenous vegetation forming part of a natural wetland listed as a SNA. The amendments sought were to delete the notes to that rule and/or to make amendments to clarify Note (1). The parties agreed the wording of the notes to the rule were unclear and changes were agreed to clarify where the rule does and does not apply. The amendments are as set out in **Appendix E**.

Rule ECO-R2

[24] Rule ECO-R2 relates to the trimming or clearance of indigenous vegetation that has naturally regrown on land cleared within the last 15 years (with the exception of SNAs that are a natural wetland). Forest & Bird sought various changes to this rule which were resolved between the parties on the basis of differentiating between areas inside and outside the Coastal Environment. On the basis of advice from Council's expert ecologist, it was agreed that it was appropriate to amend the rule to be limited to trees no more than 15cm in diameter measured at 1.4m from ground level at the base of the tree for areas within the Coastal Environment, while the measurement

could remain as 30cm outside the Coastal Environment. The amended rule is set out in **Appendix E**.

[25] The Court raised a concern regarding the jurisdictional and evidential basis for the proposed amendment on ECO-R2. On 25 June 2024 counsel for the Council filed a memorandum in response, which was supported by a brief statement from Mr Kessels as to the ecological basis for the proposed rule.

Jurisdiction

[26] In *Trustees of Spruce Grove Trust v Queenstown Lakes District Council*, the Environment Court stated that the jurisdictional test is as follows:¹

The commonly described jurisdictional scope for relief on an appeal under cl 10, Sch 1 RMA is what is fairly and reasonably within the general scope of the PDP as notified, an original submission (or appeal), or somewhere in between.

Is the change within the scope of relief sought by appeal?

[27] In its appeal Forest & Bird sought:

Amend the conditions of ECO-R2 as follows:

1. Activity Status: PER

Where the following conditions are met:

- a. trimming and clearance is limited to:
 - i. trees no more than ~~30~~15cm diameter measured at 1.4m from the highest point of ground level at the base of the tree; and
- b. clearance is not within 50m of any areas identified as a Significant Natural Area in ECO-SCHED5; and
- c. clearance of no more than 0.5 hectare per site within to 10-year period from the date the plan was notified.

2. Activity Status: PER

Where the following conditions are met:

- a. trimming and clearance is limited to:

¹ *Trustees of Spruce Grove Trust v Queenstown Lakes District Council* [2023] NZEnvC 279, at [17].

- i. trees no more than ~~30~~15cm in diameter measured at 1.4m from the highest point of ground level at the base of the tree; and
- b. is not withing 50m of any areas identified as a Significant Natural Area in ECO-SCHED5; and
- c. clearance of no more than 0.5 hectare per site within the 10-year period from the date the plan was notified.

For the ECO-R2(2) activity classification of RDIS, amend (a) as follows:

(a) the effects of the activity on the matters set out in ECO-AM1.

[28] Forest & Bird’s appeal also sought by way of relief on the Coastal Environment section a new rule, CE-R2, regulating trimming or clearance of indigenous vegetation within the Coastal Environment. That relief was agreed at the mediation of Topic 5 – Coastal Environment to be deferred for discussion at the mediation of Topic 2.

[29] The agreed amendment to ECO-R2 gives partial effect to the relief sought by Forest and Bird specifically for that rule, in that it changes the reference from 30cm to 15cm as sought by Forest & Bird, but only within the Coastal Environment. It was submitted that the specific provision for trimming and clearance of indigenous vegetation within the Coastal Environment being subject to specific control was generally consistent with the relief sought by Forest & Bird in relation to proposed rule CE-R2. It was therefore submitted that the amended version of ECO-R2 now proposed by the parties was fairly and reasonably raised by the Forest & Bird appeal.

Is the change within the scope of an original submission?

[30] Forest & Bird’s submission did not propose specific amendments but stated by way of relief on ECO-R2: “Amended rule to have stronger permitted conditions”, with an explanation that it sought stronger conditions to “protect potential values that have established in areas that have been cleared before, and to ensure these areas have not ‘become’ SNAs since they were first cleared”.

[31] In addition, Forest & Bird’s submission asserted that the Coastal Environment Rules “are too permissive. Amendments are required for consistency with NZCPS

and RMA, and NPS-IB (should it be notified between now and decisions on the plan).” Forest and Bird sought relief as follows: “Amend for consistency with NZCPS and RMA in particular (and NPS-IB if notified)”.

[32] The Summary of Submissions summarised the Forest & Bird submission on ECO-R2 and Rules in the Coastal Environment. In relation to ECO-R2 the summary of decision requested was “Amend ECO-R2 to have stronger permitted activity conditions”. In relation to CE – Rules, the summary of decision requested was “Amend CE – Rules for consistency with NZCPS and RMA in particular (and NPS-IB if notified).”

[33] It was submitted that, while Forest & Bird’s submission did not set out the specific wording now proposed for ECO-R2, the amendment sought was fairly and reasonably raised and was a foreseeable consequence of the relief sought, particularly given:

- (a) The submission stated sought changes to the Permitted activity conditions for ECO-R2, and the proposed amendment involves a change to the Permitted Activity condition;
- (b) The submission stated the purpose of the change to ECO-R2 was to scrutinise whether regrown indigenous vegetation had reached SNA status. The proposed amendment provides for such scrutiny by providing a lower ‘trigger point’ at which consent is required;
- (c) The submission specifically sought new rules for the Coastal Environment, and the proposed rule applies specifically within the Coastal Environment; and
- (d) The submission stated the purpose of having rules apply within the Coastal Environment was to meet the NZCPS, the RMA and the NPS-IB (which is now in force). The proposed amendment has been assessed to give better effect to Policy 11 of the NZCPS, ss 6(c), 7(d) and 31(1)(b)(iii) of the RMA.

Concluding comments on jurisdiction

[34] The Council was not aware of any prejudice that could be caused by the proposed amendment. It was submitted that any person who might be affected by the reduced threshold for requiring consent within the Coastal Environment for clearance of indigenous vegetation on land previously cleared:

- (a) Would have been sufficiently alerted to the potential for such a rule by the Forest & Bird submission, insofar as it specifically flagged the need for tighter rules on clearance of indigenous vegetation and tighter rules within the Coastal Environment generally. Any such interested party can be expected to have made a further submission on those aspects of the Forest & Bird submission;
- (b) Any such person who made a further submission, or who made a submission or further submission on the same provisions, would have been served with a copy of the Forest & Bird appeal. Persons served (approximately 140) are listed at appendix B of the Forest & Bird appeal;
- (c) The Forest & Bird appeal specifically proposed the amendment of ECO-R2 to lower the ‘trigger point’ after which consent was required to 15cm and also sought rules around indigenous vegetation clearance within the Coastal Environment. The amendments now proposed lie between the decisions version and the relief sought by Forest & Bird; and
- (d) A number of parties joined the Forest & Bird appeal on one or both matters, and all such persons had the opportunity to participate in discussions leading to agreement on the proposed amended version of ECO-R2. All such parties signed the consent memorandum supporting the proposed change.

[35] It was submitted the Court has jurisdiction to consider the proposed amendment to ECO-R2. While the amended rule is a negotiated outcome, it is submitted that it meets the relevant statutory tests for approval by the Court.

[36] I accept that the agreed version of ECO-R2 was fairly and reasonably raised and a foreseeable consequence of the Forest & Bird submission and appeal.

Evidence of Mr Kessels

[37] Mr Kessels advised the Council that he supported 15cm as an appropriate ‘trigger point’ above which resource consent would be appropriate. He advised that his reasons for that position are:

- (a) For kanuka, a diameter at breast height (**DBH**) of 30cm is quite substantial and would be more akin to a tree than recent regrowth induced scrub. As such, a 15cm DBH would be a better measure of where regrowth may have become significant;
- (b) Manuka would rarely reach a diameter of 30cm before it fell over or died, so for this type of vegetation, the DBH is unlikely to make a difference in terms of how the rule will be applied;
- (c) As kanuka and mauka are the fastest growing species, they are likely to reach 15cm DBH more quickly than other species. The 15cm DBH limit therefore represents an appropriate measure for other types of vegetation (i.e., other vegetation at 15cm DBH is likely to be more mature than kanuka or manuka of the same DBH);
- (d) 15cm DBH is the threshold for minimum trunk diameter of a tree in the Department of Conservation protocols for assessing potential bat roosts in its tree felling guide. Trunks of 15cm or greater would present more cavity bearing opportunities for wildlife, such as gecko species and long tailed bats to use as habitat. As such, clearing vegetation above 15cm DBH poses a greater risk of removing habitat for at-risk and threatened lizard species and long-tailed bat; and
- (e) Many coastal areas within the District contain ‘Naturally uncommon ecosystems’, such as active sand dunes, shingle beaches, coastal rock stacks and calcareous coastal cliffs. These ecosystems would have naturally occurred over a small area in the absence of human activity and

are often assessed as ecologically significant in terms of s 6(c) of the Act. However coastal margins not mapped as SNAs can still exhibit traits and contain fragments of the ecosystems which are not readily apparent. Naturally uncommon coastal ecosystems are fragile and hence, as a general observation, less resilient to the adverse effects of animal and plant pest threats, meaning that vegetation removal can compound the ongoing adverse effects these ecosystems face to a larger degree than with removal of induced indigenous vegetation regrowth in non-coastal localities. A lower trigger point for consideration of significance is therefore appropriate in the coastal area.

[38] Mr Kessels noted that from an ecological perspective, he would have supported a reduction to 15cm DBH for all areas, however that is not what is proposed by the agreement reached, rather the 15cm DBH is to apply only within the coastal environment.

[39] In terms of differentiation between areas inside and outside of the coastal environment, Mr Kessels considers there are ecological reasons to differentiate between those areas. As noted above, coastal indigenous vegetation fragments are generally more diverse and closely linked to coastal and oceanic ecosystems, containing habitats for lizards, coastal plants and birds, and rare vegetation types. In other words, vegetation within the coastal environment which has exceeded 15cm DBH is considered more likely to have reached a stage where it is significant, particularly in terms of providing habitat for indigenous fauna.

[40] In Mr Kessels view, the difference between 15cm and 30cm DBH is likely to be relatively small in ecological terms when assessing induced vegetation growth of widespread and commonly occurring indigenous plant species in the District, but is slightly more likely to provide an opportunity to consider whether indigenous vegetation regrowth has reached a stage where it should be considered significant, particularly in coastally influenced ecosystems.

[41] Based on the above information, I agree with Mr Kessels that there is an appropriate ecological evidential basis for proposed rule ECO-R2.

Conclusion on Topic 2

[42] The changes to the Definitions which were addressed as part of this topic are appended as **Appendix A**. The Ecosystems and Indigenous Biodiversity Chapter are shown as track changes in the version attached as **Appendix E**.

[43] With those changes, the relief sought by Federated Farmers and Forest & Bird in relation to the Ecosystems and Indigenous Biodiversity Chapter (and related definitions) are resolved in full.

Topic 3 – Natural Features and Landscapes

[44] The following parties were involved in Topic 3 – Natural Features and Landscapes:

- (a) Federated Farmers, as appellant and a s274 party to the appeal by Forest & Bird;
- (b) Forest & Bird, as appellant and a s274 party to the appeal by Federated Farmers;
- (c) HortNZ, as a s274 party to the appeal by Federated Farmers in relation to Significant Amenity Features only.

[45] Forest & Bird sought to add an explanation to the Natural Features and Landscapes Introduction relating to consideration of activities within the coastal environment. The parties agreed the following words should be added at the end of the Introduction section to the Natural Features and Landscapes Chapter (noting that Federated Farmers was neutral on this appeal point):

When considering activities within the Coastal Environment, effects on natural character and indigenous biodiversity must also be addressed in accordance with the CE – Coastal Environment and ECO – Ecosystems and Indigenous Biodiversity chapters.

[46] Federated Farmers sought to delete reference to Significant Amenity Features from the PDP. By way of resolution of this aspect of the appeal, the following changes were agreed:

(a) Policy NFL-P8 will be amended as follows:

To ~~identify~~ recognise and encourage opportunities to enhance natural values associated with significant amenity features, and to recognise the positive effects where enhancement is offered.

(b) For all Significant Amenity Features which include working farms (which Council has assessed to be all of them), the following addition will be made to NFL-SCHED-6 which lists the values of the Significant Amenity Features:

- Partly comprises a working farm.

[47] Both Federated Farmers and Forest & Bird sought amendments to NFL-R1, which provides for “New buildings, relocated buildings, or alterations to existing buildings within an ONL or ONF identified in NFL-SCHED6” as a permitted activity subject to compliance with conditions, with the fallback being restricted discretionary or non-complying. Federated Farmers generally sought relaxation of the rule as it related to buildings for an existing farm land use, whereas Forest & Bird sought that any building be a restricted discretionary activity.

[48] The parties agreed it was appropriate to take a more nuanced approach and differentiate between sites based on their ability to absorb development. This resulted in the following amendments:

(a) In relation to ONF 5, 5A, 6 and 7:

- (i) the permitted activity will be retained subject to the addition of a new condition limiting new buildings to those ancillary to primary production;
- (ii) the default activity status remains non-complying;

- (b) In relation to ONF 9 and 10:
 - (i) any building meeting the conditions is restricted discretionary (instead of permitted), and an additional assessment matter is added referring to the Coastal Environment assessment matters, where relevant. Where conditions are not complied with, the default activity status is non-complying; and
- (c) In relation to the remaining ONF and ONL1:
 - (i) the decisions version is appropriate, but that for the restricted discretionary activity, an additional assessment matter is to be added referring to the Coastal Environment assessment matters, where relevant.

[49] The changes to the Natural Features and Landscapes chapter are shown as track changes in the version attached as **Appendix F**.

[50] With these changes, the relief sought by Federated Farmers and Forest & Bird in relation to the Natural Features and Landscapes chapter are resolved in full.

Topic 4 – Subdivision

[51] The following parties were involved in this Topic:

- (a) Forest and Bird, as appellant;
- (b) Mr Bridge, as appellant and a s274 party to the appeal by Forest and Bird; and
- (c) FENZ, as a 274 party to the appeal by Mr Bridge.

[52] Prior to mediation, Mr Bridge withdrew aspects of the relief sought relating to assessment matters referring to the provisions of the NZ Fire Service Firefighting Water Supplies Code of Practice, in SUB-AM5(4) and SUB-AM6(7). The withdrawal of those points of relief resolved FENZ's interest in the appeal.

[53] Following mediation, Mr Bridge withdrew relief seeking that the minimum lot size in the General Rural Zone be amended to 4,000m². For the avoidance of doubt,

with that relief withdrawn, the minimum lots size in the General Rural Zone is 20 hectares.

[54] Forest & Bird sought to amend Objective SUB-O5 to include the words “particularly where these risks are likely to increase as a result of climate change”.

[55] It was agreed to amend SUB-O5 as follows, as being generally within the scope of relief seeking greater recognition of the relevance of natural hazard risks for subdivision:

Avoidance of subdivision in localities where there is a significant risk of ~~material damage~~ from natural hazards on land or structures, including in relation to any likely subsequent use of the land, ~~unless these cannot be remedied or mitigated.~~

[56] Forest & Bird sought amendments to Rule SUB-R1 which relates to subdivision not otherwise provided for in the rule table as a controlled activity. Specifically, it sought to exclude Coastal Environment from controlled activity subdivision; to add “indigenous biodiversity” as a matter for control; and to provide for subdivision including Historic Heritage (HH-SCHED2), Sites & Areas of Significance to Māori (SASM-SCHED3), Significant Natural Areas (ECO-SCHED5), Outstanding Natural Landscapes & Features (NFL-SCHED6), Areas of High Natural Character (CE-SCHED7) and the Coastal Environment as a discretionary activity.

[57] These concerns were agreed to be addressed by:

- (a) adding the General Rural Zone (Coastal Environment Area) to the list in SUB-R1(1)(b);
- (b) adding SUB-AM16 as a matter of control for SUB-R1(1); and
- (c) adding a matter of assessment for addressing indigenous biodiversity as an additional matter within SUB-AM16 and replicating SUB-AM13(7) as an additional matter within SUB-AM16.

[58] Reflecting (b) and (c) above, it is agreed Assessment Matter SUB-AM16 is to be amended to read as follows:

Subdivision of land, including Lifestyle Sites, within Outstanding Natural Landscapes and Features, Significant Amenity Features, and the Coastal Environment (including identified areas of High Natural Character)

1. The design of the subdivision and the development it will accommodate, to ensure that it will not have adverse visual or landscape effects on the values of the feature, landscape or area (identified in ECO-SCHED5, NFL-SCHED6, and CE-SCHED7 of the District Plan) and, in the coastal environment, will not detract from the natural character and will protect indigenous biodiversity ~~the coastal environment~~. Reference will be made to the proposed nature and location of building platforms, roads and accessways, earthworks, landscaping, and planting. In particular, the subdivision will be assessed in terms of its ability to achieve the following:
 - a. Be of scale, design and location that is sympathetic to the visual form of the coastal environment or the natural character area, landscape, or feature, and will not dominate the landscape.
 - b. Avoid large scale earthworks on rural ridgelines, hill faces and spurs.
 - c. Be sympathetic to the local character, to the underlying landform and to surrounding visual landscape patterns.
 - d. Be designed to minimise cuttings across hill faces and through spurs, and to locate boundaries so the fencing is kept away from visually exposed faces and ridges.
 - e. Where planting is proposed, its scale, pattern and location is sympathetic to the underlying landform and the visual and landscape patterns of surrounding activities.
 - f. Where necessary, for the avoidance or mitigation of adverse effects, any proposals to ensure the successful establishment of plantings.

- g. Be sympathetic to the natural science, perceptual and associational values (including for tangata whenua) associated with the natural character area, landscape, or feature.
 - h. Be designed to avoid significant adverse effects and avoid, remedy or mitigate other adverse effects on indigenous biodiversity in the coastal environment area.
2. Where multiple sites greater than 20 hectares are being created in one subdivision or over successive applications, site configuration, shape and timing will be given particular consideration with regard to appropriateness for primary production activities. Such subdivisions should not be undertaken with the intention of ‘setting up’ future lifestyle site subdivisions. If this is found to be the case, the application may be declined on this basis.

[59] Forest & Bird sought to amend Rule SUB-R3 which regulates subdivision for special purposes by making subdivision affecting an overlay in ECO-SCHED5, NFL-SCHED6, CE-SCHED7 or within the Coastal Environment a non-complying activity. It also sought to add “effects on indigenous biodiversity” and “SUB-AM16” as matters of discretion.

[60] It was agreed that subdivision for special purposes within HH-SCHED2, SASM-SCHED3, ECO-SCHED5, NFL-SCHED6, or CE-SCHED7 should be provided for as a restricted discretionary activity under SUB-R3(3).

[61] The amendments set out in **Appendix G** resolve the appeals in relation to this matter.

Topic 5 – Coastal Environment

[62] The following parties were involved in Topic 5 – Coastal Environment:

- (a) Federated Farmers, as appellant and a s274 party to the appeal by Forest & Bird;
- (b) Forest & Bird, as appellant and a s274 party to the appeal by Federated Farmers; and

(c) Mr Bridge, as a s274 party to the appeal by Forest & Bird.

[63] Changes to the CE – Coastal Environment Chapter were agreed to fully resolve the appeals as they related to this Topic, as follows.

[64] Federated Farmers sought to amend Objective CE-O1 so that it would provide:

Preservation of the natural character of the coastal environment of Central Hawke’s Bay, comprising the following distinctive landform of:

1. rugged eroding grey mudstone cliff;
2. steep limestone outcrops;
3. remnant dunelands and associated interdunal wetlands, small lakes and associated vegetation;
4. wide sweeping beaches; and
5. small settlements, recessed into bays, adjoining a number of sheltered belts.
6. Rural character and farming land uses.

[65] To give effect to the intent of the relief, an amendment to Policy CE-P6(8) was agreed to add that when assessing activities within the coastal environment, “consistency with underlying zoning and existing land use, such as farming” will be considered.

[66] Federated Farmers sought to amend Objective CE-O2 so that it would provide:

Protection of the natural and rural character of the coastal environment of Central Hawke’s Bay from inappropriate subdivision, use and development, and identify and promote opportunities for restoration or rehabilitation.

[67] To give effect to the intent of this relief, the parties agreed that no change would be made to CE-O2 but that additional words would be added after the CE objectives and the CE policies to refer plan users to the objectives and policies of the General Rural Zone underlying the Coastal Environment. Those GRUZ

objectives and policies recognise rural character and address the issue sought to be addressed by this point of appeal.

[68] Federated Farmers sought to amend Assessment Matter CE-AM(2)(1) Buildings, to add an additional matter of whether the building is consistent with underlying zoning and existing land use. The parties agreed to this relief as sought.

[69] Forest & Bird's appeal raised a number of matters in relation to the CE Chapter that have been resolved through amendments agreed to other parts of the PDP, which are recorded in this memorandum.

[70] In addition, a request for relief in relation to a proposed rule to apply to the Coastal Environment has been resolved through an agreement between Forest & Bird and the Council outside the jurisdiction of the Court and which does not involve amendment to the PDP. In that regard, the parties record that Council officers have agreed to bring the issue of vehicles on beaches to the attention of Council so that the Council can consider whether it wishes to explore a bylaw restricting that activity. It has been agreed that this matter will be the subject of a report as soon as practicable after a consent order on the CE chapter issues and will not be public excluded. The parties acknowledged that no further assurance could be provided that a bylaw would be progressed.

[71] Forest & Bird withdrew their relief sought in relation to the Public Access chapter, in relation to PA-O1. For the avoidance of doubt, there are no changes to and no outstanding appeals in respect of PA – Public Access.

[72] The changes to the Coastal Environment chapter are shown as track changes in the version attached as **Appendix H**.

[73] With these changes, the relief sought by Federated Farmers and Forest & Bird in relation to the Coastal Environment chapter are resolved in full.

Topic 6 – Earthworks

[74] The following parties were involved in this Topic:

- (a) Federated Farmers, as appellant and a s274 party to the appeal by Forest & Bird;
- (b) Forest & Bird, as appellant and a s274 party to the appeal by Federated Farmers; and
- (c) HortNZ, as a s274 party in respect of both appeals.

[75] Changes to the EW – Earthworks Chapter were agreed to fully resolve the appeals as they related to this Topic as follows:

- (a) Federated Farmers sought amendments to EW-S2 to permit ancillary rural and maintenance earthworks in Outstanding Natural Landscapes and High Natural Character Areas, separate from Significant Natural Areas. The parties agreed that:
 - (i) EW-S2 will remain as per the decisions version for SNAs;
 - (ii) in relation to ONF and HNC an additional allowance will be added to the Permitted Activity rule to provide for unlimited earthworks for the maintenance of existing tracks and driveways within the General Rural Zone.
- (b) Federated Farmers sought amendments to EW-S3 to increase the vertical extent of excavation in Outstanding Natural Landscapes, Outstanding Natural Features, High Natural Character Areas and Significant Natural Areas to three metres. The parties agreed that:
 - (i) the allowance in EW-S7 for Ancillary Rural Earthworks for exposed vertical cuts or batter faces of two metres was sufficient to address this aspect of Federated Farmer’s appeal;
 - (ii) minor consequential changes should be made for clarity, including an explanatory note to EW-S3, line two noting “Excluding ancillary rural earthworks for maintenance of existing tracks, driveways, roads and accessways for which the limit is 2 metres”.

- (c) Forest & Bird sought amendments to Objective EW-O1. To address the concern, it was agreed to amend this to read:

Enable people and communities to carry out earthworks where appropriate, while avoiding, remedying or mitigating the adverse environmental effects of earthworks, including on the health and safety of people.

- (d) In relation to Forest & Bird's appeal on EW-P13 it was agreed to amend this to read:

Where appropriate, to enable earthworks to provide for people and communities' social, economic and cultural well-being, and their health and safety, where adverse effects are avoided, remedied or mitigated.

- (e) In relation to Forest & Bird's appeal on EW-P4 it was agreed to amend this to read:

Where ~~appropriate~~ practicable, to require the re-pasture or re-vegetation of land where vegetation is cleared as a consequence of earthworks.

- (f) In relation to Forest & Bird's appeal on EW-P8 it was agreed to delete this and amend EW-P10 to read:

To avoid, remedy or mitigate adverse effects on the environment associated with mining, quarrying, and hydrocarbon extraction activities and the prospecting and exploration of minerals.

- (g) In relation to Forest & Bird's appeal on EW-P9 it was agreed to amend this to read:

To provide for farm quarries and forestry quarrying activities to be established in rural areas where appropriate where the adverse effects on the environment are avoided, remedied or mitigated.

[76] The changes to the Earthworks Chapter are shown as track changes in the version attached as **Appendix I**.

[77] With these changes, the relief sought by Federated Farmers and Forest & Bird that were considered in the Earthworks Topic are resolved in full. However, there are two provisions of the chapter that remain unresolved, namely Rule R5 and Standard S6, which are being managed under Topic 7A – National Grid.

Topic 7A – National Grid

[78] The following parties were involved in this Topic:

- (a) Transpower, as appellant and a s274 party to the Federated Farmers appeal;
- (b) Federated Farmers, as an appellant and a s274 party to the Transpower appeal; and
- (c) HortNZ, as a s274 party to the Transpower and Federated Farmers appeals.

Access to support structures

[79] Federated Farmers sought deletion of various standards in the Plan requiring that physical vehicular access be maintained to any National Grid support structure, specifically:

- (a) Subdivision – SUB-S4(3);
- (b) Earthworks – EW-S6(3);
- (c) General Rural Zone – GRUZ-S13(1)(b)(ii); and
- (d) Rural Production Zone – RPROZ-S15(1)(b)(ii).

[80] The parties have agreed that this matter can be resolved by amending the wording of the standards so as to be internally consistent and to clarify that the standards apply only within the National Grid Yard (or National Grid Subdivision Corridor in the case of subdivision). They also provide that the access to be maintained does not need to be the existing access route.

[81] The amended wording is set out in **Appendices G, I, K, and L**.

Setbacks

[82] Transpower's appeal sought amendments to the following standards in order to give full effect to the National Policy Statement on Electricity Transmission as required by s75(3)(a) RMA, in that they did not adequately prevent underbuild or ensure the National Grid was not compromised:

- (a) General Rule Zone – GRUZ-S13(2); and
- (b) Rural Production Zone – RPROZ-S15(2).

[83] The Decisions version of the Plan required a setback of 12m from the outer visible edge of a tower or 10m from a pole forming part of a National Grid Structure.

[84] All parties agreed this should be amended to require a setback of 12m from the outer visible edge of a National Grid support structure. The amended wording is set out in **Appendices K and L**.

Earthworks standard

[85] Federated Farmers' appeal sought amendments to Earthworks Rule EW-R5 to make it consistent with the New Zealand Electrical Code of Practice 34 for Electrical Safe Distances.

[86] Transpower proposed amended wording to which all parties agreed. The amended wording is set out in **Appendix I**.

Definitions

[87] Federated Farmers sought amendments to two definitions in the Plan, to show a 10m radius setback from a single pole, namely:

- (a) "National Grid Yard"; and
- (b) "National Grid Subdivision Corridor".

[88] In the course of discussions on these definitions, it was agreed that further clarity would be provided by:

- (a) Labelling the four diagrams in the definition of National Grid Yard as “Single Pole”, “Pi-Pole”, “Steel Lattice Tower” and “Tubular Steel Tower”; and
- (b) Deleting the diagram included in the definition of National Grid Subdivision Corridor, which was agreed to be confusing.

[89] These amendments are shown in **Appendix A**.

[90] Otherwise, and in line with the agreement reached on the setback provisions described above, Federated Farmers agreed not to pursue its relief sought in relation to these definitions.

Topic 7B – Gas Transmission

[91] Federated Farmers sought relief in relation to various provisions of the PDP addressing the Gas Distribution Network and Gas Transmission Network, however Federated Farmers confirmed an intention to withdraw those aspects of its appeal.

[92] Those matters are confirmed as withdrawn.

Topic 8 – Agricultural Aircraft

[93] The following parties were involved in this Topic:

- (a) NZAAA, as appellant; and
- (b) Transpower, as s 274 party.

[94] Changes to various parts of the PDP were agreed to resolve the NZAAA appeal in full, as follows.

[95] NZAAA’s appeal sought amendments to the definitions of Helicopter Landing Area and Helicopter Depot to more accurately describe these activities, specifically by moving “heliports and helipads” to the definition of “helicopter depot”.

As part of discussion around the general relief sought by NZAAA, there was a clarifying comment that intermittent take-offs and landings as part of agricultural aviation activities are not captured by the definition (and therefore rules applying to) helicopter landing areas.

[96] NZAAA also sought to add a permitted activity rule for farm airstrips, being an activity referenced in the definition of “rural airstrip”. It was agreed that separating out farm airstrips from rural airstrips and adding a permitted activity rule in the General Rural Zone (new GRUZ-R23) and the Rural Production Zone (new RPROZ-R24) for farm airstrips reflected the decision-maker’s intention and provided greater clarity of the intended application of the rules. The only condition of the permitted activity rule is a requirement to meet the standard regulating setbacks from the National Grid Yard (thereby meeting Transpower’s concerns).

[97] Minor changes to Rules GRUZ-R22 and RPROZ-R23 are made to clarify that farm airstrips are excluded from those rules in addition to rural airstrips.

[98] The final change sought was to the noise rules that apply to agricultural aviation activities. Officers noted there had been a discrepancy between the Hearings Panel’s recommendation report in this regard and the track change version of the PDP produced with those recommendations. The reasons supporting the recommendations (which were adopted by the Council in its decisions) reflect the outcome sought by NZAAA in its appeal. That intention was to treat agricultural aviation activities as ancillary to primary production and therefore not require regulation of noise.

[99] The changes agreed to NOISE-S5 (Exemptions and Noise Limits for Specific Activities) accept the relief sought, by exempting agricultural aviation activities and farm airstrips from NOISE-S4 (Noise Limits – Zone Specific). That change is reflected in NOISE-S5(11), by deleting the reference to “for up to 14 days in any calendar year”, deletion of NOISE-S5(12), and a consequential amendment to delete the 14-day exemption in NOISE-S5(13) (Rural Airstrips) and NOISE-S5(16) (Helicopter Landing Areas).

[100] The changes to the Interpretation section are shown in **Appendix A**, those to GRUZ are in **Appendix K**, the PRPROZ in **Appendix L** and Noise in **Appendix J**.

[101] With these changes, the appeal by NZAAA is resolved in full.

Topic 9 – Rural Setbacks

[102] The following parties attended mediation on 9 April 2024:

- (a) LPL, as appellant and a s274 party to the appeal by James Bridge;
- (b) James Bridge, as appellant and a s274 party to the appeal by LPL;
- (c) Federated Farmers as s274 party to the appeal by LPL; and
- (d) HortNZ, as a s274 party to the appeal by James Bridge.

[103] LPL and Mr Bridge sought amendments to the General Rural Zone, Standard GRUZ-S5 which relates to setback from neighbours.

[104] Mr Bridge sought an amendment to the minimum setbacks required by GRUZ-S5(2) which required that for “All Other Activities (excluding Accessory Buildings and Accessory Buildings and Structures (Primary Production))” a minimum setback of 15m from internal boundaries was required. The relief sought was to apply a minimum setback of 5m as between sites of 2.5ha or less.

[105] The parties agreed that providing a reduced setback between sites generally characterised as lifestyle would give effect to the objectives and policies of the General Rural Zone which seek to provide for separation between sensitive activities and primary production activities. This is because a reduced setback as between lifestyle properties (while ensuring a 15m setback from any site larger than 2.5ha) would encourage the location of non-productive activities away from boundaries with larger, more productive sites.

[106] Some further minor changes were agreed for clarity as to the application of the standard, including to clarify that the reduced setback should also apply to boundaries adjoining General Residential Zone land (this being assumed to have lot sizes of less than 2.5ha).

[107] The amended standard is to read as follows:

<p>All Other Activities (including Residential Activities but excluding Accessory Buildings) and Accessory Buildings and Structures (Primary Production) as provided for in GRUZ-S5(3) – (7) below)</p>	<p>2. <u>For sites greater than 2.5 ha, minimum setback of buildings for an activity from internal boundaries is 15m. Farm and domestic water storage tanks up to 2m in height are exempt from this standard.</u></p> <p>2A. <u>For sites 2.5ha or less, minimum setback of buildings for an activity from internal boundaries shared with an adjoining lot greater than 2.5 ha is 15m. Farm and domestic water storage tanks up to 2m in height are exempt from this standard.</u></p> <p>2B. <u>For sites 2.5ha or less, minimum setback of buildings for an activity from internal boundaries shared with an adjoining lot 2.5 ha or less or from land zoned General Residential is 5m, provided the setback from any adjoining lot larger than 2.5 ha is 15m. Farm and domestic water storage tanks up to 2m in height are exempt from this standard.</u></p>
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[108] GRUZ-S5(6) and (7) relate to Sites created, or applied for, prior to notification of the Proposed District Plan on 28 May 2021 which were less than 4,000m² net site area. 4,000m² was the minimum lot size in the Operative District Plan and this standard was introduced as part of decisions on submissions in recognition that the 15m minimum setback would be difficult to achieve for lots created under the previous Plan.

[109] Mr Bridge sought to remove the date from this standard so that it applied to all sites less than 4,000m² regardless of when created. LPL sought to amend the date referenced to the date at which the rule took legal effect (25 May 2023) and to change the standard to apply to sites greater than 4,000m², rather than less.

[110] All parties were agreed that the date should be amended to refer to 25 May 2023. No further changes were considered necessary in light of the amendments to GRUZ-S5(2) set out above, as these provide flexibility for smaller sites to have reduced setbacks where not adjoining productive sites.

[111] The changes to GRUZ-S5 are shown as track changes in the version attached as **Appendix K**.

[112] With these changes, the relief sought by Mr Bridge and LPL in relation to rural setbacks in the General Rural Zone chapter are resolved in full (noting they both have outstanding relief allocated to other topics).

Topic 11 – Miscellaneous

[113] The following parties were involved in this Topic:

- (a) James Bridge, as appellant;
- (b) Forest & Bird, as appellant; and
- (c) HortNZ, as a s274 party to the appeal by Mr Bridge, in relation to relief sought in respect of RLR – Rural Land Resource policies RLR-P3 and RLR-P4. Those aspects were not resolved.

[114] Forest & Bird sought an amendment to SSB - Sustainable Subdivision and Building, SSB-P1. The parties agreed to the following amendment in line with the relief sought:

To promote subdivision design and building development that optimises efficient resource and energy use and water conservation measures through improved subdivision and building design, including by orientation to the sun, development of houses with smaller physical footprints, domestic on-site water storage and utilising principles of low impact urban design.

[115] Mr Bridge sought several amendments to the NH – Natural Hazards provisions. In relation to that relief amendments were agreed as follows:

NH-O3

Any significant increase in risk to people, property, infrastructure and the environment from the effects of natural hazards should be avoided, and any other increase in risk should be avoided, remedied or mitigated, ~~reflecting the level of risk posed by the hazard.~~

NH-P9

To ensure that subdivision, land use activities or other new development is located and designed so natural hazard mitigation activities beyond the subdivision or development site are not required.

[116] Mr Bridge’s relief in relation to NH-AER1 is withdrawn.

[117] Mr Bridge also sought an amendment to the name of the “LLRZ – Large Lot Residential Zone (Coastal)”, to delete reference to “(Coastal)”. The Council was agreeable to this change noting that there are no other Large Lot Residential Zones to be differentiated from the Coastal area and the change of name has no further substantive effect.

[118] With these changes, the relief sought by Forest & Bird in relation to the Sustainable Subdivision and Building Chapter, and Mr Bridge’s relief sought in relation to the Natural Hazards and Large Lot Residential Zone are resolved in full. These chapters are provided as **Appendices C** (SSB) and **D** (NH). The LLRZ chapter has not been provided as the only change is to the title.

Appendices

[119] The chapters of the PDP amended by the Consent Order are as follows:

- Appendix A: Interpretation
- Appendix B: RLR – Rural Land Resource
- Appendix C: SSB – Sustainable Subdivision and Building
- Appendix D: NH – Natural Hazards
- Appendix E: ECO – Ecosystems and Indigenous Biodiversity
- Appendix F: NFL – Natural Features and Landscapes
- Appendix G: SUB – Subdivision
- Appendix H: CE – Coastal Environment

- Appendix I: EW – Earthworks
- Appendix J: NOISE
- Appendix K: GRUZ – General Rural Zone
- Appendix L: RPROZ – Rural Production Zone.

[120] The appendices show the changes for Topics 1, 2, 3A, 4, 5, 6, 7B, 8, 9, 11 in yellow highlighting, and the changes for Topic 7A in green highlighting.

Section 32AA analysis

[121] Section 32AA of the Act requires a further evaluation of any changes to a proposed plan change since the initial s32 evaluation report and the IHP's decision.

[122] The parties prepared s32AA assessments, which are contained in **Appendix M** to this order.

Outstanding appeal points

[123] The following aspects of appeals remain outstanding:

- (a) Mr Bridge appeal – Topic 10 – Zoning; and
- (b) LPL appeal – Topic 10 – Zoning.

Consideration

[124] The Court has read and considered the consent memorandum of the parties dated 27 May 2024, the assessment prepared by the Council under s32AA of the Act, and the further submissions and evidence provided.

[125] The Court is making this order under section 279(1) of the Act, such order being by consent, rather than representing a decision or determination on the merits. The Court understands for present purposes that:

- (a) All parties to the proceedings have executed the memorandum requesting this order; and

- (b) All parties are satisfied that all matters proposed for the Court's endorsement fall within the Court's jurisdiction, and conform to the relevant requirements and objectives of the Act including, in particular, Part 2.

Order

[126] The Court orders, by consent, that the Central Hawke's Bay Proposed District Plan be amended as set out in the following appendices to this Order:

- Appendix A: Interpretation
- Appendix B: RLR – Rural Land Resource
- Appendix C: SSB – Sustainable Subdivision and Building
- Appendix D: NH – Natural Hazards
- Appendix E: ECO – Ecosystems and Indigenous Biodiversity
- Appendix F: NFL – Natural Features and Landscapes
- Appendix G: SUB – Subdivision
- Appendix H: CE – Coastal Environment
- Appendix I: EW – Earthworks
- Appendix J: NOISE
- Appendix K: GRUZ: General Rural Zone
- Appendix L: RPROZ – Rural Production Zone.

[127] In addition, all references to the “LLRZ - Large Lot Residential Zone (Coastal)” in the Central Hawke's Bay Proposed District Plan shall be amended to “LLRZ – Large Lot Residential Zone”.

[128] The appeals by the Transpower New Zealand Limited, Federated Farmers of New Zealand, Royal Forest & Bird Protection Society of New Zealand Incorporated, New Zealand Agricultural Aviation Association, and Tukituki Water Security Project & Water Holdings Hawke's Bay Ltd are otherwise dismissed.

[129] The appeals by Livingston Properties Ltd, and James Bridge are otherwise dismissed with the exception of relief being dealt with through Topic 10 (Zoning).

[130] There is no order as to costs.



MJ L Dickey
Environment Judge



Appendix A - Interpretation

Appendix A - Amendments from Topics 2, 7A and 8

INTERPRETATION

Definitions

ACCESS	the area of land over which a site or lot obtains legal vehicular and/or pedestrian access to a legal road. This land may include an access leg, a private way, common land as defined on a cross-lease or company-lease, or common property as defined in section 2 of the Unit Titles Act 1972.
ACCESSORY BUILDING	means a detached building, the use of which is ancillary to the use of any building, buildings or activity that is or could be lawfully established on the same site, but does not include any minor residential unit.
ACCESSORY BUILDINGS AND STRUCTURES (PRIMARY PRODUCTION)	means buildings and structures that support and are subsidiary to a primary production activity, including implement sheds, dairy sheds, mobile livestock shelters, barns, stockyards, artificial crop protection structures, crop support structures, frost fans and audible bird scaring devices.
ACCESSWAY	any passage way, laid out or constructed by the authority of the council or the Minister of Works and Development, or the Minister of Lands (on or after 1 April 1988) for the purpose of providing the public with a convenient route for pedestrians from any road, service lane, or reserve to another, or to any public place or to any railway station, or from one public place to another public place, or from one part of any road, service land, or reserve to another part of that same road, service land or reserve.
ADJOINING	land is deemed to be adjoining other land, when it abuts other land including when it is separated from that land only by a road, railway, drain, water race, river or stream.
AGRICULTURAL AVIATION ACTIVITY	means intermittent operation of an aircraft or helicopter for primary production, biosecurity and biodiversity purposes, including stock management, pest control, the application of fertiliser or agrichemicals, frost mitigation, and associated refueling.
AIRCRAFT	has the same meaning as in section 2 of the RMA (as set out in the box below) <div style="border: 1px solid black; padding: 5px; margin-top: 5px;">means any machine that can derive support in the atmosphere from the reactions of the air otherwise than by reactions of the air against the surface of the earth.</div>

AIRCRAFT MOVEMENT	means a single flight operation (landing or departure) of any aircraft, excluding helicopters.
AIR NOISE BOUNDARY (ANB)	the area generally within the 65dB L _{dn} future noise contours as shown on the Planning Maps containing the Waipukurau Aerodrome.
AIRPORT / AERODROME	has the same meaning as 'airport' in section 2 of the RMA (as set out in the box below) <div style="border: 1px solid black; padding: 5px;"> <p>means any defined area of land or water intended or designed to be used, whether wholly or partly, for the landing, departure, movement, or servicing of aircraft.</p> </div>
ALLOTMENT	has the same meaning as in section 218 of the RMA (as set out in the box below) <div style="border: 1px solid black; padding: 5px;"> <p>(2) In this Act, the term allotment means—</p> <p>(a) any parcel of land under the Land Transfer Act 2017 that is a continuous area and whose boundaries are shown separately on a survey plan, whether or not—</p> <p style="padding-left: 20px;">(i) the subdivision shown on the survey plan has been allowed, or subdivision approval has been granted, under another Act; or</p> <p style="padding-left: 20px;">(ii) a subdivision consent for the subdivision shown on the survey plan has been granted under this Act; or</p> <p>(b) any parcel of land or building or part of a building that is shown or identified separately—</p> <p style="padding-left: 20px;">(i) on a survey plan; or</p> <p style="padding-left: 20px;">(ii) on a licence within the meaning of subpart 6 of Part 3 of the Land Transfer Act 2017; or</p> <p>(c) any unit on a unit plan; or</p> <p>(d) any parcel of land not subject to the Land Transfer Act 2017.</p> <p>(3) For the purposes of subsection (2), an allotment that is—</p> <p>(a) subject to the Land Transfer Act 2017 and is comprised in 1 record of title or for which 1 record of title could be issued under that Act; or</p> <p>(b) not subject to that Act and was acquired by its owner under 1 instrument of conveyance—</p> <p style="padding-left: 20px;">shall be deemed to be a continuous area of land notwithstanding that part of it is physically separated from any other part by a road or in any other manner whatsoever, unless the division of the allotment into such parts has been allowed by a subdivision consent granted under this Act or by a subdivisional approval under any former enactment relating to the subdivision of land.</p> <p>(4) For the purposes of subsection (2), the balance of any land from which any allotment is being or has been subdivided is deemed to be an allotment.</p> </div>

ALTERATION (OF A HERITAGE ITEM)	<p>any change or addition to any heritage item, including any maintenance involving new finishes or materials.</p> <p>For the purposes of the rules identified in the HH – Historic Heritage chapter of the District Plan, alterations to heritage buildings, structures, features or memorials, will be deemed to exclude repairs and maintenance as defined in this District Plan, and do not include safety alterations which have a separate meaning in this Plan.</p>
AMATEUR RADIO	radio-communication services for the purpose of self-training, intercommunication and technical investigations carried out by amateurs, that is, by duly authorised persons interested in radio technique solely with a personal aim and without pecuniary interest.
AMATEUR RADIO CONFIGURATION	means the antennas, aerials (including rods, wires and tubes) and associated supporting structures which are owned and used by licensed radio operators.
AMENITY / AMENITY VALUES	<p>has the same meaning as in section 2 of the RMA (as set out in the box below)</p> <div style="border: 1px solid black; padding: 5px; margin: 5px 0;"> <p>means those natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes.</p> </div>
ANCILLARY ACTIVITY	means an activity that supports and is subsidiary to a primary activity.
ANCILLARY RURAL EARTHWORKS (PRIMARY PRODUCTION)	<p>means earthworks associated with normal agricultural and horticultural practices, such as:</p> <p>(a) maintenance of drains, troughs and installation of their associated pipe networks, drilling bores and offal pits, and burying of dead stock and plant waste (including material infected by unwanted organisms as declared by the Ministry of Primary Industries Chief Technical Officer or an emergency declared by the Minister under the Biosecurity Act 1993); and</p> <p>(b) Maintenance of existing walking tracks, farm and forestry tracks, driveways, roads and accessways.</p> <p><i>Note: for clarification purposes, the alteration or disturbance of land associated with 'gardening, cultivation, and disturbance of land for the installation of fence posts' is excluded from the definition of 'earthworks'.</i></p>
ANNUAL AIRCRAFT NOISE CONTOUR (AANC)	means an L_{dn} contour published by the operators of Waipukurau Aerodrome annually as a prediction of noise from Aircraft Operations based on the previous calendar year.

ANTENNA	<p>has the same meaning as in clause 4 of the NES-TF (as set out in the box below)</p> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p>means a device that receives and transmits radiocommunication or telecommunication signals, but not a 'small cell unit'</p> </div>
ARCHAEOLOGICAL SITE	<p>has the same meaning as in section 42(3) of the Heritage New Zealand Pouhere Taonga Act 2014 (as set out in the box below)</p> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p><u>means, subject to section 42(3) of the Heritage New Zealand Pouhere Taonga Act,—</u></p> <p>(a) <u>any place in New Zealand, including any building or structure (or part of a building or structure), that—</u></p> <p style="padding-left: 20px;">(i) <u>was associated with human activity that occurred before 1900 or is the site of the wreck of any vessel where the wreck occurred before 1900; and</u></p> <p style="padding-left: 20px;">(ii) <u>provides or may provide, through investigation by archaeological methods, evidence relating to the history of New Zealand; and</u></p> <p>(b) <u>includes a site for which a declaration is made under section 43(1) of the Heritage New Zealand Pouhere Taonga Act.</u></p> </div> <p><i>Note: Unless an archaeological site is also identified in HH-SCHED2 or SASM-SCHED3, the provisions of this District Plan do not apply to archaeological sites (other than in relation to subdivision).</i></p> <p><i>Section 42 of the Heritage New Zealand Pouhere Taonga Act 2014 makes it an offence for anyone to modify or destroy, or cause to be modified or destroyed, the whole, or any part of any site, if it is known or suspected to be an archaeological site.</i></p> <p><i>An authority under the Heritage New Zealand Pouhere Taonga Act 2014 is not required to permit work on a building that is an archaeological site unless the work will result in the demolition of the whole of the building (s 42(3)).</i></p>
AREAS OF SIGNIFICANT INDIGENOUS VEGETATION AND/OR SIGNIFICANT HABITATS OF INDIGENOUS FAUNA	<p>(a) Significant Natural Areas identified in ECO-SCHED5 and identified on the planning maps;</p> <p>OR</p> <p>(b) Sites (including natural wetlands) that meet one of more of the Ecological Significance Determination Criteria for the Central Hawke's Bay listed in ECO-APP1 in the District Plan.</p>
ARTIFICIAL CROP PROTECTION STRUCTURES	<p>structures of cloth to protect or cover crops but does not include greenhouses.</p>
AUDIBLE BIRD SCARING DEVICE	<p>any device that generates audible sound waves used for the scaring of birds and other animals, and any percussive, electronic or explosive device, airhorn, alarm, amplified signal, gas gun, screech, siren or warbler.</p>

A-WEIGHTING	is the process by which noise levels are corrected to account for the non-linear frequency response of the human ear.
BED	has the same meaning as in section 2 of the RMA (as set out in the box below) <div style="border: 1px solid black; padding: 5px; margin-top: 5px;"> <p>means—</p> <p>(a) in relation to any river—</p> <p>(i) for the purposes of esplanade reserves, esplanade strips, and subdivision, the space of land which the waters of the river cover at its annual fullest flow without overtopping its banks;</p> <p>(ii) in all other cases, the space of land which the waters of the river cover at its fullest flow without overtopping its banks; and</p> <p>(b) in relation to any lake, except a lake controlled by artificial means,—</p> <p>(i) for the purposes of esplanade reserves, esplanade strips, and subdivision, the space of land which the waters of the lake cover at its annual highest level without exceeding its margin;</p> <p>(ii) in all other cases, the space of land which the waters of the lake cover at its highest level without exceeding its margin; and</p> <p>(c) in relation to any lake controlled by artificial means, the space of land which the waters of the lake cover at its maximum permitted operating level; and</p> <p>(d) in relation to the sea, the submarine areas covered by the internal waters and the territorial sea.</p> </div>
BEST PRACTICABLE OPTION	has the same meaning as in section 2 of the RMA (as set out in the box below) <div style="border: 1px solid black; padding: 5px; margin-top: 5px;"> <p>in relation to a discharge of a contaminant or an emission of noise, means the best method for preventing or minimising the adverse effects on the environment having regard, among other things, to—</p> <p>(a) the nature of the discharge or emission and the sensitivity of the receiving environment to adverse effects; and</p> <p>(b) the financial implications, and the effects on the environment, of that option when compared with other options; and</p> <p>(c) the current state of technical knowledge and the likelihood that the option can be successfully applied.</p> </div>
BIODIVERSITY COMPENSATION	a conservation outcome resulting from actions that comply with best practice principles and compensate for (more than minor) residual, adverse biodiversity effects arising from subdivision, use or development after all appropriate avoidance, remediation, mitigation and biodiversity offset measures have been sequentially applied.

Commented [AD1]: Topic 2

BIODIVERSITY OFFSETTING	<p>a measurable conservation outcome resulting from actions that comply with the principles in ECO-APP2 Principles for Biodiversity Offsetting, designed to:</p> <p>(a) compensate for (more than minor residual) adverse biodiversity effects arising from subdivision, use or development after appropriate avoidance, remediation and mitigation measures have been sequentially applied; and</p> <p>(b) achieve a no net loss, and preferably a net gain to, indigenous biodiversity values.</p>
BOAT	<p>any vessel, appliance or equipment used or designed to be used for flotation and navigation on or through the surface of water, other than a wetsuit or life-jacket, including any amphibious aircraft while on the surface of the water. Craft or boating craft has the same meaning. Boating activities means activities involving the use of boats on the surface of water.</p>
BOUNDARY	<p>means the legal perimeter of a site. Site boundary has the same meaning as boundary. Refer also 'Internal Boundary' and 'Road Boundary'.</p>
BOUNDARY ADJUSTMENT	<p>means a subdivision that alters the existing boundaries between adjoining allotments, without altering the number of allotments.</p>
BUILDING	<p>means a temporary or permanent moveable or immovable physical construction that is:</p> <p>(a) partially or fully roofed; and</p> <p>(b) fixed or located on or in land;</p> <p>but excludes any motorised vehicle or other mode of transport that could be moved under its own power.</p>
BUILDING COVERAGE	<p>means the percentage of the net site area covered by the building footprint.</p>
BUILDING FOOTPRINT	<p>means, in relation to building coverage, the total area of buildings at ground level together with the area of any section of any of those buildings that extends out beyond the ground floor level limits of the building and overhangs the ground.</p>
BUILDING PLATFORM	<p>means land that is suitable and practical for accommodating a residential unit, or other intended building, and vehicle manoeuvring, having regard to soil conditions, gradient, access, natural hazards, indigenous vegetation and habitat, amenity, health and safety.</p>

CABINET	<p>has the same meaning as in clause 4 of the NES-TF (as set out in the box below)</p> <div style="border: 1px solid black; padding: 5px;"> <p>means a casing around equipment that is necessary to operate a telecommunication network, but not any of the following:</p> <ul style="list-style-type: none"> (a) a casing around an antenna, a small cell unit, ancillary equipment, or any part of a telecommunication line: (b) a casing that is wholly underground: (c) a casing that is inside a building: (d) a building </div>
CAMPING GROUND	<p>any area of land used, or designed or intended to be used, for rent, hire, donation, or otherwise for reward, for the purposes of placing or erecting on the land temporary living places for occupation by two or more families or parties (whether consisting of one or more persons) living independently of each other, whether or not such families or parties enjoy the use in common of entrances, water supplies, cookhouses, sanitary fixtures, or other premises and equipment. Includes a motor camp, caravan or camper-van park and associated storage.</p> <p><i>Note: Freedom camping (as defined in section 5 of the Freedom Camping Act 2011) is not managed by this District Plan, and is managed through a Central Hawke's Bay District Council bylaw.</i></p>
CLEANFILL AREA	<p>means an area used exclusively for the disposal of cleanfill material.</p>
CLEANFILL MATERIAL	<p>means virgin excavated natural materials including clay, gravel, sand, soil and rock that are free of:</p> <ul style="list-style-type: none"> (a) combustible, putrescible, degradable or leachable components; (b) hazardous substances and materials; (c) products and materials derived from hazardous waste treatment, stabilisation or disposal practices; (d) medical and veterinary wastes, asbestos, and radioactive substances; (e) contaminated soil and other contaminated materials; and (f) liquid wastes.

CLEARANCE	<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 (g) discharge of toxic substances (h) confining livestock in an area in which there is insufficient feed and results in the destruction of all or most indigenous vegetation
CLIMATE CHANGE	<p>has the same meaning as in section 2 of the RMA (as set out in the box below)</p> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p>means a change of climate that is attributed directly or indirectly to human activity that alters the composition of the global atmosphere and that is in addition to natural climate variability observed over comparable time periods.</p> </div>
COASTAL ENVIRONMENT	<p>means (for the purposes of the Central Hawke's Bay District Plan) the area above MHWS to the landward edge of the Coastal Environment Area boundary as identified on the Planning Maps, and excludes the Coastal Marine Area.</p>
COASTAL FLOOD AND EROSION PROTECTION	<p>works, structures or planting for the protection of property and people from coastal erosion or inundation from the sea; including areas of vegetation maintained or planted adjacent to the foreshore, embankments, access tracks, rock work, anchored trees, wire rope, iron structures and any other structures providing an inundation and erosion mitigation function.</p>
COMMERCIAL	<p>involving payment, exchange or other consideration.</p>
COMMERCIAL ACTIVITY	<p>means any activity trading in goods, equipment or services. It includes any ancillary activity to the commercial activity (for example administrative or head offices).</p>
COMMERCIAL FRONTAGE AREA	<p>identified areas of road frontage within the Commercial Business District shown on the Planning Maps, subject to specific Town Centre Zone setback, verandah and window coverage requirements.</p>
COMMUNITY CORRECTIONS ACTIVITY	<p>means the use of land and buildings for non-custodial services for safety, welfare and community purposes, including probation, rehabilitation and reintegration services, assessments, reporting, workshops and programmes, administration, and a meeting point for community works groups.</p>

COMMUNITY FACILITY	means land and buildings used by members of the community for recreational, sporting, cultural, safety, health, welfare, or worship purposes. It includes provision for any ancillary activity that assists with the operation of the community facility.
CONTACT RECREATION	means recreational activities where the human body comes into contact with water
CONTAMINANT	has the same meaning as in section 2 of the RMA (as set out in the box below) <div style="border: 1px solid black; padding: 5px; margin-top: 5px;"> <p>includes any substance (including gases, odorous compounds, liquids, solids, and microorganisms) or energy (excluding noise) or heat, that either by itself or in combination with the same, similar, or other substances, energy, or heat—</p> <p>(a) when discharged into water, changes or is likely to change the physical, chemical, or biological condition of water; or</p> <p>(b) when discharged onto or into land or into air, changes or is likely to change the physical, chemical, or biological condition of the land or air onto or into which it is discharged.</p> </div>
CONTAMINATED LAND	has the same meaning as in section 2 of the RMA (as set out in the box below) <div style="border: 1px solid black; padding: 5px; margin-top: 5px;"> <p>means land that has a hazardous substance in or on it that—</p> <p>(a) has significant adverse effects on the environment; or</p> <p>(b) is reasonably likely to have significant adverse effects on the environment.</p> </div>
CONSENTED OR AUTHORISED FOOTPRINT (FOR RENEWABLE ELECTRICITY GENERATION ACTIVITIES)	the area that has been consented or otherwise authorised for activity as defined in the District Plan. It also includes the maximum consented/authorised height of any structure associated with the activity; the consented/authorised maximum operating water level of any water body used in the generation of electricity; and the transmission lines to the national or local grid and electricity substations and associated infrastructure that may not be located within the consented/authorised area.
CONSERVATION LOT (SUBDIVISION)	A conservation lot is a lot created in association with the physical and legal protection in perpetuity of an area of significant indigenous vegetation and/or significant habitats of indigenous fauna, historic heritage items, and/or wāhi tapu, wāhi taonga or sites or areas of significance to Māori.
CONSERVATION PLAN (HISTORIC HERITAGE)	a document that sets out what is significant about a site and what policies are appropriate to enable that significance to be retained in the site's future use and development.

COUNCIL	the Central Hawke's Bay District Council or any Committee, Sub-Committee, Commissioner or person to whom any of the Council's powers, duties or discretion under this Plan have been lawfully delegated pursuant to the provisions of the Act. District Council has the same meaning.
COVERAGE	see definition for 'building coverage'.
CROP SUPPORT STRUCTURES	an open structure on which plants are grown.
CULTIVATION	means the alteration or disturbance of land (or any matter constituting the land including soil, clay, sand and rock) for the purpose of sowing, growing or harvesting of pasture or crops.
DAY CARE FACILITY	land and/or buildings used for the care or welfare of people, including the aged and disabled during the day or part of a day. Such facilities do not provide for overnight stays, and do not include educational facilities, home businesses, or home-based education or care ancillary to a residential activity. This is a subset of 'community facility'.
dB (DECIBELS)	decibels are a logarithmic unit used to measure sound pressure. A doubling of sound pressure results in a 3 dB increase in sound level.
DEMOLITION (OF A HERITAGE ITEM)	the complete or partial destruction of a heritage item.
DESIGN AND APPEARANCE	in relation to buildings means the bulk and shape of the building including roof pitches, the materials used in its construction and the colour of exterior walls.
DESIGNATION	has the same meaning as in section 2 of the RMA (as set out in the box below) <div style="border: 1px solid black; padding: 2px; width: fit-content; margin-top: 5px;">has the meaning set out in section 166</div>
DISCHARGE	has the same meaning as in section 2 fo the RMA (as set out in the box below) <div style="border: 1px solid black; padding: 2px; width: fit-content; margin-top: 5px;">includes emit, deposit, and allow to escape.</div>
DISTRICT	the Central Hawke's Bay District.
DRAIN	means any artificial watercourse designed, constructed, or used for the drainage of surface or subsurface water, but excludes artificial watercourses used for the conveyance of water for electricity generation, irrigation, or water supply purposes.

DUST	means all non-combusted solid particulate matter that is suspended in the air, or has settled after being airborne. Dust may be derived from materials including rock, sand, cement, fertiliser, coal, soil, paint, animal products and wood.
DWELLING	means the same as 'Residential Unit'.
EARTHWORKS	means the alteration or disturbance of land, including by moving, removing, placing, blading, cutting, contouring, filling or excavation of earth (or any matter constituting the land including soil, clay, sand and rock); but excludes gardening, cultivation, and disturbance of land for the installation of fence posts.
EDUCATIONAL FACILITY	means land or buildings used for teaching or training by child care services, schools, or tertiary education services, including any ancillary activities.
EFFECT	<p>has the same meaning as in section 3 of the RMA (as set out in the box below)</p> <div style="border: 1px solid black; padding: 5px;"> <p>includes—</p> <ul style="list-style-type: none"> (a) any positive or adverse effect; and (b) any temporary or permanent effect; and (c) any past, present, or future effect; and (d) any cumulative effect which arises over time or in combination with other effects— <p>regardless of the scale, intensity, duration, or frequency of the effect, and also includes—</p> <ul style="list-style-type: none"> (e) any potential effect of high probability; and (f) any potential effect of low probability which has a high potential impact. </div>
EMERGENCY AVIATION MOVEMENTS	<p>means intermittent aircraft and helicopter movements associated with the following:</p> <ul style="list-style-type: none"> (a) landing or departing in an emergency (b) emergency flights required to rescue persons from life threatening situations or to transport patients, human organs or medical personnel in medical emergency (c) using an airstrip due to unforeseen circumstances as a necessary alternative to an airstrip elsewhere (d) flights required to meet the needs of a national or civil defence emergency declared under the Civil Defence Act 1983 (e) flights certified by the Minister of Defence as necessary for reasons of National security in accordance with section 4 of the Defence Act (f) undertaking firefighting or search and rescue duties.

EMERGENCY SERVICE ACTIVITIES	those activities and associated facilities that respond to emergency call-outs, including police, fire, civil defence and ambulance services, including associated training activities, but excluding health care facilities and hospitals.
ENVIRONMENT	has the same meaning as in section 2 of the RMA (as set out in the box below) <div style="border: 1px solid black; padding: 5px;"> <p>includes—</p> <ul style="list-style-type: none"> (a) ecosystems and their constituent parts, including people and communities; and (b) all natural and physical resources; and (c) amenity values; and (d) the social, economic, aesthetic, and cultural conditions which affect the matters stated in paragraphs (a) to (c) or which are affected by those matters. </div>
ENVIRONMENTAL COMPENSATION	For the purposes of the RE- Renewable Energy chapter, any action (work, services, financial contribution or restrictive covenants) to compensate for the environmental effects of activities that cannot be avoided, remedied, mitigated, or addressed by a biodiversity offset or biodiversity compensation. For avoidance of doubt this definition does not apply to biodiversity matters which are to be considered through Biodiversity Offsetting.
ESPLANADE RESERVE	has the same meaning as in section 2 of the RMA (as set out in the box below) <div style="border: 1px solid black; padding: 5px;"> <p>means a reserve within the meaning of the Reserves Act 1977—</p> <ul style="list-style-type: none"> (a) which is either— <ul style="list-style-type: none"> (i) a local purpose reserve within the meaning of section 23 of that Act, if vested in the territorial authority under section 239; or (ii) a reserve vested in the Crown or a regional council under section 237D; and (b) which is vested in the territorial authority, regional council, or the Crown for a purpose or purposes set out in section 229. </div>
ESPLANADE STRIP	has the same meaning as in section 2 of the RMA (as set out in the box below) <div style="border: 1px solid black; padding: 5px;"> <p>means a strip of land created by the registration of an instrument in accordance with section 232 for a purpose or purposes set out in section 229.</p> </div>
EXOTIC	in relation to trees and plants means species that are not indigenous to New Zealand.

Commented [AD2]: Topic 2

EXPLORATION (MINERALS)	<p>has the same meaning as in section 2 of the Crown Minerals Act 1991 (as set out in the box below)</p> <div style="border: 1px solid black; padding: 5px;"> <p>means any activity undertaken for the purpose of identifying mineral deposits or occurrences and evaluating the feasibility of mining particular deposits or occurrences of 1 or more minerals; and includes any drilling, dredging, or excavations (whether surface or subsurface) that are reasonably necessary to determine the nature and size of a mineral deposit or occurrence; and to explore has a corresponding meaning.</p> </div>
FARM QUARRY	<p>means an open pit or excavation from which domestic quantities of soil, stone, sand, gravel or mineral is extracted for farming activities on the same site. It does not include earthworks or the use of land and accessory buildings for offices, workshops and car parking areas associated with the operation of the quarry.</p>
FARMING AIRSTRIP	<p><u>Means any airstrip on land where the principal use of the land is for primary production and the airstrip is used intermittently for agricultural aviation activities only.</u></p>
FRESH WATER	<p>has the same meaning as in section 2 of the RMA (as set out in the box below)</p> <div style="border: 1px solid black; padding: 5px;"> <p>means all water except coastal water and geothermal water.</p> </div>
FORESTRY ACTIVITY	<p>the use of land primarily for the purpose of planting, tending, managing and harvesting of trees for wood or wood products.</p>
FORESTRY QUARRYING	<p>has the same meaning as in clause 3 of the NES-PF (as set out in the box below)</p> <div style="border: 1px solid black; padding: 5px;"> <p>(a) means the extraction of rock, sand, or gravel for the formation of forestry roads and construction of other plantation forestry infrastructure, including landings, river crossing approaches, abutments, and forestry tracks, —</p> <p style="margin-left: 20px;">(i) within a plantation forest; or</p> <p style="margin-left: 20px;">(ii) required for the operation of a plantation forest on adjacent land owned or managed by the owner of the plantation forest; and</p> <p>(b) includes the extraction of alluvial gravels outside the bed of a river, extraction of minerals from borrow pits, and the processing and stockpiling of material at the forest quarry site; but</p> <p>(c) does not include earthworks, mechanical land preparation, or gravel extraction from the bed of a river, lake, or other water body.</p> </div>
FRONTAGE / ROAD FRONTAGE	<p>the road boundary of any site.</p>
FROST FANS	<p>a fixed land-based device designed or adapted to mitigate frost damage by fanning warmer air over potentially frost affected surfaces and includes any motive source, the support structure and power source.</p>
FULL-TIME EQUIVALENT PERSON	<p>the engagement of a person or persons in an activity on a site for an average of 30 hours per week or more.</p>

Commented [AD3]: Topic 8

FUNCTIONAL NEED	the need for a proposal or activity to traverse, locate or operate in a particular environment because the activity can only occur in that environment.
GARAGE	included within the meaning of residential unit, meaning a building or part of a building principally used for housing motor vehicles and other ancillary miscellaneous items owned by persons living on the site.
GAS DISTRIBUTION NETWORK	any gas pipeline with a pressure less than 2,000 kilopascals, inclusive of any incidental above or below ground equipment which forms part of the distribution network.
GAS TRANSMISSION NETWORK	any gas or liquid petroleum pipeline with a pressure greater than 2,000 kilopascals, inclusive of any incidental above or below ground equipment which forms part of the transmission network.
GENERAL LAND	ordinary privately-owned freehold land. General Land is registered under the Land Transfer Act 1952 in the Land Titles Registry administered by Land Information New Zealand.
GREENHOUSE	a fully enclosed structure for growing crops in a controlled environment
GREYWATER	means liquid waste from domestic sources including sinks, basins, baths, showers and similar fixtures, but does not include sewage, or industrial and trade waste.
GROSS FLOOR AREA	means the sum of the total area of all floors of a building or buildings (including any void area in each of those floors, such as service shafts, liftwells or stairwells) measured: <ul style="list-style-type: none"> (a) where there are exterior walls, from the exterior faces of those exterior walls; (b) where there are walls separating two buildings, from the centre lines of the walls separating the two buildings; (c) where a wall or walls are lacking (for example, a mezzanine floor) and the edge of the floor is discernible, from the edge of the floor.

GROUND LEVEL	<p>means:</p> <p>(a) the actual finished surface level of the ground after the most recent subdivision that created at least one additional allotment was completed (when the record of title is created);</p> <p>(b) if the ground level cannot be identified under paragraph (a), the existing surface level of the ground;</p> <p>(c) if, in any case under paragraph (a) or (b), a retaining wall or retaining structure is located on the boundary, the level on the exterior surface of the retaining wall or retaining structure where it intersects the boundary.</p>
GROUNDWATER	means water occupying openings, cavities, or spaces in soils or rocks beneath the surface of the ground.
GROUP VISITS	pre-booked visits to a site by groups of people organised collectively.
HABITABLE ROOM	means any room used for the purposes of teaching or used as a living room, dining room, sitting room, bedroom, office or other room specified in the Plan to be a similarly occupied room.
HANDCRAFTS	goods produced by hand, by the use of hand tools or the use of mechanical appliances where such appliances do not produce the goods in a repetitive manner according to a predetermined pattern for production run purpose. The person producing such goods must design the goods and have direct, complete and variable control over the production of every stage of the product.
HAZARDOUS SUBSTANCE	<p>has the same meaning as in section 2 of the RMA (as set out in the box below)</p> <div style="border: 1px solid black; padding: 5px;"> <p>includes, but is not limited to, any substance defined in section 2 of the Hazardous Substances and New Organisms Act 1996 as a hazardous substance. The Hazardous Substances and New Organisms Act 1996 defines hazardous substances as meaning, unless expressly provided otherwise by regulations or an EPA notice, any substance—</p> <p>(a) with 1 or more of the following intrinsic properties:</p> <ul style="list-style-type: none"> (i) explosiveness: (ii) flammability: (iii) a capacity to oxidise: (iv) corrosiveness: (v) toxicity (including chronic toxicity): (vi) ecotoxicity, with or without bioaccumulation; or <p>(b) which on contact with air or water (other than air or water where the temperature or pressure has been artificially increased or decreased) generates a substance with any 1 or more of the properties specified in paragraph (a).</p> </div>
HAZARDOUS WASTES	wastes of any hazardous substance(s).

HEADFRAME	<p>has the same meaning as in clause 4 of the NES-TF (as set out in the box below)</p> <div style="border: 1px solid black; padding: 5px; margin: 5px 0;"> <p>means a structure attached to a pole that—</p> <p>(a) enables more than 1 antenna to be attached to the pole; and</p> <p>(b) results in the notional envelope of the pole being larger than 0.7 m in diameter</p> </div>
HEAVY VEHICLE	<p>a motor vehicle (other than a motor car that is not used, kept or available for the carriage of passengers for hire or reward) the gross laden weight of which exceeds 3500kg. Does not include a traction engine or vehicle designed and used solely or principally for fire-fighting.</p>
HEIGHT	<p>means the vertical distance between a specified reference point and the highest part of any feature, structure or building above that point.</p>
HEIGHT IN RELATION TO BOUNDARY	<p>means the height of a structure, building or feature, relative to its distance from either the boundary of:</p> <p>(a) a site; or</p> <p>(b) another specified reference point.</p>
HELICOPTER DEPOT	<p>means a site regularly used as a base for the operation, servicing, refueling, and storage of helicopters including heliports and helipads.</p>
HELICOPTER LANDING AREA	<p>means any area of land, intended or designed to be used, whether wholly or partly, for helicopter movement or servicing, including heliports and helipads but excludes the intermittent take-off and landing of helicopters associated with agricultural aviation activities.</p>
HELICOPTER MOVEMENT	<p>means a single helicopter flight operation (landing or departure) of any helicopter.</p>
HERITAGE ITEMS	<p>any type of historic heritage place or area scheduled in HH-SCHED2. It may include a historic building, historic site (including archaeological site), a place/area of significance to Māori, or heritage landscape. Heritage Items scheduled in the District Plan will often also be listed on the New Zealand Heritage List / Rārangī Kōrero.</p>

Commented [AD4]: Topic 8

Commented [AD5]: Topic 8

HISTORIC HERITAGE	<p>has the same meaning as in section 2 of the RMA (as set out in the box below)</p> <div style="border: 1px solid black; padding: 5px;"> <p>(a) means those natural and physical resources that contribute to an understanding and appreciation of New Zealand's history and cultures, deriving from any of the following qualities:</p> <ul style="list-style-type: none"> (i) archaeological: (ii) architectural: (iii) cultural: (iv) historic: (v) scientific: (vi) technological; and <p>(b) includes—</p> <ul style="list-style-type: none"> (i) historic sites, structures, places, and areas; and (ii) archaeological sites; and (iii) sites of significance to Māori, including wāhi tapu; and (iv) surroundings associated with the natural and physical resources. </div>
HOME BUSINESS	<p>means a commercial activity that is:</p> <ul style="list-style-type: none"> (a) undertaken or operated by at least one resident of the site; and (b) incidental to the use of the site for a residential activity.
HOMESTAY	<p>the use of an occupied residential unit for visitor accommodation for commercial purposes.</p>
HOSPITAL	<p>any building in which two or more persons are accommodated for the purposes of receiving any medical treatment. Excludes health care facilities. Refer also 'community facility'.</p>
INDIGENOUS	<p>a plant or animal species that occurs naturally that were not introduced to New Zealand by humans. Also referred to as 'native'.</p>
INDIGENOUS VEGETATION	<p>vegetation that is indigenous in or endemic to any of the ecological districts of which the Central Hawke's Bay District is part.</p>
INDUSTRIAL ACTIVITY	<p>means an activity that manufactures, fabricates, processes, packages, distributes, repairs, stores, or disposes of materials (including raw, processed, or partly processed materials) or goods. It includes any ancillary activity to the industrial activity.</p>
INDUSTRIAL AND TRADE WASTE	<p>means liquid waste, with or without matter in suspension, from the receipt, manufacture or processing of materials as part of a commercial, industrial or trade process, but excludes sewage and greywater.</p>
INTENSIVE PRIMARY PRODUCTION	<p>means any activity defined as intensive indoor primary production or intensive outdoor primary production.</p>

INTENSIVE INDOOR PRIMARY PRODUCTION	means primary production activities that principally occur within buildings and involve growing fungi, or keeping or rearing livestock (excluding calf-rearing for a specified time period) or poultry.
INTENSIVE OUTDOOR PRIMARY PRODUCTION	means any primary production activities involving the keeping or rearing of livestock on a permanent basis (excluding calf-rearing for a specified time period), that principally occurs in outdoor enclosures on a particular site, which by the nature of the activity, precludes the maintenance of pasture or ground cover.
INTERNAL BOUNDARY	means any legal boundary of a site other than a road boundary.
INTERSECTION	<p>in relation to two or more intersecting or meeting roadways, means that area contained within the extension or connection of the legal boundaries of each road. Distances from intersection are measured as follows:</p> <p>(a) from the nearest kerb line, or formed edge, of the intersecting road</p> <p>(b) along the subject site's frontage road boundary, measured generally parallel to the centre line of the frontage road.</p>
L_{A90}	has the same meaning as the 'Background sound level' in New Zealand Standard 6801:2008 Acoustics – Measurement of Environmental Sound..
L_{AE}	has the same meaning as the 'Sound exposure level' in New Zealand Standard 6801:2008 Acoustics – Measurement of Environmental Sound.
L_{Aeq}	has the same meaning as 'time-average A-weighted sound pressure level' in New Zealand Standard 6801:2008 Acoustics -Measurement of Environmental Sound.
L_{AF(max)}	has the same meaning as the 'maximum A-frequency weighted, F-time weighted sound pressure level' in New Zealand Standard 6801:2008 Acoustics – Measurement Of Environmental Sound.
L_{dn}	has the same meaning as the 'Day night level, or day-night average sound level' in New Zealand Standard 6801:2008 Acoustics – Measurement of Environmental Sound.
L_{peak}	has the same meaning as 'Peak sound pressure level' in New Zealand Standard 6801:2008 Acoustics – Measurement of Environmental Sound.

LAKE	<p>has the same meaning as in section 2 of the RMA (as set out in the box below)</p> <p>means a body of fresh water which is entirely or nearly surrounded by land.</p>
LAND	<p>has the same meaning as in section 2 of the RMA (as set out in the box below)</p> <p>(a) includes land covered by water and the airspace above land; and</p> <p>(b) in a national environmental standard dealing with a regional council function under section 30 or a regional rule, does not include the bed of a lake or river; and</p> <p>(c) in a national environmental standard dealing with a territorial authority function under section 31 or a district rule, includes the surface of water in a lake or river.</p>
LAND DISTURBANCE	<p>means the alteration or disturbance of land (or any matter constituting the land including soil, clay, sand and rock) that does not permanently alter the profile, contour or height of the land.</p>
LANDFILL	<p>means an area used for, or previously used for, the disposal of solid waste. It excludes cleanfill areas.</p>
LANDSCAPING	<p>the provision of tree and/or shrub plantings and may include any ancillary lawn, water, rocks, paved areas or amenity features, the whole of such provision being so arranged as to improve visual amenity, and/or to partially or wholly screen activities or buildings, and/or to provide protection from climate.</p>
LICENSED PREMISES	<p>any premises, or part of any premises, in which liquor may be sold pursuant to a licence; including any conveyance, or part of any conveyance on which liquor may be sold pursuant to the licence, granted pursuant to the Sale and Supply of Alcohol Act 2012. Refer also 'commercial activity'.</p>
LIFESTYLE SITE	<p>a site created and used for rural residential living in the RPROZ – Rural Production Zone and the GRUZ – General Rural Zone.</p>

LINE	<p>has the same meaning as in section 5 of the Telecommunications Act 2001 and section 2 of the Electricity Act 1992 (as set out in the box below)</p> <div style="border: 1px solid black; padding: 5px;"> <p>(a) means a wire or a conductor of any other kind (including a fibre optic cable) used or intended to be used for the transmission or reception of signs, signals, impulses, writing, images, sounds, instruction, information, or intelligence of any nature by means of any electromagnetic system;</p> <p>(b) means works that are used or intended to be used for the conveyance of electricity; and</p> <p>(c) includes—</p> <p style="margin-left: 20px;">(i) any pole, insulator, casing, fixture, tunnel, or other equipment or material used or intended to be used for supporting, enclosing, surrounding, or protecting any of those wires or conductors; and</p> <p style="margin-left: 20px;">(ii) any part of a line</p> </div>
LIVING AREA	any room in a residential unit other than a room used principally as a bedroom, laundry or bathroom.
LOADING SPACE	a portion of a site, whether covered or not, clear of any road or service lane upon which a vehicle can stand while being loaded or unloaded, including also the adjustment or covering of any load and the fuelling of a vehicle. Such loading space will have vehicular access to a road or service lane and must be provided separately from any other designated car park onsite and not be part of internal traffic movement lanes.
LOT(S)	has the same meaning as 'allotment'.
MAHINGA KAI	the customary gathering of food and natural materials, the food and resources themselves and the places where those resources are gathered.

MAINTENANCE	<p>to keep in existing order, to prevent loss or deterioration, or to restore to working order. Does not include extending, replacing, removing or demolishing a structure, or any substantive change to the form, orientation, or outline of the structure.</p> <p><u>Specifically in relation to network utilities, ‘maintenance’ means:</u> any replacement, repair or renewal work or activity necessary to continue the operation and/or functioning of an existing network utility. Includes the replacement of an existing line of the same voltage or diameter, building, structure or other facilities with another of the same or similar height, size and scale, within the same or similar position and for the same or similar purpose. It does not include minor upgrading or upgrading.</p> <p><u>Specifically in relation to renewable energy, ‘maintenance’ means:</u> the undertaking of work necessary to keep a renewable electricity generation activity operating at an efficient and safe level (e.g. activities include erosion, sediment and flood control, weed control, access requirements, maintenance of plant, machinery or structures and monitoring of operations).</p>
MAINTENANCE (OF A HERITAGE ITEM)	<p>means regular and ongoing protective care of a place to prevent deterioration and to retain its values. Maintenance excludes alterations, additions, restoration, or reconstruction.</p>

MAJOR HAZARDOUS FACILITY	<p>(a) any facility which involves one or more of the following activities:</p> <ul style="list-style-type: none"> (i) manufacturing and associated storage of hazardous substances (including industries manufacturing agrochemicals, fertilisers, acids/alkalis or paints) (ii) oil and gas exploration and extraction facilities (iii) purpose-built bulk storage facilities for the storage of hazardous substances (other than petrol, diesel or LPG) for wholesale supply (iv) the storage/use of more than 6 tonnes of LPG (v) galvanising plants (vi) electroplating and metal treatment facilities (vii) tanneries (viii) timber treatment (ix) meat processing, and rendering plants (x) wastewater treatment plants (xi) metal smelting and refining (including battery refining or re-cycling) (xii) milk treatment plants (xiii) fibreglass manufacturing (xiv) polymer foam manufacturing (xv) asphalt/bitumen manufacture or storage (xvi) landfills (xvii) the storage and/or treatment of hazardous waste (including reuse and recycling facilities) or hazardous substances awaiting reuse, recycling, or treatment (xviii) any facility designated a Major Hazard Facility under the Health and Safety at Work (Major Hazard Facilities) Regulations 2016 <p>(b) The following activities are not considered to be major hazardous facilities:</p> <ul style="list-style-type: none"> (i) the incidental use and storage (including for disposal) of hazardous substances in minimal domestic-scale quantities (ii) retail outlets for hazardous substances intended for domestic usage (e.g. supermarkets, hardware stores and pharmacies) (iii) the incidental use and storage (including for disposal) of agrichemicals, fertilisers and fuel for primary production activities. (iv) the mixing of fertilisers (v) service stations, truck stops and commercial refuelling activities
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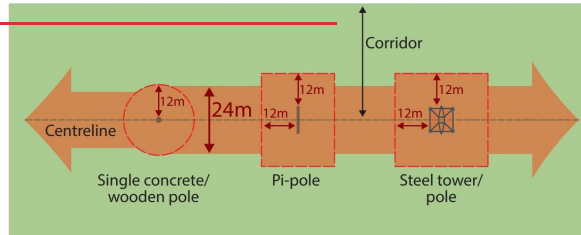
	<ul style="list-style-type: none"> (vi) pipelines used for the transfer of hazardous substances such as gas, oil, trade waste and sewage (vii) fuel in motor vehicles, boats, airplanes and small engines (viii) military training activities (ix) the transport of hazardous substances (e.g. in trucks or trains) (x) the incidental use and storage (including for disposal) of hazardous substances for emergency service activities
MANOEUVRING AREA	part of a site used by vehicles to move from the vehicle crossing to any parking, garage or loading space, including all driveways and aisles, or as part of an access strip.
MĀORI LAND	has the same meaning as in section 4 of the Te Ture Whenua Act (as set out in the box below) <div style="border: 1px solid black; padding: 2px; margin-top: 5px;">means Māori customary land and Māori freehold land.</div>
MAST	see definition of 'Pole'.
MINERAL	has the same meaning as in section 2 of the Crown Minerals Act 1991 (as set out in the box below) <div style="border: 1px solid black; padding: 2px; margin-top: 5px;">means a naturally occurring inorganic substance beneath or at the surface of the earth, whether or not under water; and includes all metallic minerals, non-metallic minerals, fuel minerals, precious stones, industrial rocks and building stones, and a prescribed substance within the meaning of the Atomic Energy Act 1945</div>
MINING	has the same meaning as in section 2 of the Crown Minerals Act 1991 (as set out in the box below) <div style="border: 1px solid black; padding: 2px; margin-top: 5px;"> <ul style="list-style-type: none"> (a) means operations in connection with mining, exploring, or prospecting for any Crown owned mineral; and (b) includes, when carried out at or near the site where the mining, exploration, or prospecting is undertaken,— <ul style="list-style-type: none"> (i) the extraction, transport, treatment, processing, and separation of any mineral or chemical substance from the mineral; and (ii) the construction, maintenance, and operation of any works, structures, and other land improvements, and of any related machinery and equipment connected with the operations; and (iii) the removal of overburden by mechanical or other means, and the stacking, deposit, storage, and treatment of any substance considered to contain any mineral; and (iv) the deposit or discharge of any mineral, material, debris, tailings, refuse, or wastewater produced from or consequent on the operations; and (v) the doing of all lawful acts incidental or conducive to the operations; and (c) includes any activities relating to the injection into and extraction of petroleum from an underground gas storage facility </div>

MINOR RESIDENTIAL UNIT	means a self-contained residential unit that is ancillary to the principal residential unit, and is held in common ownership with the principal residential unit on the same site.
MINOR UPGRADING	<p>means an increase in the carrying capacity, efficiency, safety or security of existing electricity and telecommunication lines, utilising existing support structures or replacement structures, and where the effects of the utility remain the same or similar in character, scale and intensity as those that existed prior to the commencement of the minor upgrading. It includes:</p> <ul style="list-style-type: none"> (a) adding new circuits; (b) re-conductoring with higher capacity conductors; (c) re-sagging of conductors; fitting longer or more efficient insulators; (d) placement of support structures within a similar location as the support structure that is replaced; (e) adding earthwires which may contain telecommunication lines, earthpeaks and lighting rods; (f) adding electrical or telecommunication fittings; (g) replacement of existing cross arms, including cross arms of different design but similar scale; and (h) installation of fibre-optic cables onto existing transmission lines. <p>It excludes any increase in the voltage of a line, unless the line was originally constructed to operate at the higher voltage.</p>
MOTORISED CRAFT	any boat powered by an engine.
NATIONAL GRID	<p>as defined in the National Policy Statement on Electricity Transmission (2008) (as set out in the box below), and as identified as the 'National Grid Line' on the Planning Maps.</p> <div style="border: 1px solid black; padding: 2px; width: fit-content;"> <p>means the assets used or owned by Transpower NZ Limited.</p> </div>

**NATIONAL GRID
SUBDIVISION CORRIDOR**

the area measured either side of the centreline of above ground National Grid line as follows:

- (a) 14m for 110kV national grid lines on single poles
- (b) 32m for 110kV transmission lines on towers



The National Grid Subdivision Corridor and National Grid Yard do not apply to underground cables or any underground transmission lines (or sections of line) that are designated by Transpower. The measurement of setback distances from National Grid lines is to be taken from the centre line of the two support structures at each end of the span

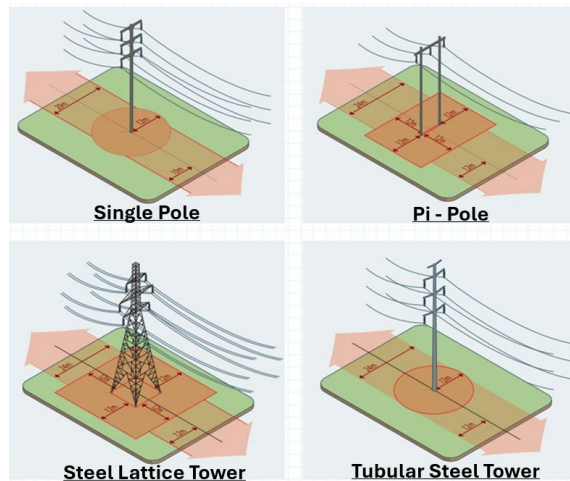
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NATIONAL GRID YARD

the area located within 12m in any direction from the outer visible edge of a National Grid support structure foundation or the area located

within 10m either side of the centreline of an overhead 110kV National Grid line on single poles or the area located within 12m either side of the centreline of any overhead National Grid line on pi-poles or towers (including tubular steel towers where these replace steel lattice towers). The National Grid Yard does not apply to underground cables or any transmission lines (or sections of line) that are designated by Transpower New Zealand. The measurement of setback distances from National Grid lines shall be taken from the centerline of the transmission line and from the outer edge of any support structure. The centerline at any point is a straight line between the centre points of the two support structures at each end of the span.

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NATIONALLY SIGNIFICANT INFRASTRUCTURE

means:

- (a) State Highways;
- (b) the National Grid electricity transmission network;
- (c) national renewable electricity generation facilities that connect with the National Grid;
- (d) major gas or oil pipeline services (such as the gas transmission pipeline from Taranaki);
- (e) any railway (as defined in the Railways Act 2005).
- (f) telecommunications networks.

NATURAL AND PHYSICAL RESOURCES	<p>has the same meaning as in section 2 of the RMA (as set out in the box below)</p> <div style="border: 1px solid black; padding: 5px;"> <p>Includes land, water, air, soil, minerals, and energy, all forms of plants and animals (whether native to New Zealand or introduced), and all structures.</p> </div>
NATURAL HAZARD	<p>has the same meaning as in section 2 of the RMA (as set out in the box below)</p> <div style="border: 1px solid black; padding: 5px;"> <p>means any atmospheric or earth or water related occurrence (including earthquake, tsunami, erosion, volcanic and geothermal activity, landslip, subsidence, sedimentation, wind, drought, fire, or flooding) the action of which adversely affects or may adversely affect human life, property, or other aspects of the environment.</p> </div>
NATURAL HAZARD MITIGATION ACTIVITIES	<p>activities that are carried out to reduce the risks posed by natural hazards (includes stopbanks, sea walls, vegetation planting, and river control and drainage works).</p>
NATURAL WETLAND	<p>refer 'Wetland (Natural)'.</p>
NET SITE AREA	<p>means the total area of the site, but excludes:</p> <ul style="list-style-type: none"> (a) any part of the site that provides legal access to another site; (b) any part of a rear site that provides legal access to that site; (c) any part of the site subject to a designation that may be taken or acquired under the Public Works Act 1981.
NETWORK UTILITIES OR NETWORK UTILITY	<p>a project, work, system or structure that is a network utility operation undertaken by a network utility operator.</p>

NETWORK UTILITY OPERATOR OR NETWORK UTILITY OPERATION	<p>has the same meaning as in section 166 of the RMA (as set out in the box below)</p> <div style="border: 1px solid black; padding: 5px;"> <p>means a person who—</p> <ul style="list-style-type: none"> (a) undertakes or proposes to undertake the distribution or transmission by pipeline of natural or manufactured gas, petroleum, biofuel, or geothermal energy; or (b) operates or proposes to operate a network for the purpose of— <ul style="list-style-type: none"> (vi) telecommunication as defined in section 5 of the Telecommunications Act 2001; or (vii) radio communication as defined in section 2(1) of the Radio Communications Act 1989; or (c) is an electricity operator or electricity distributor as defined in section 2 of the Electricity Act 1992 for the purpose of line function services as defined in that section; or (d) undertakes or proposes to undertake the distribution of water for supply (including irrigation); or (e) undertakes or proposes to undertake a drainage or sewerage system; or (f) constructs, operates, or proposes to construct or operate, a road or railway line; or (g) is an airport authority as defined by the Airport Authorities Act 1966 for the purposes of operating an airport as defined by that Act; or (h) is a provider of any approach control service within the meaning of the Civil Aviation Act 1990; or (i) undertakes or proposes to undertake a project or work prescribed as a network utility operation for the purposes of this definition by regulations made under this Act,— <p>and the words network utility operation have a corresponding meaning.</p> </div>
NOISE	<p>has the same meaning as in section 2 of the RMA (as set out in the box below)</p> <div style="border: 1px solid black; padding: 5px;"> <p>includes vibration</p> </div>
NOISE SENSITIVE ACTIVITY	<p>means any:</p> <ul style="list-style-type: none"> (a) buildings used for residential activity (b) marae & urupa (c) place of worship (d) visitor accommodation (e) teaching areas and sleeping/wellness rooms in an educational facility (f) home-based education and care service (g) day care facility (h) hospital or sleeping/wellness rooms in a health care facility (i) rest home or retirement village <p>but does not include an activity if it was not lawfully established.</p>

NOTIONAL BOUNDARY	means a line 20 metres from any side of a residential unit or other building used for a noise sensitive activity, or the legal boundary where this is closer to such a building.
OFFENSIVE PROCESS	means one of the following processes: <ul style="list-style-type: none"> (a) processes requiring offensive trade licenses under the Health Act 1956; (b) the manufacture and processing of chemical fertilisers; (c) meat processing or any associated processing of meat and meat by-products or co-products; (d) fish curing, cleaning, treatment, preserving and storage; (e) cement and concrete products manufacture; (f) hot-mix asphalt paving manufacture; (g) glass or fibre-glass manufacture; (h) wood-pulp manufacture and processing; (i) foundry processes, electro-plating works, melting of metals, steel manufacture and galvanising; (j) natural gas, oil or petroleum distillation or refining; (k) manufacture of hardboard, chipboard or particle board; (l) timber treatment; (m) wool scouring; and (n) motor body building and auto dismantling.
OFFICIAL SIGN	means all signs required or provided for under any statute or regulation, or are otherwise related to aspects of public safety.
OPERATION (RENEWABLE ENERGY)	the working of a renewable electricity generation activity on a day-to-day basis to generate and transmit electricity.
OPERATIONAL NEED	the need for a proposal or activity to traverse, locate or operate in a particular environment because of technical, logistical or operational characteristics or constraints.
OUTDOOR LIVING SPACE	means an area of open space for the use of the occupants of the residential unit or units to which the space is allocated.
OUTDOOR STORAGE	land used for the purpose of storing vehicles, equipment, machinery, natural and processed products and wastes, outside a fully enclosed building for periods in excess of 4 weeks in any one year.
OUTDOOR SERVICE SPACE	an area of service space to be provided for the exclusive use of each household unit to which the space has been allocated, for such functions or structures as clotheslines, storage of rubbish bins and wood. No outdoor service space is to be occupied by an access or parking space, or the units outdoor living space.

OUTER CONTROL BOUNDARY (OCB)	the area generally between 55dB L _{dn} and 65dB L _{dn} future noise contours as shown on the Planning Maps containing the Waipukurau Aerodrome.
PARKING AREA	that part of a site within which vehicle parking spaces required by this Plan or otherwise provided are accommodated, and includes all parking spaces, manoeuvring areas and required landscape areas.
PARKING SPACE	a space of usable dimensions and condition, including access and manoeuvring area. A garage or carport may count as one or more parking space for a household unit, depending on its size.
PLANTATION FOREST / PLANTATION FORESTRY	as defined in the Resource Management (National Environment Standards for Plantation Forestry) Regulations 2017 (as set out in the box below) <div style="border: 1px solid black; padding: 5px; margin-top: 5px;"> <p>means a forest deliberately established for commercial purposes, being—</p> <p>(a) at least 1 ha of continuous forest cover of forest species that has been planted and has or will be harvested or replanted; and</p> <p>(b) includes all associated forestry infrastructure; but</p> <p>(c) does not include—</p> <p>(i) a shelter belt of forest species, where the tree crown cover has, or is likely to have, an average width of less than 30 m; or</p> <p>(ii) forest species in urban areas; or</p> <p>(iii) nurseries and seed orchards; or</p> <p>(iv) trees grown for fruit or nuts; or</p> <p>(v) long-term ecological restoration planting of forest species; or</p> <p>(vi) willows and poplars space planted for soil conservation purposes</p> </div>
PLANTED INDIGENOUS FORESTRY	planting and management (including thinning) of indigenous timber trees or tree ferns, or areas specifically planted in indigenous vegetation for the purpose of harvesting or commercial use.
POLE	as defined in clause 4 of the Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016 (as set out in the box below) <div style="border: 1px solid black; padding: 5px; margin-top: 5px;"> <p>means a pole, mast, lattice tower, or similar structure, of a kind that is able to be used (with or without modification) to support antennas</p> </div>

POST-HARVEST FACILITY	<p>buildings operated by one or more growers and used for wine-making, or the storage, packaging, washing, inspecting and grading of eggs, fruit, vegetables or other (natural and unprocessed) primary produce brought to the post-harvest facility from a range of locations, and includes ancillary activities directly associated with post-harvest operations.</p> <p>(a) Includes:</p> <ul style="list-style-type: none"> (i) pack-houses, cool-stores and wineries (ii) use of the site for the collection and distribution of horticultural products (including grapes) (iii) preparation and shrink wrapping horticultural products in preparation for distribution to retail outlets (iv) collection and distribution of agricultural products including the cross loading of trucks used in the collection and delivery of horticultural products (v) the on-site servicing and maintenance of vehicles and equipment associated with the activities <p>(b) Excludes:</p> <ul style="list-style-type: none"> (i) retail sales (ii) other industrial activities (e.g. forestry and dairy processing facilities) (iii) initial processing of primary produce, where this is exclusively carried out as an ancillary activity to primary production occurring on the same site
PRIMARY PRODUCTION	<p>means:</p> <ul style="list-style-type: none"> (a) any aquaculture, agricultural, pastoral, horticultural, mining, quarrying or forestry activities; and (b) includes initial processing, as an ancillary activity, of commodities that result from the listed activities in a); (c) includes any land and buildings used for the production of the commodities from a) and used for the initial processing of the commodities in b); but (d) excludes further processing of those commodities into a different product.
PRINCIPAL BUILDING	<p>a building, buildings or part of a building accommodating the activity for which the site is primarily used.</p>
PRIVATE ROAD	<p>any roadway, place, or arcade laid out or formed on private land by the owner of the land, but intended for the use of the public generally.</p>

PRIVATE WAY	any way or passage over private land, the use of which is confined or intended to be confined to certain persons or classes of persons, and which is not intended to be used by the public generally.
PROSPECTING (MINERALS)	has the same meaning as in section 2 of the Crown Minerals Act 1991 (as set out in the box below) <div style="border: 1px solid black; padding: 5px; margin-top: 5px;"> <p>(a) means any activity undertaken for the purpose of identifying land likely to contain mineral deposits or occurrences; and</p> <p>(b) includes the following activities:</p> <ul style="list-style-type: none"> (i) geological, geochemical, and geophysical surveying: (ii) aerial surveying: (iii) taking samples by hand or hand held methods: (iv) taking small samples offshore by low-impact mechanical methods </div>
PUBLIC PLACE	any public thoroughfare, park, reserve, lake, river or place to which the public has access with or without the payment of a fee, and which is under the control of the District Council, Regional Council, the New Zealand Transport Agency or the Department of Conservation or the Crown.
QUARRY	means a location or area used for the permanent removal and extraction of aggregates (clay, silt, rock or sand). It includes the area of aggregate resource and surrounding land associated with the operation of a quarry and which is used for quarrying activities.
QUARRYING ACTIVITIES	means the extraction, processing (including crushing, screening, washing and blending), transport, storage, sale and recycling of aggregates (clay, silt, rock, sand), the deposition of overburden material, rehabilitation, landscaping and cleanfilling of the quarry, and the use of land and accessory buildings for offices, workshops and car parking areas associated with the operation of the quarry.
RADIOCOMMUNICATION	as defined in the Radiocommunications Act 1989 (as set out in the box below) <div style="border: 1px solid black; padding: 5px; margin-top: 5px;"> <p>Means any transmission or reception of signs, writing, images, sounds or intelligence of any nature by radio waves.</p> </div>
RADIOCOMMUNICATION FACILITIES	as defined in the Radiocommunications Act 1989 (as set out in the box below) <div style="border: 1px solid black; padding: 5px; margin-top: 5px;"> <p>means any mast/pole, aerial, antenna dish or other structure, facility or apparatus used or intended for the purpose of facilitating radiocommunication</p> </div>

RAFT	<p>has the same meaning as in section 2 of the RMA (as set out in the box below)</p> <div style="border: 1px solid black; padding: 5px;"> <p>means any moored floating platform which is not self-propelled; and includes platforms that provide buoyancy support for the surfaces on which fish or marine vegetation are cultivated or for any cage or other device used to contain or restrain fish or marine vegetation; but does not include booms situated on lakes subject to artificial control which have been installed to ensure the safe operation of electricity generating facilities.</p> </div>
RECREATIONAL ACTIVITY	<p>means any activity whose primary purpose is the passive or active enjoyment of leisure on a non-profit basis, whether competitive or non-competitive, casual or organised, including (but not limited to) the following facilities and their use:</p> <ul style="list-style-type: none"> (a) grass fields, hard courts and artificial surfaces; (b) playgrounds and skate parks; (c) walkways, cycleways and trails; (d) changing rooms, club rooms, shelters, public toilets, and other buildings or facilities accessory to recreational activities. <p>Refer 'community facility'.</p>
REGIONALLY SIGNIFICANT INFRASTRUCTURE	<p>means necessary services and installations which are of greater than local significance, including:</p> <ul style="list-style-type: none"> (a) transport networks of regional significance, including State Highways and arterial roads (as defined in the District Plan, the Regional Land Transport Strategy and the State Highway Classification System), and the rail network; (b) the electricity transmission network and electricity distribution networks; (c) telecommunications and radiocommunications facilities (d) public or community renewable electricity generation activities; (e) pipelines and gas facilities used for the transmission and distribution of natural and manufactured gas; (f) public or community sewage treatment plants and associated reticulation and disposal systems; (g) public water supply intakes, treatment plants and distributions systems; (h) public or community rural water storage infrastructure, including distribution systems; (i) public or community drainage systems, including stormwater systems; (j) flood protection schemes; (k) any railway (as defined in the Railways Act 2005).
RELOCATABLE BUILDING DEPOT	<p>a depot that stores relocatable buildings.</p>

RELOCATED BUILDING	the removal, relocation, re-siting or demolition of an existing building (excluding the relocation or demolition of heritage buildings that are listed in HH-SCHED2 – Schedule of Heritage Items) from any site to another site, excluding the movement of a building within the same title or a new building built off-site that has not been used and is for the express purpose of being located to the subject site.
RENEWABLE ENERGY	has the same meaning as in section 2 of the RMA (as set out in the box below)
means energy produced from solar, wind, hydro, geothermal, biomass, tidal, wave, and ocean current sources.	
RENEWABLE ELECTRICITY GENERATION ACTIVITIES	the construction, operation, maintenance and upgrading of structures associated with renewable electricity generation. Includes small and community-scale distributed renewable electricity generation activities and the system of electricity conveyance required to convey electricity to the distribution network and/or the national grid and electricity storage technologies associated with renewable electricity.
REPAIRS (OF A HERITAGE ITEM)	means to make good decayed or damaged fabric using identical, closely similar, or otherwise appropriate material.
REQUIRING AUTHORITY	has the meaning set out in section 166 of the RMA (as set out in the box below)
means— (a) a Minister of the Crown; or (b) a local authority; or (c) a network utility operator approved as a requiring authority under section 167	

RESERVE	<p>any land set apart for any public purpose, including reserves vested under the Reserves Act as defined in section 2 of the Reserves Act 1977 (as set out in the box below)</p> <div style="border: 1px solid black; padding: 5px;"> <p>except as hereinafter provided in this definition, means any land set apart for any public purpose; and includes—</p> <ul style="list-style-type: none"> (a) any land which immediately before the commencement of this Act was a public reserve within the meaning of the Reserves and Domains Act 1953: (b) any land vested in the Crown which after the commencement of this Act is reserved or set apart under Part 12 of the Land Act 1948 or other lawful authority as a reserve, or alienated from the Crown for the purpose of a reserve: (c) any land which after the commencement of this Act is vested in the Crown by or under the authority of any Act as a reserve: (d) any land which after the commencement of this Act is taken, purchased, or otherwise acquired in any manner whatever by the Crown as a reserve or in trust for any particular purpose: (e) any land acquired after the commencement of this Act in any manner by an administering body as a reserve within the meaning of this Act, and any land vested in any local authority which, not theretofore being a public reserve, is by resolution of the local authority pursuant to section 14 declared to be set apart as a reserve: (f) any private land set apart as a reserve in accordance with the provisions of any Act: (g) any land which immediately before the commencement of this Act was a domain or public domain within the meaning of the Reserves and Domains Act 1953: (h) any land, other than a national park within the meaning of the National Parks Act 1980, administered under the Tourist and Health Resorts Control Act 1908: (i) any land taken or otherwise acquired or set apart by the Crown under the Public Works Act 1981 or any corresponding former Act, whether before or after the commencement of this Act, for the purposes of a reserve, a recreation ground, a pleasure ground, an agricultural showground, or a tourist and health resort: <p>but does not include—</p> <ul style="list-style-type: none"> (j) any land taken or otherwise acquired or set apart under the Public Works Act 1981 or any corresponding former Act, whether before or after the commencement of this Act, for any purpose not specified in paragraph (i): (k) any land to which section 167(4) of the Land Act 1948 applies: (l) any land taken, purchased, or otherwise in any manner acquired, whether before or after the commencement of this Act, by a local authority, unless the land is acquired subject to a trust or a condition that it shall be held by the local authority as a reserve: (m) any Maori reservation </div>
RESERVE MANAGEMENT PLAN	<p>a management plan prepared pursuant to section 41 of the Reserves Act 1977, that provides for and ensures the use, enjoyment, maintenance, protection, and preservation, as the case may require, and the development, as appropriate, of a reserve for the purposes for which it is classified.</p>

RESIDENTIAL ACTIVITY	means the use of land and building(s) for people's living accommodation.
RESIDENTIAL UNIT	means a building(s) or part of a building that is used for a residential activity exclusively by one household, and must include sleeping, cooking, bathing and toilet facilities.
RESTAURANT	any land and/or buildings, or part of a building, in which meals are regularly supplied for sale to the general public for consumption on the premises, including such premises for which a licence has been granted pursuant to the Sale and Supply of Alcohol Act 2012.
REST HOME	<p>as defined in section 58(4) of the Health and Disability Services (Safety) Act 2001 (as set out in the box below); and includes accessory nursing and medical care. Excludes hospitals.</p> <div style="border: 1px solid black; padding: 5px;"> <p>(a) means premises used to provide rest home care, in accordance with section 9; but where only parts of any premises are used for that purpose, means only those parts and any other parts used for ancillary purposes; and</p> <p>(b) at a time before 1 October 2004, includes a home (within the meaning of the Old People's Homes Regulations 1987) used to provide rest home care under the authority and in accordance with the terms of a licence granted under those regulations</p> </div>
RETAIL SALES/ RETAIL/ RETAILING	the direct sale or hire to the public from any site and/or the display or offering for sale or hire to the public on any site of goods, merchandise or equipment, but excluding recreational activities.
RETIREMENT VILLAGE	means a managed comprehensive residential complex or facilities used to provide residential accommodation for people who are retired and any spouses or partners of such people. It may also include any of the following for residents within the complex: recreation, leisure, supported residential care, welfare and medical facilities (inclusive of hospital care) and other non-residential activities.
REVERSE SENSITIVITY	the potential for the operation of an existing lawfully established activity to be compromised, constrained or curtailed by the more recent establishment or alteration of another activity which may be sensitive to the actual, potential or perceived environmental effects generated by an existing activity
RIGHT OF WAY	an area of land over which there is registered a legal document giving rights to pass over that land to the owners and occupiers of other land.

RIVER	<p>has the same meaning as in section 2 of the RMA (as set out in the box below)</p> <div style="border: 1px solid black; padding: 5px;"><p>means a continually or intermittently flowing body of fresh water; and includes a stream and modified watercourse; but does not include any artificial watercourse (including an irrigation canal, water supply race, canal for the supply of water for electricity power generation, and farm drainage canal).</p></div>
RIVERINE FLOOD PROTECTION	<p>works, structures and plantings for the protection of property and people from floods, including areas of vegetation maintained or planted in the berm margins of flood fairways or lakes, the clearance of vegetation and debris from flood fairways, stopbanks, access tracks, rock work, anchored trees, wire rope and other structures.</p>

ROAD	has the same meaning as in section 2 of the RMA (as set out in the box below)
	<p>has the same meaning as in section 315 of the Local Government Act 1974; and includes a motorway as defined in section 2(1) of the Government Roding Powers Act 1989</p> <p>Section 315 of the Local Government Act 1974 road definition: road means the whole of any land which is within a district, and which—</p> <ul style="list-style-type: none"> (a) immediately before the commencement of this Part was a road or street or public highway; or (b) immediately before the inclusion of any area in the district was a public highway within that area; or (c) is laid out by the council as a road or street after the commencement of this Part; or (d) is vested in the council for the purpose of a road as shown on a deposited survey plan; or (e) is vested in the council as a road or street pursuant to any other enactment;— <p>and includes—</p> <ul style="list-style-type: none"> (f) except where elsewhere provided in this Part, any access way or service lane which before the commencement of this Part was under the control of any council or is laid out or constructed by or vested in any council as an access way or service lane or is declared by the Minister of Works and Development as an access way or service lane after the commencement of this Part or is declared by the Minister of Lands as an access way or service lane on or after 1 April 1988: (g) every square or place intended for use of the public generally, and every bridge, culvert, drain, ford, gate, building, or other thing belonging thereto or lying upon the line or within the limits thereof;— <p>but, except as provided in the Public Works Act 1981 or in any regulations under that Act, does not include a motorway within the meaning of that Act or the Government Roding Powers Act 1989</p> <p>Section 2(1) of the Government Roding Powers Act 1989 motorway definition motorway—</p> <ul style="list-style-type: none"> (a) means a motorway declared as such by the Governor-General in Council under section 138 of the Public Works Act 1981 or under section 71 of this Act; and (b) includes all bridges, drains, culverts, or other structures or works forming part of any motorway so declared; but (c) does not include any local road, access way, or service lane (or the supports of any such road, way, or lane) that crosses over or under a motorway on a different level.
ROAD BOUNDARY	any boundary of a site abutting a legal road (other than an accessway or service lane) or contiguous to a boundary of a road designation. Frontage or road frontage has the same meaning as road boundary.

RURAL AIRSTRIP	means any defined area of land in the rural area intended or designed to be used, whether wholly or partly, for aircraft movement or storage, or the servicing of aircraft excluding any airstrip on land where the principal use of that land is for primary production and is used intermittently for agricultural aviation activities (farm airstrips).
RURAL INDUSTRY	means an industry or business undertaken in a rural environment that directly supports, services, or is dependent on primary production.
SAFE SIGHTLINE DISTANCE	the distance from an intersection or accessway that will achieve and maintain safe lines of sight for road users. <i>Note: refer the Land Transport Safety Authority's 'Guidelines for visibility at driveways RTS6' for further guidance on the location of vehicle driveways on the road network.</i>
SAFETY ALTERATIONS (OF A HERITAGE ITEM)	works necessary for the primary purpose of improving structural performance, fire safety or physical access. Improving structural performance includes seismic strengthening work.
SALES YARDS	the use of land primarily for the selling of livestock, through auction or other means.
SEASONAL WORKERS ACCOMMODATION	any premises used for residential accommodation purposes directly associated with the seasonal labour requirements of the District's agriculture, horticulture, viticulture, and cropping industries, including both existing permanent buildings and new relocatable structures. Seasonal workers accommodation includes ancillary kitchen, dining and ablution facilities and other ancillary living and recreation facilities for the exclusive use of resident seasonal workers, whether in one building or multiple buildings.
SENIOR CITIZENS HOUSING UNIT	one of a group of residential units developed solely for the accommodation of aged persons, and where not owned by the Crown or a local authority, encumbered by a bond or other appropriate legal instrument which ensures that the use of the unit is limited to housing of aged persons.
SENSITIVE ACTIVITY	activities which are sensitive to noise, dust, the use and storage of hazardous substances, spray residue, odour or visual effects of nearby activities. Includes residential activities, marae, urupa, visitor accommodation, camping grounds, rest homes, retirement villages, day care facilities, educational facilities, community facilities, health care facilities and hospitals.

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SENSITIVE ACTIVITY (NATIONAL GRID)	has the same meaning as in clause 3 of the National Policy Statement for Electricity Transmission (2008) (as set out in the box below) includes schools, residential buildings and hospitals.
SERVICE ACTIVITY	the use of land and buildings for the primary purpose of the transport, storage, warehousing, maintenance or repair of goods and materials, excluding relocatable building depots.
SERVICE LANE	any lane laid out or constructed for the purpose of providing the public with a side or rear access for vehicular traffic to any land.
SERVICE STATION	any site where the dominant activity is the retail sale of motor vehicle fuels (including petrol, LPG, CNG, and diesel), and may also include any one or more of the following: (a) the sale of kerosene, alcohol based fuels, lubricating oils, tyres, batteries, vehicle spare parts and other accessories normally associated with motor vehicles; (b) mechanical repair and servicing of motor vehicles (includes motor cycles, caravans, boat motors, trailers), except that in any Residential zone, the mechanical repairs of motor vehicles and domestic garden equipment does not include panel beating, spray painting and heavy engineering such as engine reboring and crankshaft grinding; (c) inspection and/or certification of vehicles; (d) mechanical washing and cleaning of motor vehicles; (e) the sale of other merchandise where this is an ancillary activity to the main use of the site. Refer also 'commercial activity'.
SETBACK	the distance between any part of a building (including eaves and guttering) and the legal boundary of its site.
SEWAGE	means human excrement and urine.
SHELTER BELT	a continuous line of trees or a hedge along all or part of a property boundary which has been planted for shelter purposes.
SHOWHOME	a non-occupied residential dwelling which is decorated and filled with furniture for the commercial purpose of advertising the sale of a similar type of dwelling.

SIGN	<p>means any device, character, graphic or electronic display, whether temporary or permanent, which:</p> <ul style="list-style-type: none"> (a) is for the purposes of: <ul style="list-style-type: none"> (i) identification or provision of information about any activity, property or structure or an aspect of public safety; or (ii) providing directions; or (iii) promoting goods, services or events; and (b) is projected onto, or fixed or attached to, any structure or natural objective; and (c) includes the frame, supporting device and any ancillary equipment whose function is to support the message or notice.
SITE	<p>means:</p> <ul style="list-style-type: none"> (a) an area of land comprised in a single record of title under the Land Transfer Act 2017; or (b) an area of land which comprises two or more adjoining legally defined allotments in such a way that the allotments cannot be dealt with separately without the prior consent of the council; or (c) the land comprised in a single allotment or balance area on an approved survey plan of subdivision for which a separate record of title under the Land Transfer Act 2017 could be issued without further consent of the Council; or (d) despite paragraphs (a) to (c), in the case of land subdivided under the Unit Titles Act 1972 or the Unit Titles Act 2010 or a cross lease system, is the whole of the land subject to the unit developments or cross lease.
SMALL CELL UNIT	<p>has the same meaning as in clause 4 of the NES-TF (as set out in the box below)</p> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p>small cell unit means a device—</p> <ul style="list-style-type: none"> (a) that receives or transmits radiocommunication or telecommunication signals; and (b) the volume of which (including any ancillary equipment, but not including any cabling) is not more than 0.11m³ </div>
SMALL SCALE RENEWABLE ELECTRICITY GENERATION ACTIVITY	<p>small scale and community scale renewable electricity generation at a capacity of no greater than 20 kW for the purpose of using or generating electricity on a particular site, or supplying an immediate community, or connecting into the distribution network, and includes generation using solar, wind, hydro and biomass energy resource.</p>

SOLID WASTE	any solid material regardless of form, including containers and their contents which require permanent disposal, or storage until such time that they can be reused or recycled, and includes residues from incineration.
STATUTORY ACKNOWLEDGEMENT AREA	a statement under a Treaty of Waitangi settlement (claims settlement legislation), between the Crown and iwi that is intended to recognise the cultural, spiritual, historical and traditional association of iwi with specified sites and areas on Crown-owned land.
STORMWATER	means run-off that has been intercepted, channelled, diverted, intensified or accelerated by human modification of a land surface, or run-off from the surface of any structure, as a result of precipitation and includes any contaminants contained within.
STRUCTURE	has the same meaning as in section 2 of the RMA (as set out in the box below) <div style="border: 1px solid black; padding: 2px;"> means any building, equipment, device, or other facility, made by people and which is fixed to land; and includes any raft. </div>
SUBDIVISION	has the same meaning as “subdivision of land” in section 218 of the RMA (as set out in the box below) <div style="border: 1px solid black; padding: 2px;"> means— (a) the division of an allotment— (i) by an application to the Registrar-General of Land for the issue of a separate certificate of title for any part of the allotment; or (ii) by the disposition by way of sale or offer for sale of the fee simple to part of the allotment; or (iii) by a lease of part of the allotment which, including renewals, is or could be for a term of more than 35 years; or (iv) by the grant of a company lease or cross lease in respect of any part of the allotment; or (v) by the deposit of a unit plan, or an application to the Registrar-General of Land for the issue of a separate certificate of title for any part of a unit on a unit plan; or (b) an application to the Registrar-General of Land for the issue of a separate certificate of title in circumstances where the issue of that certificate of title is prohibited by section 226. </div>
SUBDIVISION CONSENT	has the same meaning as in section 87(b) of the RMA (as set out in the box below) <div style="border: 1px solid black; padding: 2px;"> a consent to do something that otherwise would contravene section 11 </div>
SURCHARGE LOAD	means any load additional to that of the normal ground conditions.

SUSTAINABLE MANAGEMENT	<p>has the same meaning as in section 5 of the RMA (as set out in the box below)</p> <div style="border: 1px solid black; padding: 5px;"> <p>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 well-being and for their health and safety while—</p> <ul style="list-style-type: none"> (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. </div>
TELECOMMUNICATON	<p>the conveyance by electromagnetic means from one device to another of any encrypted or non-encrypted sign, signal, impulse, writing, image, sound, instruction, information, or intelligence of any nature, whether for the information of any person using the device or not. Where Telecommunication as defined in section 5 of the Telecommunication Act 2001 (as set out in the box below)</p> <div style="border: 1px solid black; padding: 5px;"> <p>means the conveyance by electromagnetic means from one device to another of any encrypted or non-encrypted sign, signal, impulse, writing, image, sound, instruction, information, or intelligence of any nature, whether for the information of any person using the device or not</p> </div>
TEMPORARY EVENT	<p>the short term or intermittent use of any land, buildings and structures for an activity not carried out on the site on a regular basis, or the carrying out of an activity outside the limits on hours or scale prescribed in Plan standards. It excludes temporary military training activity and short-term social or cultural gatherings where these are ancillary to a permitted activity or in compliance with the standards and terms for permitted activities. Any event for which a Special Licence under the Sale of Liquor Act 2012 is required will be deemed to be a temporary event.</p>

TEMPORARY MILITARY TRAINING ACTIVITY	<p>means a temporary activity undertaken for the training of any component of the New Zealand Defence Force (including with allied forces) for any defence purpose. Defence purposes are those purposes for which a defence force may be raised and maintained under section 5 of the Defence Act 1990 which are:</p> <ul style="list-style-type: none"> (a) the defence of New Zealand, and of any area for the defence of which New Zealand is responsible under any Act: (b) the protection of the interests of New Zealand, whether in New Zealand or elsewhere: (c) the contribution of forces under collective security treaties, agreements, or arrangements: (d) the contribution of forces to, or for any of the purposes of, the United Nations, or in association with other organisations or States and in accordance with the principles of the Charter of the United Nations: (e) the provision of assistance to the civil power either in New Zealand or elsewhere in time of emergency: (f) the provision of any public service.
TERRITORIAL AUTHORITY	<p>has the same meaning as in section 5 of the Local Government Act 2002 (as set out in the box below)</p> <div style="border: 1px solid black; padding: 2px; width: fit-content;"> <p>means a city council or a district council named in Part 2 of Schedule 2.</p> </div>
TRADE WASTE	<p>any liquid or solid waste, produced in the course of any trade, industrial process or operation, or in the course of any activity or operation of a like nature, other than waste from staff ablutions or staff kitchen facilities.</p>
TRAFFIC SIGNS	<p>any sign permitted as per the New Zealand Transport Agency standards 'Manual of Traffic Signs and Markings, Parts 1 and 2' (August 2010).</p>
TRANSPORT DEPOT	<p>means any land and/or buildings which is primarily used for the receipt, despatch or consolidation of goods in transit being transported by road, where the goods are not owned or processed by the owner or occupier of that land or building, and includes a carrier's depot and truckstop.</p>
TRAVELLERS ACCOMMODATION	<p>refer 'visitor accommodation'.</p>

TRIMMING	<p>in relation to indigenous vegetation, includes either of the following:</p> <p>(a) pruning of vegetation and trees including the removal of broken branches, dead wood or diseased vegetation</p> <p>(b) selective branch removal to increase light and air movement or to improve tree health.</p> <p>But excludes clearance.</p>
UPGRADING (NETWORK UTILITIES)	<p>means an increase in the carrying capacity, efficiency, safety or security of existing network utilities, but excludes maintenance and minor upgrading.</p>
UPGRADING (RENEWABLE ENERGY)	<p>the upgrade, replacement or renewal of existing plant, machinery or structures to gain efficiency in generating and transmitting electricity provided this does not increase the consented or authorised footprint of the activity. Includes work involving all structures, infrastructure and buildings, access roads and tracks, earthworks and the deposit of materials. A gain in efficiency of generation under this definition includes and increase in installed generation capacity of the consented or authorised footprint by replacement of turbines that have higher energy generation capacity.</p>
VEHICLE ACCESS	<p>the area of land within the site which provides a vehicle access to and from the road to any parking area within the site.</p>
VEHICLE ACCESS LEG	<p>in relation to a rear lot or rear site, means the strip of land that is included in the ownership of that lot or site, and which provides the legal and physical access from the frontage legal road to the net area of the lot or site.</p>
VEHICLE ACCESS LOT	<p>a lot which provides the legal access or part of the legal access to one or more lots, and which is held in the same ownership or by tenancy-in-common in the same ownership as the lot(s) to which it provides legal access.</p>
VEHICLE CROSSING	<p>the formed and constructed vehicle entry/exit from the edge of the formed road up to and including that portion of the road boundary of any site across which vehicle entry or exit is obtained to and from the site, and includes any culvert, bridge or kerbing, and includes the access space on the site.</p>
VEHICLE ORIENTATED COMMERCIAL ACTIVITIES	<p>any service station, truck stop, coach park, supermarket, shopping centre, drive-in retail outlet, rural selling place, visitor accommodation, recreation and entertainment activity.</p>

VISITOR ACCOMMODATION	<p>means land and/or buildings used for accommodating visitors, subject to a tariff being paid, and includes any ancillary activities.</p> <p><i>Note: Freedom camping (as defined in section 5 of the Freedom Camping Act 2011) is not managed by this District Plan, and is managed through a Central Hawke's Bay District Council bylaw.</i></p>
VULNERABLE ACTIVITY (NATURAL HAZARDS / HAZARDOUS SUBSTANCES)	<p>an activity that is particularly vulnerable to exposure to significant risk from one or more identified natural hazards and/or hazardous substances. Vulnerable activities include:</p> <ul style="list-style-type: none"> (a) Visitor Accommodation (b) Marae (c) Camping Grounds (d) Day Care Facilities (e) Rest Homes (f) Retirement Villages (g) Educational Facilities (h) Emergency Service Activities (i) Hospitals.
WĀHI TAPU	<p>has the same meaning as in section 6 of the HNZPTA (as set out in the box below)</p> <div style="border: 1px solid black; padding: 5px; width: fit-content;"> <p>means a place sacred to Māori in the traditional, spiritual, religious, ritual, or mythological sense.</p> </div>
WAREHOUSE	<p>means a building used for the storage of materials, goods or articles prior to sale, disposal or distribution, but does not include a shop.</p>
WASTE	<p>any contaminant, whether liquid, solid, gaseous, or radioactive, which is discharged, emitted or deposited in the environment in such volume, constituency or manner as to cause an adverse effect on the environment, including all unwanted and economically unusable by-products at any given place and time, and any other matter which may be discharged, accidentally or otherwise, into the environment.</p>
WASTEWATER	<p>means any combination of two or more the following wastes: sewage, greywater or industrial and trade waste.</p>
WATER	<p>has the same meaning as in section 2 of the RMA (as set out in the box below)</p> <div style="border: 1px solid black; padding: 5px; width: fit-content;"> <ul style="list-style-type: none"> (a) means water in all its physical forms whether flowing or not and whether over or under the ground: (b) includes fresh water, coastal water, and geothermal water: (c) does not include water in any form while in any pipe, tank, or cistern. </div>

WETLAND	has the same meaning as in section 2 of the RMA (as set out in the box below)
	includes permanently or intermittently wet areas, shallow water, and land water margins that support a natural ecosystem of plants and animals that are adapted to wet conditions.
WETLAND (NATURAL) / NATURAL WETLAND	a habitat for indigenous plant communities and/or indigenous fauna communities (excluding exotic rush / pasture communities) characteristic of wetland ecosystem types, as defined by Johnson P & Gerbeaux P (Wetland Types in New Zealand, Department of Conservation (2004)), and which meets one of more of the Ecological Significance Determination Criteria for the Central Hawke's Bay District listed in ECO-APP1 in the District Plan.
WIND MONITORING MAST	<p>a mast for the purpose of wind resource measurement. This includes guy wires, radio telemetry equipment (for transmitting meteorological data), and meteorological instruments erected at varying heights, including:</p> <ul style="list-style-type: none"> (a) anemometers to measure the average wind speed, wind gust speeds, turbulence intensity and wind shear (b) wind vanes to measure wind direction (c) other meteorological instruments to measure temperature, air pressure, humidity and rainfall.
WINERY	an activity carried out on the same site as a fully productive vineyard, involving all buildings and plant required for the wine making process.

Appendix B – RLR – Rural Land Resource

PART 2 – DISTRICT-WIDE MATTERS

STRATEGIC DIRECTION

RLR – Rural Land Resource

Introduction

The Resource Management Act requires Council to manage the use, development and protection of natural resources, including the rural land resource, while sustaining the potential of such resources to meet the reasonably foreseeable needs of future generations and while safeguarding the life-supporting capacity of air, water, soil, and ecosystems.

Primary production (including intensive primary production), underpins the economic, social, and cultural well-being of the Central Hawke’s Bay District, and the District’s rural land resource is important for sustaining this production. Rural production and processing/manufacturing together accounts for just over half of the District’s total GDP and around half of the District’s employment (based on Stats NZ 2012 figures). Central Hawke’s Bay accounts for approximately 40% of the total pastoral and associated cropping land in the Hawke’s Bay Region¹.

Of note is the significant concentration of highly productive land in the District. Highly productive land in the Central Hawke’s Bay District covers 82,881 hectares, and comprises approximately 25% of the District’s total land area². The District’s highly productive land is centred in and around the Ruataniwha Plains and flat-to-rolling land surrounding the urban areas of Waipukurau, Waipawa and Ōtane.

Highly productive soils provide a high level of flexibility in terms of the types of crops that can be grown, and these qualities enable rapid response to changing technologies or crop types required in the future. Highly productive land in New Zealand is rare, and therefore of very high value for food and crop production. The Ministry for the Environment’s ‘Our Land 2018’ and ‘Environment Aotearoa 2019’ reports have identified that many of New Zealand’s productive areas have already been lost and that there are two key pressures facing highly productive land – being urban expansion and the accompanying loss of New Zealand’s most versatile and productive land, and an increase in rural lifestyle developments, particularly on the fringes of urban areas.

The District’s highly productive land is therefore a significant resource base for the District, and has been deemed to be of regional, if not national, significance warranting specific recognition in the District Plan for its finite characteristics and high value for primary

¹ ‘Review of Central Hawke’s Bay District District Plan, District Economic Assessment’, Economic Solutions Limited, August 2013.

² ‘Assessment on the need for a new rural zone for subdivision in the Central Hawke’s Bay District – Report for the Central Hawke’s Bay District Council’, LandVision Limited, 24 January 2018.

production purposes³. It is also experiencing increasing pressure from rural lifestyle developments and for urban expansion to cater for projected household growth. If this continues to be left unchecked, fragmentation of this resource will have a cumulative impact, including direct loss of highly productive land for primary production and reverse sensitivity implications, which could collectively compromise its productive potential.

Providing for a range and flexibility of land use activities is important for the future in adding diversity and resilience to the rural economy, thereby providing additional employment and economic opportunities to the community. However, this needs to be consciously balanced against the need to protect and retain the rural land resource, in particular the concentration of highly productive land in the District, alongside the health and availability of water.

The establishment of an overall strategy for sustainable management of the District's rural land resource therefore underpins the strategic direction of this District Plan. For this reason, the District Plan has encompassed the concentration of highly productive land of Central Hawke's Bay centred in and around the Ruataniwha and Takapau Plains and flat-to-rolling land surrounding Waipukurau, Waipawa and Ōtane, within a separate zone – the Rural Production Zone (RPROZ).

At a national level, a National Policy Statement for Highly Productive Land (NPS-HPL) is anticipated to be gazetted and is expected to take effect mid 2021, which will likely require District Plans to:

- identify highly productive land;
- maintain the availability and productive capacity of highly productive land for primary production;
- consider giving greater protection to areas of highly productive land that make a greater contribution to the economy and community; and
- manage rural subdivision to avoid fragmentation and maintain the productive capacity of highly productive land.

It is anticipated that the approach in this District Plan will go a long way towards already giving effect to the likely future requirements of the NPS-HPL.

Issues

RLR-I1 Incremental Loss of Highly Productive Land

Land fragmentation and development that leads to the incremental and irreversible loss of highly productive land for primary production.

Explanation

In New Zealand highly productive land is under pressure from a range of competing uses. In particular, highly productive land is becoming increasingly fragmented, mostly as a result of rural subdivision. Rural subdivision is where a single parcel of rural land is divided into two or

³ 'Assessment on the need for a new rural zone for subdivision in the Central Hawke's Bay District – Report for the Central Hawke's Bay District Council', LandVision Limited, 24 January 2018.

more parcels. The resulting smaller land parcels can often prevent the use of land for many types of primary production therefore affecting that particular piece of land's versatility.

There has been a history of ad hoc subdivision of small lifestyle blocks within the Central Hawke's Bay District for many years. Many of these blocks are located on highly productive and versatile land or soils. Although some lifestyle blocks do continue to be productive in terms of agricultural or horticultural product, more often than not they become un-productive and their productive potential is lost forever.

Land fragmentation can result in a loss of versatility and the productive capability of rural land, mostly through:

1. Land use change from primary production to non-primary production (lifestyle development, urban development, unrelated industrial/commercial developments etc).
2. Property values in traditional primary production areas increasing to the point that productive land uses become unprofitable.
3. Productive land uses becoming unprofitable because small lot sizes limit management options.
4. Degradation of soil ecosystem services/functions.
5. New sensitive activities establishing on rural land, with the potential to compromise or constrain the operation of existing lawfully established activities and primary production activities in the vicinity.

The District Plan therefore seeks to limit the amount of fragmentation of the District's highly productive land over time, and manage land use change and development of highly productive land to maintain the productive capacity of this scarce and valuable resource for current and future generations.

Objectives

- | | |
|---------------|--|
| RLR-O1 | The productive capacity of the District's rural land resource, particularly the District's highly productive land, is maintained. |
| RLR-O2 | The primary production role (and associated amenity) of the District's rural land resource is retained, and is protected from inappropriate subdivision, use and development. |
| RLR-O3 | The District's highly productive land is protected from further fragmentation. |
| RLR-O4 | Residential and other activities that are unrelated to primary production are directed to locations zoned for those purposes and that are not situated on highly productive land. |

Policies

- RLR-P1** To identify the highly productive land centred in and around the Ruataniwha and Takapau Plains and surrounding Waipukurau, Waipawa and Ōtane within a specific rural zone – the Rural Production Zone.
- RLR-P2** To avoid unplanned urban expansion onto the District’s highly productive land in the Rural Production Zone.
- RLR-P3** To minimise fragmentation of the District’s rural land resource through directing lifestyle subdivision to the Rural Lifestyle Zone and limiting lifestyle subdivision in the General Rural Zone and, particularly, in the Rural Production Zone.
- RLR-P4** To provide for non-primary production activities that complement the resources of the rural area, provided they do not compromise primary production, particularly in the Rural Production Zone and associated rural character and amenity in all rural zones, recognising that some non-primary production activities have an operational or functional need to locate in a rural area.
- RLR-P5** To enable primary production and related activities to operate in rural areas in accordance with accepted practices without being compromised by other activities demanding higher levels of amenity.
- RLR-P6** To recognise the value of reliable stored water resources and associated infrastructure where it provides increased water availability and security for maintaining **and enhancing** the productive capacity of the rural land resource.

Methods

Methods for implementing the policies:

RLR-M1 Area-Specific Provisions

The use of zoning to direct activities to appropriate locations:

GRUZ – General Rural Zone:

The General Rural Zone encompasses the bulk of the District's rural land. This area is suitable for a wide range of primary production activities (including intensive primary production and related post-harvest facilities) to occur, that can require exclusive areas of land and establishes the flexibility for landowners to identify opportunities to innovatively utilise the resources of the area. Controls in this Zone are tailored to provide flexibility for landowners.

RPROZ – Rural Production Zone:

The Rural Production Zone encompasses the concentration of highly productive land in and around the Ruataniwha and Takapau Plains and Waipukurau, Waipawa and Ōtāne. Standards in this Zone reflect the more intensive nature of primary production activities (including intensive primary production and related post-harvest facilities), the increased interface between different land uses and the proximity of the Zone to the urban centres, and the pressures that this places on the soil resource.

RLZ – Rural Lifestyle Zone:

This Zone provides the main opportunity for low density residential development in the District, in close proximity to the main urban areas of Waipukurau and Waipawa.

RLR-M2 Proposed National Policy Statement for Highly Productive Land (NPS-HPL)

The NPS-HPL will likely require District Plans to identify highly productive land in their District, and include provisions that maintain the availability and productive capacity of highly productive land for primary production and that manage rural subdivision to avoid fragmentation and maintain the productive capacity of highly productive land.

RLR-M3 Land Information Memorandum

When requested, people wishing to establish in the rural zones will be issued with a Land Information Memorandum advising them that they are establishing in a productive rural environment where amenity standards associated with the normal conduct of farming operations, and related activities such as established rural industry, in the Zone (that is, amenity standards that allow for fluctuating noise, odour and air quality levels resulting from accepted primary production management practices and rural industry activities) will be upheld by the Council. Provided that these activities are carried out within the provisions established by the District Plan or in accordance with a resource consent(s), the effects of the activities on amenity standards will not be considered a nuisance.

Principal Reasons

The principal reasons for adopting the policies and methods:

The traditional pastoral area of the District will continue to be an important component of the District's economy and must be safeguarded – particularly the regionally, if not nationally, significant concentration of highly productive land in and around the Ruataniwha and Takapau Plains and surrounding Waipukurau, Waipawa and Ōtāne (in line with the proposed NPS-HPL).

The subdivision of land will be primarily for the purpose of achieving a more efficient outcome for land based primary production around pastoral, cropping or forestry purposes. There may be the need to subdivide off a surplus residential building or provide for those property owners who may wish to subdivide their house from the farm and retire on the property, but these activities need a level of control. The Plan aims to prevent large numbers of small holdings in

the rural environment, particularly on the highly productive land within the Rural Production Zone.

The rural environment provides for a range of activities and farm and associated buildings that are of a scale to meet the needs of the primary production sector (including intensive primary production). There is a limit on the scale of commercial and industrial activities in the rural environment and beyond the floor area standards outlined within the zones these types of activity should be located within the appropriate zones where the effects can be suitably accommodated.

Anticipated Environmental Results

The environmental results anticipated from the policies and methods:

- | | |
|-----------------|--|
| RLR-AER1 | The safeguarding of the District's rural land resource and its life-supporting capacity for current and future generations. |
| RLR-AER2 | The area of land available for primary production purposes is not reduced by ad hoc and unplanned development. |
| RLR-AER3 | An attractive and economically sustainable rural environment that provides opportunity for a stable rural population. |
| RLR-AER4 | Activities in the rural area are predominantly primary production and related activities. |
| RLR-AER5 | Maintaining and enhancing rural character and amenity including avoiding reverse sensitivity effects. |

Appendix C - SSB – Sustainable Subdivision and Building

SSB – Sustainable Subdivision and Building

Introduction

Sustainable subdivisions and buildings are characterised by:

- significantly reduced energy consumption;
- improved resource efficiency;
- reduced environmental impacts;
- improved indoor environment;
- lower impact on local infrastructure; and
- easier to manage.

In achieving the purpose of the RMA (being, to promote the sustainable management of natural and physical resources), innovative and environmentally sensitive approaches to subdivision and building are to be promoted where the incorporation of water and energy-use efficiency, on-site management of stormwater and sustainable building design features are a significant part of avoiding or mitigating adverse effects on the environment and contributing towards managing the effects of climate change.

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 or energy consumption.

Explanation

Urban subdivision and development need to be undertaken in a way that:

1. optimises the efficient use of existing infrastructure, energy and resources;
2. maintains and enhances the quality of the urban environment, both natural and built; and
3. provides for the health and wellbeing of the District's people and communities.

Objectives

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

Policies

SSB-P1 To promote subdivision design and building development that optimises efficient resource and energy use and water conservation measures through improved subdivision and building design, including by orientation to the sun, development of houses with

smaller physical footprints, domestic on-site water storage and utilising principles of low impact urban design.

- SSB-P2** To promote use of on-site stormwater attenuation measures where appropriate, including but not limited to rainwater harvesting devices, green roofs, site landscaping, rain gardens, wetland treatment systems and low impact stormwater attenuation systems.
- SSB-P3** To promote sustainable building design, including (but not limited to):
1. use of durable low maintenance and energy efficient materials;
 2. use of inert exterior cladding (avoiding the use of materials containing copper or zinc);
 3. maximising access to sunlight (including the location of outdoor living areas) and natural ventilation; and
 4. incorporating mechanical and electrical systems that optimise energy efficiency.
- SSB-P4** To promote water recycling (grey water) and the installation of water-saving devices.
- SSB-P5** To promote the installation of solar panels on buildings.
- SSB-P6** To promote implementation of principles of sustainable building practice through provision of advice and information.

Methods

Methods for implementing the policies:

SSB-M1 Exemptions for Domestic Water Storage Tanks, Solar Panels and Solar Hot-Water Systems

Exempting 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 performance standards in any zone.

SSB-M2 Subdivision and Engineering Standards

Ensuring subdivision and engineering standards assist in promoting adoption of alternative sustainable building technologies and services, where appropriate.

SSB-M3 Council Water Strategies and Bylaws

Council's 'Sustainable Water Management Plan' and Council Bylaws to meet water efficiency and resilience outcomes.

SSB-M4 Advocacy

Advocating the adoption of environmentally sustainable building design guidelines and principles and providing advice and information to subdividers and developers

Principal Reasons

The principal reasons for adopting the policies and methods:

The Council will promote new subdivision and development to incorporate sustainable building design features, and use sustainable, low-impact building materials and construction methods to minimise potential adverse environmental effects. When assessing the environmental effects of subdivisions or developments that propose environmentally sustainable designs and water conservation and on-site water storage measures, such measures will be taken into account as reducing potential effects or having a positive effect on the environment, as part of an overall assessment.

Many matters relating to sustainable building design are addressed by the minimum standards in the Building Act 2004 (specifically the Building Code). However, where practicable, additional sustainable building design and associated methods that go beyond the minimum standards of the Building Code will be promoted and encouraged.

Anticipated Environmental Results

The environmental results anticipated from the policies and methods:

- SSB-AER1 Improved subdivision and building development and greater uptake of environmentally sustainable design.**
- SSB-AER2 More efficient use of energy and existing infrastructure.**
- SSB-AER3 Reduced adverse environmental effects.**
- SSB-AER4 A higher quality urban environment.**
- SSB-AER5 Increased use of renewable energy sources, including solar energy.**

Appendix D - NH – Natural Hazards

NH – Natural Hazards

Introduction

Communities are at risk from a variety of natural hazards. When they occur, natural hazards can result in damage to property, infrastructure and the environment. More significantly, they can adversely affect people's lives and, in extreme cases, lead to a loss of human life. Therefore, it is important to recognise these hazards and to manage activities in order to limit the exposure of people, property and infrastructure to significant risk.

Risk is a product of both the consequences and likelihood from a natural hazard. A risk-based approach to natural hazards balances allowing for people and communities to use their property and undertake activities, while ensuring that their lives or significant assets are not harmed or lost as a result of a natural hazard event.

Risk from natural hazards can arise from:

- intense rainfall events causing flooding from rivers, streams, overland flow paths and lakes;
- earthquakes and liquefaction;
- tsunami;
- slope instability, resulting in cliff collapse, rockfall or boulder roll, and mass movement;
- inundation from the sea and storm surge;
- coastal erosion;
- fire;
- volcanic activity/eruption;
- high winds, tornadoes;
- exacerbation of some of the hazards above through climate change and sea level rise; and
- multiple hazards consisting of combinations of the above.

River flooding, earthquakes, landslides, liquefaction, tsunami and coastal erosion are the primary natural hazards affecting the Central Hawke's Bay District.

In addition, climate change is expected to have long term implications, particularly for potential increase in risk to people and property from the effects of natural hazards over time. In coastal areas, climate change will result in sea-level rise, increased storm surge, coastal inundation and increased coastal erosion. For the eastern parts of the North Island, it is projected that an increased frequency of droughts is likely in existing drought-prone areas, such as Central Hawke's Bay, and a greater frequency and intensity of storms. Cyclones are also expected to be of increased frequency and intensity leading to increased wind, waves, storm surge and rainfall. Climate change is therefore likely to have significant implications for the District in terms of water shortages and ongoing water security issues and also food security, and the flow on effects of this for the primary sector and wider community. Greater

frequency and intensity of cyclones also has implications for Council infrastructure in respect of urban stormwater infrastructure capacity and downstream flood management. The management of significant risks from natural hazards is listed in section 6 of the RMA as a matter of national importance. The effects of climate change are listed in section 7 of the RMA as a matter to have particular regard to in managing the use, development and protection of resource. Furthermore, section 106 of the RMA provides that the Council can refuse a subdivision consent if there is a significant risk of natural hazard. The presence of natural hazards may lead to a requirement for site-specific technical assessments e.g. geotechnical assessments or flood modelling work, in support of a subdivision or development proposal.

Council also has obligations to address hazards under other legislation such as the Building Act 2004, the Civil Defence and Emergency Management Act 2002 and the Local Government Act 2002, and it is a member of the Hawke's Bay Civil Defence Emergency Management (CDEM) Group. In particular the provisions of the Building Act provide Council with the ability to refuse to issue a building consent in certain circumstances where a property is subject to natural hazards. As such, the Council uses the provisions in the District Plan as one tool to address natural hazard risk

Objectives

- NH-O1** **The community's awareness and understanding of natural hazard risks in the District is enhanced.**
- NH-O2** **The significant risks from natural hazards and the effects of climate change on the community are minimised.**
- NH-O3** **Any significant increase in risk to people, property, infrastructure and the environment from the effects of natural hazards should be avoided and any other increase in risk should be avoided, remedied or mitigated, reflecting the level of risk posed by the hazard.**

Policies

- NH-P1** **To promote the wide availability of natural hazard information to enable organisations and individuals to make sound decisions based on the best available information.**
- NH-P2** **To contribute to the development of up-to-date hazard information, in conjunction with the Hawke's Bay Regional Council and the Hawke's Bay CDEM Group.**
- NH-P3** **To take into consideration the latest pertinent hazard information when assessing subdivision and land use consent applications.**

- NH-P4** To require that climate change effects be built into natural hazard risk assessments, using the latest national guidance and best information available.
- NH-P5** To manage activities in areas at significant risk from natural hazards, including:
1. the erection of new buildings or structures, or alterations to existing buildings or structures;
 2. earthworks;
 3. subdivision of land; and
 4. the establishment of new vulnerable activities.
- NH-P6** To adopt and promote the best practicable options (including mitigation or the 'do nothing' option) in the management of areas of existing development actually or potentially at risk from natural hazards.
- NH-P7** To adopt and promote an avoidance approach to the establishment of new vulnerable activities and BIC 4 structures with post-disaster functions (including major hazardous facilities) located within areas at significant risk from natural hazards, where there is no functional or operational need to locate in these areas, rather than mitigation or remedial measures.
- NH-P8** To encourage activities that reduce the risk of adverse effects from natural hazards, including relocation or removal of structures within areas at significant risk from natural hazards and designing for relocatability or recoverability from hazard events.
- NH-P9** To ensure that subdivision, land use activities or other new development is located and designed so natural hazard mitigation activities **beyond the subdivision or development site** are not required.
- NH-P10** To promote the use of natural features, buffers and appropriate risk management approaches in preference to hard protection structures in mitigating natural hazard risk.
- NH-P11** To allow network utilities to establish in natural hazard areas where there is a functional or operational need to locate there, and any significant risks to people, property and the environment are avoided or mitigated.
- NH-P12** To allow public authorities exercising their statutory powers to carry out natural hazard mitigation activities.

Rule Overview Table

Use/activity	Rule Number
Natural hazard mitigation activities within a Natural Hazard area	NH-R1
Any new, or alteration to existing, buildings and structures within a Natural Hazard area	NH-R2
Any new, or intensification of, Vulnerable Activities within the Tsunami Hazard area	NH-R3

Rules

It is important to note that in addition to the provisions in this chapter, zone chapters and a number of other Part 2: District-Wide Matters chapters also contain provisions that may be relevant for activities within the hazard areas identified on the Planning Maps.

NH-R1 Natural hazard mitigation activities within a Natural Hazard area		
Fault Avoidance Area Flood Hazard Area Tsunami Hazard Area	1. Activity Status: PER Where the following conditions are met: a. The activity is carried out by or on behalf of a local authority, network utility operator or a requiring authority exercising its powers, functions and duties under the RMA, Soil Conservation and Rivers Control Act 1941, Land Drainage Act 1908, or Local Government Act 2002.	2. Activity status where compliance not achieved: DIS
NH-R2 Any new, or alteration to existing, buildings and structures within a Natural Hazard area		
Fault Avoidance Area	1. Activity Status: PER Where the following conditions are met:	2. Activity status where the building or structure is a BIC 2b or 3 category structure: RDIS

	<p>a. The building or structure is a BIC 1 or 2a category structure (refer NH-APP1 – Table of Building Importance Categories (BIC)).</p>	<p>Matters over which discretion is restricted:</p> <ul style="list-style-type: none"> a. The functional or operational need to locate the building or structure in the hazard area. b. The nature and extent of the hazard risks to people or property, and whether the building activity is likely to increase or exacerbate those risks. c. The susceptibility of the building or structure to the effects of ground shaking and displacement from earthquakes. d. The ability to mitigate the effects of the hazard, including through any one or more of the following: foundation design, site layout, geotechnical setbacks, or building or structure design.
<p>Flood Hazard Area (Zone 1)</p>	<p>4. Activity Status: PER</p> <p>Where the following conditions are met:</p> <ul style="list-style-type: none"> a. The building or structure is a BIC 1 category structure (refer NH-APP1 – Table of Building Importance Categories (BIC)). 	<p>3. Activity status where the building or structure is a BIC 4 category structure: NC</p> <p>5. Activity status where the building or structure is a BIC 2a, 2b or 3 category structure: RDIS</p> <p>Matters over which discretion is restricted:</p> <ul style="list-style-type: none"> a. The functional or operational need to locate the building or structure in the hazard area. b. The nature and extent of the hazard risks to people or property and the effectiveness of any mitigation measures.

		<ul style="list-style-type: none"> c. Cumulative effects and the potential for the activity to create, transfer or intensify hazard risks on adjoining sites, and any measures proposed to mitigate the effects of the hazard. d. The potential to relocate or remove buildings or structures to alternative locations. <p>6. Activity status where the building or structure is a BIC 4 category structure: NC</p>
<p>Flood Hazard Area (Zone 2)</p>	<p>7. Activity Status: PER</p> <p>Where the following conditions are met:</p> <ul style="list-style-type: none"> a. The building or structure is a BIC 1, 2a or 2b category structure (refer NH-APP1 – Table of Building Importance Categories (BIC)). 	<p>8. Activity status where the building or structure is a BIC 3 or 4 category structure: RDIS</p> <p>Matters over which discretion is restricted:</p> <ul style="list-style-type: none"> a. The functional or operational need to locate the building or structure in the hazard area. b. The nature and extent of the hazard risks to people or property and the effectiveness of any mitigation measures. c. Cumulative effects and the potential for the activity to create, transfer or intensify hazard risks on adjoining sites, and any measures proposed to mitigate the effects of the hazard. d. The potential to relocate or remove buildings or structures to alternative locations.

<p>Tsunami Hazard Area</p>	<p>9. Activity Status: PER</p> <p>Where the following conditions are met:</p> <p>a. The building or structure does not accommodate new, or facilitate intensification of, Vulnerable Activities.</p>	<p>10. Activity status where compliance not achieved: RDIS</p> <p>Matters over which discretion is restricted:</p> <p>a. The functional or operational need to locate the building or structure in the hazard area.</p> <p>b. The nature and extent of the hazard risks to people or property, and whether the building activity will intensify the use of the area, or the number of people that are likely to occupy the site.</p> <p>c. Whether appropriate escape paths or evacuation routes are available and readily accessible should a tsunami occur.</p>
<p>NH-R3 Any new, or intensification of, Vulnerable Activities within the Tsunami Hazard area</p>		
<p>Tsunami Hazard Area</p>	<p>1. Activity Status: RDIS</p> <p>Where the following conditions are met: N/A</p> <p>Matters over which discretion is restricted:</p> <p>a. The functional or operational need to locate the activity in the hazard area.</p> <p>b. The nature and extent of the hazard risks to people or property, and whether the activity will intensify the use of the area, or the number of people that are likely to occupy the site.</p> <p>c. Whether appropriate escape paths or evacuation routes are available and</p>	<p>2. Activity status where compliance not achieved: N/A</p>

	readily accessible should a tsunami occur.	
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Assessment Matters

For Discretionary Activities, Council’s assessment is not restricted to these matters, but it may consider them (among other factors).

NH-AM1 Availability of Alternative Sites for the Activity

1. Where there are expected to be significant adverse effects on the environment, or to a proposed activity, the availability of alternative sites which are identified as not being at risk from the effects of natural hazards, will be taken into consideration. The functional need of an activity or building to locate within a site identified as being at risk will also be considered.

NH-AM2 Mitigation

1. The extent to which mitigation measures will ensure adverse effects arising from the activity during a natural hazard occurrence are either avoided or mitigated.

NH-AM3 Financial Considerations

1. The actual and potential effects of the activity will be assessed in relation to:
 - a. The cost to the community of any upgrading that would have to be undertaken to existing hazard mitigation techniques.
 - b. Any new or further hazard mitigation techniques that would have to be undertaken in the short or long-term.

NH-AM4 Natural Hazards

1. The effects of the occurrence of the identified natural hazard and the consequences of the natural hazard on the proposed activity will need to be assessed. In making this risk assessment the following factors will need to be considered:
 - a. The extent to which public safety can be achieved. In assessing the proposal, regard will be had to methods of ensuring public safety such as early warning systems, emergency management contingency plans, escape routes and any other mitigation techniques.
 - b. Assessment of the probability, magnitude and consequences of the cumulative natural hazards that affect the proposal.
 - c. The type, scale, and distribution of any potential effects from the cumulative natural hazards that affect the proposal.
 - d. The extent to which verifiable new information from a suitably qualified professional demonstrates that any land within an area identified on the District Planning Maps or held in Central Hawke’s Bay District Council or

Hawke's Bay Regional Council databases (i.e. GIS or web-based portal) as potentially subject to a natural hazard is not under threat from the hazard concerned or that the hazard is negligible.

- e. The potential risk to life, and economic and built environment risk associated with the proposed activity.
- f. The health and safety of potential property owners and/or occupants of the building(s).
- g. The effects on the community including physical, economic, and cumulative effects.
- h. The nature and type of land-use activity proposed and its potential maximum occupancy.
- i. Whether the proposal will result in consequences to other properties or infrastructure as a result of the natural hazard occurring.

NH-AM5 Effects on Public Works and Network Utilities

1. The activity will be assessed in terms of its potential effects on public works and network utilities. Factors to be considered are the proximity of the activity to stop banks, high voltage lines, telecommunication facilities and other network utilities and public works, and the extent to which the activity may interfere with the safe and efficient operation or maintenance of those works and utilities.

NH-AM6 Effects on Other Land Uses and Adjoining Properties

1. The extent to which the activity may cause the effects of the natural hazard to affect other properties that were not previously at risk from the effects of natural hazards or increase or accelerate the effects of an existing natural hazard.

Methods

Methods, other than the above rules, for implementing the policies:

NH-M1 Planning Maps

Planning Maps identify known Flood Hazard Areas (river flood), Fault Avoidance Areas (including active faultlines and fault avoidance zones) and Tsunami Hazard Areas (near-source tsunami inundation extents). The Hawke's Bay Regional Coastal Environment Plan also maps Coastal Hazard Zones.

The hazards shown on the Planning Maps are a snapshot in time taken from the Hawke's Bay 'Hazard Portal' at the date of notification of this District Plan and represent the best information available at that time.

It is important to note that the hazard information provided is regional in scope and cannot be substituted for a site-specific investigation. A suitably qualified and experienced practitioner should be engaged if a site-specific investigation is required.

NH-M2 Other Databases

Other known natural hazards will be available online via Council's publicly accessible web-based map system (GIS), and on the Hawke's Bay 'Hazard Portal' which holds the most up-to-date information on natural hazards for the region.

These databases are continually being updated and refined as new information is gathered (including through collecting information during the resource consent or building consent process).

It is also important to note that these databases should not be regarded as a replacement for a Land Information Memorandum (LIM) or Project Information Memorandum (PIM) (see NH-M6 below).

NH-M3 Other District Plan Provisions

1. Assessment matters applying to subdivision consents in areas where there is significant risk from natural hazards (refer SUB – Subdivision). This is not restricted to the particular hazards identified on the Planning Maps and may lead to a requirement for site-specific technical assessments e.g. geotechnical assessments or flood modelling work, in support of a subdivision or development proposal.
2. Rules controlling earthworks, minerals exploration and prospecting, mining, and quarrying activities, including standards addressing slope, volume and vertical extent of earthworks, and re-instatement and re-vegetation requirements (refer EW – Earthworks).

NH-M4 Regional Plans

Rules controlling land use and buildings in identified Coastal Hazard Zones.

NH-M5 Building Act 2004

The Building Act requires Council to take into account natural hazards when processing building consents, and a building consent cannot be granted in some circumstances. Again, this is not restricted to those particular hazards identified on the District Plan Planning Maps.

Under section 131 of the Building Act 2004, the Council is required to adopt a policy on dangerous, earthquake-prone, and insanitary buildings.

Section 71 of the Building Act 2004 also requires a notice on the Title if there is a natural hazard on site and allows building authorities to refuse building consent on sites that are subject to natural hazards.

NH-M6 Land Information Memorandum (LIM) / Project Information Memorandum (PIM)

LIMs and PIMs that are issued by the Council will indicate if an area is subject to a known natural hazard, so that the property owner can take this into account when considering future development on the site, including the possible need for site-specific investigations to be conducted.

A LIM is a summary of all the information that the Council holds on a particular piece of land or building and provides information identifying any special features or characteristics of the land concerned, including potential natural hazards.

A PIM is a summary of all the information the Council holds on the land relating to a particular building consent, project, or work, and outlines other consents required to complete that project or work. A PIM is prepared by council on request in accordance with the Building Act 2004.

NH-M7 Guidelines

Guidelines that are relevant to address the effects of natural hazards, for example:

1. 'Planning for development of land on or close to active faults' (July 2003), Ministry for the Environment.
2. 'Guidelines for assessing planning policy and consent requirements for landslide prone land' (2007), GNS Science.
3. 'Planning and engineering guidance for potentially liquefaction-prone land' (September 2017), Earthquake Commission, Ministry of Business, Innovation and Employment & Ministry for the Environment.
4. 'Coastal hazards and climate change: Guidance for local government' (December 2017), Ministry for the Environment.

NH-M8 Information and Monitoring Exchange

Contributing to research and investigation carried out by Hawke's Bay Regional Council and other experts in natural hazard planning, to increase knowledge of natural hazards.

NH-M9 Community Awareness, Education & Engagement

Advising and informing the community of potential natural hazards and how to be prepared for civil defence emergencies; and in conjunction with the Hawke's Bay CDEM Group, ensuring that emergency response and recovery procedures are in place in the event of a natural disaster.

NH-M10 Hawke's Bay Civil Defence Emergency Management Group Plan

The Council is a member of the Hawke's Bay CDEM Group and will therefore refer to the CDEM Group Plan as part of its role in comprehensive emergency management across the Region.

Principal Reasons

The principal reasons for adopting the policies and methods:

To minimise loss of life, damage to assets and disruption to the community, on-going research continues to identify the extent and frequency of natural hazards and methods to mitigate risk to the community. As a member of the Hawke's Bay Civil Defence Emergency Management Group (Hawke's Bay CDEM Group), Council participates in hazard research and is in a position to collate information and advise and inform the community of new information.

Buildings and physical access to them (particularly habitable buildings, and buildings accommodating vulnerable activities such as hospitals, schools, emergency service and rest homes), earthworks, subdivision, and activities involving hazardous substances represent the greatest vulnerability to natural hazards and it is in relation to these activities that the consequences for people, property and infrastructure are highest.

The District Plan seeks to control activities located within areas identified as subject to natural hazards – to avoid activities for which the risk from natural hazards is unacceptable, and to minimise risk to acceptable levels. The Plan, however, acknowledges the need for some activities to locate in such areas, where there is a functional or operational need e.g. natural hazard mitigation activities (carried out by a network utility operator), and river control and drainage works (carried out by or on behalf of a local authority exercising its powers, functions and duties under the RMA, Soil Conservation and Rivers Control Act 1941, Land Drainage Act 1908, or Local Government Act 2002).

River flood hazards, fault lines and fault avoidance zones, and tsunami inundation zones are mapped on the District Plan Planning Maps. Coastal Hazard Zones have also been mapped by the Hawke's Bay Regional Council, and activities within these zones are controlled through the Hawke's Bay Regional Coastal Environment Plan.

The District Plan does not control building construction in areas vulnerable to natural hazards. The Building Act 2004 addresses such matters through Project Information Memoranda (PIMs), the power to refuse building consents and the construction of a building on land subject to natural hazards in certain instances, and through the Building Code. However, subdivision is controlled by the District Plan and conditions may be imposed on a subdivision consent to avoid, remedy, or mitigate any potential adverse effects from known natural hazards. Section 106 of the RMA also provides for Council to refuse subdivision consent where it is considered that there is a significant risk from natural hazards, taking into account the likelihood of the natural hazard occurring, the material damage that would result, and any likely subsequent use of the land that would accelerate, worsen or result in material damage. To this end, the SUB – Subdivision chapter of the District Plan includes further objectives, policies and assessment matters applying to subdivisions in respect of natural hazards.

Significant additional information on natural hazards for the region is held on the Hawke's Bay CDEM Group's 'Hazard Portal', including tsunami evacuation zones and tsunami inundation extents. The Hazard Portal is continually being updated and refined as new information is

gathered and is readily available to the public through the Hawke's Bay CDEM Group website.

In addition to the provisions in the District Plan and the Council's own natural hazards register, the Council will refer to the Hazard Portal in the consideration of resource consents and building consents. However, it is important to note that the precision and accuracy of natural hazards data varies, it is therefore important to seek expert advice to help interpret such information (approach Council staff in the first instance).

Anticipated Environmental Results

The environmental results anticipated from the policies and methods:

- | | |
|----------------|--|
| NH-AER1 | Where practicable, new building development is located outside of areas at significant risk from natural hazards. Where development and associated land use activities are already established within a natural hazard area, mitigation minimises risk to people and property. |
| NH-AER2 | The public are aware of natural hazards and of the appropriate action to take in avoiding, mitigating, reducing and responding to such risk. |
| NH-AER3 | Reduction in risks to people and the community from natural hazards is achieved by the avoidance of hazards where they may pose a significant risk to human life, property and infrastructure in proposed new development areas and by mitigation for existing development areas. |
| NH-AER4 | Buildings and properties remain accessible during and after natural hazard events and, in particular, those buildings of high value to the community or with special post disaster functions remain accessible and operational. |
| NH-AER5 | Collaboration with the Hawke's Bay Regional Council, neighbouring Territorial Authorities and the Hawke's Bay CDEM Group has achieved greater integration and greater consistency in hazard management approaches across the region. |

NH-APP1 – Building Importance Categories (BIC)

Note: The table below has been adapted from Table 9.1 of 'Planning for Development of Land on or Close to Active Faults', Ministry for the Environment, July 2003.

Building Importance Category (BIC)	Description	Examples
1	Structures presenting a low degree of hazard to life and other property	<ul style="list-style-type: none"> a. Farm buildings, isolated structures and towers in the Rural Zones, not otherwise identified as BIC 2, 3 or 4. b. Fences, masts, poles, walls, in-ground swimming pools. c. Other structures with a gross floor area of 30m² or less. d. Temporary buildings or structures associated with temporary military training activities. e. Network utility lines and poles that are not required as backup for BIC 4 buildings and facilities.
2a	Residential timber-framed construction	<ul style="list-style-type: none"> a. Timber-framed single-storey residential units with a gross floor area of 300m² or less.
2b	<p>Normal structures and structures not in other categories</p> <p><i>This is the default category for all structures and facilities that do not fall within BIC 1, 2a, 3 or 4.</i></p>	<ul style="list-style-type: none"> a. Timber-framed residential units with a gross floor area (i.e. footprint) of more than 300m². b. Residential units outside the scope of NZS 3604 (Timber-framed buildings). c. Multi-occupancy residential, commercial (including offices and retail) and industrial activity buildings designed to accommodate less than 5000 people and a gross floor area of 10,000m² or less. d. Community facilities with a gross floor area of 1000m² or less and not included in BIC 3 or 4. e. Car-parking buildings (but not emergency vehicle garages). f. Network utilities not included in BIC 1, 2a, 3 or 4.

Building Importance Category (BIC)	Description	Examples
3	Structures that may contain people in crowds or pose risks to people in crowds or contain contents of high value to the community	<ul style="list-style-type: none"> a. Emergency service facilities not designated as post disaster facilities and not included in BIC 4. b. Buildings where more than 300 people can congregate in one area and not included in BIC 4. c. Educational facilities (primary and secondary schools) and day care facilities with capacity greater than 250 people. d. Educational facilities (colleges and adult education facilities) with capacity greater than 500 people. e. Any building with an occupancy load greater than 5000 people or more than 10,000m² gross floor area and not included in BIC 4. f. Power generating facilities, water treatment and wastewater treatment facilities and other public utilities not included in BIC 4. g. Buildings and facilities not included in BIC 4 containing hazardous materials capable of causing hazardous conditions that do not extend beyond the property boundaries.
4	Structures with special post-disaster functions	<ul style="list-style-type: none"> a. Buildings and facilities with special post-disaster functions. b. Hospital facilities. c. Emergency service facilities such as fire stations, police stations, ambulance stations and emergency vehicle garages. d. Network utilities required as backup for BIC 4 buildings and facilities. e. Designated emergency shelters. f. Designated emergency centres and ancillary facilities, including civil defence emergency centres. g. Major hazardous facilities.

Appendix E – ECO – Ecosystems and Indigenous Biodiversity

NATURAL ENVIRONMENT VALUES

ECO – Ecosystems and Indigenous Biodiversity

Introduction

In achieving the sustainable management purpose of the RMA, the protection of areas of significant indigenous vegetation and/or significant habitats of indigenous fauna, is specifically identified as a 'matter of national importance' (section 6(c)).

The RMA also requires particular regard to be given to 'other matters', including kaitiakitanga (s7(a)), and the intrinsic values of ecosystems (s7(d)), amongst other things.

Section 31 of the RMA also requires territorial authorities to control any actual or potential effects of the use, development or protection of land for the purpose of maintaining indigenous biological diversity (s31(1)(b)(iii)).

Subdivision, use and development often results in changes to the natural environment. These changes are not always negative, nor are they always significant, however it is important that an opportunity to consider the impact of these activities on the District's remaining significant indigenous vegetation and/or areas of significant habitats of indigenous fauna is provided for in the District Plan.

At a national level, a National Policy Statement for Indigenous Biodiversity (NPS-IB) is anticipated to be gazetted and to take effect mid 2021, which is expected to require district plans to:

- undertake a district-wide assessment to identify and map areas of significant indigenous vegetation and / or significant habitats of indigenous fauna within the District; and
- take steps to ensure the protection, maintenance and restoration of indigenous biodiversity.

It is anticipated that the approach in this District Plan will go a long way towards giving effect to the likely requirements of the NPS-IB.

Issues

ECO-I1 Loss of areas of Significant Indigenous Vegetation and/or Significant Habitats of Indigenous Fauna

ECO-I2 The lack of opportunity of mana whenua to exercise kaitiakitanga in the protection of areas of Significant Indigenous Vegetation and/or Significant Habitats of Indigenous Fauna.

Loss of the District's indigenous vegetation, habitats of indigenous fauna and indigenous biodiversity from threats of modification, damage, or destruction through inappropriate subdivision, use and development.

Explanation

There is a relatively small amount of remaining indigenous cover in the plains and coastal areas of Central Hawke's Bay. These remaining habitats are now isolated and fragmented. In addition, plant, and animal pests, as well as diseases contribute to the degradation of these fragile areas. While land use changes, development and subdivision can result in adverse effects on these habitats and the native plants and animals which use them, many landowners have voluntarily protected and managed what is left. Addressing the issue of biodiversity loss and degradation therefore requires an integrated management approach that recognises existing activities and utilises a range of implementation methods.

A study of the natural values of the District shows that remaining habitats of indigenous fauna and flora comprise approximately 10% of the District's total land area. However much of the remaining forest lies in the Ruahine Forest Park and is represented by hill and country forests and habitats which are well represented and protected in the region and nationally. The plains and lowland coastal areas, however, have very little remaining original cover and habitat. While some ecosystem / vegetation types retain much of their original extent (such as the podocarp-beech types in the very steep areas of the Ruahine Ranges), other types (such as kahikatea-pukatea-tawa forest) and freshwater wetlands, have retained very little of their former extent. Some vegetation types, such as podocarp-based vegetation types, have all but disappeared from the District. Under-represented ecosystem types fall largely within nationally threatened and under-protected environment categories, and the lowland, coastal and plains parts of the District have very few natural features left and hence very low biodiversity values for indigenous fauna and flora.

Sites which were found to be significant with respect to section 6(c) of the RMA, have been mapped and shown on the Planning Maps, and recommended for inclusion in the District Plan as 'Significant Natural Areas' (SNAs). Many of the sites are found within the Ruahine Forest Park, already under protection. In the plains and along the coast, sites are generally scattered smaller fragments of remaining bush, regenerating scrub and wetlands. Habitats for nationally 'At-Risk' and 'Threatened' fauna and flora are also located within and alongside much of the shingle braided river corridors as well as coastal cliffs and estuary / river mouth areas of the District. While these latter habitats often comprise exotic trees and shrubs, and even weeds, with little native plant cover, they provide the only habitat left for many native animals and plants, including rare and threatened species. They are also critical in maintaining ecological corridors between the coast, existing native fragments across the plains and the extensive forested and protected habitats for the Ruahine Ranges, as well as providing breeding, roosting and spawning habitat.

Only a small percentage of significant sites in the plains and coastal areas have some form of legal protection, such as Stewardship Areas, Queen Elizabeth II National Trust (QEII) private land covenants, and Ngā Whenua Rāhui kawenata (covenants). Central Hawke's Bay District Council acknowledges the important stewardship role of landowners in protecting and managing these remaining sites. The study of the District's natural values also identified that there are many sites outside those legally protected natural remnants which have value, that have been assessed as SNAs. Landowners often informally protect and manage these SNAs to enhance their biodiversity values as well.

The Hawke's Bay Regional Policy Statement identifies that water and its relationship with land is a significant issue for the Region, as is the scarcity of indigenous vegetation, natural wetlands,

Appendix E - Amendments from Topic 2

and habitats of indigenous fauna as a result of vegetation modification or clearance. Lake Whatuma, Porangahau River and Estuary, the Ruataniwha Aquifer and Waipawa River have been identified as outstanding water bodies, with Lake Whatuma identified as a regionally significant indigenous wetland.

As part of addressing these issues, Hawke's Bay Regional Council have led development of a Regional Biodiversity Strategy to improve habitats and support native species in the Region. Central Hawke's Bay District Council is a signatory and 'accountable partner' to the Hawke's Bay Biodiversity Accord and is therefore a key regional partner in encouraging and enabling improvement in the Region's biodiversity.

Council recognises there is a need to balance protecting and enhancing the District's indigenous biodiversity while allowing for rural landowners to farm their land effectively and efficiently. Except where very high conservation values exist, a wide range of activities can be accommodated, with appropriate standards to ensure adverse effects of these activities are avoided, remedied, or mitigated.

Council also has responsibilities in relation to the control of activities on the surface of inland waters where effects can cause loss of water quality and impacts on ecological systems and habitats.

Objectives

- ECO-01** **Protect the District's areas of significant indigenous vegetation and/or significant habitats of indigenous fauna, particularly those within wetlands, braided rivers, and coastal margins, from activities that may adversely affect them.**
- ECO-02** **Maintain, and where appropriate promote restoration of, indigenous biodiversity within Central Hawke's Bay District.**
- ECO-03** **The relationship of tangata whenua and their traditions and culture with indigenous vegetation and fauna are recognised and provided for.**

Policies

- ECO-P1** **To identify Significant Natural Areas (being areas of significant indigenous vegetation and/or significant habitats of indigenous fauna) in the District where they meet one or more of the criteria below and describe these areas in ECO-SCHED5 and show their location on the Planning Maps (except for areas that meet Criterion 1, where at least one of Criterion 2-7 must also be met).**

<i>Ecological Significance Determination Criteria for the Central Hawke's Bay District</i>
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CRITERION 1 <u>Protection Status:</u>
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It is indigenous vegetation or habitat for indigenous fauna that is currently, or is recommended to be, set aside by Government statute or covenant, or by the Nature Heritage Fund, or Ngā Whenua Rāhui committees, or the Queen Elizabeth the Second National Trust Board of Directors as an
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Appendix E - Amendments from Topic 2

<p>Open Space Covenant, specifically for the protection of biodiversity, and meets at least one of criteria 2-7.</p>
<p>CRITERION 2 Representativeness:</p> <ul style="list-style-type: none"> • It is vegetation or habitat of indigenous fauna that is highly typical or characteristic of the indigenous biodiversity in the Hawkes Bay Region, or an Ecological District within the Central Hawkes Bay District, or nationally. <p>OR</p> <ul style="list-style-type: none"> • It is habitat that forms part of an indigenous ecological sequence, or is an exceptional, representative example of its type at a national level. <p>OR</p> <ul style="list-style-type: none"> • It is habitat that supports a typical suite of indigenous fauna and flora and that is characteristic of the habitat type in an Ecological District within the Central Hawkes Bay District.
<p>CRITERION 3 Diversity and Pattern:</p> <p>It is an area of indigenous vegetation or habitat of high diversity (for its type) that contains ecotones, gradients, or sequences.</p>
<p>CRITERION 4 Rarity – Species:</p> <p>It is vegetation or habitat (including exotic vegetation or braided riverbed for highly mobile fauna species), that is currently regularly utilised habitat for indigenous flora or fauna species or associations of indigenous flora and fauna species that are:</p> <ul style="list-style-type: none"> • classed as Nationally Threatened or At Risk by the New Zealand Threat Classification System, or • endemic or uncommon to the Hawke's Bay Region, or • at the limit of their natural range.
<p>CRITERION 5 Rarity - Ecosystems:</p> <p>It is indigenous vegetation or habitat that is, and prior to human settlement was, nationally uncommon.</p>
<p>CRITERION 6 Distinctiveness:</p> <ul style="list-style-type: none"> • It is indigenous vegetation or habitat on an ecosystem type that is under-represented (30% or less of its known or likely original extent remaining) in an Ecological District, or Ecological Region, or nationally. <p>OR</p> <ul style="list-style-type: none"> • It is wetland, sand dune, braided river or estuarine habitats, or a distinctive assemblage or community of indigenous species habitat for indigenous plant communities and/or indigenous fauna communities (excluding exotic rush/pasture communities) that has <i>not</i> been created and subsequently maintained for or in connection with: <ul style="list-style-type: none"> ○ waste treatment; ○ wastewater renovation; ○ hydroelectric power lakes; ○ water storage for irrigation; or ○ water supply storage, including stock water storage and fire ponds.
<p>CRITERION 7 Ecological Context:</p> <p>It is an area of indigenous vegetation or naturally occurring habitat that:</p> <ul style="list-style-type: none"> • is moderate to large, well buffered, or is a compact shape, in the context of the Ecological District it is found in, and which contains all or almost all indigenous species typical of that habitat type. <p>OR</p> <ul style="list-style-type: none"> • is critical to the self-sustainability of an indigenous flora or fauna species within a catchment of the Hawke's Bay Region. In this context "critical" means essential for a specific component of the life cycle and includes breeding and spawning grounds, juvenile nursery areas, important feeding areas and migratory and dispersal pathways of an indigenous species. This includes areas that maintain connectivity between habitats. <p>OR</p> <ul style="list-style-type: none"> • is a site that provides a full or partial buffer to, or link between, other important habitats or significant natural area(s) and/or is important for the natural functioning of a freshwater or coastal/estuarine system.
<p><i>Refer District Plan ECO-APP1 for Quantifying Thresholds and Attribute Assessment Guidance.</i></p>

ECO-P2

To protect areas of significant indigenous vegetation and/or significant habitats of indigenous fauna from the adverse effects of landuse and

development, including earthworks and vegetation clearance, whilst providing for limited trimming and clearance where it is necessary for the economic, social and/or cultural wellbeing of people or their health and safety.

- ECO-P3 To avoid adverse effects of activities on areas of significant indigenous vegetation and/or significant habitats of indigenous fauna in the coastal environment; and avoid significant adverse effects and remedy or mitigate other adverse effects of activities on the indigenous biological values of other areas and habitats in the coastal environment.
- ECO-P4 To avoid, remedy or mitigate adverse effects, including cumulative adverse effects of subdivision, use and development that would result in a loss of indigenous biodiversity values from:
1. **Clearance, modification, damage or destruction of large areas of intact significant indigenous vegetation and/or significant habitats of indigenous fauna;**
 2. Clearance of indigenous vegetation in and on the margins of Lake Whātuma, other natural wetlands, and rivers;
 3. Subdivision of land and location of buildings and works in close proximity to areas of significant indigenous vegetation and/or significant habitats of indigenous fauna; or
 4. Increased exposure to invasive introduced plant and animal species that pose a threat to indigenous biodiversity.
- ECO-P5 To give effect to the Principles for Biodiversity Offsets in ECO-APP2 of this Plan where biodiversity offsets are proposed as part of resource consent applications.
- ECO-P6 To encourage the restoration and creation of ecological linkages between coastal habitats, river and stream margins and inland habitats as the opportunity arises and where it enhances the Districts indigenous biodiversity.
- ECO-P7 To recognise landowners' stewardship and current management practices (including weed management and pest control) associated with protecting and maintaining areas of significant indigenous vegetation and/or significant habitats of indigenous fauna.
- ECO-P8 To assist landowners with the establishment of protective covenants, education, and other non-regulatory methods and incentives to protect and maintain areas of significant indigenous vegetation and/or significant habitats of indigenous fauna
- ECO-P9 To ensure that new nationally significant infrastructure is not located in areas of significant indigenous vegetation and/or significant habitats of indigenous fauna unless:

1. There is a functional or operational need for the infrastructure to be in that particular location; and
2. The route/site selection process has identified no practicable alternative locations.

Where it is necessary to locate in these areas and where, despite the adoption of the best practicable option, there remain residual adverse effects, biodiversity offsetting measures should be proposed for the purpose of ensuring positive effects on the environment sufficient to offset any residual adverse effects of activities on indigenous biodiversity that will or may result from allowing the activity.

ECO-P10 To enable the use and development of Māori land containing areas of significant indigenous vegetation and/or significant habitats of indigenous fauna, that supports the social, cultural and economic wellbeing of tangata whenua, and takes into account the significant values of the vegetation or fauna habitat.

ECO-P11 To exempt from regulatory controls under the District Plan for Significant Natural Areas, activities carried out in accordance with a registered covenant under either the Reserves Act 1977, Conservation Act 1987 (including Ngā Whenua Rāhui Kawenata created under the Reserves Act 1977 or Conservation Act 1987) or Queen Elizabeth the Second National Trust Act 1977, or are managed under a Reserve Management Plan approved under the Reserves Act 1977.

Rule Overview Table

Use/activity	Rule Number
Trimming or clearance of indigenous vegetation within any of the following (excluding where it forms part of any areas identified as a Significant Natural Area or any natural wetland identified as a Significant Natural Area in ECO-SCHED5): <ol style="list-style-type: none"> 1. Areas of domestic or ornamental landscape planting; or 2. Planted shelter belts; or 3. Plantation forestry undergrowth; or 4. Planted indigenous forestry. 	ECO-R1
Specified trimming or clearance of indigenous vegetation not provided for by ECO-R1 (excluding where it forms part of any natural wetland identified as a Significant Natural Area in ECO-SCHED5)	ECO-R1A
Trimming or clearance of indigenous vegetation that has naturally re-grown on land that was cleared within the previous 15 years not provided for by ECO-R1 or ECO-R1A (excluding where it	ECO-R2

forms part of any natural wetland identified as a Significant Natural Area in ECO-SCHED5)	
Trimming or clearance of indigenous vegetation inside any area identified as a Significant Natural Area in ECO-SCHED5 not provided for by by ECO-R1A or ECO-R2 (excluding natural wetlands)	ECO-R3
Trimming or clearance of indigenous vegetation outside any area identified as a Significant Natural Area in ECO-SCHED5 not provided for by ECO-R1, ECO-R1A or ECO-R2	ECO-R4
Trimming or clearance of indigenous vegetation which forms part of any natural wetland identified as a Significant Natural Area in ECO-SCHED5	ECO-R6

Rules

It is important to note that in addition to the provisions in this chapter, zone chapters and a number of other Part 2: District-Wide Matters chapters also contain provisions that may be relevant for activities involving the trimming or clearance of significant indigenous vegetation and/or significant habitats of indigenous fauna.

Note 1: Plantation Forestry Activities - In the case of conflict with any rule in this Chapter, the provisions of the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017, (NES-PF) particularly regulations 93 and 94, apply instead of the rule.

For the avoidance of doubt, the NES-PF does not apply to the following activities, and they are therefore subject to the rules of this chapter:

- *Vegetation clearance of indigenous vegetation that occurs before afforestation (see Reg 5 (3));*
- *Vegetation clearance of indigenous vegetation within a significant natural area, except that clearance of a forestry track described in Reg 93(2)(d) NES-PF, or incidental damage described in Reg 93(5), are covered by the NES-PF under Reg 93 or 94.*

Note 2: These rules do not replace regional rules which control vegetation clearance and soil disturbance to address the loss and degradation of soil. These rules must be complied with prior to the activity proceeding.

ECO-R1 Trimming or clearance of indigenous vegetation within any of the following (excluding where it forms part **of any areas identified as a Significant Natural Area or any natural wetland identified as a Significant Natural Area in ECO-SCHED5):**

- **Areas of domestic or ornamental landscape planting; or**
- **Planted shelter belts; or**

<ul style="list-style-type: none"> - Plantation forestry undergrowth; or - Planted indigenous forestry. 		
<p>All Indigenous Vegetation Species</p>	<p>1. Activity Status: PER</p> <p>Where the following conditions are met: N/A</p>	<p>2. Activity status where compliance not achieved: N/A</p>
<p>ECO-R1A Specified trimming or clearance of indigenous vegetation <u>not provided for by ECO-R1</u> (excluding where it forms part of any natural wetland identified as a Significant Natural Area in ECO-SCHED5)</p>		
<p>All Indigenous Vegetation Species</p>	<p>1. Activity Status: PER</p> <p>Where the following conditions are met:</p> <p>a. Limited to trimming or clearance that is required for any of the following purposes:</p> <ul style="list-style-type: none"> i. required to achieve compliance with the requirements of the Electricity (Hazards from Trees) Regulations 2003; or ii. required to remove deadwood, wind-thrown trees, or chronically diseased indigenous vegetation, where an arborist who has attained the New Zealand Qualifications Authority National Certificate in Arboriculture Level 4 or equivalent qualification has certified in writing that the indigenous vegetation is no longer independently viable or poses a risk; or iii. carried out in accordance with a registered protective covenant under the Reserves Act 1977, Conservation Act 1987 or Queen Elizabeth the Second National Trust Act 1977; or a Reserve Management Plan approved under the Reserves Act 1977 (including Ngā Whenua Rāhui Kawenata [covenants] created under either s77A Reserves Act 1977 or s27A Conservation Act 1987); or iv. required for pest control undertaken by or in conjunction with the Department of Conservation, Hawke’s Bay Regional Council or 	<p>2. Activity status where compliance not achieved: ECO-R2 to ECO-R4 apply</p>

	<p>Central Hawke's Bay District Council, or by landowners and personnel working with these organisations for this purpose; or removal of material infected by an unwanted organism under the Biosecurity Act 1993; or</p> <ul style="list-style-type: none">v. necessary to avoid an imminent threat to the safety of persons or of damage to lawfully established buildings or structures; orvi. necessary to provide for the ongoing safe and efficient operation, and maintenance of existing telecommunication, radio communication and other network utilities, but excluding their expansion, where carried out by the respective network utility operator; orvii. necessary to provide for the maintenance and safe and efficient operation of existing tracks, stock crossing and bridges, drains, firebreaks, formed public roads, private accesses, driveways, right of ways and walkways; orviii. necessary to maintain buildings, provided that the trimming or clearance of vegetation is limited to within 3 metres of a wall or roof of a building; orix. required to construct new fences (including post holes) to exclude stock and/or pests from the area of indigenous vegetation, or to maintain existing fences, provided that the trimming or clearance does not exceed 2 metres in width either side of the fence line; orx. for use by tangata whenua for cultural purposes (e.g. for Rongoā, Waka, traditional buildings and marae-based activities) and does not result in the removal of more than 25m³ of timber per site per 10-year period.	
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	<p><i>Note (1): The Council recommends that trimming or clearance of indigenous vegetation is carried out by an arborist who has attained the New Zealand Qualifications Authority National Certificate in Arboriculture Level 4 or equivalent qualification.</i></p> <p><i>Note (2): Any trimming or clearance work within the vicinity of a network utility should be undertaken by a network utility approved arborist.</i></p>	
<p>ECO-R2 Trimming or clearance of indigenous vegetation <u>not provided for by ECO-R1 or ECO-R1A</u> that has naturally re-grown on land that was cleared within the previous 15 years (excluding where it forms part of any natural wetland identified as a Significant Natural Area in ECO-SCHED5)</p>		
<p>Manuka and Kanuka Species Only <u>(outside the Coastal Environment)</u></p>	<p>1. Activity Status: PER</p> <p>Where the following conditions are met:</p> <p>a. Limited to:</p> <p>i. trees no more than 30cm in diameter measured at 1.4m from the highest point of ground level at the base of the tree.</p> <p><i>Note: If the requirements of this rule are complied with then there is no limit on the area of vegetation that can be trimmed or cleared.</i></p>	<p>2. Activity status where compliance not achieved: RDIS</p> <p>Matters over which discretion is restricted:</p> <p>a. ECO-AM1.</p>
<p><u>Manuka and Kanuka Species Only (inside the Coastal Environment)</u></p>	<p><u>1A. Activity Status: PER</u></p> <p><u>Where the following conditions are met:</u></p> <p><u>b. Limited to:</u></p> <p><u>ii. trees no more than 1530cm in diameter measured at 1.4m from the highest point of ground level at the base of the tree.</u></p> <p><u>Note: If the requirements of this rule are complied with then there is no limit on the area of vegetation that can be trimmed or cleared.</u></p>	<p><u>2A. Activity status where compliance not achieved: RDIS</u></p> <p><u>Matters over which discretion is restricted:</u></p> <p><u>ECO-AM1.</u></p>
<p>All Other Indigenous Vegetation Species <u>(outside the Coastal Environment)</u></p>	<p>3. Activity Status: PER</p> <p>Where the following conditions are met:</p> <p>a. Limited to:</p> <p>i. trees no more than 30cm in diameter measured at 1.4m from the</p>	<p>4. Activity status where compliance not achieved: ECO-R3 to ECO-R6 apply</p>

	<p>highest point of ground level at the base of the tree.</p> <p><i>Note: If the requirements of this rule are complied with then there is no limit on the area of vegetation that can be trimmed or cleared.</i></p>	
<p>All Other Indigenous Vegetation Species (inside the Coastal Environment)</p>	<p>3A. Activity Status: PER</p> <p>Where the following conditions are met:</p> <p>b. Limited to:</p> <p>ii. trees no more than 1530cm in diameter measured at 1.4m from the highest point of ground level at the base of the tree.</p> <p><i>Note: If the requirements of this rule are complied with then there is no limit on the area of vegetation that can be trimmed or cleared.</i></p>	<p>4A. Activity status where compliance not achieved: ECO-R3 to ECO-R6 apply</p>
<p>ECO-R3 Trimming or clearance of indigenous vegetation not provided for by ECO-R1A or ECO-R2 inside any areas identified as a Significant Natural Area in ECO-SCHED5 (excluding natural wetlands)</p>		
<p>All Indigenous Vegetation Species</p>	<p>1. Activity Status: PER</p> <p>Where the following conditions are met:</p> <p>a. Limited to (whichever is the lesser):</p> <p>i. clearance of no more than 500m² of indigenous vegetation inside any Significant Natural Area identified in ECO-SCHED5 from 28 May 2021;</p> <p>or</p> <p>ii. clearance of no more than 1% of the area of a Significant Natural Area identified in ECO-SCHED5.</p>	<p>2. Activity status where compliance not achieved: DIS</p>
<p>ECO-R4 Trimming or clearance of indigenous vegetation not provided for by ECO-R1, ECO-R1A or ECO-R2 outside any area identified as a Significant Natural Area in ECO-SCHED5</p>		
<p>Manuka and Kanuka Species Only (outside the Coastal Environment)</p>	<p>1. Activity Status: PER</p> <p>Where the following conditions are met:</p> <p>a. Limited to:</p> <p>i. clearance of no more than 0.5 hectare per site per calendar year.</p> <p>ii. Trees to be cleared must have:</p> <p>a. an average diameter measured 1.4m from the</p>	<p>2. Activity status where compliance not achieved: RDIS</p> <p>Matters over which discretion is restricted:</p> <p>a. ECO-AM1.</p>

	<p>highest point of ground level at the base of the tree, of no more than 15cm; and</p> <p>b. an average canopy height of less than 6 metres.</p>	
<p><u>Manuka and Kanuka Species Only (within the Coastal Environment)</u></p>	<p><u>1A. Activity Status: PER</u></p> <p><u>Where the following conditions are met:</u></p> <p>a. <u>Limited to:</u></p> <p>i. <u>clearance of no more than 0.5 hectare per site within the 10 year period from 28 May 2021.</u></p> <p>ii. <u>Trees to be cleared must have:</u></p> <p>a. <u>an average diameter measured 1.4m from the highest point of ground level at the base of the tree, of no more than 15cm; and</u></p> <p>b. <u>an average canopy height of less than 6 metres.</u></p>	<p><u>2A. Activity status where compliance not achieved: RDIS</u></p> <p><u>Matters over which discretion is restricted:</u></p> <p>a. <u>ECO-AM1.</u></p>
<p><u>All Other Indigenous Vegetation Species (outside the Coastal Environment)</u></p>	<p><u>3. Activity Status: PER</u></p> <p><u>Where the following conditions are met:</u></p> <p>a. <u>Limited to:</u></p> <p>i. <u>clearance of no more than 0.5 hectare per site per calendar year.</u></p> <p>ii. <u>Trees to be cleared must have:</u></p> <p>a. <u>an average diameter measured 1.4m from the highest point of ground level at the base of the tree, of no more than 15cm; and</u></p> <p>b. <u>an average canopy height of less than 6 metres.</u></p>	<p><u>4. Activity status where compliance not achieved: DIS</u></p>
<p><u>All Other Indigenous Vegetation Species (within the Coastal Environment)</u></p>	<p><u>3A. Activity Status: PER</u></p> <p><u>Where the following conditions are met:</u></p> <p>a. <u>Limited to:</u></p> <p>i. <u>clearance of no more than 0.5 hectare within the 10 year period from 28 May 2021.</u></p> <p>ii. <u>Trees to be cleared must have:</u></p> <p>a. <u>an average diameter measured 1.4m from the highest point of ground level at the base of the tree, of no more than 15cm; and</u></p>	<p><u>4A. Activity status where compliance not achieved: DIS</u></p>

	<p>b. <u>an average canopy height of less than 6 metres.</u></p>	
<p>ECO-R6 Trimming or clearance of indigenous vegetation which forms part of any natural wetland identified as a Significant Natural Area in ECO-SCHED5</p>		
<p>All Indigenous Vegetation Species</p>	<p>1. Activity Status: NC</p> <p>Where the following conditions are met: N/A</p> <p><u>Note: This rule does not apply where the trimming or clearance is expressly regulated through a separate planning instrument as follows:</u></p> <p>(a) Wetland restoration work managed by the Department of Conservation, Hawke's Bay Regional Council or Central Hawke's Bay District Council is regulated by the Regional Resource Management Plan and the NES Freshwater 2020 and therefore exempt from this rule.</p> <p>(b) This rule does not apply to <u>Vegetation clearance associated with construction of, and ongoing safe and efficient operation, maintenance and upgrading of a network utility, but is subject to regulated by the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 (NESETA) (refer Regulations 30, 31 and 32), and / or Resource Management (National Environmental Standards for Freshwater) Regulations, 2020 (NES-FM), (refer Regulations 46 & 47)</u></p> <p>(c) <u>trimming or clearance of vegetation that requires consent under the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 is regulated by that instrument.</u></p>	<p>2. Activity status where compliance not achieved: N/A</p>

Assessment Matters

For Discretionary Activities, Council's assessment is not restricted to these matters, but it may consider them (among other factors).

ECO-AM1 Removal of Manuka or Kanuka

1. The significance of the affected indigenous vegetation or habitat of indigenous fauna in terms of ecological, intrinsic, cultural or amenity values.
2. The extent to which an area of affected indigenous vegetation or habitat of indigenous fauna and its inter-relationship with other habitats or areas of indigenous vegetation represents or exemplifies the components of the natural diversity of a larger reference area. For example, the representation of the current natural diversity of an ecological district, or representation of the original natural landscape.
3. The sustainability of the habitat or area of vegetation proposed to be modified or damaged or of any adjoining habitat of vegetation to an area proposed to be affected.
4. The degree to which the vegetation or habitat is threatened or is uncommon in the ecological district within which it is located.
5. Whether any affected area contains a vegetation type or species of flora or fauna that is regionally rare or threatened.
6. Whether the area is adjacent to an SNA or part of an ecological corridor for threatened or at risk species and the impact that the clearance may have on these areas.
7. Location and dimensions of areas to be cleared and vegetation type.
8. Effects on archaeological, cultural, or historic sites.
9. Effects on waterbodies and riparian margins.
10. Clearance methods.
11. Where biodiversity off-setting is proposed, the application of the principles contained in ECO-APP2 will be considered.
12. Effects on areas of high natural character identified in CE-SCHED7, or on outstanding natural landscape or feature, or significant amenity feature identified in NFL-SCHED6.
13. Whether the indigenous vegetation or habitat is on Māori land proposed for development, and the effects of that development on the indigenous vegetation or habitat.
14. The degree to which the trimming or removal of affected vegetation will provide for the health and safety of people, property, and the environment through the management of fire risk.

Note: Any significance assessment must be carried out by a suitably qualified ecologist or forester (i.e. B.For.Sc, BSc, B.App.Sc or relevant postgraduate qualification).

ECO-AM2 Trimming and Clearance of Indigenous Vegetation

1. The significance of the affected indigenous vegetation or habitat of indigenous fauna in terms of ecological, intrinsic, cultural or amenity values.
2. The extent to which an area of affected indigenous vegetation or habitat of indigenous fauna and its inter-relationship with other habitats or areas of indigenous

vegetation represents or exemplifies the components of the natural diversity of a larger reference area. For example, the representation of the current natural diversity of an ecological district, or representation of the original natural landscape.

3. The sustainability of the habitat or area of vegetation proposed to be modified or damaged or of any adjoining habitat of vegetation to an area proposed to be affected.
4. The degree to which the vegetation or habitat is threatened or is uncommon in the ecological district in which it is located.
5. Whether any affected area contains a vegetation type of species of flora or fauna that is regionally rare or threatened.
6. Location and dimensions of areas to be cleared and vegetation type.
7. Effects on archaeological, cultural or historic sites.
8. Effects on waterbodies and riparian margins.
9. Clearance methods.
10. Where biodiversity off-setting is proposed, the application of the principles in ECO-APP2 will be considered.
11. Effects on areas of high natural character identified in CE-SCHED7, or on outstanding natural landscape or feature, or significant amenity feature identified in NFL-SCHED6.
12. Whether the indigenous vegetation or habitat is on Māori land proposed for development, and the effects of that development on the indigenous vegetation or habitat.
13. The degree to which the trimming or removal of affected vegetation will provide for the health and safety of people, property, and the environment through the management of fire risk.

Note: Any significance assessment must be carried out by a suitably qualified ecologist or forester (i.e. B.For.Sc, BSc, B.App.Sc or relevant postgraduate qualification).

Methods

Methods, other than the above rules, for implementing the policies:

ECO-M1 Identification and Mapping of Significant Natural Areas

Identifying Significant Natural Areas in ECO-SCHED5 in the District Plan and showing them on the relevant Planning Maps.

ECO-M2 Other Provisions in the District Plan

Implementation of objectives and policies of the relevant zones and district-wide activities in the District Plan, including those set out in the following sections of the District Plan:

1. TW – Ngā Tangata Whenua o Tamatea
2. SASM – Sites and Areas of Significance to Māori
3. NFL – Natural Landscapes and Features
4. SUB – Subdivision
5. CE – Coastal Environment
6. EW – Earthworks – rules limit the amount of earthworks in areas of significant indigenous vegetation and/or significant habitats of indigenous fauna

ECO-M3 Biodiversity Offsetting

Applying nationally accepted best practice principles for biodiversity offsetting where biodiversity offsetting **or compensation** is proposed, to achieve 'no net loss' or a 'net gain' of indigenous biodiversity where adverse effects cannot be avoided, remedied, or mitigated. This includes reference to '*Guidance of Good Practice Biodiversity Offsetting in New Zealand*', (Department of Conservation, (2014))' and '*Biodiversity Offsetting Under the Resource Management Act, A Guidance Document*' (Maseyk, Ussher, Kessels, Christenson and Brown, (2018)), and the principles outlined in ECO-APP2.

ECO-M4 Promotion of Ecological Corridors / Networks

Promoting the protection and maintenance of areas of significant indigenous vegetation and/or significant habitats of indigenous fauna, particularly those that contribute to achieving an ecological corridor or network, through for example:

1. taking esplanade reserves or esplanade strips on subdivision as the opportunity arises;
2. providing for additional development rights through the subdivision of Conservation Lots where sites in ECO-SCHED5 or other areas of significant indigenous vegetation and/or significant habitats of indigenous fauna (including wetlands) are protected in perpetuity; and
3. providing partial rates relief or other financial assistance for landowners.

ECO-M5 Advocacy, Education and Information Sharing

1. Promoting education, advocacy and information sharing to raise community awareness of the attributes and values of the District's areas of significant indigenous vegetation and/or significant habitats of indigenous fauna, and the need to have regard to these values when considering applications for subdivision use and development activities.
2. Encouraging, guiding and assisting landowners in the voluntary protection of natural areas, including making the community more aware of the opportunities provided by the Queen Elizabeth II National Trust Act 1977 and Reserves Act 1977 (e.g. Ngā Whenua Rāhui kawenata), particularly landowners of areas identified in ECO-SCHED5 of the District Plan; and through consideration of other mechanisms such as a rates rebates in accordance with the provisions of the Local Government Act 1974.

ECO-M6 Hawke's Bay Biodiversity Accord

Council's role in the Hawke's Bay Biodiversity Accord. This will be a key method for enhancing biodiversity in the District and will include maintaining, developing, and enhancing partnerships with landowners who have large and significant ecological areas, Landcare and other community groups and non-governmental organisations', tangata whenua, Hawke's Bay Regional Council, Department of Conservation and other agencies and stakeholders to provide focused and efficient assistance to worthy protection and enhancement projects.

Principal Reasons

The principal reasons for adopting the policies and methods:

Appendix E - Amendments from Topic 2

Key threats to areas of significant indigenous vegetation and/or significant habitats of indigenous fauna include inappropriate subdivision, use and development, intensification in land use practices, as well as animal and plant pests and diseases. Control and management of these activities, via rules for earthworks and vegetation clearance, in areas of significant indigenous vegetation and/or significant habitats of indigenous fauna, is therefore appropriate.

There is considerable ecological benefit in restoring and linking SNAs where they can contribute to restoring the biodiversity values of a site, achieving an ecological corridor or network, or controlling animal and plant pests. Methods to encourage and assist ecological management, restoration and protection measures by landowners is therefore appropriate.

Council recognises that many landowners are already being proactive in the protection of areas of significant indigenous habitat including SNAs, and seeks to continue working together with the community, to encourage protection of sites on private land through consideration of other mechanisms such as QEII covenants and rates rebates in accordance with the provisions of the Local Government Act 1974.

Council, through its commitment to the Hawkes's Bay Biodiversity Accord will also continue to work with community groups and other organisations to raise awareness about the importance of protecting and enhancing the District's biodiversity and remaining threatened indigenous habitats and fauna.

Anticipated Environmental Results

The environmental results anticipated from the policies and methods:

- | | |
|-----------------|--|
| ECO-AER1 | Increasing the biodiversity values of the District by increasing the protection and ecological management of SNAs and other natural areas. |
| ECO-AER2 | Improved integrated management of the District's significant areas of indigenous vegetation and/or significant habitats of indigenous fauna and biodiversity within Central Hawke's Bay District. |
| ECO-AER3 | Improved landowner and public understanding of the protecting biodiversity values in Central Hawke's Bay. |
| ECO-AER4 | Increase in the number of registered sites of QE II Covenants to protect areas of significant indigenous vegetation and/or significant habitats of indigenous fauna in perpetuity. |
| ECO-AER6 | Maintenance of the natural amenity and intrinsic values of waterbodies. |

Appendix F - NFL – Natural Features and Landscapes

NFL – Natural Features and Landscapes

Introduction

Central Hawke's Bay District comprises diverse terrain and varied landscapes extending from the Ruahine Range and foothills in the west, through to the rolling hills and plains formed by the Waipawa, Tukituki, and Makaretu Rivers, and the geologically young coastal ranges and vast sandy beaches of the coastal margin, in the east. Together these provide a distinct natural identity and amenity unique to Central Hawke's Bay District that is valued by the community.

In achieving the sustainable management purpose of the RMA, the protection of outstanding natural features and landscapes is specifically identified as a 'matter of national importance' (section 6(b)).

One outstanding natural landscape (ONL), being the Ruahine Range, and the following outstanding natural features (ONF) have been identified within Central Hawke's Bay District:

- W(h)akarara Range
- Mangamauku Stream and Upokororo Stream
- Mangaoho Stream (and tributaries)
- Mākāroro Gorge
- Northern end of Nga Kaihinaki-a-Whata and Te Whata Kokako
- Silver Range
- Kairakau Coastline
- Pourērere, Aramoana and Blackhead Coastline
- Parimahu
- Porangahau Foredune and Estuary
- Whangaehu Coastal Cliffs

The RMA also requires particular regard to be given to 'other matters', including maintenance and enhancement of amenity values (section 7(c)) amongst other things. The following Significant Amenity Features (SAF) have been identified within Central Hawke's Bay District:

- Mākāroro River
- Mangataura Stream
- Waipawa River – Upper
- Tukituki River – Upper
- Tukipo River
- Tangarewai Stream
- Mangatewai RiverMakāretu River
- Te Aute Limestone Crest
- Lake Whatuma
- Pōrangahau Inland Dunes

Subdivision, use and development often results in changes to the natural environment. These changes are not always negative, nor are they always significant. However, certain natural features and landscapes can be more sensitive to the effects of development than others. Many of these features and landscapes are also of special spiritual, historical or cultural significance to tangata whenua, hence District Plan provisions relating to tangata whenua values must also be

taken into account (refer TW – Tangata Whenua chapter).

When considering activities within the Coastal Environment, effects on natural character and indigenous biodiversity must also be addressed in accordance with the CE – Coastal Environment and ECO – Ecosystems and Indigenous Biodiversity chapters.

Issues

NFL-I1

Loss of Landscape Values

The loss of those values that contribute to the unique characteristics of the District's landscape as a result of inappropriate subdivision, land use or development.

Explanation

The District's landscape generally reflects a 'working' rural or coastal landscape, where human activity, including subdivision and development, has significantly shaped its present-day character. The character of the District's landscape is also generally open and free of urbanisation.

Over time, many of the District's natural features and landscapes have been modified and, in particular, much of its indigenous vegetation and natural habitats have been lost to agricultural and other land use activities, including urban development.

The following outlines some of the land use activities that can adversely affect landscape values and how they can lead to the loss of landscape values:

1. Buildings and structures
Buildings and structures can have an adverse effect on landscape character by introducing a constructed element into an area that is recognised for its naturalness, with some natural features having different tolerances for the effects of buildings than others;
2. Earthworks
Large-scale earthworks undertaken within outstanding natural features and landscapes can have an adverse effect on landscape values by modifying the underlying landform, with some natural features being more sensitive to such effects than others;
3. Loss of indigenous vegetation cover
Significant indigenous vegetation makes an important contribution to the landscape values of some natural features and landscapes e.g. a number of small incised river valleys identified as outstanding in the District, and loss of this cover can have an adverse effect on the undeveloped ecological and naturalness factors of such features; and
4. Exotic plantation forestry
The dark colour and uniform planting of plantation forestry can hide the underlying landform and also reduce perceived naturalness values, often contrasting in colour and form with adjacent land use.
Subdivision and the above land use activities need to be managed in a way that recognises and protects values that contribute to those natural features and landscapes that are outstanding in the District or have significant amenity.

Objectives

NFL-O1 Outstanding natural features and landscapes are retained and protected from inappropriate subdivision, use and development.

NFL-O2 The qualities and values of significant amenity features identified within the District are recognised and provided for, and considered when undertaking new subdivision, use and development.

Policies

NFL-P1 To identify the District's outstanding natural features and landscapes having regard to the following criteria:

1. natural science factors such as geology, biology, ecology and hydrology, including its rarity and variability;
2. perceptual factors, including legibility/expressiveness (such as how obviously the landscape demonstrates the formative processes leading to it), transient values (including the occasional presence of wildlife or other values at certain times of the day or year) and aesthetic values (including memorability and naturalness); and
3. associational factors, including historical associations, value to tangata whenua, and whether the values are shared and recognised.

NFL-P2 To allow activities within the District's outstanding natural features and landscapes where they are for:

1. existing land uses,
 2. conservation purposes,
 3. customary activities; and
- provided the activities maintain or enhance the identified characteristics and values in NFL-SCHED6.

NFL-P3 To protect the District's outstanding natural features and landscapes by:

1. avoiding adverse effects from inappropriate activities, including subdivision, which compromise the values of the outstanding natural features in the coastal environment;
2. avoiding, remedying or mitigating adverse effects from inappropriate activities, including subdivision, which compromise the values of all other outstanding natural landscapes or features;
3. ensuring the erection of structures, earthworks and/or clearance of indigenous vegetation and/or exotic plantation forestry within outstanding natural features and landscapes, do not compromise the values present; and
4. recognising the role of tangata whenua as kaitiaki over those outstanding natural features and landscapes which have cultural association.

NFL-P4 To require that buildings, structures or earthworks locating within the

District's outstanding natural features avoid adverse visual effects in the coastal environment, and avoid, remedy or mitigate adverse visual effects in all other outstanding natural landscapes or features by:

1. ensuring the scale, design and materials of the building and/or structure are appropriate in the location and consistent with existing land uses;
2. integrating landform and context into the design and through the use of naturally occurring building platforms and sympathetic materials;
3. limiting the prominence or visibility of built form, including by integrating it into the outstanding natural landscape or feature; and
4. restoring or reinstating the site following earthworks.

NFL-P6 To identify the District's significant amenity features, being features where the landscape characteristics or values are significant but do not meet the threshold for outstanding natural features.

NFL-P7 To avoid, remedy or mitigate potential adverse effects of subdivision, use and development on the District's significant amenity features, including having regard to the following matters:

1. any specified values and/or management issues identified for the particular amenity feature;
2. the character or degree of modification, damage, loss or destruction that will result from the activity;
3. the duration and frequency of the effect of the activity (for example long-term or recurring effects);
4. the magnitude or scale of effect of the activity (for example the number of sites affected, spatial distribution, landscape context);
5. the cumulative effects (for example the loss of multiple features or values); and
6. the need for, or purpose of, the works having regard to the underlying zoning, noting that many significant amenity features comprise working farms.

NFL-P8 To **identify recognise and encourage** opportunities to enhance natural values associated with significant amenity features, and to recognise the positive effects where enhancement is offered.

Rule Overview Table

Use/activity	Rule Number
Any new building, relocated building, or alteration to an existing building associated with any activity within an ONL or ONF identified in NFL-SCHED6	NFL-R1

Rules

Notes:

Rules relating to subdivision and land development involving the identified landscapes in NFL-SCHED6 are contained in the SUB – Subdivision chapter of the District Plan.

Rules relating to earthworks in the identified ONL and ONFs are contained in the EW – Earthworks chapter of the District Plan.

Rules relating to network utilities within the identified ONL and ONFs are contained in the NU – Network Utilities chapter of the District Plan. The rules in this chapter do not apply to network utilities.

Afforestation (new plantation forestry) within an identified ONL or ONF is regulated under the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017.

It is important to note that in addition to the provisions in this chapter, zone chapters and a number of other Part 2: District-Wide Matters chapters also contain provisions that may be relevant for activities on land within or containing identified ONL, ONFs and SAFs.

NFL-R1 New buildings, relocated buildings, or alterations to existing buildings within an ONL or ONF identified in NFL-SCHED6

All ONL/ONFs (except ONF-5, ONF-5A, **ONF-6**, ONF-7, ONF-9 & ONF-10)

1. Activity Status: PER

Where the following conditions are met:

- a. Gross floor area of the building or alteration is less than 25m².
- b. Maximum height of any building is less than 3m.

2. Activity status where compliance with condition NFL-R1(1)(a) is not achieved **and** where the gross floor area of the building or alteration is less than 50m²: RDIS

Matters over which discretion is restricted:

- a. NFL-AM1
- b. NFL-AM2
- c. **Where relevant, CE-AM1**
- d. **Where relevant, CE-AM2**

		<p>3. Activity status where compliance with condition NFL-R1(1)(b) is not achieved <u>or</u> the gross floor area of the building or alteration exceeds 50m²: NC</p>
<p>ONF-5 & ONF-5A (Northern end of Nga Kaihinaki-a-Whata & Te Whata Kokako)</p> <p>ONF-6 (Silver Range)</p> <p>ONF-7 (Kairakau)</p> <p>ONF-9 (Parimahu)</p> <p>ONF-10 (Porangahau Foredune)</p>	<p>4. Activity Status: PER</p> <p>Where the following conditions are met:</p> <p>a. Gross floor area of the building or alteration is less than 25m².</p> <p>b. Maximum height of any building is less than 3m.</p> <p>c. Limited to accessory buildings and structures (primary production)</p>	<p>5. Activity status where compliance not achieved: NC</p>

Appendix F - Amendments from Topic 3A

ONF-9 (Parimahu)	6. Activity Status: RDIS	7. Activity status where compliance not achieved: NC
ONF-10 (Porangahau Foredune)	Where the following conditions are met: a. <u>Gross floor area of the building or alteration is less than 25m².</u> b. <u>Maximum height of any building is less than 3m.</u> Matters over which discretion is restricted: a. <u>NFL-AM1</u> b. <u>NFL-AM2</u> c. <u>CE-AM1</u> d. <u>CE-AM2</u>	

Assessment Matters

For Discretionary Activities, Council's assessment is not restricted to these matters, but it may consider them (among other factors).

NFL-AM1 Identified Landscape Values

1. Effects on the particular landscape values and characteristics contained in NFL-SCHED6 and relevant section(s) of the following assessment report:

'Central Hawke's Bay District Outstanding Natural Landscape Assessment', Hudson Associates Landscape Architects, January 2019.

NFL-AM2 Additional Specific Assessment Matters for Activities on Land within or containing ONLs, ONFs or SAFs

1. Buildings
 - (a) The location, layout, design, and materials of the development to ensure that it does not have adverse visual or landscape effects. This will include reference to the proposed nature and location of building platforms, accessways, landscaping, planting, and the position, form, and appearance of building development.
In particular, the location, layout and design of buildings should:
 - i. Be of a scale, design and location that is sympathetic to the visual form of rural ridgelines and spurs and should not dominate the landscape while protecting the skyline.
 - ii. Avoid large-scale earthworks on prominent rural ridgelines, hill faces and spurs.

Appendix F - Amendments from Topic 3A

- iii. Be sympathetic to the underlying landform and surrounding visual and landscape patterns. Be designed to minimise cuttings across hill faces and through spurs.
 - iv. Where planting is proposed, be of a scale, pattern and location that is sympathetic to the underlying landform and the visual and landscape patterns of surrounding activities.
 - v. Where necessary for the avoidance or mitigation of adverse effects, include proposals to ensure the successful establishment of plantings.
 - vi. Avoid disturbance of archaeological sites.
2. Earthworks
- (a) Assessment Matters contained in EW-AM7.
3. General
- (a) The natural science, perceptual and associational values (including the cultural relationship with the land for tangata whenua) associated with the natural landscape or feature.
 - (b) Place-specific management issues identified for the particular natural landscape or feature.
 - (c) The character and degree of modification, damage, loss, or destruction that will result from the activity.
 - (d) The duration and frequency of effect (for example, long-term or recurring effects).
 - (e) The magnitude or scale of effect (for example, the number of sites affected, spatial distribution, landscape context).
 - (f) The irreversibility of the effect (for example loss of unique or rare features, limited opportunity for remediation, the technical feasibility of remediation or mitigation).
 - (g) The resilience of heritage value or place to change (for example, the ability to assimilate change, vulnerability to external effects).
 - (h) The opportunities to remedy or mitigate pre-existing or potential adverse effects (for example restoration or enhancement), where avoidance is not practicable.
 - (i) The probability of the effect (for example the likelihood of unforeseen effects, ability to take a precautionary approach).
 - (j) Cumulative effects (for example, the modification to the existing natural landscape or feature and its sensitivity or vulnerability to further change).
 - (k) Need for, or purpose of, the works.
 - (l) Whether there is a practicable alternative recognising the operational and technical requirements of regionally or nationally significant infrastructure.

Methods

Methods for implementing the policies:

- NFL-M1 Identification and Mapping of Outstanding Natural Features and Landscapes**
- Identifying and describing the values associated with Outstanding Natural Features (ONFs) and Landscapes (ONLs) and Significant Amenity Features (SAFs) in NFL- SCHED6 in the District Plan and showing them on the relevant Planning Maps.
- NFL-M2 District Plan Rules**
1. District Plan rules make subdivision of land containing an ONL or ONF a discretionary activity in the first instance.
 2. Specific District Plan rules and performance standards controlling earthworks and built form in the District's ONL/ONFs (including network utilities locating within ONL/ONFs).
 3. District Plan rules and performance standards relating to Significant Natural Areas (SNAs) and the clearance of areas of significant indigenous vegetation and/or significant habitats of indigenous fauna, which can also act to protect against loss of indigenous vegetation cover where located within significant and outstanding landscapes containing such vegetation.
 4. District Plan rules and performance standards protecting wāhi tapu, wāhi taonga and sites of significance, which can also assist with protecting those associational values attributed to significant and outstanding landscapes by tangata whenua, where located within identified significant and outstanding landscapes.
- NFL-M3 Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017**
- Afforestation (new plantation forestry) within an outstanding natural feature or landscape is a Restricted Discretionary Activity pursuant to the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017.
- NFL-M4 Hawke's Bay Regional Resource Management Plan and Hawke's Bay Regional Coastal Environment Plan**
- Hawke's Bay Regional Resource Management Plan and Regional Coastal Environment Plan rules and performance standards controlling drainage of wetlands and inundation/damming of rivers.
- NFL-M5 Hawke's Bay Regional Pest Management Plan and**

Appendix F - Amendments from Topic 3A

Biosecurity Act 1993

Control of animal and plant pests affecting indigenous vegetation cover across the District, where located within identified significant and outstanding landscapes, through rules and implementation methods in the Hawke's Bay Regional Council's 'Regional Pest Management Plan' and through enforcement of the Biosecurity Act 1993.

NFL-M6

Other Protection Mechanisms

Other protection mechanisms, such as the protection of public reserve land under the Conservation Act 1987 and Reserves Act 1977, retiring land under QEII covenant, and protection through Ngā Whenua Rāhui kawenata (covenants) on Māori-owned land, where located within identified significant and outstanding landscapes.

NFL-M7

Education, Advocacy, and Information Sharing

Promoting education, advocacy and information sharing to raise community awareness of the attributes and values of the District's important natural features and landscapes including their contribution to community identity, and the need to have regard to them when undertaking subdivision, use and development activities.

NFL-M8

Liaison and Collaboration

Liaising and collaborating with landowners, interest groups and agencies with an interest in protecting, maintaining, or enhancing the District's identified significant and outstanding landscapes.

Principal Reasons

The principal reasons for adopting the policies and methods:

In responding to its duties regarding the protection of outstanding landscapes and natural features under the RMA (s6(b)), Council commissioned a landscape assessment of the District, which identified one Outstanding Natural Landscape (ONL) and eleven Outstanding Natural Features (ONF), and a further twelve Significant Amenity Features (SAF) that were considered important landscapes although not meeting the threshold of outstanding. A schedule of these ONL, ONFs and SAFs is provided in NFL-SCHED6 in the District Plan and are shown on the Planning Maps.

Subdivision and subsequent buildings and structures can have an adverse effect on landscape character by introducing a constructed element into sensitive visual environments. Different areas have different tolerances for the effect of buildings.

Enabling consideration of scale, design, and materials, integrating landform and context into the design, and limiting prominence or visibility of built form will help protect the outstanding

Appendix F - Amendments from Topic 3A

landscape values of the District's ONL & ONFs.

Large scale earthworks can adversely affect the underlying landform which contributes to the fundamental character of the District's landscapes. Again, some areas are more sensitive to such effects than others. For example, wetlands or dune systems are more sensitive to earthworks than larger landscape elements that can absorb a degree of modification. The ability to control the scale and visual prominence of earthworks, as well as ensuring restoration and reinstatement of the site following earthworks, is important in minimising adverse visual effects of earthworks on the District's ONL & ONFs.

Loss of indigenous vegetation cover could adversely affect a key characteristic contributing to an areas outstanding value. It is noted that most of the District's ONL/ONFs are recognised for their significant indigenous vegetation cover, which either already have some form of protection, such as Department of Conservation reserve status, QEII Trust covenants etc, or fall within the District Plan provisions relating to identified Significant Natural Areas and/or the clearance or modification of significant indigenous vegetation in the ECO – Ecosystems and Indigenous Biodiversity chapter.

The landscape assessment for the District also identified exotic plantation forestry as having a potential adverse effect on landscape values. The National Environmental Standard for Plantation Forestry (NES-PF) controls much of how forestry activity is regulated, although the NES-PF does provide for imposition of greater restrictions on plantation forestry in District Plans where occurring within 'outstanding' natural features and landscapes, if deemed a threat to those values.

The District's outstanding landscapes also have significant cultural association for tangata whenua and the role of tangata whenua as kaitiaki is therefore specifically recognised.

While pastoral farming has caused significant modification of the District's landscape over time, where it already occurs within identified landscapes of value, it can generally continue to be accommodated without adversely affecting the key characteristics of those areas. In some cases, pastoral land cover has had a positive effect where it acts to reveal the underlying landform. Similarly, conservation or customary activities have positive outcomes for natural features and landscapes and should be enabled.

For those landscapes that have been identified as SAFs, the District Plan provides for any adverse effects on those amenity and landscape values to be assessed only where the need for a resource consent is triggered. Assessment will consider the landscape and amenity values identified for that SAF, the magnitude of adverse effects on those, and whether there are opportunities to enhance those values.

There is also a recognition that many SAFs comprise working farms and, as such, it is intended that existing and anticipated rural activities should be able to continue.

It should be noted that many of the landscapes that have been identified for reasons outlined are on private land and any public access to these remains at the discretion of the landowner.

Anticipated Environmental Results

The environmental results anticipated from the policies and methods:

- | | |
|-----------------|---|
| NFL-AER1 | The values of important natural features and landscapes are not compromised by inappropriate subdivision, or visually intrusive building development or large-scale earthworks. |
| NFL-AER2 | A range of contrasting landscape types continues to provide a rich mixture of landscape amenity throughout the District. |
| NFL-AER3 | There is a greater public awareness of the different landscape areas throughout the District, and the activities that could have an adverse effect on the key elements, patterns and character that contribute to the significance of those landscape areas. |

Appendix G - SUB – Subdivision

SUBDIVISION

SUB – Subdivision

Introduction

The RMA identifies subdivision as a category of activity distinct from land use activities. It is a process of dividing a parcel of land or a building into one or more further parcels or changing an existing boundary location. The definition of the subdivision of land in section 218 of the RMA includes cross-leases, company lease and unit title developments, and long-term leases (35 years or more). It produces a framework of land ownership which assists land use development, activity and conservation.

Subdivision provides an important framework for managing land development, including the provision of roading, water supply, sewage disposal, energy, telecommunication, stormwater and trade waste services, which can be achieved through conditions of subdivision consent. Council also invokes various bylaws covering connections to its reticulated water supply, stormwater and wastewater networks etc.

While subdivision itself does not alter the way land is used, the creation of new parcels of land is almost always accompanied by expectations of associated land development (e.g. a dwelling on a new residential or rural lot). Subdivision is, therefore, one of the primary mechanisms for facilitating new development and growth in the District, and if managed appropriately, it can contribute positively to the wellbeing of the District. Subdivision facilitates the provision of housing, social and community facilities, industry, commerce and primary production by enabling ownership of and investment in land and buildings.

However, potential adverse effects of subdivision can include:

- the inefficient use of finite resources, including the loss of highly productive land through urbanisation and inappropriate rural development;
- the consequential physical effects of earthworks and vegetation clearance associated with the construction of building platforms, recontouring and provision of infrastructure, including roads, driveways and footpaths, and associated changes to stormwater runoff patterns, water quality and potential adverse effects on visual amenity, natural features and landscapes, and ecological values;
- increased demand for infrastructure and services;
- damaging or destroying sites of cultural and heritage value;
- degrading amenity values that people enjoy;
- increasing risks posed by natural hazards;
- adversely affecting people's health and safety;
- degrading the natural character of the coastal environment, wetlands, lakes and rivers and their margins;
- degrading the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga;

- adversely affecting the integrated, safe, responsive, and sustainable operation of the land transport network, including the state highway network;
- reverse sensitivity, where new sensitive activities established through subdivision could potentially constrain existing uses nearby; and
- increased risk of the operation of infrastructure being unreasonably compromised.

If the adverse effects are avoided or mitigated and the subdivision is carried out in a sustainable way the overall effects are likely to be beneficial.

Issues

SUB-I1 Lot Size and Dimension

Where not appropriately managed, subdivision can result in establishment of new lots which are of a size and dimension unable to accommodate land use activities anticipated within the zone.

Explanation

Subdivision of land needs to create lots that are of an appropriate size to accommodate the variety of land use activities provided for within the zones in the District Plan. They also need to be of a size and shape that enable land development to avoid, remediate or mitigate potential adverse effects on natural, physical, cultural and heritage resources, and that is compatible with the anticipated character and amenity values of each zone.

SUB-I2 Servicing

The ability to accommodate proposed or anticipated land development may be limited and could result in adverse effects on the environment where the necessary access to roading, telecommunication, electricity, water, wastewater and stormwater services is not provided through subdivision.

Explanation

Subdivisions usually result in intensified land use, involving a full range of services. Good subdivision design includes roading and access routes that work efficiently and safely for both vehicles and pedestrians.

Water supply and sewage/stormwater disposal services may connect to existing reticulation networks or be developed as self-contained services for each subdivision by the subdivider, or alternatively be developed at a later date by owners of each individual site within a subdivision.

The proliferation of individual water supply, effluent disposal and stormwater systems can result in water contamination, flooding, or land instability in certain terrain. Subdivisions, where possible, should connect to existing reticulation systems.

SUB-13 Natural Hazards

Establishment of new lots in areas of natural hazards can directly or indirectly increase and/or exacerbate risk to people and property.

Explanation

Section 106 of the RMA enables the Council to refuse subdivision applications, or to grant subdivision consent subject to conditions, where the Council considers that there is a significant risk from natural hazards (considering likelihood of the natural hazard occurring, the material damage that would result, and any likely subsequent use of the land that would accelerate, worsen, or result in material damage). The RMA states that the Council must not grant a subdivision consent unless those adverse effects can be avoided, remedied, or mitigated.

The limitations of land and the possible effects of natural hazards, including geotechnical constraints, need to be taken into account in the design and implementation of subdivisions.

Objectives

SUB-01 Subdivision of land is consistent with the objectives and policies of the relevant zones and district-wide matters in the District Plan, including those relating to:

- 1. safeguarding the rural land resource of Central Hawke’s Bay District from inappropriate subdivision (RLR – Rural Land Resource provisions in the District Plan);**
- 2. the protection of areas identified as Outstanding Natural Landscapes and Features, Significant Natural Areas, areas of significant indigenous vegetation and/or significant habitats of indigenous fauna, and High Natural Character Areas from the adverse effects of inappropriate subdivision (NFL – Natural Features and Landscapes, ECO – Ecosystems and Indigenous Biodiversity, CE – Coastal Environment provisions in the District Plan);**
- 3. the protection of historic heritage from the adverse effects of inappropriate subdivision, including historic heritage items, and sites and areas of significance to Māori (HH – Historic Heritage and SASM – Sites and Areas of Significance to Māori provisions in the District Plan);**
- 4. managing adverse effects of inappropriate subdivision on Significant Amenity Features that contribute to the character and amenity values of the areas (NFL – Natural Features and Landscapes provisions in the District Plan);**
- 5. managing adverse effects of inappropriate subdivision on the maintenance and enhancement of public access to and along the coast and the margins of lakes and rivers (CE – Coastal**

Environment and PA – Public Access provisions in the District Plan); and

6. promoting sustainable subdivision and building (SSB – Sustainable Subdivision and Building provisions in the District Plan).

- SUB-O2 Lots created by subdivision are physically suitable for the types of development intended and anticipated by the relevant zone provisions.
- SUB-O3 Appropriate services and network utilities are provided that are compatible with the anticipated purpose, character and amenity of each zone, and provide for the health and safety of people and communities.
- SUB-O4 Reverse sensitivity effects of subdivision and its resulting future land use activities on existing lawfully established activities are avoided where practicable, or mitigated where avoidance is not practicable.
- SUB-O5 **Avoidance of subdivision in localities where there is a significant risk of material damage from natural hazards on land or structures, including in relation to any likely subsequent use of the land, that cannot be remedied or mitigated.**

Policies

- SUB-P1 To establish standards for minimum lot sizes for each zone in the District to deliver lots that are of an appropriate size and shape to accommodate those activities reasonably anticipated within the zone, and to provide for a range of lot sizes.
- SUB-P2 To allow the subdivision of land to create additional in-situ Lifestyle Sites where it is in conjunction with the legal and physical protection in perpetuity of areas of significant indigenous vegetation and/or significant habitats of indigenous fauna (including Significant Natural Areas identified in ECO-SCHED5), sites and areas of significance to Māori (identified in SASM-SCHED3), and historic heritage items (identified in HH-SCHED2).
- SUB-P3 To provide for the creation of lots of any sizes for special purposes for public works, network utility operations, renewable electricity generation, reserves and access.
- SUB-P4 To integrate subdivision with the existing land transport network in an efficient manner that provides for the safety and convenience of vehicles, cyclists and pedestrians.

- SUB-P5** To encourage in the General Residential Zone, subdivision design that develops or uses subsidiary roads or accessways, in order to avoid an increase in the number of direct access crossings onto roads classified Urban Connectors, Main Streets, Civic Spaces, or Activity Streets, for traffic safety purposes.
- SUB-P6** To ensure upon subdivision or development, that all new lots or buildings are provided with a connection to a reticulated water supply, reticulated public sewerage system, and a reticulated stormwater system, where such adequate reticulated systems are available.
- SUB-P7** To ensure an alternative method of water supply wastewater disposal and stormwater disposal is provided for each new lot, where they are unable to connect to reticulated supplies or disposal systems.
- SUB-P8** To encourage subdivision design consistent with the purpose, character and amenity values of the zone provisions.
- SUB-P9** To encourage the incorporation of public open space and plantings (particularly natives) within subdivision design for amenity purposes.
- SUB-P10** To provide or further develop pedestrian, cycling and amenity linkages between subdivisions and their surrounding areas where it is consistent with the objectives and policies of the zone, and where opportunities exist.
- SUB-P11** To ensure that roads and any vehicle access to lots within a subdivision are appropriately designed and constructed to allow for safe and efficient traffic movements likely to be generated from development of the lots.
- SUB-P13** To ensure that land being subdivided, including any potential structure on that land, is not subject to significant risk of material damage by the effects of natural hazards, including flooding, inundation, erosion, subsidence or slippage and earthquake faults.
- SUB-P16** To avoid where practicable, or otherwise mitigate, potential reverse sensitivity effects of sensitive activities (particularly residential and lifestyle development) establishing near existing primary production activities, including intensive primary production activities, rural industry, industrial activities and/or existing network utilities.
- SUB-P17** To the extent reasonably possible, subdivisions are designed to avoid reverse sensitivity effects of future land use activities on regionally significant infrastructure, network utilities, renewable electricity generation sites and other lawfully established activities, and ensure that the operation, maintenance and upgrading of regionally

significant infrastructure and other network utilities is not compromised.

Note: Refer to the objectives and policies in PA – Public Access relating to the establishment of esplanade reserves, esplanade strips or access strips when subdividing land along the margins of rivers, lakes and along the coast.

Rule Overview Table

Use/activity	Rule Number
Subdivision not otherwise provided for	SUB-R1
Subdivision to create freehold title from existing cross-lease title	SUB-R2
Subdivision for special purposes	SUB-R3
Boundary adjustments	SUB-R4
Subdivision to create a Lifestyle Site(s)	SUB-R5
Subdivision to create a Conservation Lot	SUB-R6
Subdivision to create a Lifestyle Site(s) in association with the creation of a Conservation Lot	SUB-R7

Rules

It is important to note that in addition to the provisions in this chapter, zone chapters and a number of other Part 2: District-Wide Matters chapters also contain provisions that may be relevant for certain subdivisions, including TRAN – Transport, HH – Historic Heritage, ECO – Ecosystems & Indigenous Biodiversity, and PA – Public Access.

In particular, earthworks facilitating provision of access and building platforms have the potential to result in adverse effects and are to be managed. Provisions relating to earthworks are contained in the EW – Earthworks chapter and may generate a requirement for land use consent.

SUB-R1 Subdivision not otherwise provided for		
All Zones	1. Activity Status: CON	2. Activity status where compliance with conditions SUB-R1(1)(c) and/or SUB-

Where the following conditions are met:

- a. Compliance with SUB-S1.
- b. The land being subdivided does not contain any part (or all) of the sites or areas identified in the following:
 - i. HH-SCHED2.
 - ii. SASM-SCHED3.
 - iii. ECO-SCHED5.
 - iv. ONL or ONF within NFL-SCHED6.
 - v. CE-SCHED7
 - vi. **General Rural Zone (Coastal Environment Area).**
- c. Compliance with:
 - i. SUB-S4(1);
 - ii. SUB-S5;
 - iii. SUB-S6;
 - iv. SUB-S7(1) and SUB-S7(2);
 - v. SUB-S8; and
 - vi. SUB-S9.
- d. Compliance with:
 - i. SUB-S4(2) and SUB-S4(3) National Grid Subdivision Corridor; and
 - ii. SUB-S4(4) and SUB-S4(5) Gas Transmission Network.
- e. The land being subdivided is not located within a Natural Hazard area identified on the Planning Maps.
- f. Compliance with SUB-S7(3)

Matters over which control is reserved:

- g. SUB-AM1.
- h. SUB-AM2.
- i. SUB-AM3.
- j. SUB-AM4.
- k. SUB-AM5.
- l. SUB-AM6.
- m. SUB-AM7.
- n. SSUB-AM8.
- o. SUB-AM9
- p. SUB-AM10.
- q. **SUB-AM16.**

R1(1)(e) is not achieved: RDIS

Matters over which discretion is restricted:

- a. SUB-AM1.
- b. SUB-AM2.
- c. SUB-AM3.
- d. SUB-AM4.
- e. SUB-AM5.
- f. SUB-AM6.
- g. SUB-AM7.
- h. SUB-AM8.
- i. SUB-AM9.
- j. SUB-AM10.
- k. SUB-AM19.

3. Activity status where compliance with condition SUB-R1(1)(b) is not achieved: RDIS

Matters over which discretion is restricted:

- a. SUB-AM1.
- b. SUB-AM2.
- c. SUB-AM3.
- d. SUB-AM4.
- e. SUB-AM5.
- f. SUB-AM6.
- g. SUB-AM7.
- h. SUB-AM8.
- i. SUB-AM9.
- j. SUB-AM10.
- k. SUB-AM16.
- l. SUB-AM19.
- m. SUB-AM22.

4. Activity status where compliance with conditions SUB-R1(1)(a) and/or SUB-R1(1)(f) is not achieved: DIS

5. Activity status where compliance with condition SUB-R1(1)(d) is not achieved: NC

	r. SUB-AM19.	
SUB-R2 Subdivision to create freehold title from existing cross-lease title		
General Residential Zone	<p>1. Activity Status: CON</p> <p>Where the following conditions are met: N/A</p> <p>Matters over which control is reserved:</p> <p>a. Whether the proposed lot boundaries align with exclusive use area boundaries on the cross-lease plan.</p> <p>b. Where no exclusive use areas are shown on the cross-lease plan, whether the proposed lot boundaries align with the exclusive and established pattern of occupation associated with the existing underlying development.</p> <p>c. Whether easements are required to protect services.</p> <p><i>Note: The standards in SUB-S1 to SUB-S9 do not apply.</i></p>	<p>2. Activity status where compliance not achieved: N/A</p>
All Other Zones		3. SUB-R1 applies
SUB-R3 Subdivision for special purposes		
All Zones	<p>1. Activity Status: CON</p> <p>Where the following conditions are met:</p> <p>a. Limited to creation of lots of any size for public works, network utilities, renewable electricity generation activities, reserves, roads, and access.</p> <p>b. Compliance with:</p> <p>i. SUB-S4(1);</p> <p>ii. SUB-S5;</p> <p>iii. SUB-S6;</p> <p>iv. SUB-S7;</p>	<p>2. Where compliance with condition SUB-R3(1)(a) is not achieved: SUB-R1 applies</p> <p>3. Activity status where compliance with condition SUB-R3(1)(b) and/or SUB-R3(1)(d) is not achieved: RDIS</p> <p>Matters over which discretion is restricted:</p> <p>a. SUB-AM1.</p> <p>b. SUB-AM2.</p> <p>c. SUB-AM3.</p>

	<ul style="list-style-type: none"> v. SUB-S8; and vi. SUB-S9. <p>c. Compliance with:</p> <ul style="list-style-type: none"> i. SUB-S4(2) and SUB-S4(3) National Grid Subdivision Corridor; and ii. SUB-S4(4) and SUB-S4(5) Gas Transmission Network. <p>d. <u>The land being subdivided does not contain any part (or all) of the sites or areas identified in the following:</u></p> <ul style="list-style-type: none"> i. <u>HH-SCHED2.</u> ii. <u>SASM-SCHED3.</u> iii. <u>ECO-SCHED5.</u> iv. <u>ONL or ONF within NFL-SCHED6.</u> v. <u>CE-SCHED7.</u> <p>Matters over which control is reserved:</p> <ul style="list-style-type: none"> e. Whether the lot is of sufficient area and dimensions to facilitate the intended use of the site. f. A Consent Notice may be registered on the Certificate of Title to any special purpose site, pursuant to section 221 of the RMA, requiring enforcement of a condition that, in the event that the site is no longer required for a special purpose, the site be amalgamated with an adjoining site, unless it is a fully complying lot for the respective zone. 	<ul style="list-style-type: none"> d. SUB-AM4. e. SUB-AM5. f. SUB-AM6. g. SUB-AM7. h. SUB-AM8. i. SUB-AM9. j. SUB-AM10. k. SUB-AM14. l. <u>SUB-AM16</u> m. <u>SUB-AM22</u>
<p>4. Activity status where compliance with condition SUB-R3(1)(c) is not achieved: NC</p>		
<p>SUB-R4 Boundary adjustments</p>		
<p>All Zones</p>	<p>1. Activity Status: CON</p> <p>Where the following conditions are met:</p> <ul style="list-style-type: none"> a. Limited to: <ul style="list-style-type: none"> i. No site area is changed by more than 10% of its original area. 	<p>2. Where compliance with condition SUB-R4(1)(a) is not achieved: SUB-R1 applies</p> <p>3. Activity status where compliance with condition SUB-R4(1)(c) is not achieved: RDIS</p>

	<ul style="list-style-type: none"> ii. No existing site that complies with the relevant subdivision standards is rendered non-complying with the standards, and no existing site not complying with the relevant subdivision standards is rendered more non-complying with the standards, by the boundary adjustment. iii. No dwelling is severed from its existing site. <p>b. 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>c. Compliance with:</p> <ul style="list-style-type: none"> i. SUB-S4(1); ii. SUB-S5; iii. SUB-S6; iv. SUB-S7; v. SUB-S8; and vi. SUB-S9. <p>d. Compliance with:</p> <ul style="list-style-type: none"> i. SUB-S4(2) and SUB-S4(3) National Grid Subdivision Corridor; and ii. SUB-S4(4) and SUB-S4(5) Gas Transmission Network. <p>Matters over which control is reserved:</p> <ul style="list-style-type: none"> e. Legal and physical access to and from lots affected by the boundary adjustment. f. Whether each lot has connections to services. g. Whether the lots are of sufficient size, design, and layout to provide for the existing or permitted activity development potential 	<p>Matters over which discretion is restricted:</p> <ul style="list-style-type: none"> a. SUB-AM1. b. SUB-AM2. c. SUB-AM3. d. SUB-AM4. e. SUB-AM5. f. SUB-AM6. g. SUB-AM7. h. SUB-AM8. i. SUB-AM9. j. SUB-AM10. <p>4. Activity status where compliance with condition SUB-R4(1)(b) is not achieved: RDIS</p> <p>Matters over which discretion is restricted:</p> <ul style="list-style-type: none"> a. SUB-AM16. b. SUB-AM22. <p>5. Activity status where compliance with condition SUB-R4(1)(d) is not achieved: NC</p>
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	<p>resulting from the reconfigured layout.</p> <p>h. The relationship of the proposed lots within the site and their compatibility with the pattern of adjoining subdivision or land use activities.</p>	
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SUB-R5 Subdivision to create a Lifestyle Site(s) (not in association with the creation of a Conservation Lot)

<p>General Rural Zone (outside of the Coastal Environment Area)</p>	<p>1. Activity Status: CON</p> <p>Where the following conditions are met:</p> <p>a. Limited to:</p> <ul style="list-style-type: none"> i. Only one lifestyle site can be created. ii. A site is only eligible to be subdivided to create a lifestyle site 3 years after the subject title was created, and then once every 3 years after that. iii. The minimum site area for the balance lot is 20 hectares. <p>b. Compliance with SUB-S2(1) and SUB-S2(2).</p> <p>c. 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>d. Compliance with:</p> <ul style="list-style-type: none"> i. SUB-S4(1); ii. SUB-S5; iii. SUB-S6; iv. SUB-S7; v. SUB-S8; and vi. SUB-S9. <p>e. Compliance with:</p>	<p>2. Activity status where compliance with conditions SUB-R5(1)(d) and/or SUB-R5(1)(f) is not achieved: RDIS</p> <p>Matters over which discretion is restricted:</p> <ul style="list-style-type: none"> a. SUB-AM1. b. SUB-AM2 c. SUB-AM3. d. SUB-AM4. e. SUB-AM5. f. SUB-AM6. g. SUB-AM7. h. SUB-AM8. i. SUB-AM9. j. SUB-AM10. k. SUB-AM11. l. SUB-AM12. m. SUB-AM13. <p>3. Activity status where compliance with condition SUB-R5(1)(c) is not achieved: RDIS</p> <p>Matters over which discretion is restricted:</p> <ul style="list-style-type: none"> a. SUB-AM16. b. SUB-AM22. <p>4. Activity status where compliance with conditions SUB-R5(1)(a) and/or SUB-R5(1)(b) is not achieved: DIS</p>
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	<ul style="list-style-type: none"> i. SUB-S4(2) and SUB-S4(3) National Grid Subdivision Corridor; and ii. SUB-S4(4) and SUB-S4(5) Gas Transmission Network. <p>f. The land being subdivided is not located within a Natural Hazard area identified on the Planning Maps.</p> <p>Matters over which control is reserved:</p> <ul style="list-style-type: none"> g. SUB-AM1. h. SUB-AM2 i. SUB-AM3. j. SUB-AM4. k. SUB-AM5. l. SUB-AM6. m. SUB-AM7. n. SUB-AM8. o. SUB-AM9. p. SUB-AM10. q. SUB-AM11. r. SUB-AM13. 	<p>5. Activity status where compliance with condition SUB-R5(1)(e) is not achieved: NC</p>
<p>Rural Production Zone</p>	<p>6. Activity Status: CON</p> <p>Where the following conditions are met:</p> <ul style="list-style-type: none"> a. Limited to: <ul style="list-style-type: none"> i. The lifestyle site is based around an existing residential unit on a site that has a net site area less than 12 hectares. ii. No additional sites are created (amalgamation of the balance lot is required). iii. The newly amalgamated sites are adjoining and combine to a net site area greater than 12 hectares. iv. The newly amalgamated lot contains no more than two residential units. b. Compliance with: 	<p>7. Activity status where compliance with conditions SUB-R5(6)(d) and/or SUB-R5(6)(f) is not achieved: RDIS</p> <p>Matters over which discretion is restricted:</p> <ul style="list-style-type: none"> a. SUB-AM1 b. SUB-AM2 c. SUB-AM3. d. SUB-AM4. e. SUB-AM5. f. SUB-AM6. g. SUB-AM7. h. SUB-AM8. i. SUB-AM9. j. SUB-AM10. k. SUB-AM11. l. SUB-AM12. m. SUB-AM13.

	<ul style="list-style-type: none"> i. SUB-S2(3) and SUB-S2(4). c. The land being subdivided does not contain any part (or all) of the sites or areas identified in the following: <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. d. Compliance with: <ul style="list-style-type: none"> i. SUB-S4(1); ii. SUB-S5; iii. SUB-S6; iv. SUB-S7; v. SUB-S8; and vi. SUB-S9. e. Compliance with: <ul style="list-style-type: none"> i. SUB-S4(2) and SUB-S4(3) National Grid Subdivision Corridor; and ii. SUB-S4(4) and SUB-S4(5) Gas Transmission Network. f. The land being subdivided is not located within a Natural Hazard area identified on the Planning Maps. <p>Matters over which control is reserved:</p> <ul style="list-style-type: none"> g. SUB-AM1. h. SUB-AM2 i. SUB-AM3. j. SUB-AM4. k. SUB-AM5. l. SUB-AM6. m. SUB-AM7. n. SUB-AM8. o. SUB-AM9. p. SUB-AM10. q. SUB-AM11. r. SUB-AM12. s. SUB-AM13. 	<p>8. Activity status where compliance with condition SUB-R5(6)(c) is not achieved: RDIS</p> <p>Matters over which discretion is restricted:</p> <ul style="list-style-type: none"> a. SUB-AM16. b. SUB-AM22.
<p>General Rural Zone (Coastal</p>	<p>10. Activity Status: DIS</p>	<p>9. Activity status where compliance with conditions SUB-R5(6)(a) and/or SUB-R5(6)(b) and/or SUB-R5(6)(e) is not achieved: NC</p> <p>11. Activity status where compliance with condition</p>

<p>Environment Area)</p>	<p>Where the following conditions are met:</p> <ul style="list-style-type: none"> a. Compliance with: <ul style="list-style-type: none"> i. SUB-S4(2) and SUB-S4(3) National Grid Subdivision Corridor; and ii. SUB-S4(4) and SUB-S4(5) Gas Transmission Network. 	<p>SUB-R5(10)(a) is not achieved: NC</p>
<p>SUB-R6 Subdivision to create Conservation Lots in association with the protection of:</p> <ul style="list-style-type: none"> – an area of significant indigenous vegetation and/or significant habitats of indigenous fauna (including sites listed in ECO-SCHED5). – historic heritage items listed in HH-SCHED2. – wāhi tapu, wāhi taonga or site or area of significance listed in SASM-SCHED3. 		
<p>All Zones</p>	<p>1. Activity Status: CON</p> <p>Where the following conditions are met:</p> <ul style="list-style-type: none"> a. Compliance with: <ul style="list-style-type: none"> i. SUB-S4(1); ii. SUB-S5; iii. SUB-S6; iv. SUB-S7; v. SUB-S8; and vi. SUB-S9. b. Compliance with: <ul style="list-style-type: none"> i. SUB-S4(2) and SUB-S4(3) National Grid Subdivision Corridor; and ii. SUB-S4(4) and SUB-S4(5) Gas Transmission Network. <p>Matters over which control is reserved:</p> <ul style="list-style-type: none"> c. SUB-AM1. d. SUB-AM2 e. SUB-AM3. f. SUB-AM4. g. SUB-AM5. h. SUB-AM6. i. SUB-AM7. j. SUB-AM8. k. SUB-AM9. l. SUB-AM10. 	<p>2. Activity status where compliance with condition SUB-R6(1)(a) is not achieved: RDIS</p> <p>Matters over which discretion is restricted:</p> <ul style="list-style-type: none"> a. SUB-AM1. b. SUB-AM2 c. SUB-AM3. d. SUB-AM4. e. SUB-AM5. f. SUB-AM6. g. SUB-AM7. h. SUB-AM8. i. SUB-AM9. j. SUB-AM10. k. SUB-AM15. <p>3. Activity status where compliance with condition SUB-R6(1)(b) is not achieved: NC</p>

	m. SUB-AM15.	
SUB-R7 Subdivision to create a Lifestyle Site(s) in association with the creation of a Conservation Lot		
General Rural Zone Rural Production Zone	1. Activity Status: CON Where the following conditions are met:	2. Activity status where compliance with conditions SUB-R7(1)(a) and/or SUB-R7(1)(b) is not achieved: SUB-R5 applies
	a. One lifestyle lot can be created, where the Conservation Lot is associated with the protection of: <ul style="list-style-type: none"> i. minimum 5000m² of an area of significant indigenous vegetation and/or significant habitats of indigenous fauna (including sites listed in ECO-SCHED5), or ii. historic heritage items listed in HH-SCHED2 that cannot, or is not intended to be used for, a residential activity, or iii. wāhi tapu, wāhi taonga or site or area of significance listed in SASM-SCHED3, and iv. the whole of the feature within the Conservation Lot will be physically and legally protected in perpetuity. 	3. Activity status where compliance with conditions SUB-R7(1)(d) and/or SUB-R7(1)(f) is not achieved: RDIS Matters over which discretion is restricted: <ul style="list-style-type: none"> a. SUB-AM1. b. SUB-AM2. c. SUB-AM3. d. SUB-AM4. e. SUB-AM5. f. SUB-AM6. g. SUB-AM7. h. SUB-AM8. i. SUB-AM9. j. SUB-AM10. k. SUB-AM11. l. SUB-AM12. m. SUB-AM13.
	b. A second lifestyle lot can be created where: <ul style="list-style-type: none"> i. the total area of the feature to be protected is 9 hectares or more, and ii. the whole of the feature within the Conservation Lot will be physically and legally protected in perpetuity. 	4. Activity status where compliance with condition SUB-R7(1)(c) is not achieved: DIS
	c. Compliance with SUB-S3.	5. Activity status where compliance with condition SUB-R7(1)(e) is not achieved: NC
	d. Compliance with: <ul style="list-style-type: none"> i. SUB-S4(1); ii. SUB-S5; iii. SUB-S6; iv. SUB-S7; v. SUB-S8; and vi. SUB-S9. 	
e. Compliance with:		

	<ul style="list-style-type: none"> i. SUB-S4(2) and SUB-S4(3) National Grid Subdivision Corridor; and ii. SUB-S4(4) and SUB-S4(5) Gas Transmission Network. <p>f. That land being subdivided is not located within a Natural Hazard area identified on the Planning Maps.</p> <p>Matters over which control is reserved:</p> <ul style="list-style-type: none"> g. SUB-AM1. h. SUB-AM2 i. SUB-AM3. j. SUB-AM4. k. SUB-AM5. l. SUB-AM6. m. SUB-AM7. n. SUB-AM8. o. SUB-AM9. p. SUB-AM10. q. SUB-AM15.
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Standards

SUB-S1 Minimum Net Site Area (excluding Lifestyle Sites and Conservation Lots)	
General Residential Zone	<ul style="list-style-type: none"> 1. Where public sewerage reticulation is available: <ul style="list-style-type: none"> a. 350m² (except within the Waipukurau South Precinct). b. 500m² within the Waipukurau South Precinct. 2. Where public sewerage reticulation is not available – 1000m².
Town Centre Zone General Industrial Zone	<ul style="list-style-type: none"> 3. No minimum net site area applies.
Settlement Zone	<ul style="list-style-type: none"> 4. Where public sewerage reticulation is available – 600m². 5. Where public sewerage reticulation is not available – 1000m².

Large Lot Residential Zone (Coastal)	<p>6. Where public sewerage reticulation is available – 800m².</p> <p>7. Where public sewerage reticulation is not available:</p> <ul style="list-style-type: none"> a. Mangakuri – 1500m². b. Other coastal settlements – 1000m².
Rural Lifestyle Zone	8. 2500m ² , with a minimum 4000m ² average.
General Rural Zone	<p>9. 20 hectares</p> <p><i>Note: standards for subdivisions involving the creation of Lifestyle Sites in the General Rural Zone are in found in SUB-S2 below.</i></p>
Rural Production Zone	<p>10. 12 hectares</p> <p><i>Note: standards for subdivisions involving the creation of Lifestyle Sites in the Rural Production Zone are in found in SUB-S2 below.</i></p>
Conservation Lot (All Zones)	11. No minimum net site area applies.
Special Purpose Lot (All Zones)	12. No minimum net site area applies.
Increasing the area of existing non-complying sites	13. No minimum net site area applies, provided no existing complying site is rendered non-complying by the subdivision.
SUB-S2 Minimum Net Site Area for Lifestyles Sites in General Rural Zone and Rural Production Zone (not in association with the creation of a Conservation Lot)	
General Rural Zone	<p>1. Minimum net site area for Lifestyle Lot – 2500m².</p> <p>2. Maximum net site area for Lifestyle Lot – 2.5 hectares.</p>
Rural Production Zone	<p>3. Minimum net site area for Lifestyle Lot – 2500m².</p> <p>4. Maximum net site area for Lifestyle Lot – 1 hectare.</p>
All Other Zones	5. N/A
SUB-S3 Minimum Net Site Area for Lifestyle Sites in association with the creation of a Conservation Lot	
General Rural Zone	1. Minimum net site area for Lifestyle Lot (exclusive of the area being protected) – 2500m ² .
Rural Production Zone	2. Maximum net site area for Lifestyle Lot (exclusive of the area being protected) – 4000m ² .

	<ol style="list-style-type: none"> 3. Minimum balance area: <ol style="list-style-type: none"> a. None, if the balance area is the Conservation Lot. b. If there is balance area exclusive of the Conservation Lot and Lifestyle Lot, the relevant minimum net site area in SUB-S1 applies.
SUB-S4 Building Platform	
<p>General Rural Zone</p> <p>Rural Production Zone</p> <p>Rural Lifestyle Zone</p>	<ol style="list-style-type: none"> 1. For each lot capable of containing a residential dwelling, at least one stable building platform of 30 metres by 30 metres must be identified which is capable of (but is not limited to) containing a dwelling, a vehicle manoeuvring area and any accessory buildings, in compliance with the performance standards and performance criteria for the zone where it is located (including dwelling setbacks applicable to that zone).
<p>Subdivision of land within the National Grid Subdivision Corridor</p>	<ol style="list-style-type: none"> 2. The subdivision of land in any zone within the National Grid Subdivision Corridor must be able to demonstrate that all resulting allotments are capable of accommodating a building platform for the likely principal building(s) and any building(s) for a sensitive activity outside of the National Grid Yard, other than where the allotments are for roads, access ways or network utilities. 3. Within the National Grid Subdivision Corridor, the layout of allotments and any enabling earthworks must ensure that physical vehicular access is maintained to any National Grid support structures located on the allotments, including any balance area, is available.
<p>Subdivision of land containing the Gas Transmission Network</p>	<ol style="list-style-type: none"> 4. The subdivision of land in any zone containing the Gas Transmission Network must be able to demonstrate that all resulting allotments are capable of accommodating a building platform for the likely principal building(s) and any building(s) for a sensitive activity that is at least 20m from the Gas Transmission Pipeline and 30m from above-ground equipment forming part of the Gas Transmission Network. 5. The layout of allotments and any enabling earthworks must ensure that physical access is maintained to the Gas Transmission Network

	<p>where it is located on the allotments, including any balance area.</p>
<p>SUB-S5 Water Supply</p>	
<p>All Zones</p>	<ol style="list-style-type: none"> 1. All new lots for any activity that will require a water supply must be connected to a public reticulated water supply, where one is available. 2. Where the new lots will not be connected to a public reticulated water supply, or where an additional level of service is required that exceeds the level of service provided by the reticulated system, the subdivider must demonstrate how an alternative and satisfactory water supply can be provided to each lot. <p><i>Note: The above does not replace regional rules which control the taking and use of groundwater and surface water. These rules must be complied with prior to the activity proceeding.</i></p> <p><i>Further advice and information about how an alternative and satisfactory firefighting water supply can be provided to each lot can be obtained from Fire and Emergency New Zealand and the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNA PAS 4509:2008.</i></p> <p><i>Any lot created for a special purpose, as provided for in SUB-R3, is exempt from this standard where the lot is created for a purpose that does not require the provision of a water supply, including a firefighting water supply.</i></p>
<p>SUB-S6 Wastewater Disposal</p>	
<p>All Zones</p>	<ol style="list-style-type: none"> 1. All new lots for any activity that will create wastewater must be connected to a public reticulated wastewater disposal system, where one is available. 2. Where the new lots will not be connected to a public reticulated wastewater disposal system, or where an additional level of service is required that exceeds the level of service provided by the reticulated system, the subdivider must demonstrate how an alternative and satisfactory

	<p>method of wastewater disposal can be provided for each site.</p> <p><i>Note: The above does not replace regional rules which control the collection, treatment and disposal of wastewater to land or water. These rules must be complied with prior to the activity proceeding.</i></p>
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SUB-S7 Stormwater Disposal

<p>All Zones</p>	<ol style="list-style-type: none"> 1. All new lots for any activity that will create stormwater must be connected to a public reticulated stormwater disposal system, where one is available. 2. Where the new lots will not be connected to a public reticulated stormwater disposal system, or where an additional level of service is required that exceeds the level of service provided by the reticulated system, the subdivider must demonstrate how an alternative and satisfactory method of stormwater disposal can be provided for each site. 3. For new lots within the Waipukurau South Precinct (WSP): <ol style="list-style-type: none"> a. Any land within the subdivision site that is within the 'Proposed Stormwater Detention Pond' area identified in Figure 10 of Appendix GRZ-APP1 - Waipukurau South Precinct (WSP) Plan, and/or any other contiguous stormwater detention pond area of a similar size and extent provided in lieu, shall be vested in the Central Hawke's Bay District Council; and b. All stormwater peak flows up to and including a 1 in 5 year Annual Recurrent Interval (ARI) rainfall event shall be contained within a reticulated network; and c. Overland flow paths for flows up to a 1 in 50 year Annual Recurrent Interval (ARI) rainfall (or greater) event shall be provided; and d. Stormwater discharges from the site shall achieve hydraulic neutrality at the WSP boundary for critical storm durations up to and including the 1 in 100 year Annual Recurrent Interval (ARI) peak flow; and
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	<p>e. All public stormwater management infrastructure and facilities, including but not limited to, pipes, wetlands, drains, streams and/or access lots/areas shall be vested in the Central Hawke’s Bay District Council and/or all necessary easements created.</p> <p><i>Notes:</i></p> <ol style="list-style-type: none"> 1. <i>Clause 2. of this standard does not replace regional rules which control the collection, treatment, and disposal of stormwater to land or water. These rules must be complied with prior to the activity proceeding.</i> 2. <i>In relation to clause 3(b) of this standard:</i> <ol style="list-style-type: none"> (i) <i>hydraulic neutrality should be achieved through a range of measures, including a mix of individual onsite controls and community-based, larger communal attenuation devices, having regard to the principles of low impact design and supported by hydraulic modelling.</i> (ii) <i>It is anticipated that critical storm durations would be 2 and 6 hours, however, this will need to be confirmed by an appropriate engineering assessment.</i>
SUB-S8 Property Access	
All Zones	<ol style="list-style-type: none"> 1. All new lots for any activity must have vehicular access to an existing, legal road that complies with the relevant provisions of the TRAN – Transport chapter.
SUB-S9 Road Widening	
All Zones	<ol style="list-style-type: none"> 1. Where the existing road frontage is subject to a road widening designation, provision must be made to enable the Council to acquire such land by separately defining the parcels of land subject to the road widening designation. 2. Where the Council does not, for whatever reason, intend to immediately acquire the parcel, the parcel must be held in conjunction with

	<p>adjoining land. This will be achieved with a Consent Notice registered which ensures that the parcel of land intended for road widening purposes remains held with the adjoining land until such time as the Council requires that parcel of land.</p>
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Assessment Matters

For Discretionary Activities, Council’s assessment is not restricted to these matters, but it may consider them (among other factors).

SUB-AM1 Lot Size and Dimensions

1. Whether the area and dimensions of the lot(s) are sufficient to effectively fulfil the intended purpose or land use, having regard to the rules for the relevant zone.
2. Whether the proposed lot sizes and dimensions are sufficient for operational and maintenance requirements and in particular the disposal of effluent on the site, where necessary.
3. The relationship of the proposed lots and their compatibility with the pattern of the adjoining subdivision and land use activities, and access arrangements.
4. The effects of the proposed lot sizes and dimensions on the existing character and amenity of the area, including any cumulative effects of an increase in the density of development.

SUB-AM2 Subdivision Design

1. The size and orientation of the lots in terms of their ability to maximise the amount of sunlight dwellings will receive.
2. The layout and design of streets and the provision for and practicality of creating direct connections between roads, footpaths, walkways, cycleways, reserves (existing or proposed) and public open spaces.
3. The design, location, extent, and construction of any earthworks associated with the subdivision and development of the land.

SUB-AM3 Building Platforms

1. The local ground conditions and suitability of the site for a building, and whether development on the site should be restricted to parts of the site.
2. The positioning and scale of the building platform to facilitate meeting the setback standards applying in the respective zone for buildings.

SUB-AM4 Natural Hazards

1. Whether the land, or any potential structure on that land, will be subject to material damage by erosion, falling debris, subsidence, slippage or inundation or other natural hazard event from any source.
2. Whether there are any methods/measures available to overcome or reduce the risk of any hazard(s), and whether these methods/measures may have adverse effects on the environment.
3. Adequacy of access during and after natural hazard events.
4. In assessing the above matters, the Council will have regard to the following:
 - a. Any information held on the Council's Natural Hazard registers and the Hawke's Bay Hazards Information Portal;
 - b. Information obtained by suitably qualified experts, whose investigations are supplied for subdivision applications; and
 - c. The objectives, policies, and methods in the NH – Natural Hazards chapter of the District Plan.

SUB-AM5 Water Supply, Wastewater Disposal, Stormwater Disposal

1. The location and capacity of reticulation facilities to allow suitable servicing of the lot(s) and reasonable access for the maintenance of the facilities.
2. Whether a local purpose reserve is needed to be set aside and vested in the Council as a site for a public utility.
3. Where the lot(s) is/are not proposed to be connected to a public water supply, the ability to effectively and efficiently meet firefighting requirements and the ability to show how the lot(s) will be serviced by a water supply, for which consent has been obtained from the Hawke's Bay Regional Council (if required).
4. The provisions of the NZ Fire Service Firefighting Water Supplies Code of Practice SNA PAS 4509:2008.
5. Where the lot(s) is/are not proposed to be connected to a public wastewater system or public stormwater system, how the lot(s) will be serviced by an on-site wastewater and stormwater treatment and disposal system causing no environmental contamination on or beyond the subdivision site.
6. The objectives, policies, and methods in the SSB – Sustainable Subdivision and Building chapter of the District Plan.
7. The provisions of the Land Development and Subdivision Infrastructure (New Zealand Standard NZS 4404: 2010).

Note: The Hastings District Council Engineering Code of Practice provides detailed technical standards on the design and construction of water supply, wastewater disposal and stormwater disposal servicing which may provide an acceptable means of compliance.

SUB-AM6 Property Access

1. The provision, location, design, and construction of access for vehicles, pedestrians and cyclists.
2. Whether the road frontage is of sufficient width to cater for the expected traffic generated by the possible land uses that will be established on the lots being

- created, and whether there is any need to widen and/or upgrade the frontage road.
3. Where any proposed subdivision in any zone has frontage to any existing road(s) that is/are not constructed to the relevant vehicle access standards set out in the TRAN – Transport chapter of the District Plan and/or where road widening is required, whether the land uses that will be established on the proposed lots will increase the use of that road(s) to the degree that forming or upgrading the existing road(s) is required.
 4. Any impact of roading and access on waterways, ecosystems, drainage patterns or the amenities of adjoining properties, and the need for tree planting in the open space of the road to enhance the character and identity of the neighbourhood.
 5. The effect of any new intersections or accesses created by the subdivision on traffic safety and efficiency, including the availability of adequate, unobstructed sight distances from intersections and adequate spacing between intersections.
 6. The provisions of the Land Development and Subdivision Infrastructure (New Zealand Standard NZS 4404: 2010) for the design and construction of roads.
 7. The provisions of the NZ Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008 with respect to whether the width of the legal road, right of way, vehicle access lot or vehicle access leg is sufficient for fire appliances to access the lot(s).
 8. The requirements of New Zealand Transport Agency and Part IV of the Government Roothing Powers Act 1989 with regard to vehicle entrances onto state highways.
 9. The need to provide alternative access for car-parking and vehicle loading in the TCZ – Town Centre Zone and GIZ – General Industrial Zone by way of vested service lanes at the rear of properties having regard to alternative means of access and performance standards for activities within such zones.
 10. Any need to require provision to be made in a subdivision for the vesting of road reserves for the purpose of facilitating connections to future roading extensions to serve surrounding land, or planned road links that may need to pass through the subdivision and the practicality of creating such easements at the time of subdivision application in order to facilitate later development.
 11. Any need to require subdividers to enter into agreements that will enable the Council to require the future owners to form and vest roads when other land becomes available.
 12. The need to provide for appropriate standards of street lighting or private vehicular access lighting.
 13. The need to provide distinctive names for private vehicular accesses – the name to be agreed to by the Council.
 - 14.

Note: The Hastings District Council Engineering Code of Practice provides detailed technical standards on the design and construction of water supply, wastewater disposal and stormwater disposal servicing which may provide an acceptable means of compliance.

SUB-AM7 Subdivision resulting in the creation of new lots within:
- 50m of the State Highway Network with a speed limit of less than 70km/h; or
- 100m of the State Highway Network with a speed limit of 70km/h or more (measured from the nearest painted edge of the carriageway)

1. The potential adverse effects of noise generated from the road network.
2. The potential adverse effects of lot development on the efficient use and operation of the State Highway network and the suitability of any mitigation measures relating to noise and vibration to enable the continued operation of the network.
3. Whether any consultation with the NZ Transport Agency has occurred and the outcome of that consultation.
4. Whether a consent notice with regard to reverse sensitivity effects on the State Highway network is proposed.
5. Whether any proposed building platform or development should be restricted to parts of the lot(s).
6. Whether there are any special topographical features or ground conditions which may mitigate effects on the operation of the State Highway network.

SUB-AM8 General

1. Any potential cumulative effects that may occur as a result of the subdivision.
2. Potential constraints to the development of the site, such as the National Grid Subdivision Corridor or stormwater drains, and the ability for any resulting adverse effects to be avoided, remedied, or mitigated.
3. The potential effects from a proposed subdivision or development of land on the safe and efficient operation of network utilities.
4. The provision of electricity to the site boundary for any urban zone (GRZ – General Residential Zone, TCZ – Town Centre Zone, GIZ – General Industrial Zone), to be confirmed by the electricity network utility as a condition of consent.
5. The options for the provision of telecommunications to each site.

SUB-AM9 Esplanade Reserves, Esplanade Strips and Access Strips

1. The purposes for the creation of esplanade reserves and/or esplanade strips set out in section 229 of the RMA.
2. Whether an esplanade reserve or esplanade strip of up to 20 metres wide is needed to be created or vested:
 - a. when a lot is created along any priority waterbody shown on the District Planning Maps; and
 - b. when a lot is created along the bank of any other waterbody identified on the District Planning Maps;including consideration of the adverse effects of not providing the full potential width and the benefits of providing the full width.

Note: This does not apply to subdivisions that are required for a boundary adjustment.

3. Whether any waiver or reduction in size or width of an esplanade reserve or esplanade strip will adversely affect:
 - a. The ecological characteristics of the land that contribute to the maintenance and enhancement of the natural functioning of the adjacent river, lake or sea;
 - b. The water quality of the adjoining river, lake or sea;
 - c. The land and water-based habitats present on or adjoining the subject land area;
 - d. The public's ability to gain access to and along the lake, river or sea;
 - e. The recreational use of the land and adjacent water;
 - f. The natural character and visual amenity of the river, lake, or coast; and
 - g. The ability of the Central Hawke's Bay District Council and/or the Hawke's Bay Regional Council to gain access to and along the margins of the river, lake, or sea for maintenance purposes.
4. Whether any waiver or reduction in size or width of the esplanade reserve or esplanade strip will:
 - a. Ensure the security of private property or the safety of people; and
 - b. Maintain or enhance the protection of wāhi taonga, including wāhi tapu and mahinga kai as well as the provision of access to areas of importance to Māori.
5. Whether the land is within a natural hazard area or in an area where there is an identified risk from one or more natural hazards.
6. Whether there is another protection mechanism, such as QEII Trust Covenant, that will be more appropriate than an esplanade reserve or esplanade strip.
7. Whether an access strip will provide enhanced public access to existing esplanade reserves which are currently landlocked and which have significant natural, cultural or recreational value.

SUB-AM10 Easements

1. Whether there is a need for easements:
 - a. where a service or access is required by the Council.
 - b. for stormwater passing through esplanade reserves where drainage will run to the river.
 - c. to meet network operator requirements.
 - d. in respect of other parties in favour of nominated lots or adjoining Certificates of Title.
 - e. for private ways.
 - f. for stormwater, sanitary sewer, water supply, electric power, gas reticulation, telecommunications.
 - g. party walls and floors/ceilings.
 - h. for servicing with sufficient width to permit maintenance, repair, or replacement.

SUB-AM11 Lots in the Rural Lifestyle Zone, and Lifestyle Sites in the General Rural Zone and Rural Production Zone, which adjoin any site used for

existing primary production activities, including intensive primary production activities, rural industry and industrial activities

1. The design of the subdivision to ensure that, as a consequence of the development it will accommodate, reverse sensitivity effects will not be created or exacerbated. In particular, in assessing the development, the following factors will be considered:
 - a. The scale, design, and location of the development such that the number of sites and potential house sites adjoining the above activities is minimised.
 - b. The location of the house sites which will avoid where practicable, or otherwise mitigate, any potential for reverse sensitivity effects.
 - c. The ability of the development to include methods which will mitigate against reverse sensitivity effects being created or exacerbated.
 - d. The registration of restrictive covenants and/or consent notices (where they are offered by the applicant) against the certificate of title(s) for any site where reverse sensitivity effects are likely to result from activities operated in compliance with the provisions of the District Plan, which cannot otherwise be adequately avoided or mitigated by other conditions of consent, and which are necessary to achieve the relevant objectives, policies and anticipated environmental outcomes for the zone, particularly those relating to reverse sensitivity effects.

SUB-AM12 Lifestyle Sites in the Rural Production Zone

1. Maximum area exceeded
The Council will have regard to whether one or more of the following factors apply in deciding whether the use of an area of land greater than 4000m² for a lifestyle site is appropriate:
 - a. Enabling minimum yard requirements for Rural Production Zone lifestyle sites to be met.
 - b. Position of topographical features, such as rivers, drains, hills, terraces, or roads forming physical boundaries for the lifestyle site(s).
 - c. Site configuration, where due to the shape of the site before subdivision the excess land incorporated within the lifestyle site(s) could not be effectively utilised as part of the amalgamated balance.
 - d. Provision of the continued utilisation of existing accessory buildings, gardens, and other facilities such as effluent fields, water supply points or accessways relating to the house.
 - e. Soil quality, where the soil of the land incorporated within the lifestyle site is not identified as Class 1 or 2 (as defined in the New Zealand Land Inventory Worksheets) and is of a lesser quality than the soil of the amalgamated balance.
 - f. Provision for buffer areas (greater than the minimum yard requirements) to avoid or mitigate reverse sensitivity where specific site characteristics and the nature of adjoining land uses are likely to generate the potential for complaints about adjoining primary production or rural industry activities.
2. Balance area smaller than 12 hectares

In deciding whether a Rural Production Zone lifestyle site subdivision creating an amalgamated balance area of less than 12ha is appropriate, the Council will have regard to whether any of the following factors apply:

- a. The amalgamated site has a greater potential for sustained independent production in accordance with the Rural Production Zone policies than either of the sites involved in the amalgamation had prior to the subdivision.
 - b. An amalgamated site of less than 6ha will not generally be considered to have any potential under (a) above unless it contains existing capital improvements for an intensive horticultural land use.
3. Amalgamated sites not adjoining
- In deciding whether a Rural Production Zone lifestyle site subdivision creating an amalgamation of titles not adjoining, the Council will have regard to whether any of the following factors apply:
- a. The titles are positioned in a manner that allows them to be effectively used together for sustained independent production in accordance with Rural Production Zone policy.
 - b. The likelihood of a successful application being made to subdivide the titles in the future on the basis that they cannot effectively be used together is low.

SUB-AM13 Subdivisions within the General Rural Zone and Rural Production Zone – Lifestyle Sites

1. That the location and shape of the lifestyle site enables the balance site to be farmed efficiently and effectively. The Council will also take into account the ability to avoid, mitigate or manage any potential reverse sensitivity effects generated from the lifestyle site, within the subject site itself, the balance area of the property and with adjoining properties.
2. The ability to avoid or mitigate any actual or potential reverse sensitivity effects where specific site characteristics and/or the nature of surrounding or existing land uses are likely to generate the potential for complaints about lawfully established activities. The Council will take into account the following factors (but is not restricted to these):
 - a. Railway lines and whether access to a lifestyle site or rural site is sought via a private level crossing (Note: this requires the formal approval of Kiwirail Holdings Ltd);
 - b. Any new access, upgraded access, or additional sites accessing a state highway (Note: this requires the formal approval of the New Zealand Transport Agency);
 - c. Any lifestyle site proposed within 400 metres of an existing rural industry or primary production activity including intensive primary production;
 - d. Any rural airstrip; and
 - e. Any other nearby lawfully established activity, which a residential use of a lifestyle site is likely to be sensitive to, or incompatible with.
3. Methods to mitigate any potential reverse sensitivity effects. Landowner(s) associated with a lifestyle site subdivision application may offer the use of a 'No-Complaints Covenant' as a condition of consent, to help mitigate potential reverse

sensitivity effects. This method is only available if the landowner(s) offers it; such covenants cannot be required by the Council.

Note: 'No Complaints Covenants' of themselves will generally not be considered sufficient to deal with reverse sensitivity effects.

4. The location and shape of any rural site enables it to be farmed efficiently and effectively, with particular regard to boundary shape.
5. That the subdivision does not result in any more than one lifestyle site being created from the title subject to the subdivision application.
6. Whether the proposed lifestyle site in the General Rural Zone is being created within 3 years of any prior lifestyle sites being created from the subject title, or any previous title that has become part of the subject title. If more than one lifestyle site is created within the 3-year period, the application may be declined on this basis.
7. Where multiple sites greater than 20 hectares are being created in one subdivision or over successive applications, site configuration, shape and timing will be given particular consideration with regard to appropriateness for primary production activities. Such subdivisions should not be undertaken with the intention of 'setting up' future lifestyle site subdivisions. If this is found to be the case, the application may be declined on this basis.
8. Whether the design of the subdivision and the development it will accommodate, is designed to avoid, remedy, or mitigate any adverse effects on any wāhi tapu, wāhi taonga, archaeological site, or any other area of historic or cultural significance.

SUB-AM14 Sites for Special Purposes

1. Whether the lot is of sufficient area and dimensions to facilitate the intended use of the site.
2. A Consent Notice may be registered on the Certificate of Title to any special purpose site, pursuant to section 221 of the RMA, requiring enforcement of a condition that, in the event that the site is no longer required for a special purpose, the site be amalgamated with an adjoining site, unless it is a fully complying lot for the respective zone.

SUB-AM15 Conservation Lots

To assess the significance of the feature being protected, and whether it can be protected successfully, the following criteria will be used as a guide:

1. Significant Natural Areas (ECO-SCHED5), Areas of Significant Indigenous Vegetation and/or Significant Habitats of Indigenous Fauna
 - a. The extent to which the size of the proposed Conservation Lot(s) might adversely affect the usability of the balance area.
 - b. The design of the subdivision and the development it will accommodate, to ensure that it will not have adverse effects on the values of any Conservation Lots. Reference will be made to the proposed nature and location of building platforms, roads and accessways and earthworks.
 - c. The provision of an appropriate legal protection for the Conservation Lot, in perpetuity, on the title of the land. All applications must outline how the

conservation feature will be protected, including: an agreement regarding an encumbrance, bond, consent notice or covenant that must be entered into before the issue of the section 224 Certificate under the RMA. The covenant, bond, consent notice or encumbrance will as a minimum require that the stand of native vegetation or other feature of significance be fenced with a stock-proof fence where appropriate, kept free of livestock, be subject to any specified protective or enhancement measures to maintain or enhance its value or physical security, and must include monitoring and enforcement provisions.

2. Heritage Items (HH-SCHED2) and Wāhi Tapu, Wāhi Taonga and Sites of Significance to Tangata Whenua (SASM-SCHED3)
 - a. The ability to effectively protect the item or site with an appropriate legal protection for the Conservation Lot, in perpetuity, on the title of the land.
 - b. Whether sufficient area is provided to enable the item or site to be sensitively integrated into the Conservation Lot, particularly where the land contributes significantly to the value of the item or site.
 - c. Where an additional residential dwelling is proposed to be co-located with a heritage item (where not identified on HH-SCHED2 as 'Wāhi Tapu'), the extent of setback of that dwelling from the heritage item will be considered with a view to protecting the item's heritage values.

SUB-AM16 Subdivision of land, including Lifestyle Sites, within Outstanding Natural Landscapes and Features, Significant Amenity Features, and the Coastal Environment (including identified areas of High Natural Character)

1. The design of the subdivision and the development it will accommodate, to ensure that it will not have adverse visual or landscape effects on the values of the feature, landscape or area (identified in ECO-SCHED5, NFL-SCHED6, and CE-SCHED7 of the District Plan) and, **in the coastal environment**, will not detract from the natural character **and will protect indigenous biodiversity of the coastal environment**. Reference will be made to the proposed nature and location of building platforms, roads and accessways, earthworks, landscaping, and planting. In particular, the subdivision will be assessed in terms of its ability to achieve the following:
 - a. Be of a scale, design and location that is sympathetic to the visual form of the coastal environment or the natural character area, landscape, or feature, and will not dominate the landscape.
 - b. Avoid large scale earthworks on rural ridgelines, hill faces and spurs.
 - c. Be sympathetic to the local character, to the underlying landform and to surrounding visual landscape patterns.
 - d. Be designed to minimise cuttings across hill faces and through spurs, and to locate boundaries so the fencing is kept away from visually exposed faces and ridges.
 - e. Where planting is proposed, its scale, pattern and location is sympathetic to the underlying landform and the visual and landscape patterns of surrounding activities.

- f. Where necessary, for the avoidance or mitigation of adverse effects, any proposals to ensure the successful establishment of plantings.
 - g. Be sympathetic to the natural science, perceptual and associational values (including for tangata whenua) associated with the natural character area, landscape, or feature.
 - h. Be designed to avoid, remedy or mitigate any adverse effects on indigenous biodiversity in the coastal environment.
2. Where multiple sites greater than 20 hectares are being created in one subdivision or over successive applications, site configuration, shape and timing will be given particular consideration with regard to appropriateness for primary production activities. Such subdivisions should not be undertaken with the intention of 'setting up' future lifestyle site subdivisions. If this is found to be the case, the application may be declined on this basis.

SUB-AM22 Subdivision of land partly or wholly containing an identified heritage item (identified in HH-SCHED2), notable tree (identified in TREE-SCHED4), Significant Natural Area (identified in ECO-SCHED5), archaeological site, or wāhi tapu, wāhi taonga, and site or area of significance to Māori (identified in SASM-SCHED3)

- 1. Whether subdivision will enable the establishment of land use activities likely to result in adverse effects on the heritage item, notable tree, significant natural area, archaeological sites, wāhi tapu, wāhi taonga or site of significance to Māori that would not otherwise be enabled without subdivision
- 2. Any potential adverse effects on each item, tree, area, or site, including but not limited to:
 - a. Whether sufficient land is provided around the item, tree, area or site to retain and protect its values;
 - b. Whether the subdivision will fragment the item, area, or site; and
 - c. whether the subdivision will involve land disturbance that may have adverse effects on the item, tree, area, or site, including building platforms and vehicle accessways.
- 3. Findings and/or recommendations of investigations from any impact assessment undertaken on the effects of the subdivision on the item, tree, area, or site that are is supplied with the application.
- 4. Any relevant consultation and/or engagement with tangata whenua and/or Heritage New Zealand *Pouhere Taonga*, where appropriate.
- 5. Measures to avoid or mitigate any adverse effects on the cultural, spiritual, indigenous biodiversity, and/or heritage values of the item, tree, area, or site associated with the land being subdivided, including the provision of any protective covenants.

SUB-AM17 Subdivisions with building platforms and/or vehicle access within the National Grid Subdivision Corridor

1. The extent to which the design and construction of any subdivision allows for earthworks, buildings and structures to comply within the safe separation distance requirements in the New Zealand Electrical Code of Practice for Electrical Safe Distances 34:2001.
2. The ability for continued access to existing National Grid transmission lines for maintenance, inspections and upgrading.
3. The ability to provide a complying building platform outside of the National Grid Yard.
4. The extent to which the design and construction of the subdivision allows for activities to be set back from National Grid transmission lines to ensure adverse effects on and from the National Grid Transmission Network and on public safety are appropriately avoided, remedied or mitigated e.g. through the location of roads and reserves under the route of the line.
5. The nature and location of any proposed vegetation to be planted in the vicinity of the National Grid transmission lines, and how such landscaping will impact on the operation, maintenance, upgrade and development (including access) of the National Grid.
6. The provision for the ongoing efficient operation, maintenance, and planned upgrade of the National Grid transmission lines.
7. The extent to which the subdivision design and consequential development will minimise the potential reverse sensitivity and nuisance effects on the transmission asset.
8. The outcome of any technical advice provided by Transpower.
9. The risk of electrical hazards affecting public or individual safety, and the risk of property damage.
10. The extent to which the subdivision design and consequential development are consistent with the objectives and policies of the NU – Network Utilities chapter.

SUB-AM18 Subdivisions with building platforms and/or vehicle access within proximity of the Gas Transmission Network

1. Any effects on the safe, effective, and efficient operation, maintenance, and upgrade of the Gas Transmission Network.
2. Any effects on the ability for vehicles to access the Gas Transmission Network.
3. Risks relating to health or public safety and the risk of property damage.
4. Reverse sensitivity effects.
5. Technical advice provided by First Gas Ltd.

SUB-AM19 Subdivision of Land within the Waipukurau South Precinct (WSP)

1. The degree to which the subdivision may impact on the ability to service other existing or future sites in the WSP area that are compliant with SUB-S1.
2. Where the subdivision is located within or partly within the WSP area, the cumulative effects of the subdivision on the environment, taking into account:
 - a. Any subdivision consents already granted; and
 - b. The extent of development that could occur as a controlled activity under SUB-R1.
3. The extent to which the design and construction of the subdivision achieves the Precinct Plan Outcomes in Appendix GRZ-APP1 - Waipukurau South Precinct (WSP) Plan.

SUB-AM20 Subdivision of Land subject to an approved land use consent in the General Residential Zone, Town Centre Zone, General Industrial Zone and/or Large Lot Residential Zone

1. The effect of the design and layout of the proposed sites created;
2. Whether the design and layout of the proposed site will result in new or increased non-compliance with District-wide and zone rules;
3. Whether there is appropriate provision made for infrastructure; and
4. Whether there is appropriate creation of common areas over parts of the parent site that require access by more than one site within the subdivision.

SUB-AM21 Subdivision within building platforms and/or vehicle access within proximity of Hatuma Lime Maharakeke Road quarry.

1. Any actual and potential reverse sensitivity effects on the effective, and efficient operations of the Hatuma Lime quarry.

Methods

Methods, other than the above rules, for implementing the policies:

SUB-M1 Other Provisions in the District Plan

Implementation of objectives and policies of the relevant zones and district-wide activities in the District Plan, including those set out in the following sections of the District Plan:

1. SSB – Sustainable Subdivision & Building
2. TW – Ngā Tangata Whenua o Tamatea
3. UFD – Urban Form and Development
4. TRAN – Transport
5. NH – Natural Hazards
6. HH – Historic Heritage
7. SASM – Sites and Areas of Significance to Māori
8. ECO – Ecosystems and Indigenous Biodiversity
9. NFL – Natural Landscapes and Features
10. CE – Coastal Environment
11. EW – Earthworks

SUB-M2 Codes of Practice

1. The current Hastings District Council Engineering Code of Practice (used by Central Hawke’s Bay District Council) includes standards for the design and construction of roading and service infrastructure, which may be used as a means of compliance with the objectives, policies, rules, and standards of the District Plan (subject to minor amendments).
2. Land Development and Subdivision Infrastructure (New Zealand Standard NZS 4404:2010).
3. The New Zealand Fire Service Fire-Fighting Water Supplies Code of Practice SNZ PAS 4509:2008 applies to all new subdivision and development in all areas, for both reticulated and non-reticulated water supplies.

SUB-M3 Council Bylaws

Central Hawke’s Bay District Council’s Water Supply (Part 07), Stormwater (Part 21) and Wastewater (Part 22) Bylaws.

SUB-M4 National Policy Statements and National Environmental Standards

1. Resource Management (National Policy Statement on Electricity Transmission) 2010.
2. Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011.

SUB-M5 Natural Hazard Information

Natural hazard information, such as the Council’s natural hazard database on the GIS system, the natural hazards historical database and ongoing consultation and information sharing with the Hawke’s Bay Regional Council, including via the Hawke’s Bay Hazard Information Portal (<http://www.hbemergency.govt.nz/hazards/portal>).

SUB-M6 Covenants and Consent Notices

Covenants and Consent Notices issued under section 221 of the RMA and registered on Certificates of Title.

SUB-M7 s222 RMA Completion Certificates

Completion Certificates issued under section 222 of the RMA for the completion of works (e.g. works to provide or upgrade service facilities).

SUB-M8 Heritage New Zealand *Pouhere Taonga* Act

The Heritage New Zealand *Pouhere Taonga* Act makes it an offence to destroy or modify an archaeological site without first obtaining an 'archaeological authority' (applies to both recorded and unrecorded archaeological sites). Contact with Heritage New Zealand *Pouhere Taonga* is advised if the subdivision involves any activity may modify, damage or destroy any archaeological site (e.g. such as earthworks, fencing or landscaping).

Principal Reasons

The principal reasons for adopting the policies and methods:

It is important that subdivision is undertaken in a way that achieves the objectives and policies of the various zones and district-wide activity provisions of the District Plan.

The District Plan includes minimum lot size standards that provide landowners with sufficient flexibility and certainty to create sites which are of an appropriate size to achieve the scale, density and type of development provided for by the objectives, policies and methods for each zone and district-wide activity.

Consistent with the objectives and policies of the ECO – Ecosystems and Indigenous Biodiversity chapter, the HH – Historic Heritage chapter, and SASM – Sites of Significance to Māori chapter in the District Plan, includes subdivision rules that allow the creation of a separate in-situ Lifestyle Site (and an associated house site) in return for legally and physically protecting in perpetuity: nominated areas of significant indigenous vegetation and/or significant habitats of indigenous fauna (including Significant Natural Areas identified in ECO-SCHED5 of the District Plan), Heritage Items identified in HH-SCHED2, or Wāhi Tapu, Wāhi Taonga and Sites of Significance identified in SASM-SCHED3 of the District Plan located on the land being subdivided.

Given the highly variable nature of circumstances and public needs associated with the creation of sites for special purposes (including public works, network utility operations and renewable electricity generation activities), it is impractical to specify what size or dimension these sites should be. The subdivision rules therefore provide flexibility to allow the creation of sites of various sizes and dimensions for special purposes.

Subdivision is often followed by intensification or changes in land use that increase the demand for reticulated water supply, wastewater disposal and stormwater disposal services. However, unless the provision of such services is proposed and identified as works in the Council's Long Term Plan or Annual Plan, and are necessary to protect the environment, the Council will not provide services. Subdividers will be required to ensure that independent

provision can be made for an on-site water supply, and for the disposal of wastewater and stormwater on the site, sufficient to meet the likely needs of subsequent development.

Where a method, other than connection to a public reticulated system will be used to provide new lots with a water supply or means of disposing of wastewater or stormwater from lots, subdividers will be required to demonstrate how the method can achieve the protection of the health and safety of residents and avoid any significant adverse effects on the environment.

Vehicular and pedestrian access to lots created must be practicable, safe, and convenient for users, and should avoid adverse effects on the environment, including adjoining activities. Where new roads are required to connect a subdivision to the District road network, it is important that they are designed and constructed to be compatible with the roads they are connecting to.

It will be the subdividers, or subsequent lot owners', responsibility to ensure that telecommunication or electricity reticulation is available, where needed. Electricity requires the provision of power lines and associated structures. New underground reticulation is considered more visually appropriate.

The Council uses the Land Development and Subdivision Infrastructure (NZS 4404: 2010) and the Hastings District Council Engineering Code of Practice (and any future amendments) as methods to assess detailed engineering requirements for subdivision consent applications. These Codes of Practice are therefore referred to in the Methods but are not part of the District Plan.

There are areas within the District which, because of risk from natural hazards, are unsuitable for development, or require specific measures to be undertaken to overcome these hazards (refer to the NH – Natural Hazards chapter of the District Plan).

The Council has the ability under section 106 of the RMA to decline consent to any subdivision in areas where there is a significant risk from natural hazards. It is also necessary to consider the effects of the mitigation measures (as part of a risk management approach) which may also create adverse environmental effects.

Earthworks associated with construction of access, building platforms or services on land being subdivided may potentially have an adverse impact on the amenity of the area, including dust and visual amenity, and may result in the modification, damage or destruction of historic heritage and sites and places of significance to tangata whenua; or accelerate or worsen the risk and effects of natural hazards in the area. The Council may impose conditions on subdivision consents regarding the design, location, construction, and extent of earthworks associated with the subdivision or development of the land.

Inappropriately designed or located subdivision has potential to create reverse sensitivity effects, particularly when it provides for the establishment of sensitive activities (e.g. residential and lifestyle development) close to existing primary production activities, rural industry, industrial activities, public works, network utility operations and renewable electricity generation sites. Such effects can significantly affect the ability of the existing activities to

continue to legally operate, upgrade or expand (e.g. through complaints about noise and odour). Therefore, recognising and avoiding reverse sensitivity effects when planning for subdivision and land use development will provide for the continued efficient and effective operation of existing activities.

While the Waipukurau South Precinct (WSP) area has been residentially zoned for a number of years, the ability to develop the land within it has been significantly hindered by servicing constraints, particularly in relation to 3-waters infrastructure (most notably stormwater and wastewater) and through land parcels being held in multiple ownership. Active faultlines also exist within the area. Subdivision proposals within the WSP will be assessed with respect to their ability to achieve the Precinct Plan Outcomes in Appendix GRZ-APP1 – Waipukurau South Precinct (WSP) Structure Plan.

Anticipated Environmental Results

The environmental results anticipated from the policies and methods:

- | | |
|------------------|--|
| SUB-AER1 | Achievement of the objectives and policies of the various zones and district-wide activity provisions. |
| SUB-AER2 | Creation of sites which are of a sufficient size and shape to accommodate the variety of activities allowed by the zones and district-wide activity rules. |
| SUB-AER3 | Appropriate flexibility in the size of lots that can be created and the means of achieving the servicing of lots. |
| SUB-AER4 | Sites which are of a size and shape that enable the maintenance or enhancement of the character or amenity of the environment, including landscape values, and avoid any potential reverse sensitivity issues in the area where they are located. |
| SUB-AER5 | Sites of a size and shape suitable for current and future requirements of public works, network utilities, renewable electricity generation, and other special purposes. |
| SUB-AER6 | A safe and efficient roading network. |
| SUB-AER7 | Safe, efficient and convenient vehicular and pedestrian access to and from subdivided lots. |
| SUB-AER8 | Water supplies that are sufficient in volume and of potable (drinkable) quality to meet reasonable needs and expectations over time. |
| SUB-AER9 | Adequate treatment and disposal of stormwater and wastewater. |
| SUB-AER10 | Adequate provision for electricity/energy and telecommunications services. |

- SUB-AER11** **Maintenance and enhancement of public health and safety.**
- SUB-AER12** **Cost effective provision of services for redevelopment and growth without additional financial burdens on District rate payers.**
- SUB-AER13** **A pattern of subdivision complementary and appropriate to the character of the land uses in the area concerned.**
- SUB-AER14** **A pattern of subdivision consistent with planned density, roading patterns and open space requirements appropriate in residential environments.**
- SUB-AER15** **Avoidance or mitigation of potential significant risk from natural hazards, including flooding, erosion or subsidence.**

Appendix H - CE – Coastal Environment

CE – Coastal Environment

Introduction

The coastal environment is important to residents and visitors to the District and there are a number of issues relating to management of activities and development within this area which need to be addressed through District Plan policies and methods.

This chapter addresses the following:

- the physical extent of the coastal environment;
- the preservation of the natural character of the coastal environment;
- the protection of the natural character of the coastal environment from inappropriate subdivision, use and development.

The coastal environment is also subject to natural hazards. Coastal hazards are addressed in the NH – Natural Hazards chapter, and are cross-referenced within this chapter where relevant.

The coastal environment has been mapped in the District Plan, defined as the area where coastal processes are dominant or significant. There are particular features which sit within this coastal environment which have also been mapped, including:

- Areas of High Natural Character (CE-SCHED7);
- Outstanding Natural Features and Landscapes, and Special Amenity Features (NFL-SCHED6);
- Heritage Items (HH-SCHED2);
- Archaeological Sites (refer NZAA's www.archsite.eaglelegis.co.nz for latest recorded sites);
- Wāhi Tapu, Wāhi Taonga and Sites of Significance (SASM-SCHED3); and
- Significant Natural Areas (ECO-SCHED5).

This chapter, therefore, also needs to be read in conjunction with other chapters covering these matters, such as:

- ECO – Ecosystems and Indigenous Biodiversity which contain policies and rules relating to overall protection of significant indigenous vegetation and habitat;
- NFL – Natural Features and Landscapes which contain policies and rules relating to overall protection of outstanding natural features and landscapes; and
- TW – Tangata Whenua (Ngā Tangata Whenua o Tamatea) and HH – Historical Heritage, which contain policies and rules relating to the relationship of tangata whenua with their ancestral lands, water, sites, wāhi tapu and other taonga, and the protection of historical heritage.
- SASM – Sites and Areas of Significance to Māori which contains policies and rules relating to the protection of identified wāhi tapu, wāhi taonga and sites and areas of significance to Māori.

The above cover numerous matters of national importance to be recognised and provided for pursuant to section 6 of the RMA and addressed specifically in terms of the coastal environment through the policies contained in the New Zealand Coastal Policy Statement (NZCPS), the

Hawke's Bay Regional Policy Statement (RPS), and the Hawke's Bay Regional Coastal Environment Plan (RCEP). The District Plan is required to give effect to the NZCPS and the RPS and must not be inconsistent with the RCEP.

In terms of the day-to-day management of subdivision, use and development in the coastal environment, the coastal environment retains an underlying zoning of General Rural Zone, with a Large Lot Residential Zone (Coastal) applying to the majority of the beach settlements. Those zone provisions, along with the provisions in the District Plan relating to subdivision and network utilities, also come into play.

This chapter provides high-level guidance for sustainable management of the coastal environment, to be referred to where relevant, when making decisions on applications for resource consent applications required by the District Plan.

The Coastal Environment of Central Hawke's Bay District

Central Hawke's Bay's coastal area has a temperate climate with warm summers and cooler winters, typically experiencing lower rainfall, higher sunshine hours and a higher average temperature, when compared to the western districts of the North Island. The southern part of area is also known for its strong prevailing winds.

Overall, the coastal margin and adjacent inland area have seen a significant amount of terrestrial land cover modification through human settlement and development, with the majority of native vegetation having been cleared. Almost all the original native vegetation within the coastal environment has been lost, settlements have been introduced, grazing has been developed, drainage patterns have been modified and in some places the dunes have been recontoured to assist irrigation and primary production activities. These factors have diminished the natural character of the district, when compared to its original, natural state.

The eastern coastline of Central Hawke's Bay primarily comprises steep eroding mudstone /sandstone cliffs, separating a series of small coastal settlements located at road ends and adjacent to more sheltered sandy beaches. These settlements have traditionally provided bach and camping opportunities. The intent of the District Plan is for consolidation of existing coastal settlements that are set back from the coastal marine area, to avoid sprawling or sporadic patterns of settlement in the coastal environment, and to ensure that built development and associated public infrastructure does not compromise other values associated with the coastal environment.

The District's coastal boundaries extend from south of Waimarama to south of Whangaehu, a distance of approximately 70km. A short length of limestone cliffs and outcrops are located at Kairakau and the area to its north – the only such outcrop on the District's coastal edge. Remnants of a coastal sand dune system exist at Porangahau/Parimahu, a wide sweeping beach nearly 15km long. Drained and flattened, much of the dune area has been converted to pasture, although remnant forms and interdunal wetlands and vegetation still remain to a limited extent on the northern-facing parts of the beach.

Most of the beach settlements and coastal developments are not serviced with Council infrastructure e.g. sewerage or potable water, or have private services which residents may be

required to connect to. The provision of private on-site services is typical of servicing options within the coastal environment and helps maintain a sense of remoteness and wildness of the District's coastal environment. Similarly, there is a lack of hard protection structures – the only protection structure along the Central Hawke's Bay coast is the seawall along the foreshore at Kairakau Beach. This helps maintain the natural character of the coastal environment.

The coastal environment supports a wide variety of open space and recreational activities for the public to use and enjoy, such as beach walking, fishing, boating, swimming and surfing.

The coastal environment has special significance and cultural association for tangata whenua in terms of their relationship with the land and sea, and the historical pattern of settlement of the area. The coastal environment contains many important sites of cultural and heritage significance, including pā, middens and urupā. Coastal areas are of significance to tangata whenua both spiritually, and as a source of resources such as food, weaving and carving materials, and will continue to be a source of sustenance and identity to tangata whenua.

These attributes contribute to the distinctive character of the coastal environment of Central Hawke's Bay and to the well-being of the District and are highly valued by the community.

The future effects of climate change on the coastal environment, both in the short and long-term (for example, through sea level rise, coastal inundation and coastal erosion) is an issue that will feature prominently in Council decision-making. The NZCPS requires adoption of a precautionary approach to use and management of coastal resources potentially vulnerable to effects from climate change. In this respect, these provisions need to be read in conjunction with the provisions in NH – Natural Hazards and the provisions of the Hawke's Bay Regional Coastal Environment Plan.

Issues

CE-I1 Preservation of the Natural Character of the Coastal Environment

Inappropriate subdivision, use, and development can adversely affect the natural character of the coastal environment, particularly in those areas identified as having high natural character.

Explanation

The Central Hawke's Bay coast forms part of a unique and extensive landscape and its natural character is typically due to a combination of its underlying geology, topography and pastoral landcover. Significant modification to the landform, such as may occur through mining or major earthworks, could threaten the aesthetic coherence of the coastline.

The highest degree of natural character (greatest naturalness) occurs where there is least modification. The amount of landform and land cover modification that has occurred along the Central Hawke's Bay coast, including modifications such as flattening of dunes and other landform modification through earthworks, drainage of wetlands, and general vegetation clearance and exotic vegetation colonisation, as well as the introduction of buildings and structures, have all reduced the natural character level from an outstanding natural state.

Whilst no areas of outstanding natural character have been identified, much of the District's coastline is considered to have high to very high natural character values. The natural character value in the cliff areas is largely due to the expressive formative landform processes and high perceptual values of the exposed underlying geology, while the natural character value in the dune area is due to the remaining dune landform and inter-dunal vegetation patterns and absence of built structures/elements. The coastal settlements are considered to have moderate or low natural character (albeit they have their own 'special character').

The natural character of the coastal environment can be adversely affected through the effects of coastal subdivision, use and development.

Policy 13 of the NZCPS 2010 states that natural character is not the same as natural features and landscapes or amenity values, and may include matters such as:

- natural elements, processes and patterns;
- biophysical, ecological, geological and geomorphological aspects;
- natural landforms such as headlands, peninsulas, cliffs, dunes, wetlands, reefs, freshwater springs and surf breaks;
- the natural movement of water and sediment;
- the natural darkness of the night sky;
- places or areas that are wild or scenic;
- natural character ranging from pristine to modified; and
- experiential attributes, including the sounds and smell of the sea; and their context or setting.

The extent to which development impacts on natural character will depend on how modified the environment currently is, and how well the development has been designed to accommodate elements of natural character (including coastal processes) and mitigate adverse impacts. The risk of incremental loss of natural character as a result of coastal land development and other activities in the coast can be high.

Some of the impacts that development can have on the natural character of the coast are:

- modification of natural landforms through earthworks;
- removal of indigenous vegetation;
- destruction of important indigenous habitats such as wetlands, dunes and riparian margins;
- disruption of natural drainage patterns;
- disruption of natural coastal processes including through activities such as beach replenishment, reclamations and coastal structures;
- increased sediment runoff from land clearance and earthworks;
- buildings and structures which are singly or cumulatively visually intrusive or dominant within the landscape; and
- disrupting natural patterns through inappropriate planting of non-indigenous local species.

However, the preservation of the natural character of the coastal environment does not preclude use and development in appropriate places and forms, and within appropriate limits. Some uses and developments which depend upon the use of natural and physical resources in the coastal environment are important to the social, economic, and cultural wellbeing of people and

communities, such as public infrastructure and some public facilities. Also, functionally, some uses and developments can only be located on the coast or in the coastal marine area.

Policy 6 of the NZCPS 2010 recognises that the provision of infrastructure, the supply and transport of energy including the generation and transmission of electricity, and the extraction of minerals, are activities important to the well-being of people and communities, provided they do not compromise the other values of the coastal environment.

Further, in preserving the natural character of the coastal environment, subdivision, use and development activities that restore or rehabilitate natural character should be promoted where practicable, particularly in areas where the coastal environment is degraded.

Objectives

- CE-O1** **Preservation of the natural character of the coastal environment of Central Hawke’s Bay, comprising the following distinctive landform of:**
1. **rugged eroding grey mudstone cliffs;**
 2. **steep limestone outcrops;**
 3. **remnant dunelands and associated interdunal wetlands, small lakes and associated vegetation;**
 4. **wide sweeping beaches; and**
 5. **small settlements, recessed into bays, adjoining a number of sheltered beaches.**
- CE-O2** **Protection of the natural character of the coastal environment of Central Hawke’s Bay from inappropriate subdivision, use and development, and identify and promote opportunities for restoration or rehabilitation.**
- CE-O3** **Activities that have a functional need (or operational need in respect of the National Grid) to locate in the coastal environment are provided for in appropriate locations, where they do not compromise other significant values in the coastal environment.**

Refer Objective PA-O1, as it relates to public access to and along the coast.

Refer also Objectives NH-O1, NH-O2 and NH-O3, as they relate to coastal hazards.

Refer Objectives of the GRUZ as they relate to the General Rural Zone underlying the Coastal Environment.

Policies

- CE-P1** **To identify and map the coastal environment area of Central Hawke’s Bay consistent with the Hawke’s Bay Regional Coastal Environment Plan.**
- CE-P2** **To avoid significant adverse effects and avoid, remedy or mitigate other adverse effects on the natural character of the coastal environment area (particularly in the areas of high natural character identified on the**

Planning Maps and in CE-SCHED7); including adverse effects resulting from the following activities:

1. drainage of coastal flats and wetlands;
2. earthworks within dunes and coastal escarpments;
3. buildings outside of the Large Lot Residential Zone (Coastal) within the coastal environment;
4. plantation forestry; and
5. use of vehicles on beaches and adjacent public land;

particularly where these have been identified as a threat to the values of a particular area of high natural character.

CE-P3 To avoid sprawling or sporadic subdivision and development in the coastal environment area.

CE-P4 To manage the activities that can occur in the coastal environment area, including:

1. expansion and consolidation of existing coastal settlements;
2. the scale, location, design and use of structures, buildings and infrastructure;
3. earthworks; and
4. subdivision.

CE-P5 To recognise that there are activities which have a functional need (or operational need in respect of the National Grid) to locate and operate within the coastal environment, and provide for those activities in appropriate places.

CE-P6 To require that proposed activities within the coastal environment area demonstrate that the activity is located appropriately, having regard to its effects and:

1. the particular natural character, ecological, historical or recreational values of the area;
2. the extent to which the values of the area are sensitive or vulnerable to change;
3. opportunities to restore or rehabilitate the particular values of the coastal environment of the area;
4. the presence of any natural hazards and whether the activity will exacerbate the hazard and/or be vulnerable to it;
5. the impacts of climate change;
6. appropriate opportunities for public access and recreation;
7. the extent to which any adverse effects are avoided, remedied or mitigated; and
8. consistency with underlying zoning and existing land use, **such as farming.**

CE-P7 To require that proposed activities within the coastal environment area minimise any adverse effects by:

1. ensuring the scale, location and design of any built form or land modification is appropriate in the location;
2. integrating natural processes, landform and topography into the design of the activity, including the use of naturally occurring building platforms;
3. limiting the prominence or visibility of built form; and
4. limiting buildings and structures where the area is subject to the impacts of climate change and the related impacts of sea level rise, sea temperature rise and higher probability of extreme weather events; and
5. restoring or rehabilitating the landscape, including planting using local coastal plant communities.

CE-P8 To encourage restoration and rehabilitation of natural character, indigenous vegetation and habitats, landscape features, dunes and other natural coastal features or processes.

Refer Policies PA-P3 and PA-P4, as they relate to public access to and along the coast.

Refer Policies of the GRUZ as they relate to the General Rural Zone underlying the Coastal Environment

Refer also Policies NH-P4, NH-P5, NH-P6, NH-P7, MH-P8, NH-9, NH-P10, NH-P11 and NH-P12, as they relate to coastal hazards.

Rules

Refer Rules NH-R1, NH-R2 and NH-R3, as they relate to coastal hazards (the identified Tsunami Hazard Area, in particular).

Assessment Matters

For Discretionary Activities, Council's assessment is not restricted to these matters, but it may consider them (among other factors).

CE-AM1 Identified Natural Character Values

1. Effects on the particular natural character values and characteristics contained in CE-SCHED7 and relevant section(s) of the following assessment report:
'Natural Character Assessment of the Central Hawke's Bay Coastal Environment', Hudson Associates Landscape Architects, January 2019.

CE-AM2 Additional Specific Assessment Matters for Activities on Land within or containing HNCs

1. Buildings
 - a. The location, layout, and design of the development to ensure that it does not have adverse effects on the coastal natural character. This will include

reference to the proposed nature and location of building platforms, accessways, landscaping, planting, and the position, form, and appearance of building development.

In particular, the location, layout and design of buildings should:

- i. Be of a scale, design and location that is sympathetic to the visual form of ridgelines and spurs and should not dominate the landscape.
- ii. Avoid large-scale earthworks on ridgelines, hill faces and spurs.
- iii. Be sympathetic to the underlying landform and surrounding visual and landscape patterns.
- iv. Be designed to minimise cuttings across hill faces and through spurs.
- v. Where planting is proposed, be of a scale, pattern and location that is sympathetic to the underlying landform and the visual and landscape patterns of surrounding activities.
- vi. Where necessary for the avoidance or mitigation of adverse effects, include proposals to ensure the successful establishment of plantings.
- vii. Avoid disturbance of archaeological sites.
- viii. **Be consistent with the underlying zoning and existing land use.**

2. Earthworks

- a. The extent to which earthworks have been designed and located to minimise adverse visual effects.

In particular, the extent to which any such proposal:

- i. Minimises the location of large-scale earthworks on prominent ridgelines, hill faces and spurs, where practicable.
- ii. Minimises cuttings across hill faces and spurs.
- iii. Minimises the number of finished contours that are out of character with the natural contour, where practicable.
- iv. Can adequately mitigate the adverse visual effects through restoration or reinstatement of the site following the earthworks.
- v. Will compromise the values relating to cultural and historic elements, geological features and matters of cultural and spiritual value to tangata whenua.
- vi. Will have any cumulative adverse effects (for example, the modification to the existing natural character and the sensitivity or vulnerability to further change).
- vii. Is consistent with the underlying zoning and existing land use.

3. General

- a. The natural science, perceptual and associational values (including the cultural relationship with the land for tangata whenua) associated with the natural character of the area.
- b. Place-specific management issues identified for the particular natural character area.
- c. The character and degree of modification, damage, loss, or destruction that will result from the activity.
- d. The duration and frequency of effect (for example, long-term or recurring effects).
- e. The magnitude or scale of effect (for example, the number of sites affected, spatial distribution, landscape context).

- f. The irreversibility of the effect (for example loss of unique or rare features, limited opportunity for remediation, the technical feasibility of remediation or mitigation).
- g. The resilience of heritage value or place to change (for example, the ability to assimilate change, vulnerability to external effects).
- h. The opportunities to remedy or mitigate pre-existing or potential adverse effects (for example restoration or enhancement), where avoidance is not practicable.
- i. The probability of the effect (for example the likelihood of unforeseen effects, ability to take a precautionary approach).
- j. Cumulative effects (for example, the modification to the existing natural character and its sensitivity or vulnerability to further change).
- k. Need for, or purpose of, the works.
- l. Whether there is a practicable alternative recognising the operational and technical requirements of regionally or nationally significant infrastructure.
- m. The consistency of the activity with its underlying zoning and existing land use.

Refer also Assessment Matters NH-AM1, NH-AM2, NH-AM3, NH-AM4, NH-AM5 and NH-AM6, as they relate to coastal hazards.

Methods

Methods for implementing the policies:

CE-M1 Mapping the Coastal Environment Area

Mapping the extent of the coastal environment on the Planning Maps.

CE-M2 Identifying and Mapping the Natural Character of the Coastal Environment

Identifying and describing the values associated with areas of high natural character (HNCs) in CE-SCHED7 and identifying them on the Planning Maps.

CE-M3 District Plan Provisions

1. SUB – Subdivision: subdivision of land within the coastal environment, and/or containing an identified area of high natural character, is a discretionary activity, with assessment matters in terms of those coastal and high natural character values.
2. EW – Earthworks, and NFL – Natural Features & Landforms: specific rules and standards controlling earthworks in the coastal environment and identified areas of high natural character in the coastal environment (HNCs), and controlling earthworks and built form in the District’s ONFs (some of which present a significant overlap with identified HNCs), and accompanying assessment matters for assessing resource consent applications.
3. ECO – Ecosystems and Indigenous Biodiversity: rules and performance standards relating to Significant Natural Areas (SNAs) and the clearance of areas of significant indigenous vegetation and/or significant habitats of indigenous fauna, which will also act

to protect against loss of indigenous vegetation cover in identified HNCs containing such vegetation.

4. SASM – Sites and Areas of Significance to Māori: rules and standards protecting wāhi tapu, wāhi taonga and sites and areas of significance to Māori, which will also assist with protecting those associational values attributed by tangata whenua to identified HNCs.

CE-M4 Hawke’s Bay Regional Resource Management Plan and Hawke’s Bay Regional Coastal Environment Plan

Hawke’s Bay Regional Resource Management Plan and Regional Coastal Environment Plan rules and performance standards controlling drainage of wetlands and inundation/damming of rivers, as well as land use controls restricting buildings and structures within identified coastal hazard zones.

CE-M5 Hawke’s Bay Regional Pest Management Plan and Biosecurity Act 1993

Control of animal and plant pests affecting indigenous vegetation cover across the District through rules and implementation methods in the Hawke’s Bay Regional Council’s ‘Regional Pest Management Plan’ and through enforcement of the Biosecurity Act 1993.

CE-M6 Other Protection Mechanisms

Other protection mechanisms, such as the protection of public reserve land under the Conservation Act 1987 and Reserves Act 1977, retiring land under QEII covenant, and protection through Ngā Whenua Rāhui kawenata (covenants) on Māori-owned land. Such areas could be subject to partial rates relief or other assistance.

CE-M7 Education, Advocacy, and Information Sharing

Promoting education, advocacy and information sharing to raise community awareness of the attributes and values of the District’s important natural character areas including their contribution to community identity, and the need to have regard to them when undertaking subdivision, use and development activities.

CE-M8 Liaison and Collaboration

Liaising and collaborating with landowners, interest groups and agencies with an interest in protecting, maintaining, or enhancing the District’s high natural character areas in the coastal environment.

Liaising with others to develop, or utilising existing, climate change science and research to understand the relevant risks and adaptation, mitigation, or avoidance responses.

Refer also Methods NH-M1, NH-M2, NH-M5, NH-M6, NH-M7, NH-M8, NH-M9 and NH-M10, as they relate to coastal hazards.

Principal Reasons

The principal reasons for adopting the policies and methods:

The scale of the escarpments and dynamic nature of the coastal processes are such that only major changes have been assessed as likely to affect the natural character of features within the coastal environment of Central Hawke's Bay. These major changes centre around pine plantations, earthworks, drainage, and buildings.

Pine plantations can cover and hide the exposed geomorphology, which is a key perceptual characteristic owing to its prominent light grey colour, steep imposing cliffs and demonstration of active coastal processes. Conversely, pines can hold the land and limit erosion, which may be beneficial for the near shore marine environment. Consideration could be given to promoting the establishment of native vegetation as an alternative to pines along the eroding coastal escarpments. This would increase land stability and the natural character rating, also negating potential erosion problems that could result from pine harvesting.

Earthworks of a large scale can adversely affect features such as remnant dunes, flattening these to create more usable areas of pasture for farming operations. This negatively affects the landform. Similarly, drainage of dune areas has an adverse effect on biodiversity, vegetation habitat and perceived naturalness. Earthworks are not anticipated to occur on the steep escarpments due to accessibility issues, but if they did occur, they could be a threat to perceived naturalness, particularly in areas characterised by limestone or bare mudstone escarpments.

Buildings can detract from the perceived naturalness of the coastal edge if placed directly along the top of an escarpment by introducing a built form near an area where natural processes are clearly dominant.

Anticipated Environmental Results

The environmental results anticipated from the policies and methods:

- | | |
|----------------|---|
| CE-AER1 | The distinctive eroding mudstone cliffs, limestone outcrops, dunelands and interdunal wetlands and lakes within the District's coastal environment are maintained and enhanced. |
| CE-AER2 | The natural character of the District's coastal environment is preserved through consolidation of existing coastal settlements, and through controls on subdivision and development. |
| CE-AER3 | Identified sites, landscapes, features and areas of natural, cultural and historical heritage significance within the coastal environment are protected. |

Appendix I – EW – Earthworks

EW – Earthworks

Introduction

Earthworks are an integral part of development, as they prepare land (including the formation of building platforms) to be used for living, business and recreation, and are often essential to the construction of foundations, buildings, and structures. Earthworks also form part of normal agricultural and horticultural practices in the rural environment.

This chapter also includes provisions relating to mining, quarries, and gravel extraction.

In terms of mineral, aggregate and hydrocarbon extraction, there are significant aggregate deposits in the District and there is potential for discovery of minerals and hydrocarbon deposits in the future. Buildings, roads, and many surfaces used for business, land based primary production, education and recreation depend on a continuing supply of aggregates of various kinds. Most gravel extracted in the District is from river sources. Gravel extraction from riverbeds is controlled by the Hawke's Bay Regional Council.

Whilst integral to development, earthworks can have adverse effects on the environment if not appropriately managed.

When land contours are disturbed or altered through earthworks, mineral, aggregate and hydrocarbon extraction, this can have significant environmental effects on:

- The surface drainage patterns of land;
- Visual amenity values;
- Soil erosion potential;
- The life-sustaining capacity of soils;
- The disturbance of ecosystems, watercourses, and waterbodies;
- The disturbance of areas of natural, cultural and heritage values; and
- The safety of people and the community where earthworks could cause subsidence, slippage, or inundation of land.

The earthworks provisions have been developed to ensure earthworks and minerals extraction are managed appropriately to avoid, remedy, or mitigate potential adverse effects.

Objectives

EW-O1 Enable people and communities to carry out earthworks **where appropriate**, while avoiding, remedying or mitigating the adverse environmental effects of earthworks, including on the health and safety of people.

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.

Policies

Earthworks

- EW-P13** **Where appropriate, To** enable earthworks to provide for people and communities' social, economic and cultural well-being, and their health and safety, where adverse effects are avoided, remedied or mitigated.
- EW-P1** To avoid, remedy or mitigate the adverse effects of earthworks which:
1. create new or exacerbate existing natural hazards, particularly flood events, or cause adverse effects on natural coastal processes; and
 2. result in adverse effects on the stability of land, structures or buildings.
- EW-P2** To ensure earthworks are appropriately located, designed and managed to avoid, remedy or mitigate adverse effects by:
1. controlling volume and vertical extent of earthworks, to maintain the role, function and predominant character of each zone and reduce effects on neighbouring properties and the environment; and
 2. controlling the movement of dust and sediment beyond the area of development, particularly to avoid nuisance effects and/or adverse amenity effects on neighbouring sites or any Council reticulated stormwater system; and
 3. controlling the effects of urban development on the health and well-being of water bodies, freshwater ecosystems and receiving environments.
- EW-P3** To ensure that earthworks are designed to reflect natural landforms, and where appropriate, landscaped to reduce and soften their visual impact having regard to the character and visual amenity of the surrounding area.
- EW-P4** Where **appropriate practicable**, to require the re-pasture or re-vegetation of land where vegetation is cleared as a consequence of earthworks.
- EW-P5** To protect the highly productive land of Central Hawke's Bay from large-scale stripping, stockpiling, and removal to ensure the land can still support a range of primary production activities.

EW-P6 To avoid duplication in regulation by District Plan rules and standards where earthworks activities are already subject to regulatory assessment, such as through subdivision provisions and Building Act 2004 controls.

EW-P7 To control earthworks, exploration and mining activities to ensure that any adverse effects on the natural and physical environment, and the amenity of the community, adjoining land uses, heritage items, and wāhi tapu, wāhi taonga and sites of significance to Māori, are avoided, remedied or mitigated.

Refer also the policies in the SASM chapter in relation to wāhi tapu, wāhi taonga and sites of significance to Māori.

Mining, Quarrying and Hydrocarbon Extraction

~~**EW-P8** To provide for the prospecting and exploration of minerals where the adverse effects on the environment are avoided, remedied or mitigated.~~

EW-P9 To provide for farm quarries and forestry quarrying activities to be established in rural areas where appropriate where the adverse effects on the environment are avoided, remedied or mitigated.

EW-P10 To avoid, remedy or mitigate adverse effects on the environment associated with mining, quarrying and hydrocarbon extraction activities, and the prospecting and exploration of minerals.

EW-P11 To require proposals for new mining, quarrying or hydrocarbon extraction activities to provide adequate information on the establishment and operation of the activity and demonstrate:

1. the size and scale of extraction activities and the expected length of operation of the extraction site;
2. the design and layout of the site, the access roads and supporting facilities;
3. that adequate measures will be used to:
 - a. manage noise, vibration, dust and illumination to maintain amenity values of the surrounding land uses, particularly at night-time;
 - b. manage the potential effects of dust on any nearby primary production activities including, for horticultural land use, the effects of dust on produce;
 - c. manage adverse effects of traffic generation and maintain safety to all road users, particularly measures to manage heavy vehicles entering or exiting the site;
 - d. avoid, remedy or mitigate adverse effects on soil and water quality, including impacts on watercourses within

- e. maintain land stability;
 - f. protect identified Outstanding Natural Landscapes and Features, and avoid or mitigate adverse effects on visual and landscape values;
 - g. protect identified Significant Natural Areas, and avoid or mitigate adverse effects on indigenous biodiversity;
 - h. protect the natural character of the coastal environment;
 - i. protect historic heritage; and
 - j. protect wāhi tapu, wāhi taonga and sites of significance to tangata whenua.
4. options anticipated for the rehabilitation of the site, either by a staged process or at the end of the economic life of the quarry, having regard to the expected life of the extraction site.

EW-P12 To require a quarry management plan to be prepared to address operational matters associated with the activities on the extraction site, including management of adverse effects and actions to avoid, remedy, mitigate these effects.

Rule Overview Table

Use/activity	Rule Number
Specified Earthworks	EW-R1
Ancillary rural earthworks	EW-R2
Mineral prospecting and exploration activities	EW-R3
Mining and quarrying activities	EW-R4
Earthworks and vertical holes within the National Grid Yard	EW-R5
Earthworks within 20 metres of the Gas Transmission Network	EW-R6
All other earthworks not otherwise provided for	EW-R7

Rules

Note 1: The provisions of this chapter do not apply to plantation forestry. Plantation forestry is regulated separately under the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017 which specifically addresses fill, spoil, sediment, stabilisation etc associated with plantation forest activities.

Note 2: The provisions of this chapter also apply to earthworks associated with subdivision e.g. earthworks to facilitate formation of vehicle access and building platforms.

It is important to note that in addition to the provisions in this chapter, zone chapters and a number of other Part 2: District-Wide Matters chapters also contain provisions that may be relevant for activities involving earthworks or land disturbance.

EW-R1 Specified Earthworks		
All Zones	<p>1. Activity Status: PER</p> <p>Where the following conditions are met:</p> <ul style="list-style-type: none"> a. The earthworks are associated with site preparation works for a building, the area (m²) of earthworks is no more than 150% of the area of the associated building footprint, and complies with EW-S1 Slope, and EW-S5 Control of Silt and Sediment, and EW-S10 Earthworks within a scheduled Wāhi Tapu Place in HH-SCHED2; or b. The earthworks are associated with any network utilities, including the upgrade or maintenance of existing public roads, and complies with EW-S4 Site Reinstatement and EW-S5 Control of Silt and Sediment, and EW-S10 Earthworks within a scheduled Wāhi Tapu Place in HH-SCHED2; or c. The earthworks are associated with replacement and/or removal of a fuel storage system defined as permitted by the Resource Management Regulations (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health), and complies with EW-S5 Control of Silt and Sediment, and EW-S10 Earthworks within a scheduled Wāhi Tapu Place in HH-SCHED2; or d. The earthworks are associated with gravel extraction within the bed of a river. <p><i>Note: Gravel extraction within the bed of a river is subject to rules</i></p>	<p>2. Activity status where compliance not achieved: EW-R2 to EW-R7 apply</p>

	<i>administered by the Hawke's Bay Regional Council.</i>	
EW-R2 Ancillary rural earthworks		
General Rural Zone Rural Production Zone Rural Lifestyle Zone	1. Activity Status: PER Where the following conditions are met: a. Compliance with: i. EW-S2; ii. EW-S3; iii. EW-S4; iv. EW-S5; v. EW-S6; vi. EW-S7; and vii. EW-S8.	2. Activity status where compliance not achieved: RDIS Matters over which discretion is restricted: a. EW-AM1. b. EW-AM2. c. EW-AM3. d. EW-AM4. e. EW-AM5. f. EW-AM6. g. EW-AM7. h. EW-AM9.
EW-R3 Mineral prospecting and exploration activities		
All Zones	1. Activity Status: PER Where the following conditions are met: a. Compliance with: i. EW-S1; ii. EW-S2; iii. EW-S3; iv. EW-S4; v. EW-S5; vi. EW-S6; vii. EW-S7; viii. EW-S8; ix. EW-S10. b. Compliance with EW-S9.	2. Activity status where compliance with condition EW-R3(1)(a) is not achieved: RDIS Matters over which discretion is restricted: a. EW-AM1. b. EW-AM2. c. EW-AM3. d. EW-AM4. e. EW-AM5. f. EW-AM6. g. EW-AM7. h. EW-AM8. i. EW-AM9.
		3. Activity status where compliance with condition EW-R3(1)(b) is not achieved: DIS

EW-R4 Mining and quarrying

<p>General Rural Zone</p> <p>Rural Production Zone</p>	<p>1. Activity Status: PER</p> <p>Where the following conditions are met:</p> <p>a. The activity is for a farm quarry.</p> <p>b. Compliance with:</p> <ul style="list-style-type: none"> i. EW-S1; ii. EW-S2; iii. EW-S3; iv. EW-S4; v. EW-S5; vi. EW-S6; vii. EW-S7; viii. EW-S8; and ix. EW-S10. 	<p>2. Activity status where compliance with conditions EW-R4(1)(a) and/or EW-R4(1)(b) is not achieved: DIS</p>
<p>Rural Lifestyle Zone</p> <p>Settlement Zone</p> <p>Large Lot Residential Zone (Coastal)</p> <p>General Residential Zone</p> <p>Town Centre Zone</p> <p>General Industrial Zone</p>	<p>3. Activity Status: NC</p> <p>Where the following conditions are met:</p> <p>N/A</p>	<p>4. Activity status where compliance not achieved: N/A</p>

EW-R5 Earthworks and vertical holes within the National Grid Yard

<p>All Zones</p>	<p>1. Activity Status: PER</p> <p>Where the following conditions are met:</p> <p>a. Around National Grid poles, the earthworks and vertical holes must be no deeper than 300mm within 2.2 metres of the outer visible edge of any National Grid pole support structure, and no deeper than 750mm between 2.2 metres and 5 metres of the outer</p>	<p>2. Activity status where compliance with conditions EW-R5(1)(a) and/or EW-R5(1)(b) and/or EW-R5(1)(c) is not achieved: RDIS</p> <p>Matters over which discretion is restricted:</p>
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visible edge of any National Grid pole support structure.

Except that vertical holes not exceeding 500mm in diameter are exempt from a), provided they are more than 1.5m from the outer edge of the pole support structure or stay wire

- b. Around National Grid towers (including tubular steel towers where these replace steel lattice towers), the earthworks and vertical holes must be no deeper (measured vertically) than 300mm within 6m of the outer visible edge of any National Grid tower support-structure foundation, and no deeper than 3 metres between 6 metres and 12 metres from the outer visible edge of a foundation of a National Grid tower support-structure foundation, except under the following circumstances:

Except that vertical holes are exempt from b), provided they are a post hole for a farm fence or artificial crop protection or crop support structures and are more than 5m from the visible outer edge of a tower support structure foundation.

Except a) and b) do not apply to:

- i. earthworks and vertical holes that are undertaken by a network utility operator (other than for the reticulation and storage of water for irrigation purposes) as defined by the Resource Management Act 1991, or
- ii. earthworks and vertical holes undertaken as part of agricultural or domestic cultivation, or repair, sealing or resealing of a road, footpath, driveway or farm track.
- iii. vertical holes not exceeding 500mm in diameter, provided they:

- a. EW-AM1,
- b. EW-AM2,
- c. EW-AM3,
- d. EW-AM4,
- e. EW-AM5,
- f. EW-AM6,
- g. EW-AM7,
- h. Impacts on the operation, maintenance, upgrading and development of the National Grid,
- i. The risk to the structural integrity of the affected National Grid support structure,
- j. Any impact on the ability of the National Grid owner (Transpower) to access the National Grid,
- k. The risk of electrical hazards affecting public or individual safety, and the risk of property damage,
- l. Technical advice provided by the National Grid owner (Transpower),
- m. Any effects on National Grid support structures including the creation of an unstable batter.

3. Activity status where compliance with condition EW-R5(1)(ed) is not achieved: NC

	<ul style="list-style-type: none"> a. are more than 1.5m from the outer edge of the pole support structure or stay wire, or b. are a post hole for a farm fence or artificial crop protection or crop support structures and are more than 6m from the visible outer edge of a tower support structure foundation. c. Compliance with: <ul style="list-style-type: none"> i. EW-S1; ii. EW-S2; iii. EW-S3; iv. EW-S4; v. EW-S5; vi. EW-S7; vii. EW-S8; and viii. EW-S9; d. Compliance with EW-S6. 	
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EW-R6 Earthworks within 20m of the Gas Transmission Network (including ancillary rural earthworks)

All Zones	<p>1. Activity Status: PER</p> <p>Where the following conditions are met:</p> <ul style="list-style-type: none"> a. Compliance with: <ul style="list-style-type: none"> i. EW-S1; ii. EW-S2; iii. EW-S3; iv. EW-S4; v. EW-S5; vi. EW-S6; vii. EW-S7; viii. EW-S8; and ix. EW-S10. 	<p>2. Activity status where compliance not achieved: RDIS</p> <p>Matters over which discretion is restricted:</p> <ul style="list-style-type: none"> a. EW-AM1. b. EW-AM2. c. EW-AM3. d. EW-AM4. e. EW-AM5. f. EW-AM6. g. EW-AM7. h. EW-AM9. i. The risk of hazards affecting public or individual safety, and the risk of property damage. j. Measures proposed to avoid or mitigate potential adverse effects on the gas transmission pipeline.
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		<ul style="list-style-type: none"> k. Technical advice, including an assessment of the level of risk. l. The outcome of any consultation with the owner and operator of the gas transmission pipeline
EW-R7 All Other Earthworks not otherwise provided for		
All Zones	<p>1. Activity Status: PER</p> <p>Where the following conditions are met:</p> <ul style="list-style-type: none"> a. Compliance with: <ul style="list-style-type: none"> i. EW-S1; ii. EW-S2; iii. EW-S3; iv. EW-S4; v. EW-S5; vi. EW-S6; vii. EW-S7; and viii. EW-S8. 	<p>2. Activity status where compliance not achieved: RDIS</p> <p>Matters over which discretion is restricted:</p> <ul style="list-style-type: none"> a. EW-AM1. b. EW-AM2. c. EW-AM3. d. EW-AM4. e. EW-AM5. f. EW-AM6. g. EW-AM7. h. EW-AM9.

Standards

EW-S1 Slope	
General Rural Zone	1. Earthworks must be undertaken on land with a slope less than 45° above horizontal.
All Other Zones	2. Earthworks must be undertaken on land with a slope less than 22° above horizontal.
	Figure 7 – Maximum existing slope angle (excavation)

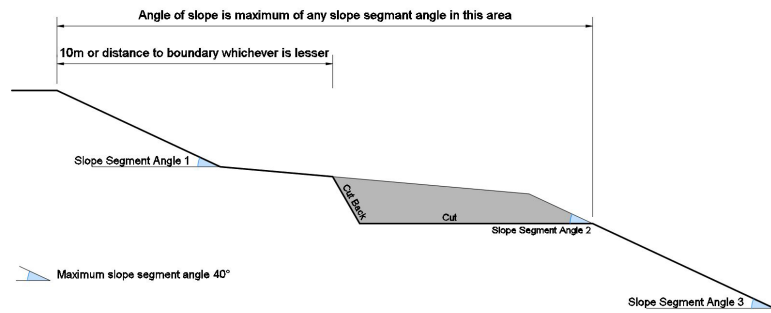
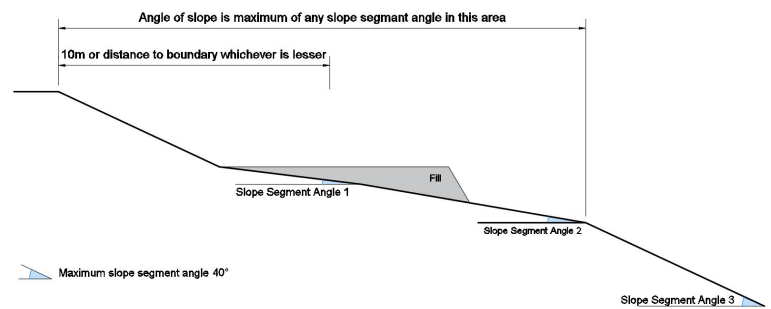


Figure 8 – Maximum existing slope angle (filling)



EW-S2 Extent of Earthworks

Identified areas of:

- **High Natural Character (HNCs)**
- **Outstanding Natural Features and Landscapes (ONFs/ONL)**
- **Significant Natural Areas (SNAs)**

1. Ancillary rural earthworks – maximum of 500m³ per site within the identified area/feature in any 12-month period. Refer also Standard EW-S7.
2. All other earthworks – maximum of 200m³ per site within the identified area/feature in any 12-month period.

Identified areas of:

- **High Natural Character (HNCs)**
- **Outstanding Natural Features and Landscapes (ONFs/ONL)**

- 2A. Ancillary rural earthworks (other than maintenance of existing farm tracks, driveways, roads and accessways) – maximum of 500m³ per site within the identified area/feature in any 12-month period. Refer also Standard EW-S7.
- 2B. Maintenance of existing farm tracks, driveways, roads and accessways - unlimited.
- 2C. All other earthworks – maximum of 200m³ per site within the identified area/feature in any 12-month period.

General Rural Zone (except any identified HNC, ONF/ONL or SNA areas)	3. Ancillary rural earthworks – unlimited. 4. All other earthworks – maximum of 2,000m ³ per hectare of site in any 12-month period.
Rural Production Zone (except any identified HNC, ONF/ONL or SNA areas)	5. Ancillary rural earthworks – unlimited. 6. All other earthworks – maximum of 1,000m ³ per hectare of site in any 12-month period. 7. Removal offsite of topsoil, sand, gravel, or earth – maximum of 25m ³ per site in any 12-month period.
Rural Lifestyle Zone (except any identified HNC, ONF/ONL or SNA areas)	8. Maintenance of existing tracks, driveways, roads and accessways, existing drains and existing fence lines within the same formation width – maximum of 500m ³ per site in any 12-month period. 9. All other earthworks – maximum of 100m ³ per hectare of site in any 12-month period.
Settlement Zone Large Lot Residential Zone (Coastal) General Residential Zone Town Centre Zone General Industrial Zone	10. Maximum of 50m ³ per site in any 12-month period.
	<i>Notes:</i> 1. For the purpose of assessing the total volume of earthworks allowed as a Permitted Activity for sites where a per-hectare rule applies, the volume will be calculated by multiplying the volume threshold by the total area of the subject site in hectares over any 12-month period. 2. For the importation of fill or removal of cut to or from an offsite location, the volumes of earthworks specified will be reduced by 50% in determining the volume permitted in any 12-month period.
EW-S3 Vertical Extent of Excavation	
Identified areas of: - High Natural Character (HNCs)	1. 2 metres

<ul style="list-style-type: none"> - Outstanding Natural Features and Landscapes (ONFs/ONL) - Significant Natural Areas (SNAs) <p>(except for HNC2, HNC6, ONL1, ONF5, ONF5A, ONF6, ONF7, ONF9 and ONF10)</p>	
<p>HNC2 (Waimoana-Kairakau)</p> <p>HNC6 (Porangahau)</p> <p>ONF5 & ONF5A (Northern end of Nga Kaihinaki-a-Whata & Te Whata Kokako)</p> <p>ONF6 (Silver Range)</p> <p>ONF7 (Kairakau Coastline)</p> <p>ONF9 (Parimahu)</p> <p>ONF10 (Porangahau Foredune & Estuary)</p>	<p>2.</p> <p>1 metre</p> <p><u>(Excluding ancillary rural earthworks for maintenance of existing tracks, driveways, roads and accessways for which the limit is 2 metres)</u></p>
<p>General Rural Zone</p> <p>ONL1 (Ruahine Range)</p>	<p>3.</p> <p>5 metres</p>
<p>All Other Zones</p>	<p>4.</p> <p>2.5 metres</p>
<p>EW-S4 Site Reinstatement</p>	
<p>All Zones</p>	<p>1. Areas disturbed by exploration, prospecting or earthworks will be stabilised, filled and/or recontoured in a manner consistent with the surrounding land as soon as practicable,</p>

	<p>but no later than 6 months of the disturbance activity ceasing; and</p> <p>2. Where vegetation clearance occurs as a result of land disturbance (except where it is associated with the operation, maintenance or upgrading of lawfully established roads, tracks, network utility operations and drainage channels), disturbed areas must be re-pastured or re-vegetated as soon as practicable within 18 months of the disturbance activity ceasing.</p> <p><i>Note: Vegetation clearance and soil disturbance may also be subject to rules administered by the Hawkes Bay Regional Council.</i></p>
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EW-S5 Control of Silt and Sediment

<p>All Zones</p>	<p>1. Erosion and sediment control measures must be put in place to avoid sediment run-off from earthworks, mining, quarrying and hydrocarbon extraction activities entering a Council reticulated network or into waterbodies.</p> <p><i>Notes:</i></p> <ol style="list-style-type: none"> <i>The Hawke’s Bay Regional Council’s ‘Hawke’s Bay Waterway Guidelines – Erosion and Sediment Control, (2009, HBRC Plan Number 4109)’ outlines an acceptable means of compliance with this standard.</i> <i>All other stormwater runoff across property boundaries or sediment entering waterbodies may be subject to rules administered by the Hawkes Bay Regional Council.</i>
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EW-S6 Earthworks and Vertical Holes within the National Grid Yard

<p>All Zones</p>	<ol style="list-style-type: none"> The earthworks must not compromise the stability of a National Grid support structure, and The earthworks must not result in a reduction in ground-to-conductor clearance distances as required in Table 4 of the New Zealand Electrical Code of Practice for Electrical Safety Distances (NZECP 34:2001), and The earthworks within the National Grid Yard must not result in the permanent loss of ensure vehicular access to any National Grid support structure is available.
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EW-S7 Ancillary Rural Earthworks

<p>Identified areas of:</p> <ul style="list-style-type: none"> High Natural Character (HNCs) 	<p>1. For the maintenance of existing tracks, driveways, roads and accessways only, ancillary rural earthworks must be within the same formation width, and the landowner must</p>
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<ul style="list-style-type: none"> - Outstanding Natural Features and Landscapes (ONFs/ONL) - Significant Natural Areas (SNAs) 	<p>take, and provide to Council on request, photos of the location of the earthworks before and after completion, sufficient to show the formation width.</p> <ol style="list-style-type: none"> 2. Exposed vertical cuts or batter faces must not exceed 2m in vertical height or take place on slopes of greater than 45 degrees above horizontal. 3. All remaining slopes must be remediated to marry in with the surrounding landform and be replanted with either grass or planting to match the surrounding vegetation cover (excluding weed species).
EW-S8 Electrical Safety Distances	
All Zones	<ol style="list-style-type: none"> 1. Any earthworks within the vicinity of overhead electric lines must comply with the New Zealand Electrical Code of Practice for Electrical Safety Distances (NZECP 34:2001).
EW-S9 Mineral Prospecting and Exploration	
All Zones	<ol style="list-style-type: none"> 1. Mineral prospecting and exploration: <ol style="list-style-type: none"> a. must not involve blasting; and b. must not be undertaken outside the hours of 0700 to 2200 hours on any day.
EW-S10 Earthworks within a scheduled Wāhi Tapu place in HH-SCHED2	
All Zones	<ol style="list-style-type: none"> 1. Earthworks are not within 100m of the location on the Planning Maps of a scheduled Wāhi Tapu place in HH-SCHED2, unless the earthworks are limited to interments in existing cemeteries or urupā. <p><i>Note: for activities (including earthworks) within, or within 100m of, a site or area of significance to Māori identified in SASM-SCHED3 refer SASM chapter of the PDP.</i></p>

Assessment Matters

For Discretionary Activities, Council’s assessment is not restricted to these matters, but it may consider them (among other factors).

EW-AM1 Land Disturbance and Vegetation Clearance

1. The effects of land disturbance and vegetation clearance will be assessed in terms of their effects on:
 - a. The life-supporting capacity of soils.
 - b. Soil erosion and stability.
 - c. Soil runoff and sedimentation.
 - d. Natural landforms and contours.
 - e. Flora and fauna.
 - f. Significant cultural sites (wāhi tapu, wāhi taonga and sites of significance), historic heritage sites (including archaeological sites) and ecological sites.
 - g. Composition and characteristics of any fill used.

2. In making an assessment, the following factors will be considered:
 - a. The extent of removal of vegetation, topsoil, and subsoils at any one time.
 - b. Methods to separate soil horizons during stripping.
 - c. Measures to safeguard the life supporting capacity of stockpiled soils.
 - d. The potential or increased risk of hazards from the activity, including potential risk to people or the community.
 - e. Sediment control measures, including measures to prevent sediment runoff into Council's reticulated network.
 - f. Rehabilitation of site (including backfilling, re-spreading of subsoil and topsoil, contouring, re-pasturing and revegetation).
 - g. Land capability and potential end uses of the site.
 - h. Information on any relocation of fill on or offsite.
 - i. Siting, construction, and maintenance of internal access roads.
 - j. Effect on flow paths and floodways.
 - k. Measures to avoid the disturbance of wāhi tapu, wāhi taonga and sites of significance and archaeological sites (noting that any disturbance of an archaeological site will require separate approval under the Heritage New Zealand *Pouhere Taonga* Act 2014).

EW-AM2 Visual Impact

1. The visual effects of the activity will be assessed in terms of its potential effect on:
 - a. The residential or recreational (including tourism) use of land in the vicinity of the activity.
 - b. The existing character of the locality and amenity values.

2. In making that assessment, the following factors will be considered:
 - a. Planting, screening, and other amenity treatment to minimise visual impact.
 - b. Site location including locality, topography, geographical features, adjoining land uses.
 - c. Height of soil stockpiles and cuttings.
 - d. Rehabilitation of the site, including contouring, landscaping, and re-vegetation.
 - e. Duration, rate, and extent of extraction.
 - f. Lighting – intensity, direction, and positioning of lighting in relation to the effects of glare on the surrounding environment and adjacent land uses.

EW-AM3 Effects on Other Land Uses and Adjoining Properties

1. The extent to which the activity will interfere with, or adversely affect, the current use of the land on which the activity is sited, or adjoining land uses.

Consideration will be given to any potential effects of the proposed activity on adjoining properties and land uses, such as effects on surface drainage patterns, dust nuisance, or adverse effects on adjoining buildings. Permanent effects will be given more weight than temporary effects.

Consideration will also be given to methods to avoid adverse effects on land use activities which are allowed in the zone where the activity is located, such as the distance of activities from boundaries, and methods to avoid disturbance to adjoining properties, including livestock, particularly during birthing, and dust on fruit, particularly during harvesting season.

EW-AM4 Noise

1. In assessing the impact of noise, Council will consider the noise sensitivity of the receiving environment, including land uses on sites adjacent to where the activity is proposed to be undertaken. Consideration will also be given to hours of operation of the activity.

EW-AM5 Effects on Roothing Network

1. The extent to which the transport of cut and/or fill material resulting from or required for the earthworks (including earth, soil, clay, sand, and rock) off or onto the site will interfere with, or adversely affect the safe and efficient operation of the roading network.

EW-AM6 Effects on Watercourses, Waterbodies and on Recreation, Conservation or Significant Natural Areas

1. The extent to which the activity will interfere with, or adversely affect:
 - a. Access to and along watercourses and waterbodies.
 - b. Outstanding waterbodies.
 - c. Recreation, conservation, or significant natural areas.

EW-AM7 Effects within High Natural Character Areas, Outstanding Natural Landscapes and Features, and Significant Amenity Features

1. The extent to which earthworks have been designed and located to minimise adverse visual effects and effects on the particular landscape values and characteristics of the identified natural character areas and landscapes. In particular, the extent to which any such proposal:
 - a. Minimises the location of large-scale earthworks on prominent rural ridgelines, hill faces and spurs, where practicable.
 - b. Minimises cuttings across hill faces and spurs.

- c. Minimises the number of finished contours that are out of character with the natural contour, where practicable.
 - d. Can adequately mitigate the adverse visual effects through restoration or reinstatement of the site following the earthworks.
2. The extent to which earthworks will compromise values relating to cultural and historic elements, geological features and matters of cultural and spiritual value to tangata whenua.
 3. Any cumulative adverse effects (for example, the modification to the existing area or landscape feature and its sensitivity or vulnerability to further change).

EW-AM8 Additional Specific Assessment Matters for Mining, Quarrying and Exploration Activities Only

1. Rehabilitation
 - a. The potential to rehabilitate the site after mining operations have been completed so that:
 - i. long term stability of the site is ensured;
 - ii. landforms or vegetation on finished areas are visually integrated into the landscape;
 - iii. land is returned to its original productive capacity, where appropriate;
 - iv. water and soil values are protected.
2. Vibration
 - a. The extent of the effects of vibration from the activity, particularly in respect of the use of explosives.
3. Roading and Transportation
 - a. The effects of transportation related to the activity will be assessed in terms of its potential effect on the sustainable management of the roading network including:
 - i. Disruption to traffic in the area.
 - ii. Traffic safety.
 - iii. Impact on the District roading network.
 - b. In making the assessment, the following factors will be considered:
 - i. Design of access.
 - ii. On-site parking and turning.
 - iii. The siting and construction standards of on-site roads and tracks.
 - iv. Maintenance or upgrading of roads or intersections in the vicinity of the activity.
 - v. Use of speed limits.
 - vi. Timing of work shifts.
4. Fire Hazard Mitigation
 - a. The ability of the activity to meet fire safety requirements including the possession of public liability insurance to cover the risk of fire.

5. Oil and Gas Exploration, Extraction and Production Activities
 - a. The following criteria relates to specific assessment involved with oil and gas exploration, extraction, and production. Assessment must be provided on the following:
 - i. The cumulative effects of multiple oil and gas wells and platforms.
 - ii. Lighting and flaring and the extent to which alternative methods have been considered for controlling the adverse effects of these activities.
 - iii. The location of oil and gas wells and platforms and their associated accesses, in relation to:
 - Residential activities on adjoining properties.
 - Sensitive activities.
 - Areas of cultural value, including wāhi tapu, wāhi taonga and sites of significance identified in SASM-SCHED3.
 - iv. The location of infrastructure associated with the transmission of oil and gas.
 - v. Consideration as to the likely length of each different stage of the proposal, and details on the processes in place once the well site is abandoned.
 - vi. The consideration of the different effects between the exploration and production stages for oil and gas extraction.
 - vii. The ability to provide a bond or contingency plan to the Council for rehabilitating operation areas in the event of early closure.
 - viii. The suitability and maintenance of access, including on public roads, to and from the oil and gas well or platform, for all stages of the exploration, production, and extraction process.

EW-AM9 Electricity Safety Distances

1. Impacts on the operation, maintenance, upgrading and development of the electricity network.
2. The risk of electrical hazards affecting public or individual safety, and the risk of property damage.
3. The risk to the structural integrity of any support structures associated with the electricity network.
4. Technical advice provided by the National Grid owner (Transpower) or electricity distribution network operator (Centralines Limited).

Methods

Methods, other than the above rules, for implementing the policies:

EW-M1 Other Provisions in the District Plan

Other sections of the District Plan contain additional rules and standards applying to earthworks:

1. HH – Historical Heritage and HH-SCHED2 – Schedule of Historical Heritage Items.

2. SASM – Sites and Areas of Significance to Māori and SASM-SCHED3 – Schedule of Sites and Areas of Significance to Māori – includes provisions relating to modification and disturbance of identified sites, including digging of offal pits and wastewater disposal and storage areas etc in close proximity to identified sites.
3. TREE – Notable Trees and TREE-SCHED4 – Schedule of Notable Trees – includes provisions around disturbance in the dripline of identified notable trees.
4. ECO – Ecosystems and Indigenous Biodiversity and ECO-SCHED5 – Schedule of Significant Natural Areas – includes provisions relating to trimming and modification of significant natural areas, including provisions for fencing and track maintenance works etc in these identified areas.
5. NFL – Natural Features and Landscapes and NFL-SCHED6 – Schedule of Outstanding Natural Features and Landscapes and Significant Amenity Features – includes provisions relating to construction of buildings in these identified landscape areas.
6. CE – Coastal Environment and CE-SCHED7 – Schedule of Areas of High Natural Character – includes policy provisions relating to identified areas of high natural character in the coastal environment.
7. NU – Network Utilities – includes provisions relating to the disturbance of land and vegetation associated with network utility operations.
8. SUB – Subdivision – includes assessment matters relating to earthworks associated with subdivisions.

EW-M2 Erosion and Sediment Control Guidelines

Hawke's Bay Regional Council's *Hawke's Bay Waterway Guidelines – Erosion and Sediment Control* (2009, HBRC Plan Number 4109), provides a range of on-site erosion and sediment control practices that can be implemented for a range of vegetation clearance and soil disturbance activities.

EW-M3 Building Act 2004

The Building Act prescribes additional controls regarding the quality and structural safety of soils when development under that Act is proposed. These controls provide measures to prevent slippage and subsidence.

EW-M4 National Environmental Standards for Plantation Forestry 2017

The National Environmental Standards for Plantation Forestry contains specific earthworks and forestry quarrying controls applying to plantation forestry.

EW-M5 Heritage New Zealand Pouhere Taonga Act

The Heritage New Zealand *Pouhere Taonga* Act makes it an offence to destroy or modify an archaeological site without first obtaining an 'archaeological authority' (applies to both recorded and unrecorded archaeological sites). Contact with Heritage New Zealand *Pouhere Taonga* is advised if any activity such as earthworks, fencing or landscaping, mining, quarrying or hydrocarbon extraction may modify, damage, or destroy any archaeological site.

Principal Reasons

The principal reasons for adopting the policies and methods:

The above provisions reflect the integral part earthworks and the mineral extraction industry play in the District's development but seek to control the design and location of such activities to ensure that any potential adverse effects are avoided, remedied, or mitigated.

Large scale earthworks, exploration and mining and quarrying activities are recognised as having the potential to cause significant adverse effects on the environment, including on the safety of people and property, the creation of new or exacerbating existing natural hazards, and on the visual amenity and character of the area where it occurs.

Where land disturbance or vegetation clearance occurs, disturbed areas will be required to be stabilised and revegetated to avoid the risk of soil erosion, and to ensure that the life-supporting capacity of the soil is safeguarded. This will also help to ensure that adverse effects on the character and visual amenity of the area are avoided or remedied.

The Rural Production Zone encompasses the identified concentration of highly productive land in Central Hawke's Bay. Where possible highly productive soils within this zone, particularly topsoils, should be protected from stripping, stockpile, and removal off-site.

The Building Act 2004 has its own requirements regarding the control and safety of earthworks. Such provisions are more specific for the associated activities. Therefore, the District Plan aims to avoid duplicating regulatory control in this respect.

Anticipated Environmental Results

The environmental results anticipated from the policies and methods:

- | | |
|----------------|---|
| EW-AER1 | The risks of soil erosion, sediment runoff, subsidence or inundation on people and property, and waterbodies, are avoided. |
| EW-AER2 | The life-supporting capacity of soils is safeguarded. |
| EW-AER3 | The visual amenity and character of the District's landscape is not reduced or compromised by earthworks or mineral extraction activities. |
| EW-AER4 | The amenity of the environment, including adjoining land uses, is not compromised by earthworks or mineral extraction. |
| EW-AER5 | The District's economy is diversified and enhanced by the efficient and effective use of the District's mineral resources. |

Appendix J – NOISE - Noise

NOISE – Noise

Introduction

It is almost inevitable that any activity undertaken in the environment will produce some noise effects. The RMA defines ‘noise’ as including vibration. Often noise has minimal effects (e.g. everyday household noises) or are of limited duration (e.g. lawn mowing). But in some cases, the effects of noise can become more significant, causing annoyance and having an impact on physical well-being and appreciation of amenity (such as sleep disturbance and noise-induced stress). Noise is often identified as a nuisance and the major cause of complaints and ongoing conflicts between neighbouring property owners.

Sensitivity to noise and expectations around what is acceptable noise varies depending on the character of the area, the duration of the noise, the distance and other buffering between the noise and the receiver, as well as the sensitivities of the individual.

The District Plan can minimise the risks and consequences of excessive noise through controls on the activity source of noise or on development near inherently noisy activities. Noise standards in the District Plan are consistent with the types of daily activities which occur within each zoned area. For example, the noise limit for noise received in the General Residential Zone is consistent with the types of daily activities which occur in an urban backyard, and the need for uninterrupted sleep. Similarly, commercial and industrial zones require noise limits which allow intended activities to take place, but with appropriate control of noise effects on more sensitive surrounding zones. Limits are also placed on noise associated with the operation of the Waipukurau Aerodome.

The purpose of the noise standards in the District Plan is therefore to enable those activities with noise associated with them to operate, while controlling noise to a reasonable level in order to protect the amenity of the receiving environment.

The primary duty relating to noise under the RMA is contained in section 16. Section 16 imposes an overarching general duty on every person to adopt the best practicable option to ensure that the emission of noise does not exceed a reasonable level. Enforcement of the section 16 duty is generally through the issuing of an enforcement order or abatement notice.

Temporary noise issues are dealt with under sections 326 and 327 of the RMA, which provide for intervention through the issuing of an excessive noise direction. The meaning of ‘excessive noise’ does not apply to any noise emitted by any:

- Aircraft being operated during, or immediately before or after, flight; or
- Vehicle being driven on a road (within the meaning of Section 2(1) of the Transport Act 1998); or
- Train, other than when being tested (when stationary), maintained, loaded, or unloaded.

Issues

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

Explanation

Excessive noise can unreasonably interfere with people's peace and comfort, and their health and well-being. It is therefore important that the emission of noise is appropriately controlled, and the effects of noise mitigated, and that excessive noise is avoided, where the noise is under human control.

Objectives

NOISE-O1 Ensure residents of the District are not exposed to unreasonable levels of noise for the zone 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.

Policies

NOISE-P1 To maintain the predominant character and amenity of each zone by controlling the level of noise and vibration received in each zone, particularly at night.

NOISE-P2 To ensure that noise sensitive activities and the addition of habitable rooms to existing noise sensitive activities in the Town Centre and General Industrial Zones, within specified setbacks of state highways and the rail network, and within identified airnoise boundaries for the Waipukurau Aerodrome shown on the Planning Maps, are acoustically designed and constructed to mitigate noise arising from legitimately established activities.

NOISE-P3 To recognise that noise associated with agricultural, viticultural and horticultural activities is appropriate for the working nature of the rural environment by exempting it from the noise limits. The operation of noisy equipment (in particular, rural airstrips, audible bird scaring

devices and frost fans) is provided for, subject to appropriate controls.

- NOISE-P4** To manage the emission of noise associated with the Waipukurau Aerodrome through identification of airnoise boundaries on the Planning Maps and accompanying noise limits.
- NOISE-P5** To allow noisy construction and demolition activities subject to ensuring the protection of the community from unreasonable noise.
- NOISE-P6** To allow noisy activities of limited duration and frequency which are of importance to the community, such as noise associated with the operation of emergency services and temporary military training activities, subject to appropriate controls.
- NOISE-P7** To allow noise arising from temporary events subject to controls in terms of frequency, duration, timing and maximum noise limits.
- NOISE-P8** To allow noise arising from recreational activities of a normal recreational nature, such as sporting events and playground activities, subject to the overarching duty to avoid unreasonable noise

Rule Overview Table

Use/activity	Rule Number
Emission of noise	NOISE-R1

Rules

Note: The provisions of this chapter do not apply to plantation forestry. Plantation forestry is regulated separately under the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017 which specifically addresses noise associated with plantation forest activities.

It is important to note that in addition to the provisions in this chapter, zone chapters and a number of other Part 2: District-Wide Matters chapters also contain provisions that may be relevant for activities involving the emission of noise.

NOISE-R1 Emission of noise		
All Zones	1. Activity Status: PER Where the following conditions are met: a. Compliance with:	2. Activity status where compliance not achieved: RDIS Matters over which discretion is restricted:

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| <ul style="list-style-type: none"> i. NOISE-S1; ii. NOISE-S2; iii. NOISE-S3; iv. NOISE-S4; and v. NOISE-S5. | <ul style="list-style-type: none"> a. NOISE-AM1. b. NOISE-AM2. c. NOISE-AM3. d. NOISE-AM4. e. NOISE-AM5. f. NOISE-AM6. g. NOISE-AM7. h. NOISE-AM8. i. NOISE-AM9. j. NOISE-AM10. k. NOISE-AM11. |
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Standards

NOISE-S1 Measurement and Assessment of Noise

General

1. Noise will be measured and assessed using the following standards:
 - a. NZS 6801:2008 Acoustics – Measurement of Environmental Sound
 - b. NZS 6802:2008 Acoustics – Environmental Noise
 - c. NZS 6803:1999 Acoustics – Construction Noise
 - d. NZS 6805:1992 Airport Noise Management and Land Use Planning
 - e. NZS 6806: 2010 Acoustics – Road Traffic Noise: New and altered roads
 - f. NZS 6807:1994 Noise Management and Land Use Planning for Helicopter Landing Areas
 - g. NZS 6808: 2010 Acoustics – Wind farm noise
 - h. NZS 6809:1999 Acoustics – Port Noise Management and Land Use Planning
2. Noise levels will be measured and assessed within the site boundary of the noise receiver unless specified otherwise. The assessment position for houses, dwellings and habitable buildings in the General Rural Zone, the Rural Production Zone, and the Rural Lifestyle Zone is within the notional boundary as defined in NZS6801.

Note: When it becomes evident a measurement location is not suitable, Council may, through the resource consent process, agree to the use of an alternative measurement location.

NOISE-S2 Vibration

General

1. Vibration from any activity will be measured and assessed as follows:
 - a. Vibration received at a building with regard to building damage:
 - i. ISO 4866:2010 Mechanical vibration and shock – vibration of fixed structures – Guidelines for the measurement of vibrations and evaluation of their effects on structures.

NOISE-S3 Noise Sensitive Activities within:

- 50m of a State Highway with a speed limit of less than 70km/h; or
- 100m of a State Highway with a speed limit of 70km/h or more (measured from the nearest painted edge of the carriageway); or
- 100m of the Rail Network Boundary

General

1. The following Minimum External Sound Insulation Level Standards applies to all habitable rooms within any building that contains a noise sensitive activity, either:
 - a. Provide a design report prepared by an acoustic specialist prior to construction of the habitable rooms, demonstrating that road-traffic/rail network sound levels will not exceed 40 dB $L_{Aeq(24hr)}$ inside all habitable rooms; or
 - b. Provide a design report prepared by an acoustic specialist prior to construction of the habitable rooms, demonstrating that road-traffic/rail network sound levels will not exceed 57 dB $L_{Aeq(24hr)}$ outside the most affected part of the building exterior.
2. Where new habitable rooms with openable windows are proposed in a building that contains a noise sensitive activity, a positive supplementary source of fresh air ducted from outside is required at the time of fit-out. The supplementary source of air is to achieve compliance with the Building Act to ensure adequate ventilation and fresh air.

NOISE-S4 Noise Limits – Zone Specific

Receiving Zone(s):

General Residential Zone

1. Noise from any activity (other than those specific activities in NOISE-S5) must not exceed the following limits (dB) when measured within this receiving zone:
 - a. 0700 - 2200 hours – 50 $L_{Aeq(15 min)}$
 - b. All other times – 40 $L_{Aeq(15 min)}$ / 70 L_{Amax}

<p>Settlement Zone</p>	<p>2. Noise from any activity (other than those specific activities in NOISE-S5) must not exceed the following limits (dB) when measured within this receiving zone:</p> <ul style="list-style-type: none"> a. 0700 - 2200 hours – 55 $L_{Aeq(15\ min)}$ b. All other times – 45 $L_{Aeq(15\ min)}$ / 70 L_{Amax}
<p>Rural Lifestyle Zone Large Lot Residential Zone (Coastal)</p>	<p>3. Noise from any activity (other than those specific activities in NOISE-S5) must not exceed the following limits (dB) when measured within these receiving zones:</p> <ul style="list-style-type: none"> a. To be measured and assessed within the notional boundary: <ul style="list-style-type: none"> i. 0700 - 2200 hours – 50 $L_{Aeq(15\ min)}$ ii. All other times – 40 $L_{Aeq(15\ min)}$ / 70 L_{Amax}
<p>General Rural Zone Rural Production Zone</p>	<p>4. Noise from any activity (other than those specific activities in NOISE-S5) must not exceed the following limits (dB) when measured within these receiving zones:</p> <ul style="list-style-type: none"> a. To be measured and assessed within the notional boundary: <ul style="list-style-type: none"> i. 0700 - 2200 hours – 55 $L_{Aeq(15\ min)}$ ii. All other times – 45 $L_{Aeq(15\ min)}$ / 70 L_{Amax}
<p>Town Centre Zone</p>	<p>5. Noise from any activity (other than residential units/ occupancies/ habitable rooms or those specific activities in NOISE-S5) must not exceed the following limits (dB) when measured within this receiving zone:</p> <ul style="list-style-type: none"> a. 0700 – 2200 hours – 65 $L_{Aeq(15\ min)}$ b. All other times – 60 $L_{Aeq(15\ min)}$ / 75 L_{Amax} c. Octave band noise levels shall not exceed: <ul style="list-style-type: none"> i. 75dB $L_{eq(1\ minute)}$ at 63Hz ii. 65dB $L_{eq(1\ minute)}$ at 125Hz <p>6. Residential units/ occupancies/ habitable rooms:</p> <ul style="list-style-type: none"> a. Internal noise level in any habitable room must not exceed 35 dB $L_{Aeq(24\ hours)}$ while at the same time complying with the ventilation requirements of clause G4 of the New Zealand Building Code. The total noise level must include all intrusive noise and mechanical services. b. In determining the external noise level, an assumption that the noise incident upon the noise sensitive facade is from at least 3 separate activities simultaneously generating the maximum allowable noise level for that zone. <p>7. Compliance with the above must be confirmed in writing by a suitably qualified and experienced acoustic consultant.</p>

<p>General Industrial Zone</p>	<p>8. Noise from any activity (other than residential units/ occupancies/ habitable rooms or those specific activities in NOISE-S5) must not exceed the following limits (dB) when measured within this receiving zone:</p> <ul style="list-style-type: none"> a. 0700 – 2200 hours – 70 $L_{Aeq(15\ min)}$ b. All other times – 60 $L_{Aeq(15\ min)}$ / 75 L_{Amax} <p>9. Residential units/ occupancies/ habitable rooms:</p> <ul style="list-style-type: none"> a. Internal noise level in any habitable room must not exceed 35 dB $L_{Aeq(24\ hours)}$ while at the same time complying with the ventilation requirements of clause G4 of the New Zealand Building Code. The total noise level must include all intrusive noise and mechanical services. b. In determining the external noise level, an assumption that the noise incident upon the noise sensitive facade is from at least 3 separate activities simultaneously generating the maximum allowable noise level for that zone. c. Compliance with the above must be confirmed in writing by a suitably qualified and experienced acoustic consultant.
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NOISE-S5 Exemptions and Noise Limits for Specific Activities

Note: Regardless of the exemptions below, all land uses are subject to section 16 and Part 12 of the RMA.

<p>All Specific Activities listed under this standard</p>	<p>1. Noise shall be measured within the site boundary of a receiving site, or within the notional boundary of rural dwellings or habitable buildings (where stated).</p>
<p>Construction</p>	<p>2. Exempt from NOISE-S4. Must comply with the provisions of NZS6803:1999 – Construction Noise.</p>
<p>Emergency Service Activities</p>	<p>3. Exempt from NOISE-S4, provided the noise source is a warning device or siren (including their routine testing and maintenance), when measured within the site boundary of a receiving site, or within the notional boundary of rural dwellings or habitable buildings.</p>
<p>Generators for continued power supply</p>	<p>4. Exempt from NOISE-S4, provided it is for temporary emergency use.</p>
<p>Recreational Activities of an everyday recreational nature</p>	<p>5. Exempt from NOISE-S4, providing the activity does not involve motorised activities or amplified sound. Examples include sporting events and playground activities.</p>

<p>Activities within the grounds of an Educational Facility</p>	<p>6. Exempt from NOISE-S4, providing the noise generated is through use of grounds and facilities during events associated with the educational facility concerned, and by students who live on site. Examples include use of school facilities for sport and by student boarders who live on site.</p>
<p>Activities involving vehicles, mobile machinery, and livestock associated with primary production</p>	<p>7. Exempt from NOISE-S4, providing noise is limited in duration and machinery is not in a fixed location, and is generated by vehicles and mobile machinery associated with primary production activities and sections 16 and 17 of the RMA have been satisfied. Examples include stock sale yards and transporting areas, harvesting, spraying, and planting machinery or activities in the farming calendar such as weaning or stags roaring.</p>
<p>Prospecting and Exploration (quarrying) activities</p>	<p>8. Must comply with the relevant zone noise limits at the specified measurement and assessment position for those zone(s), except that blasting noise and associated vibration must comply with the following:</p> <ul style="list-style-type: none"> a. Occur only between 0700 hours and 1900 hours, and b. No more than 2 events per hour, with a maximum of 8 events per day, and c. All occupiers of dwellings or habitable buildings within a 2 kilometre range are advised in writing no less than 5 working days prior to the blasting occurring, and d. Overblast pressure incident on dwellings or habitable buildings does not exceed 115dB L_{Zpeak}, and e. Ground borne vibration does not exceed the limits specified in DIN4150-3 Part 3:2016 Vibrations in Buildings.
<p>Temporary events (other than temporary military training)</p>	<p>9. Must comply with the zone noise limits at the specified measurement and assessment position for those zone(s), except as follows (on a per site basis):</p> <ul style="list-style-type: none"> a. For 4 events in any 12 month period – a noise limit of 80dB $L_{Aeq(1\ hour)}$ within the respective adjacent zone(s) providing the event and pre event rehearsal do not individually exceed 3 hours in duration. Octave band noise levels at houses, dwellings or habitable buildings must not exceed: <ul style="list-style-type: none"> i. 95dB $L_{eq(1\ min)}$ at 63Hz ii. 85dB $L_{eq(1\ min)}$ at 125Hz iii. Secondary sub-clause iv. Secondary sub-clause b. For 2 events in any 12 month period – a noise limit of 70dB $L_{Aeq(1\ hour)}$ within the respective adjacent zone(s) providing the event does not exceed 12 hours per day over a two day period.

	<p>Octave band noise levels at dwellings or habitable buildings must not exceed:</p> <ol style="list-style-type: none"> i. 85dB $L_{eq(1 \text{ min})}$ at 63Hz ii. 75dB $L_{eq(1 \text{ min})}$ at 125Hz
Emergency Aviation Movements	10. Exempt from NOISE-S4.
Agricultural Aviation Activities and Farm Airstrips	<p>11. Exempt from NOISE-S4 for up to 14 days in any calendar year.</p> <p>12. Otherwise, must comply with the noise limits as for rural airstrips (NOISE-S5(13), (14) & (15)) and helicopter landing areas (NOISE-S5(16), (17) & (18)).</p>
Rural Airstrips	<p>13. Exempt from NOISE-S4. The day-night average sound level (L_{dn}) generated by aircraft movements (excluding emergency aviation, and agricultural aviation activities for up to 14 days in any calendar year) must not exceed 55 dB L_{dn}, measured at the notional boundary of any building containing a noise sensitive activity on a separate site under different ownership in the General Rural, Rural Production, and Rural Lifestyle Zones, or at the boundary of any site containing a noise sensitive activity in all other zones.</p> <p>14. Aircraft noise must be measured and assessed in accordance with the provisions of NZS 6805:1992 Airport Noise Management and Land Use Planning.</p> <p>15. Aircraft maintenance and engine testing that is ancillary to aircraft operations is excluded from the calculations above and must comply with the zone-specific noise limits in NOISE-S4.</p>
Helicopter Landing Areas (other than those for temporary military training activities)	<p>16. Exempt from NOISE-S4. The day-night average sound level (L_{dn}) generated by helicopter movements (excluding emergency aviation movements, and agricultural aviation activities for up to 14 days in any calendar year) must not exceed 50 dB L_{dn} measured at the notional boundary of any building containing a noise sensitive activity on a separate site under different ownership in the General Rural, Rural Production, and Rural Lifestyle Zones, or at the boundary of any site containing a noise sensitive activity in all other zones.</p> <p>17. Noise may be averaged over periods of seven consecutive days and the averaged value must not exceed 50 dB L_{dn}, and in any case the limit must not be exceeded by 3 dB on any day.</p> <p>18. Helicopter noise must be measured and assessed in accordance with the provisions of NZS 6807:1994 – Noise</p>

	management and land use planning for helicopter landing areas.
Waipukurau Aerodrome/ Airport	<p>19. Exempt from NOISE-S4. Must comply with the provisions of NZS 6805:1992 Airport Noise Management and Land Use Planning.</p> <p>20. The Waipukurau Aerodrome must be managed so that the noise from aircraft operations does not exceed 65 dB L_{dn} outside the Air Noise Boundary (ANB) or 55 dB L_{dn} outside the Outer Control Boundary (OCB) as shown on the Planning Maps.</p> <p>21. Compliance with the ANB and OCB will be determined on the basis of the following:</p> <ul style="list-style-type: none"> a. A log of annual aircraft movements will 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. b. Where the total number of annual aircraft movements are less than 7500 per year no compliance contouring is required. c. Where the total number of annual aircraft movements is greater than 7500, the operators of Waipukurau Aerodrome must produce 55 dB, and 65 dB Annual Aircraft Noise Contours (AANC), using airport noise prediction software and records of actual aircraft movements for the busiest 3 consecutive months of the previous year. These AANC are to be submitted to the Council to show compliance or otherwise with the OCB and ANB. The preparation of AANC will be required every 2 years thereafter. d. Where the AANC show that the calculated noise level exceeds 64 dB at any point on the ANB, noise measurements using infield monitoring are required for a minimum of 1 month (at one measurement location) to demonstrate compliance with the noise limit of the ANB, as shown on the Planning Maps. <p>22. Exemptions to these noise rules are provided for:</p> <ul style="list-style-type: none"> a. Aircraft operating in an emergency for medical or national / civil defence reasons. b. Air shows. c. Military operations. d. Aircraft using the airfield as a necessary alternative to an airfield elsewhere. e. Aircraft taxiing. f. Aircraft engine testing.

Wind farm wind turbine generators	23. Exempt from NOISE-S4. Must comply with NZS 6808: 2010 Acoustics – Wind farm noise.
Audible bird scaring devices	<p>24. Exempt from NOISE-S4. Noise from audible explosive bird scaring devices must only be operated between the period 30mins before sunrise and 30mins after sunset, and must not exceed 100dB L_{Zpeak}, when measured within the notional boundary of any other site in the General Rural, Rural Production or Rural Lifestyle Zones, or within the site boundary of any site in the General Residential or Settlements Zones.</p> <p>25. Discrete sound events of a bird scaring device including shots or audible sound must not exceed 3 events within a 1-minute period and must be limited to a total of 12 individual events per hour.</p> <p>26. Where audible sound is used over a short or variable time duration, no event may result in a noise level greater than 50dBA L_{AE} when assessed at the notional boundary of any other site in the General Rural, Rural Production or Rural Lifestyle Zones, or within the site boundary of any site in the General Residential or Settlement Zones.</p>
Frost fans	27. Exempt from NOISE-S4. Noise generated by frost fans must not exceed 55 dB $L_{Aeq(10min)}$ when assessed within the notional boundary of any other site in the General Rural, Rural Production or Rural Lifestyle Zones, or within the site boundary of any site in the General Residential or Settlement Zones.
Temporary military training activities	<p>28. Exempt from NOISE-S4. Weapons firing and/or the use of explosives:</p> <ul style="list-style-type: none"> a. Notice is provided to the Council at least 5 working days prior to the commencement of the activity. b. The activity complies with the following minimum separation distances to the notional boundary of any building housing a noise sensitive activity: <ul style="list-style-type: none"> i. 0700 – 1900 hours: 500m ii. 1900 – 0700 hours: 1,250m c. Where the minimum separation distances specified above cannot be met, then the activity must comply with the following peak sound pressure level when measured at the notional boundary of any building housing a noise sensitive activity: <ul style="list-style-type: none"> i. 0700 – 1900 hours: 95 dBC ii. 1900 – 0700 hours: 85 dBC <p>29. Mobile noise sources:</p> <ul style="list-style-type: none"> a. Must comply with the noise limits set out in Tables 2 and 3 of NZS6803:1999 Acoustics – Construction

	<p>Noise, with reference to 'construction noise' taken to refer to mobile noise sources.</p> <p>b. Note: Mobile noise sources (other than firing of weapons and explosives) include personnel, light and heavy vehicles, self-propelled equipment, earthmoving equipment.</p> <p>30. Fixed (stationary) noise sources:</p> <p>a. Must comply with the noise limits set out in the table below when measured at the notional boundary of any building housing a noise sensitive activity.</p> <table border="1" style="margin-left: 40px;"> <thead> <tr> <th style="background-color: #ADD8E6;">Time (Monday to Sunday)</th> <th style="background-color: #ADD8E6;">L_{Aeq} (15 min)</th> <th style="background-color: #ADD8E6;">$L_{AF(max)}$</th> </tr> </thead> <tbody> <tr> <td>0700 – 1900 hours</td> <td>55 dB</td> <td rowspan="2">N/A</td> </tr> <tr> <td>1900 – 2200 hours</td> <td>50 dB</td> </tr> <tr> <td>2200 – 0700 hours</td> <td>45 dB</td> <td>75 dB</td> </tr> </tbody> </table> <p>b. Note: Fixed (stationary) noise sources (other than firing of weapons and explosives) include power generation, heating, ventilation or air conditioning systems, or water or wastewater pumping/treatment systems.</p> <p>31. Helicopter landing areas:</p> <p>a. Must comply with NZS6807:1994 Noise Management and Land Use Planning for Helicopter Landing Areas.</p> <p>32. Noise levels will be measured in accordance with NZS6801:2008 Acoustics – Measurement of Sound.</p>	Time (Monday to Sunday)	L_{Aeq} (15 min)	$L_{AF(max)}$	0700 – 1900 hours	55 dB	N/A	1900 – 2200 hours	50 dB	2200 – 0700 hours	45 dB	75 dB
Time (Monday to Sunday)	L_{Aeq} (15 min)	$L_{AF(max)}$										
0700 – 1900 hours	55 dB	N/A										
1900 – 2200 hours	50 dB											
2200 – 0700 hours	45 dB	75 dB										

Assessment Matters

For Discretionary Activities, Council's assessment is not restricted to these matters, but it may consider them (among other factors).

NOISE-AM1 Compatibility

1. The nature of the zone within which the noise generating activity is located and its compatibility with the expected environmental results for that zone, including proximity of any existing noise sensitive activities.

NOISE-AM2 Ambient Noise Levels

1. Existing ambient noise levels.

NOISE-AM3 Vehicle Noise

1. If traffic generation during the night-time period is of concern, whether the noise level exceeds 55dB L_{Aeq} (1 hour) at the façade of a habitable space.

2. If it is likely that vehicles associated with an activity while travelling on public roads will generate more than 55dB L_{Aeq} (1 hour) at the façade of a habitable space.

NOISE-AM4 Degree of Exceedance of Noise Limits

1. The length of time for which specified noise levels will be exceeded, particularly at night, with regard to likely disturbance that may be caused.

NOISE-AM5 Community Benefit of Entertainment Activities

1. The value and nature of entertainment activities and their benefit to the wider community, having regard to the frequency of noise intrusion and the practicality of mitigating noise, or utilising alternative sites.

NOISE-AM6 Extent to which Achieving Relevant Limits is Practicable

1. The extent to which achieving the relevant limits is practicable, given any existing activities which create noise, particularly on the interface with commercial, industrial, or recreational activities and whether the environment is subject to significant noise intrusion from road, rail or air transport activities.

NOISE-AM7 Assessment of Noise and Mitigation Options

1. The level of involvement of a suitably qualified and experienced acoustic consultant in the assessment of potential noise effects and/or mitigation options to reduce noise emissions.

NOISE-AM8 Other Relevant Standards, Codes of Practice and Assessment Methods

1. Any other relevant standards, codes of practice or assessment methods based on robust acoustic principles.

NOISE-AM9 Effects on Cultural Values

1. Effects of noise on cultural values associated with any sites and areas of significance to Maori identified in SASM-SCHED3 and on the Planning Maps, or marae.

NOISE-AM10 Waipukurau Aerodrome

1. In respect of noise associated with aircraft engines at 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.

Methods

Methods, other than rules, for implementing the policies:

NOISE-M1 Noise Management Plans

Encouraging the establishment and operation of effective Noise Management Plans for specific sites or sector groups.

NOISE-M2 New Zealand Standards

Reference to various New Zealand Standards for measuring and assessing noise emission.

NOISE-M3 Industry Best Practice

Encouraging adoption of industry best practice e.g. Helicopter Association International's 'Fly Neighbourly' programme.

NOISE-M4 Section 16 RMA Unreasonable Noise

Control emission of unreasonable noise under section 16 of the RMA.

NOISE-M5 Monitoring and Enforcement

Monitoring and enforcement of noise as part of Council's functions under the RMA.

Principal Reasons

The principal reasons for adopting the policies and methods:

The District Plan seeks to control the level of noise and vibration received in each zone by setting noise limits that reflect the character and amenity of each zone, but also provides for those activities which are recognised as having different aural qualities associated with them, subject to specific noise standards. Activities such as construction, noise associated with normal agricultural, viticultural, and horticultural operations, emergency service activities and temporary events such as concerts are provided for, subject to specific standards and the overarching duty to ensure noise does not exceed a reasonable level.

Anticipated Environmental Results

The environmental results anticipated from the policies and methods:

NOISE-AER1 Residents are exposed to an appropriate level of noise.

- NOISE-AER2** **The amenity of residential areas and established noise-sensitive activities is safeguarded.**
- NOISE-AER3** **Sufficient flexibility for noise-generating activities in the Rural Production, Plains Production and Town Centre and General Industrial Zones, as well as noise associated with the operation of the Waipukurau Aerodrome, is provided.**
- NOISE-AER4** **Events and activities of limited duration or frequency that are inherently noisy are not unreasonably constrained.**
- NOISE-AER5** **Noise-sensitive activities located out-of-zone have adequate sound insulation.**

Appendix K - GRUZ – General Rural Zone

GRUZ – General Rural Zone

Introduction

The General Rural Zone, which encompasses the largest proportion of the rural area of the District, is used primarily for primary production (including intensive primary production). It is the area of generally undulating-to-hilly land inland of the coast, and extending through to the Ruahine Range in the west, and has a diverse range of land uses. The predominant land use is pastoral (the backbone of the District's economy) although the zone includes production forestry blocks and the conservation estates of the Ruahine Range, which forms the backdrop to the District. The General Rural Zone also encompasses the coastal environment of the District, where this falls outside of the Large Lot Residential Zone (Coastal).

The rural environment is generally sparsely settled and is characterised by a predominance of open space. There are a small number of commercial or industrial activities within the rural environment that are of a small scale and largely service the primary production sector and rural communities.

The rural landscape also supports a range of recreational activities, such as hunting and fishing in the rural area focusing on the Tukituki, Waipawa, and Porangahau Rivers, the Ruahine Ranges and the coast.

The Central Hawke's Bay's rural land area also accommodates a range of indigenous plant communities, including mountain forests of the Ruahine Range, podocarp-broadleaf remnant forests on the plains and coastal ranges, and coastal wetland and dune ecosystems.

Issues

GRUZ-I1 Protecting the Life-Supporting Capacity of the District's Soil Resource

The District's soil resource is finite, and inappropriate development or subdivision into smaller lots for activities that are not related to land-based primary production could cumulatively, and irreversibly, diminish the productive capacity of this finite resource for current and future generations.

Explanation

Land-based primary production underpins the economic, social, and cultural well-being of the District, and the District's rural land resource is important for sustaining this production. The soils within the rural environment are a significant resource base for the District.

The fragmentation of land holdings and new housing and other development which results from subdivision has a cumulative impact upon the rural environment, particularly on future options for the use of productive land. This includes direct loss of productive land for primary production, the cumulative effects of incremental loss over time, and the increasing incidence of reverse sensitivity arising.

The historical approach to subdivision within the rural area of the District has been to enable subdivision down to relatively small lots throughout the District, rather than to channel certain types of subdivision and development to particular locations. While each proposal may only have minor effects on its own, the cumulative effects over time can be very significant. The challenge is to ensure that subdivision under the District Plan rules, particularly those stipulating minimum lot sizes, does not compromise the productive potential of the District's rural land resource.

GRUZ-I2 Protecting Rural Amenity and the Quality of the Rural Environment and Primary Production Capability

Primary production (including intensive 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 environmental, cultural, and amenity values or result in conflict that affects primary production capability.

The establishment of incompatible activities within 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.**

Explanation

The rural environment supports a variety of land based primary production activities including dry stock farming, cropping, dairying, horticulture, plantation forestry, small niche farming land uses, as well as intensive primary production activities and rural service activities. These activities typically have an associated assortment of buildings and equipment, such as packing and processing sheds, milking sheds, fertiliser depots and rural contractor's yards. Infrastructural and other industrial-type activities also occur in the rural environment, such as network utility facilities (e.g. transmission lines), quarrying, aggregate processing, and gravel extraction, all of which are critical to the functioning of the District. Other complementary activities provide support services to land-based primary production or are themselves based on a natural resource (such as tourism/recreation).

The above activities also play a large role in the formation of a common rural character and amenity. Rural amenity values include landscape and scenic values, individual privacy, open rural outlook and open space, vegetation prevailing over built elements, openness, and ease of access, clean air, unique odours, overall quietness, water availability and the well-being of the community.

Productive working environments are common and may contain large utilitarian buildings associated with farming. In general, buildings or structures are typically relatively low and non-urban in density, with larger setbacks from external property boundaries, and with the height, scale, density, and number of buildings not dominating the landscape and open space qualities of the rural environment. Properties are self-serviced with respect to water supply, wastewater disposal and stormwater management.

While most of these activities are generally considered acceptable, practices associated with them have the potential to generate adverse effects on the rural environment, depending on their size and location, and the proximity and sensitivity of adjacent land uses. These practices include the use of agrichemicals, shading from shelter belts, general use of farm machinery both on- and off-farm, the harvesting of crops which may occur at various times including at night, the weekend, and public holidays. These practices have the potential to create noise, dust, and odour either of a temporary or intermittent nature beyond the boundary of the property concerned. These are legitimate farming practises which may nevertheless impact on the amenity of others. Because these practices are an accepted and integral part of land-based primary production, they should not be unreasonably constrained by other activities. Setbacks from primary production activities will assist in avoiding reverse sensitivity.

Some types of activities (such as un-related commercial, retail, and industrial activities) may be incompatible with rural character and amenity values or create conflict with other existing lawfully established activities. Furthermore, these other activities may introduce urban characteristics or features, and they lend themselves to be more appropriately located in an urban location, where the servicing, infrastructure and facilities are more suitable to assist in avoiding, remedying, or mitigating their potential adverse effects.

Avoidance of inappropriate and incompatible land uses that are inconsistent with the rural environment's location-specific values is important to maintain environmental quality and ensure that the productive use of land resources (for a resilient and diverse economy) is not compromised. There is a need to strike a balance between providing for a range of uses and development of natural and physical resources, and the preservation of that character, and those amenity values (such as vegetation prevailing over built elements, open space, privacy, ease of access and landscape and scenic values).

Rural-residential dwellers are often attracted to rural areas by the perceived quality of the rural environment, particularly its amenity values. Others choose to live in the country, as this is where their work is located, or because they were previously employed in the rural area. The rural environment is the residential location of necessity for farmers and other land users. Therefore, adequate rural living opportunities are required to support sustainable rural communities.

However, cumulative pressures and demands for rural living can generate tensions between those who opt for a rural lifestyle for open space, privacy, peace, and quiet, and scenic values, and those who rely on the productive capability of the rural land resource. Rural living can result in reverse sensitivity conflicts, as residents with higher expectations of amenity move into a rural environment, where previously, noise, dust and stock movements were generally considered a usual aspect of the rural environment.

If increasing density of rural subdivision is allowed in close proximity to existing intensive primary production activities, it can undermine the viability of such activities should complaints about heavy traffic or objectionable noise, dust or odour arise.

Increasing density of subdivision can also intensify pressure on the range of infrastructure servicing (roads and reticulated services), and conflicts with infrastructure services for intensive primary production activities (e.g. if rural roads are expected to be of a higher quality).

In response to this issue, and the reverse sensitivity issues of rural subdivision on land-based primary production activities, any rural-residential living opportunities within the rural zones should be of a size, intensity and scale that is consistent with productive land uses so that the wider rural environment and associated land use activities are not compromised.

Objectives

- GRUZ-O1** **The General Rural Zone is predominantly used for primary production activities (including intensive primary production) and ancillary activities.**
- GRUZ-O2** **The predominant character of the General Rural Zone is maintained, which includes:**
- 1. overall low-density built form, with open space and few structures;**
 - 2. a predominance of primary production activities and associated buildings, such as barns and sheds, post-harvest facilities, seasonal workers accommodation, and artificial crop protection structures and crop support structures, which may vary across the district and seasonally;**
 - 3. the sounds, smells, and traffic associated with primary production activities and established rural industries, anticipated from a working rural environment;**
 - 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; and**
 - 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).**
- GRUZ-O3** **Activities are managed to ensure rural character and amenity and, where applicable, the natural character and amenity values present within the coastal environment are maintained.**
- GRUZ-O4** **The primary productive purpose and predominant character of the General Rural Zone are not compromised by the establishment of potentially incompatible activities.**

Policies

- GRUZ-P1** To enable primary production (including intensive primary production) and ancillary activities, recognising the primary productive purpose and predominant character and amenity of the General Rural Zone.
- GRUZ-P2** To provide for non-primary production related activities that have a functional or operational need for a rural location, and/or that support the function and wellbeing of rural communities and/or the enjoyment of the rural environment, and contribute to the vitality and resilience of the District's economy, and where they are managed to ensure that:
1. their scale, intensity and built form are in keeping with the rural character of the General Rural Zone;
 2. they maintain a level of amenity in keeping with the rural character of the General Rural Zone;
 3. they minimise reverse sensitivity effects on activities otherwise anticipated within the General Rural Zone; and
 4. adverse effects are avoided, remedied or mitigated.
- GRUZ-P3** To manage the scale of post-harvest facilities, rural industry and commercial activities to ensure that they remain compatible with the primary productive purpose of the General Rural Zone, and potential adverse effects on the character and amenity of the rural area are avoided, remedied or mitigated.
- GRUZ-P4** To manage the bulk, scale and location of buildings to maintain the character and amenity of the rural area and, where applicable, to protect the natural character and amenity of the coastal environment.
- GRUZ-P5** To require sufficient separation between sensitive activities and existing primary production and intensive primary production activities, and between new intensive primary production activities and property and zone boundaries, in order to avoid, remedy or mitigate potential adverse effects, including reverse sensitivity and land use conflict.
- GRUZ-P6** To manage location of trees so that adjoining public roads and properties are not adversely affected by shading.
- GRUZ-P7** To ensure incompatible activities do not locate in the General Rural Zone where the activity:
1. undermines the primary productive purpose and predominant character of the General Rural Zone;

2. constrains the establishment and use of land for primary production;
3. results in reverse sensitivity and/or lead to land use conflict; and/or
4. does not have a functional or operational need for a rural location.

GRUZ-P8 To limit residential and rural lifestyle subdivision that results in fragmentation of the rural land and/or that restricts the use of rural land for productive purposes.

GRUZ-P9 To avoid establishment of commercial or industrial activities that are unrelated to the primary productive purpose of the General Rural Zone, or that are of a scale that is incompatible with the predominant character and amenity of the rural area.

GRUZ-P10 To ensure activities within the General Rural Zone are self-sufficient in the provision of a suitable on-site wastewater treatment and disposal system, stormwater disposal system, and water supply, unless an appropriate alternative system is available to connect to.

Rule Overview Table

Use/activity	Rule Number
Residential activities	GRUZ-R1
Seasonal workers accommodation	GRUZ-R2
Primary production activities	GRUZ-R3
Artificial crop protection structures	GRUZ-R20
Agricultural aviation movements ancillary to primary production activities	GRUZ-R4
Farm airstrip	GRUZ-R23
Rural airstrips and/or helicopter landing areas	GRUZ-R5
Post-harvest facilities	GRUZ-R6
Home businesses	GRUZ-R7
Visitor accommodation	GRUZ-R8
Commercial activities not otherwise provided for	GRUZ-R9

Community facilities	GRUZ-R10
Educational facilities	GRUZ-R11
Emergency service activities and emergency aviation movements	GRUZ-R12
Relocated buildings	GRUZ-R13
Intensive primary production activities	GRUZ-R14
Rural industry (other than post-harvest facilities)	GRUZ-R21
Airport / aerodrome (other than rural airstrip <u>and farm airstrip</u>), and helicopter depot	GRUZ-R22
Commercial boarding and/or breeding of cats, dogs, and other domestic pets	GRUZ-R15
Camping grounds	GRUZ-R16
Relocatable building depots	GRUZ-R17
Any other activity not otherwise provided for	GRUZ-R18
Industrial activities (other than post-harvest facilities and rural industry)	GRUZ-R19

Rules

It is important to note that in addition to the provisions in this chapter, a number of other Part 2: District-Wide Matters chapters also contain provisions that may be relevant for activities undertaken in the General Rural Zone.

Also, check to see if consents are required from Hawke's Bay Regional Council, for instance in relation to:

- discharges of contaminants to land or water (e.g. on-site disposal of effluent, stormwater from industrial or trade premises).
- taking of water (e.g. from water courses or underground wells).
- discharge of contaminants to air (e.g. spray drift, odour).
- disturbance of the beds of rivers, lakes, or wetlands (i.e. earthworks in the bed, gravel extraction, culverts, and access structures).
- activities which impede access to rivers, lakes or wetlands, or artificial watercourse, within a land drainage or flood control scheme area.

GRUZ-R1 Residential activities

1. Activity Status: PER

Where the following conditions are met:

- a. Limited to:
 - i. one residential unit per site with an area less than 20 hectares, and
 - ii. one additional residential unit (i.e. a total of two) per site with an area of between 20 hectares and less than 50 hectares, and
 - iii. two additional residential units (i.e. a total of three) per site with an area of between 50 hectares and less than 100 hectares, and
 - iv. three additional residential units (i.e. a total of four) per site with an area of 100 hectares or greater, and
 - v. one minor residential unit per site:
 - a. limited to a maximum gross floor area of 100m² (exclusive of garages, and verandahs less than 20m²); and
 - b. must share vehicle access with the principal residential unit on the site; and
 - c. must be located no further than 50m from a principal residential unit on the site.
- b. Compliance with:
 - i. GRUZ-S2;
 - ii. GRUZ-S3;
 - iii. GRUZ-S4;
 - iv. GRUZ-S5;
 - v. GRUZ-S6;
 - vi. GRUZ-S7;
 - vii. GRUZ-S8;
 - viii. GRUZ-S9; and
 - ix. GRUZ-S10.
- c. Compliance with:
 - i. GRUZ-S11 (setback from existing intensive primary production); and
 - ii. GRUZ-S12 (setback from gas transmission network).

2. Activity status where compliance with condition GRUZ-R1(1)(b) is not achieved: RDIS

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

- a. Assessment matters:
 - i. GRUZ-AM1.
 - ii. GRUZ-AM2.
 - iii. GRUZ-AM3.
 - iv. GRUZ-AM14.
 - v. GRUZ-AM15.
- b. Assessment matters in the following chapters:
 - i. TRAN – Transport.
 - ii. LIGHT – Light.
 - iii. NOISE – Noise.

3. Activity status where compliance with conditions GRUZ-R1(1)(a) and/or GRUZ-R1(1)(c) is not achieved: DIS

4. Activity status where compliance with condition GRUZ-R1(1)(d) is not achieved: NC

- d. Compliance with GRUZ-S13 (setbacks from National Grid).

Note 1: an existing principal residential unit may become the minor residential unit provided that all standards and terms are met.

Note 2: Under the Hawke’s Bay Regional Resource Management Plan, there are also requirements in respect of new domestic sewage systems (including minimum land area requirements).

GRUZ-R2 Seasonal workers accommodation

1. Activity Status: PER

Where the following conditions are met:

- a. Limited to:
 - i. A maximum gross floor area of 125m².
 - ii. All new buildings are relocatable in design or able to be reconfigured to buildings accessory to land-based primary production.
 - iii. The site is not a 'lifestyle site' (a site created through the lifestyle site subdivision provisions of the District Plan).
- b. Compliance with:
 - i. GRUZ-S2;
 - ii. GRUZ-S3;
 - iii. GRUZ-S4;
 - iv. GRUZ-S5;
 - v. GRUZ-S6;
 - vi. GRUZ-S7;
 - vii. GRUZ-S8;
 - viii. GRUZ-S9; and
 - ix. GRUZ-S10.
- c. Compliance with:
 - i. GRUZ-S11 (setback from existing intensive primary production); and
 - ii. GRUZ-S12 (setback from gas transmission network).
- d. Compliance with GRUZ-S13 (setbacks from National Grid).

2. Activity status where compliance with condition GRUZ-R2(1)(b) is not achieved: RDIS

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

- a. Assessment matters:
 - i. GRUZ-AM1.
 - ii. GRUZ-AM2.
 - iii. GRUZ-AM3.
 - iv. GRUZ-AM14.
 - v. GRUZ-AM15.
- b. Assessment matters in the following chapters:
 - i. TRAN – Transport.
 - ii. LIGHT – Light.
 - iii. NOISE – Noise.

3. Activity status where compliance with condition GRUZ-R2(1)(a) is not achieved: RDIS

Matters over which discretion is restricted:

- a. Whether the proposed building location will allow for efficient use of the remaining undeveloped land for primary production activities.
- b. Whether the scale and design of the proposed building complements the character of the area.

Note: Under the Hawke's Bay Regional Resource Management Plan, there are also requirements in respect of new domestic sewage systems (including minimum land area requirements).

- c. Whether the siting of the activity will impact on the amenity of adjoining properties, or any dwelling established in an adjoining zone within 100m of the activity.
- d. Whether soil values have been taken into account in selecting the site for the building.
- e. Whether traffic generation associated with the number of occupants will adversely impact on the road network.
- f. Where located within the coastal environment area, the degree to which the proposed buildings will be compatible and integrate with the natural character and amenity of the surrounding area, including the scale, design and appearance of buildings.

4. Activity status where compliance with condition GRUZ-R2(1)(c) is not achieved: DIS

5. Activity status where compliance with condition GRUZ-R2(1)(d) is not achieved: NC

GRUZ-R3 Primary production activities (including accessory buildings and structures (primary production), but excluding post-harvest facilities, mining and quarrying)

1. Activity Status: PER

Where the following conditions are met:

- a. Compliance with:
 - i. GRUZ-S2;
 - ii. GRUZ-S3;
 - iii. GRUZ-S4;
 - iv. GRUZ-S5;
 - v. GRUZ-S6;
 - vi. GRUZ-S7;
 - vii. GRUZ-S8;
 - viii. GRUZ-S9; and
 - ix. GRUZ-S10.

2. Activity status where compliance with condition GRUZ-R3(1)(a) is not achieved: RDIS

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

- a. Assessment matters:
 - i. GRUZ-AM1.
 - ii. GRUZ-AM2.
 - iii. GRUZ-AM14.
 - iv. GRUZ-AM15.
- b. Assessment matters in the following chapters:

- b. Compliance with GRUZ-S13 (setbacks from National Grid).

Note: The provisions of the Rural Production Zone in the District Plan do not apply to plantation forestry. Plantation forestry is regulated separately under the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017 which addresses such things as setbacks, earthworks management, land preparation, harvesting and replanting.

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

3. Activity status where compliance with condition GRUZ-R3(1)(b) is not achieved: NC

GRUZ-R20 Artificial Crop Protection Structures

1. Activity Status: PER

Where the following conditions are met:

- a. Limited to:
 - i. Use of green or black cloth on vertical faces within 30m of the site boundary;
 - ii. Use of green, black, or white cloth on horizontal surfaces.
- b. Compliance with:
 - i. GRUZ-S2 Height of buildings;
 - ii. GRUZ-S5(4) and GRUZ-S5(5) Setback from neighbours;
 - iii. GRUZ-S7 Electrical safety distances; and
 - iv. GRUZ-S13 Setbacks from National Grid.

2. Activity status where compliance not achieved: RDIS

Matters over which discretion is restricted:

- a. The effects of not meeting the conditions in respect to cloth colour, setbacks and building height.
- b. The effects of not meeting setbacks from the National Grid.
- c. Assessment Matter GRUZ-AM14 in relation to not meeting electricity safety distances.

GRUZ-R4 Agricultural aviation activities

1. Activity Status: PER

Where the following conditions are met: N/A

Note: NOISE-S5(11) & (12) apply applies to noise associated with agricultural aviation activities.

2. Activity status where compliance not achieved: N/A

GRUZ-R23 Farm Airstrip

1. Activity Status: PER

2. Activity status where compliance with condition

Where the following conditions are met:	GRUZ-R23(1)(a) is not achieved: NC
a. Compliance with GRUZ-S13 (setbacks from National Grid).	

GRUZ-R5 New, or expansion of existing, rural airstrips and/or helicopter landing areas

<p>1. Activity Status: PER</p> <p>Where the following conditions are met:</p> <p>a. The rural airstrip or helicopter landing area is located a minimum distance of:</p> <ul style="list-style-type: none"> i. 2km from any General Residential, Large Lot Residential (Coastal), Settlement, or Rural Lifestyle Zone boundary, and ii. 500m from the notional boundary of any building associated with an existing or consented noise sensitive activity not located on the same site, and iii. 50m from a State Highway. <p>b. Compliance with:</p> <ul style="list-style-type: none"> i. GRUZ-S2; ii. GRUZ-S3; iii. GRUZ-S4; iv. GRUZ-S5; v. GRUZ-S6; vi. GRUZ-S7; vii. GRUZ-S8; viii. GRUZ-S9; and ix. GRUZ-S10. <p>c. Compliance with GRUZ-S13 (setbacks from National Grid).</p>	<p>2. Activity status where compliance with condition GRUZ-R5(1)(b) is not achieved: RDIS</p> <p>Matters over which discretion is restricted (where relevant to the infringed standard(s)):</p> <p>a. Assessment matters:</p> <ul style="list-style-type: none"> i. GRUZ-AM1. ii. GRUZ-AM2. iii. GRUZ-AM16. <p>b. Assessment matters in the following chapters:</p> <ul style="list-style-type: none"> i. TRAN – Transport. ii. LIGHT – Light. iii. NOISE – Noise.
	<p>3. Activity status where compliance with conditions GRUZ-R5(1)(a) is not achieved: DIS</p>
	<p>4. Activity status where compliance with condition GRUZ-R5(1)(c) is not achieved: NC</p>

GRUZ-R6 Post-harvest facilities

<p>1. Activity Status: PER</p> <p>Where the following conditions are met:</p> <p>a. Limited to 2500m² gross floor area per site, or 200m² gross floor area per site where located within the Coastal Environment Area.</p> <p>b. Compliance with:</p> <ul style="list-style-type: none"> i. GRUZ-S2; ii. GRUZ-S3; iii. GRUZ-S4; iv. GRUZ-S5; 	<p>2. Activity status where compliance with condition GRUZ-R6(1)(b) is not achieved: RDIS</p> <p>Matters over which discretion is restricted (where relevant to the infringed standard(s)):</p> <p>a. Assessment matters:</p> <ul style="list-style-type: none"> i. GRUZ-AM1. ii. GRUZ-AM2.
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<ul style="list-style-type: none"> v. GRUZ-S6; vi. GRUZ-S7; vii. GRUZ-S8; viii. GRUZ-S9; ix. GRUZ-S10. <p>c. Compliance with GRUZ-S13 (setbacks from National Grid).</p>	<ul style="list-style-type: none"> iii. GRUZ-AM14. iv. GRUZ-AM15. <p>b. Assessment matters in the following chapters:</p> <ul style="list-style-type: none"> i. TRAN – Transport. ii. LIGHT – Light. iii. NOISE – Noise.
	<p>3. Activity status where compliance with condition GRUZ-R6(1)(a) is not achieved: DIS</p>
	<p>4. Activity status where compliance with condition GRUZ-R6(1)(c) is not achieved: NC</p>
<p>GRUZ-R7 Home businesses</p>	
<p>1. Activity Status: PER</p> <p>Where the following conditions are met:</p> <ul style="list-style-type: none"> a. Compliance with GRUZ-S1 (the relevant activity thresholds). b. Compliance with: <ul style="list-style-type: none"> i. GRUZ-S2; ii. GRUZ-S3; iii. GRUZ-S4; iv. GRUZ-S5; v. GRUZ-S6; vi. GRUZ-S7; vii. GRUZ-S8; viii. GRUZ-S9; and ix. GRUZ-S10. c. Compliance with: <ul style="list-style-type: none"> i. GRUZ-S11 (setback from existing intensive primary production); and ii. GRUZ-S12 (setback from gas transmission network). d. Compliance with GRUZ-S13 (setbacks from National Grid). 	<p>2. Activity status where compliance with condition GRUZ-R7(1)(b) is not achieved: RDIS</p> <p>Matters over which discretion is restricted (where relevant to the infringed standard(s)):</p> <ul style="list-style-type: none"> a. Assessment matters: <ul style="list-style-type: none"> i. GRUZ-AM1. ii. GRUZ-AM2. iii. GRUZ-AM3. iv. GRUZ-AM14. v. GRUZ-AM15. b. Assessment matters in the following chapters: <ul style="list-style-type: none"> i. TRAN – Transport. ii. LIGHT – Light. iii. NOISE – Noise.
	<p>3. Activity status where compliance with conditions GRUZ-R7(1)(a) and/or GRUZ-R7(1)(c) is not achieved: DIS</p>
	<p>4. Activity status where compliance with condition</p>

	GRUZ-R7(1)(d) is not achieved: NC
GRUZ-R8 Visitor accommodation	
<p>1. Activity Status: PER</p> <p>Where the following conditions are met:</p> <p>a. Limited to:</p> <ul style="list-style-type: none"> i. Length of stay for any one guest must be no greater than 3 months in any 12-month period; and ii. land not identified as Land Use Capability Class 1, 2, or 3, as mapped by the New Zealand Land Resource Inventory or by any more detailed mapping that uses the Land Use Capability classification. <p><i>Note: activities involving longer term tenancy within a residential unit are assessed as a 'Residential Activity'.</i></p> <p>b. Compliance with GRUZ-S1 (the relevant activity thresholds).</p> <p>c. Compliance with:</p> <ul style="list-style-type: none"> i. GRUZ-S2; ii. GRUZ-S3; iii. GRUZ-S4; iv. GRUZ-S5; v. GRUZ-S6; vi. GRUZ-S7; vii. GRUZ-S8; viii. GRUZ-S9; and ix. GRUZ-S10. <p>d. Compliance with:</p> <ul style="list-style-type: none"> i. GRUZ-S11 (setback from existing primary production); and ii. GRUZ-S12 (setback from gas transmission network). <p>e. Compliance with GRUZ-S13 (setbacks from National Grid).</p>	<p>2. Activity status where compliance with condition GRUZ-R8(1)(c) is not achieved: RDIS</p> <p>Matters over which discretion is restricted (where relevant to the infringed standard(s)):</p> <ul style="list-style-type: none"> a. Assessment matters: <ul style="list-style-type: none"> i. GRUZ-AM1. ii. GRUZ-AM2. iii. GRUZ-AM3. iv. GRUZ-AM14. v. GRUZ-AM15. b. Assessment matters in the following chapters: <ul style="list-style-type: none"> i. TRAN – Transport. ii. LIGHT – Light. iii. NOISE – Noise. <p>3. Activity status where compliance with conditions GRUZ-R8(1)(a), GRUZ-R8(1)(b) and/or GRUZ-R8(1)(d) is not achieved: DIS</p> <p>4. Activity status where compliance with condition GRUZ-R8(1)(e) is not achieved: NC</p>
GRUZ-R9 Commercial activities not otherwise provided for	
<p>1. Activity Status: PER</p> <p>Where the following conditions are met:</p> <p>a. Any retail sales are limited to produce reared or produced on the site.</p>	<p>2. Activity status where compliance with condition GRUZ-R9(1)(c) is not achieved: RDIS</p>

<ul style="list-style-type: none"> b. Compliance with GRUZ-S1 (the relevant activity thresholds). c. Compliance with: <ul style="list-style-type: none"> i. GRUZ-S2; ii. GRUZ-S3; iii. GRUZ-S4; iv. GRUZ-S5; v. GRUZ-S6; vi. GRUZ-S7; vii. GRUZ-S8; viii. GRUZ-S9; and ix. GRUZ-S10. d. Compliance with GRUZ-S13 (setbacks from National Grid). 	<p>Matters over which discretion is restricted (where relevant to the infringed standard(s)):</p> <ul style="list-style-type: none"> a. Assessment matters: <ul style="list-style-type: none"> i. GRUZ-AM1. ii. GRUZ-AM2. iii. GRUZ-AM3. iv. GRUZ-AM14. v. GRUZ-AM15. b. Assessment matters in the following chapters: <ul style="list-style-type: none"> i. TRAN – Transport. ii. LIGHT – Light. iii. NOISE – Noise.
	<p>3. Activity status where compliance with condition GRUZ-R9(1)(a) is not achieved: DIS</p>
	<p>4. Activity status where compliance with conditions GRUZ-R9(1)(b) and/or GRUZ-R9(1)(d) is not achieved: NC</p>

GRUZ-R10 Community facilities

<p>1. Activity Status: PER</p> <p>Where the following conditions are met:</p> <ul style="list-style-type: none"> a. Limited to: <ul style="list-style-type: none"> i. 100m² gross floor area per site; and ii. land not identified as Land Use Capability Class 1, 2, or 3, as mapped by the New Zealand Land Resource Inventory or by any more detailed mapping that uses the Land Use Capability classification. b. Compliance with: <ul style="list-style-type: none"> i. GRUZ-S2; ii. GRUZ-S3; iii. GRUZ-S4; iv. GRUZ-S5; v. GRUZ-S6; vi. GRUZ-S7; vii. GRUZ-S8; viii. GRUZ-S9; and 	<p>2. Activity status where compliance with condition GRUZ-R10(1)(b) is not achieved: RDIS</p> <p>Matters over which discretion is restricted (where relevant to the infringed standard(s)):</p> <ul style="list-style-type: none"> a. Assessment matters: <ul style="list-style-type: none"> i. GRUZ-AM1. ii. GRUZ-AM2. iii. GRUZ-AM3. iv. GRUZ-AM8. v. GRUZ-AM14. vi. GRUZ-AM15. b. Assessment matters in the following chapters: <ul style="list-style-type: none"> i. TRAN – Transport. ii. LIGHT – Light.
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<ul style="list-style-type: none"> ix. GRUZ-S10. c. Compliance with: <ul style="list-style-type: none"> i. GRUZ-S11 (setback from existing intensive primary production). d. Compliance with GRUZ-S13 (setbacks from National Grid). 	<ul style="list-style-type: none"> iii. NOISE – Noise. <p>3. Activity status where compliance with conditions GRUZ-R10(1)(a) and/or GRUZ-R10(1)(c) is not achieved: DIS</p> <p>4. Activity status where compliance with condition GRUZ-R10(1)(d) is not achieved: NC</p>
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GRUZ-R11 Educational facilities

<p>1. Activity Status: PER</p> <p>Where the following conditions are met:</p> <ul style="list-style-type: none"> a. Limited to: <ul style="list-style-type: none"> i. 200m² gross floor area per site; and ii. land not identified as Land Use Capability Class 1, 2, or 3, as mapped by the New Zealand Land Resource Inventory or by any more detailed mapping that uses the Land Use Capability classification. b. Compliance with: <ul style="list-style-type: none"> i. GRUZ-S2; ii. GRUZ-S3; iii. GRUZ-S4; iv. GRUZ-S5; v. GRUZ-S6; vi. GRUZ-S7; vii. GRUZ-S8; viii. GRUZ-S9; and ix. GRUZ-S10. c. Compliance with: <ul style="list-style-type: none"> i. GRUZ-S11 (setback from existing intensive primary production). d. Compliance with GRUZ-S13 (setbacks from National Grid). 	<p>2. Activity status where compliance with condition GRUZ-R11(1)(b) is not achieved: RDIS</p> <p>Matters over which discretion is restricted (where relevant to the infringed standard(s)):</p> <ul style="list-style-type: none"> a. Assessment matters: <ul style="list-style-type: none"> i. GRUZ-AM1. ii. GRUZ-AM2. iii. GRUZ-AM3. iv. GRUZ-AM14. v. GRUZ-AM15. b. Assessment matters in the following chapters: <ul style="list-style-type: none"> i. TRAN – Transport. ii. LIGHT – Light. iii. NOISE – Noise. <p>3. Activity status where compliance with conditions GRUZ-R11(1)(a) and/or GRUZ-R11(1)(c) is not achieved: DIS</p> <p>4. Activity status where compliance with condition GRUZ-R11(1)(d) is not achieved: NC</p>
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GRUZ-R12 Emergency service activities and emergency service activities

1. Activity Status: PER

Where the following conditions are met:

- a. Limited to 100m² gross floor area per site.
- b. Compliance with:
 - i. GRUZ-S2;
 - ii. GRUZ-S3;
 - iii. GRUZ-S4;
 - iv. GRUZ-S5;
 - v. GRUZ-S6;
 - vi. GRUZ-S7;
 - vii. GRUZ-S8;
 - viii. GRUZ-S9; and
 - ix. GRUZ-S10.
- c. Compliance with GRUZ-S12 (setback from gas transmission network).
- d. Compliance with GRUZ-S13 (setbacks from National Grid).

2. Activity status where compliance with condition GRUZ-R12(1)(b) is not achieved: RDIS

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

- a. Assessment matters:
 - i. GRUZ-AM1.
 - ii. GRUZ-AM2.
 - iii. GRUZ-AM14.
 - iv. GRUZ-AM15.
- b. Assessment matters in the following chapters:
 - i. TRAN – Transport.
 - ii. LIGHT – Light.
 - iii. NOISE – Noise.

3. Activity status where compliance with conditions GRUZ-R12(1)(a) and/or GRUZ-R12(1)(c) is not achieved: DIS

4. Activity status where compliance with condition GRUZ-R12(1)(d) is not achieved: NC

GRUZ-R13 Relocated buildings

1. Activity Status: PER

Where the following conditions are met:

- a. The building must be for the purpose of accommodating a permitted or consented activity on the site.
- b. Compliance with GRUZ-S14.

2. Activity status where compliance not achieved: RDIS

Matters over which discretion is restricted:

- a. Whether the building is structurally sound, the condition of the building and the works needed to bring the exterior of the building up to an external visual appearance that is tidy, of appropriate standard, and

- compatible with other buildings in the vicinity.
- b. The bulk and location of the building in relation to the requirements of the zone.
- c. The need for structural repairs and reinstatement of the building and the length of time for completion of that work.
- d. The imposition of a performance bond to ensure compliance with the consent conditions.

Note: this rule applies to the building only. Any activities occurring within the building are subject to the District Plan rules relating to the activity itself.

GRUZ-R14 Intensive primary production activities

1. Activity Status: CON

Where the following conditions are met:

- a. Minimum setbacks for buildings housing animals reared intensively, enclosures accommodating animals reared intensively, and organic matter and effluent storage, treatment and utilisation associated with intensive primary production activities, from:
 - i. any Settlement, Rural Lifestyle, Large Lot Residential (Coastal) or General Residential Zone boundary is 500m.
 - ii. from a property boundary is 200m.
- b. Compliance with:
 - i. GRUZ-S2;
 - ii. GRUZ-S3;
 - iii. GRUZ-S4;
 - iv. GRUZ-S5;

2. Activity status where compliance with condition GRUZ-R14(1)(b) is not achieved: RDIS

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

- a. Assessment matters:
 - i. GRUZ-AM1.
 - ii. GRUZ-AM2.
 - iii. GRUZ-AM14.
 - iv. GRUZ-AM15.
- b. Assessment matters in the following chapters:
 - i. TRAN – Transport.
 - ii. LIGHT – Light.
 - iii. NOISE – Noise.

<ul style="list-style-type: none"> v. GRUZ-S6; vi. GRUZ-S7; vii. GRUZ-S8; viii. GRUZ-S9; and ix. GRUZ-S10. <p>c. Compliance with GRUZ-S13 (setbacks from National Grid).</p> <p>Matters over which control is reserved:</p> <ul style="list-style-type: none"> d. Effects on character and amenity of the zone from traffic generated by the proposal and the hours of operation. e. The method of storage and use of materials associated with the operation of the activity that may generate noxious, offensive, or objectionable odour beyond the site boundary. f. Methods of disposal of stormwater and wastewater for the activity. g. Setbacks from wāhi tapu, wāhi taonga and sites of significance identified in SASM-SCHED3 that are located within the site of the activity. 	<p>3. Activity status where compliance with condition GRUZ-R14(1)(a)(ii) is not achieved: RDIS</p> <p>Matters over which discretion is restricted (where relevant to the infringed standard(s)):</p> <ul style="list-style-type: none"> a. Assessment Matters: <ul style="list-style-type: none"> i. GRUZ-AM9. <p>4. Activity status where compliance with conditions GRUZ-R14(1)(a)(i) and/or GRUZ-R14(1)(c) is not achieved: NC</p>
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GRUZ-R16 Camping grounds

<p>1. Activity Status: RDIS</p> <p>Where the following conditions are met:</p> <ul style="list-style-type: none"> a. Compliance with: <ul style="list-style-type: none"> i. GRUZ-S2; ii. GRUZ-S3; iii. GRUZ-S4; iv. GRUZ-S5; v. GRUZ-S6; vi. GRUZ-S7; vii. GRUZ-S8; viii. GRUZ-S9; ix. GRUZ-S10; and x. GRUZ-S15. b. Compliance with: <ul style="list-style-type: none"> i. GRUZ-S11 (setback from existing intensive primary production); and ii. GRUZ-S12 (setback from gas transmission network). 	<p>2. Activity status where compliance with conditions GRUZ-R16(1)(a) and/or GRUZ-R16(1)(b) is not achieved: DIS</p> <p>3. Activity status where compliance with condition GRUZ-R16(1)(c) is not achieved: NC</p>
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c. Compliance with GRUZ-S13 (setbacks from National Grid).

Matters over which discretion is restricted:

d. Assessment matters (where relevant to the infringed standard(s):

- i. GRUZ-AM1.
- ii. GRUZ-AM2.
- iii. GRUZ-AM3.
- iv. GRUZ-AM11.
- v. GRUZ-AM14.
- vi. GRUZ-AM15.

e. Assessment matters in the following chapters:

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

GRUZ-R21 Rural industry (other than post-harvest facilities)

1. Activity Status: DIS

Where the following conditions are met:

a. Compliance with GRUZ-S13 (setbacks from National Grid).

Subject to (but not limited to) the following assessment matter:

b. The necessity of a rural location.

2. Activity status where compliance with condition GRUZ-R21(1)(a) is not achieved: NC

GRUZ-R22 Airport / aerodrome (other than rural airstrip and farm airstrip), and helicopter depot

1. Activity Status: DIS

Where the following conditions are met:

a. Compliance with GRUZ-S13 (setbacks from National Grid).

2. Activity status where compliance with condition GRUZ-R22(1)(a) is not achieved: NC

GRUZ-R17 Relocatable building depots

1. Activity Status: DIS

Where the following conditions are met:

a. Compliance with GRUZ-S13 (setbacks from National Grid).

2. Activity status where compliance with condition GRUZ-R17(1)(a) is not achieved: NC

GRUZ-R18 Any other activity not otherwise provided for

<p>1. Activity Status: DIS</p> <p>Where the following conditions are met:</p> <p>a. Compliance with GRUZ-S13 (setbacks from National Grid).</p>	<p>2. Activity status where compliance with condition GRUZ-R18(1)(a) is not achieved: NC</p>
<p>GRUZ-R19 Industrial activities (other than post-harvest facilities and rural industry)</p>	
<p>1. Activity Status: NC</p> <p>Where the following conditions are met: N/A</p>	<p>2. Activity status where compliance not achieved: N/A</p>

Standards

GRUZ-S1 Activity Threshold	
<p>Commercial Activities</p> <p>Visitor Accommodation</p> <p>Home Businesses</p> <p>(excludes retail sales and restaurants)</p>	<ol style="list-style-type: none"> 1. Maximum gross floor area per site is 100m². 2. Personnel limited to: <ol style="list-style-type: none"> a. At least one person resident on the site must carry out the activity. b. A maximum of three additional employees (in addition to those resident on the site). <p><i>Note: Visitor accommodation within an existing residential unit or existing minor residential unit will be exempt from the 100m² maximum floor area, provided the existing residential activity does not cease.</i></p>
<p>Retail Sales of produce reared or produced on the site</p>	<ol style="list-style-type: none"> 3. Maximum gross floor area per site is 100m². 4. Limited to the following hours of operation: <ol style="list-style-type: none"> a. 0800 – 2200 hours, seven days a week.
<p>Restaurants</p>	<ol style="list-style-type: none"> 5. Maximum gross floor area for serving customers per site is 100m² (excluding uncovered outdoor areas). 6. Maximum number of customers to be accommodated at any one time is 40 persons. 7. Limited to the following hours of operation: <ol style="list-style-type: none"> a. 0800 – 2200 hours, seven days a week.
<p>Cumulative Limits</p>	<ol style="list-style-type: none"> 8. Maximum combined gross floor area per site, for any of the above activities, is 100m².

	<p>9. Maximum combined outdoor display area per site, for any of the above activities, is 100m².</p> <p><i>Note: Cumulative limits are calculated per site, not per activity.</i></p>
GRUZ-S2 Height of Buildings	
All (except frost fans)	1. Maximum height of any building(s) is 10m.
Frost Fans	2. Maximum height, measured to the tip of the blade at its highest point, is 15m.
	<i>Note: in all instances, height is measured from the natural ground level.</i>
GRUZ-S3 Height in Relation to Boundary	
All	<p>1. No part of a building must exceed a height of 2 metres plus the shortest horizontal distance between that part of the building and the nearest site boundary, except for the following:</p> <ul style="list-style-type: none"> a. chimneys, ventilation shafts, lift and stair shafts and spires, poles and masts that meet the maximum height standard for the relevant zone, provided the maximum dimension of these structures measured parallel to the boundary under consideration must not exceed 3m; b. domestic water storage tanks, provided the maximum dimension of these structures measured parallel to the boundary under consideration must not exceed 3m; c. solar panels or solar hot water systems (and

	<p>associated hardware), provided that the panels do not protrude more than 500mm from the surface of the roof.</p> <p>2. Where an internal boundary of a site immediately adjoins an access or part of an access which is owned or partly owned with that site, or has a registered right-of-way over it in favour of that site, the height in relation to boundary is measured from the far side of the access.</p> <p><i>Note: This does not apply to artificial crop protection structures.</i></p>
GRUZ-S4 Setback from Roads and Rail Network	
Residential Activities (including accessory buildings)	<ol style="list-style-type: none"> 1. Minimum setback of any building(s) from road boundaries is 5m. 2. Minimum setback of any building(s) from the Rail Network Boundary is 5m.
Seasonal Workers Accommodation	<ol style="list-style-type: none"> 3. Minimum distance of any building(s) from road boundaries is 15m.
Accessory Buildings and Structures (Primary Production)	<ol style="list-style-type: none"> 4. Minimum setback of any building(s) from road boundaries is 5m. 5. Minimum setback of stockyards and stock loading ramps/races fronting roads that are classified as Inter-regional Connectors, Rural Connectors, and Peri-urban Roads is 20m. 6. Minimum setback of any building(s) from the Rail Network Boundary is 3m.
All Other Buildings (including Post-Harvest Facilities)	<ol style="list-style-type: none"> 7. Minimum setback of any building(s) from road boundaries is 20m, except that: <ol style="list-style-type: none"> a. buildings less than 10m² in gross floor area, and buildings used by

	<p>Emergency Service Activities, may be located within the above setbacks from road boundaries.</p> <p>8. Minimum setback of any building(s) from the Rail Network Boundary is 5m.</p> <p><i>Note: Under the Hawke’s Bay Regional Resource Management Plan, there is also a requirement for setbacks from the bed of a river, lake or artificial watercourse which is within a land drainage or flood control scheme area.</i></p>
<p>GRUZ-S5 Setback from Neighbours</p>	
<p>Residential Activities adjacent to an existing plantation forest on an adjoining site</p>	<p>1. Minimum setback of buildings from an existing plantation forest on an adjoining site is 40m.</p>
<p>All Other Activities (including Residential activities but excluding as provided for in GRUZ-S5(3)-(7) below) Accessory Buildings and Accessory Buildings and Structures (Primary Production)</p>	<p>2. For sites greater than 2.5 ha, minimum setback of buildings for an activity from internal boundaries is 15m. Farm and domestic water storage tanks up to 2m in height are exempt from this standard.</p> <p>2A. For sites 2.5ha or less, minimum setback of buildings for an activity from internal boundaries shared with an adjoining lot greater than 2.5 ha is 15m. Farm and domestic water storage tanks up to 2m in height are exempt from this standard.</p> <p>2B. For sites 2.5ha or less, minimum setback of buildings for an activity from internal boundaries shared with an adjoining lot 2.5 ha or less or from land zoned General Residential is 5m, provided the setback from any adjoining lot larger than 2.5 ha is 15m. Farm and domestic water storage tanks up to</p>

	2m in height are exempt from this standard.
Accessory Buildings Accessory Buildings and Structures (Primary Production)	3. Minimum setback of buildings for an activity from internal boundaries is 5m. Farm and domestic water storage tanks up to 2m in height are exempt from this standard.
Artificial Crop Protection Structures	4. Minimum setback from internal boundaries of 5m. 5. Minimum setback from the nearest part of a residential dwelling on a separate site is 15m.
Sites created before 28 May 2021 25 May 2023 and less than 4000m² net site area Where a subdivision consent application to create a site is lodged with Council before 28 May 2021 25 May 2023, and accepted under section 88 of the RMA 1991 and thereafter granted	6. Minimum setback of buildings for a residential activity from internal boundaries is 5m. 7. Minimum setback of buildings for all other activities from internal boundaries is 10m.
GRUZ-S6 Shading of Land and Roads	
Trees on boundaries	1. Trees forming a continuous line for a distance of more than 20 metres on an internal boundary of a property under separate ownership: <ul style="list-style-type: none"> a. must be planted a minimum distance of 5m from an adjoining property boundary and be maintained so that the branches do not extend over that boundary
Trees adjoining public roads	2. Trees forming a continuous line for a distance of more than 20 metres within 5 metres of a public road must be maintained at a height of less than 9 metres.
<i>Note: this standard does not apply to plantation forestry, which is subject to permitted activity setback conditions for afforestation specified in the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017.</i>	

GRUZ-S7 Electricity Safety Distances	
All	1. Any activity, including the establishment of buildings and structures within the vicinity of overhead electric lines must comply with the New Zealand Electrical Code of Practice for Electrical Safety Distances (NZECP 34:2001).
GRUZ-S8 Transport (Access, Parking, Loading)	
All	1. Activities must comply with the provisions of the TRAN – Transport chapter.
GRUZ-S9 Light	
All	1. Activities must comply with the provisions of the LIGHT – Light chapter.
GRUZ-S10 Noise	
All	1. Activities must comply with the provisions of the NOISE – Noise chapter. <i>Note: There are exemptions and/or specific standards provided in NOISE-S5 for the use of agricultural machinery, audible bird scaring devices, hail cannons and frost protection fans.</i>
GRUZ-S11 Setback from Existing Intensive Primary Production Activities	
Sensitive Activities	1. Minimum setback of buildings from any buildings or enclosure housing animals reared intensively, or from organic matter and effluent storage, treatment and utilisation associated with intensive primary production activities, is 200 metres.
GRUZ-S12 Setback from Gas Transmission Network	

<p>Residential Activities</p>	<ol style="list-style-type: none"> 1. Gas Transmission Pipeline: <ol style="list-style-type: none"> a. minimum setback of buildings from a gas transmission pipeline forming part of the Gas Transmission Network is 20m. 2. Incidental Equipment: <ol style="list-style-type: none"> a. minimum setback of buildings from above ground incidental equipment forming part of the Gas Transmission Network is 30m.
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GRUZ-S13 Setback from National Grid Yard

<p>All Buildings and Structures</p>	<ol style="list-style-type: none"> 1. Under the National Grid conductors (wires): <ol style="list-style-type: none"> a. on all sites within any part of the National Grid Yard, all buildings and structures must: <ol style="list-style-type: none"> i. if for an existing sensitive activity, not involve an increase in the building height or footprint where alterations and additions to existing buildings occur; or ii. be a fence less than 2.5m high; or iii. be an uninhabitable farm building or structure for primary production activities (but not a milking/dairy shed (excluding ancillary structures), enclosed protective canopies made from impermeable material, commercial greenhouses, or
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	<p>intensive primary production buildings); or</p> <p>iv. be an uninhabited horticultural building or structure (but not a commercial greenhouse).</p> <p>b. all buildings or structures permitted by a. must comply with the following conditions:</p> <p>i. demonstrate that safe electrical clearance distances required by <i>NZEC 34:2001 New Zealand Electricity Code of Practice for Electricity Safe Distances</i> are maintained under all National Grid line operating conditions.</p> <p>ii. The building or structure within the National Grid Yard must not permanently physically impede existing ensure vehicular access to any National Grid support structure is available.</p> <p>2. Around National Grid support structures: buildings and structures permitted under clause 21 above must be set back at least 12m from the outer visible edge of a tower, or 10m from a single pole, forming part of a National Grid support structure, except where the building or structure is:</p> <p>a. a fence less than 2.5m in height and more than 5m from the</p>
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	<p>nearest National Grid support structure foundation; or</p> <p>b. an artificial crop protection structure or crop support structure between 8m and 12m from a pole support structure and any associated stay wire, that:</p> <ul style="list-style-type: none"> i. meets the requirements of the <i>NZEC 34:2001 New Zealand Electricity Code of Practice for Electricity Safe Distances</i> for separation distances from the conductor; ii. is no more than 2.5m high; iii. is removable or temporary, to allow a clear working space 12 metres from the pole when necessary for maintenance and emergency repair purposes; and iv. allows all-weather access to the pole and a sufficient area for maintenance equipment, including a crane; or <p>c. a horticultural structure for which Transpower has given written approval in accordance with clause 2.4.1 of <i>NZEC 34:2001 New Zealand Electricity Code of Practice for Electricity Safe Distances</i> to be located within 12m of a tower or 8m of a pole support structure.</p>
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GRUZ-S14 Relocated Buildings

All

1. Any relocated building intended for use as a dwelling or for visitor accommodation must have previously been designed, built and used as a dwelling or for visitor accommodation.
2. The relocated building must comply with all other relevant performance standards for the zone.
3. A Building Pre-Inspection Report must be submitted to the Council with each application to relocate a building. The report must:
 - a. state whether the building is structurally sound;
 - b. describe the condition of the building and identify all reinstatement works needed to bring the exterior of the building up to an external visual appearance that is tidy, workmanlike and compatible with other buildings in the vicinity;
 - c. state the proposed timetable to complete the external reinstatement works (including connections to all infrastructure services and closing in and ventilation to the foundations) within 12 months from the date the building is moved to the site;
 - d. provide clear photographs of the building in its current state; and
 - e. provide such plans and elevations of the building as are necessary to illustrate the new site location and likely external design and appearance of the building

	<p>as a result of the reinstatement work.</p> <ol style="list-style-type: none"> 4. The Building Pre-Inspection Report must be prepared by: <ol style="list-style-type: none"> a. A Member of Engineering New Zealand (the Institute of Engineering Professionals) (Structural and Civil); or b. A member of the New Zealand Institute of Building Surveyors; or c. An independent person, persons or company as approved by Central Hawke's Bay District Council Building Control Authority; or d. A Building Control Officer (or equivalent) from the Territorial Local Authority where the building is being relocated from outside of the District; or e. A Licensed Building Practitioner. 5. The Council must be notified of the intended delivery date at least 48 hours before the building is relocated. Relocation must not be undertaken until the site is visited by Council officers to inspect the standard of the site, footpath, vehicle entrance and road. This standard will be met provided that the building is relocated within 5 days of the notified date. 6. The building must be placed on permanent foundations no later than four weeks from the date the building is moved to the site. 7. All external reinstatement works identified in the Building Pre-Inspection Report, including connections to all infrastructure services and closing in and ventilation to the foundations, must
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	<p>be completed within 12 months from the date the building is moved to the site.</p> <p>8. The owner of the site on which the relocated building is placed must certify to the Council that the reinstatement work identified in the Building Pre-Inspection Report will be completed within the 12-month period. The site owner will be responsible for ensuring this work is completed.</p> <p><i>Note: All necessary building consents under the Building Act 2004 (including consent to place the building on permanent foundations) must be obtained prior to the relocated building being placed on the destination site, unless otherwise agreed in writing by the Council.</i></p>
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Assessment Matters

For Discretionary Activities, Council’s assessment is not restricted to these matters, but it may consider them (among other factors).

GRUZ-AM1 Building Coverage, Height of Buildings, Height in Relation to Boundary, Setback from Roads and Rail Network, Setback from Neighbours

1. The degree to which the proposed buildings:
 - a. will be compatible with the character and amenity of the area, including the nature and scale of other buildings in the surrounding area;
 - b. will adversely affect the life-supporting capacity of the rural soil resource, and any potential for reverse sensitivity effects to arise;
 - c. will overshadow adjoining sites and result in reduced sunlight and daylight;
 - d. will cause a loss of privacy through being over-looked from neighbouring buildings;
 - e. will block views from properties in the vicinity, or from roads or public open space in the surrounding area;
 - f. will diminish the openness and attractiveness of the street scene;
 - g. will detract from the amenity of adjoining sites, in terms of such matters as noise, odour, dust, glare or vibration occurring as a result of the building; and

- h. will adversely affect the safe and efficient operation of the land transport network.
2. The ability of the applicant to:
 - a. provide adequate opportunity for garden and tree planting around buildings;
 - b. provide adequate vehicle parking and manoeuvring space on site;
 - c. provide adequate outdoor space on the site for all outdoor activities associated with residential and other activities permitted on the site;
 - d. mitigate any adverse effects of increased height or exceedance of the height in relation to boundary, such as through increased separation distances between the building and adjoining sites or the provision of screening; and
 - e. mitigate any adverse effects on people affected by the proposal.
 3. The ability of the applicant to adequately dispose of effluent, which avoids:
 - a. any potential contamination of groundwater;
 - b. any potential slope instability problems;
 - c. any potential odour, noise and vibration nuisance to neighbours; and
 - d. any potential seepage of effluent at ground surface.
 4. The degree to which the non-compliance with the standard allows more efficient, practical and/or pleasant use of the remainder of the site.
 5. The degree to which alternative practical locations are available for the building.

GRUZ-AM2 Shading of Land and Roads

1. Trees on Boundaries
 - a. The degree to which the planting of trees will overshadow adjoining sites and result in reduced sunlight and daylight, and/or result in the loss of productive land.
 - b. The degree to which trees may potentially damage structures due to wind fall or root growth.
2. Trees adjoining Public Roads
 - a. The degree to which planting will cause shading and ice forming on roads in winter, or root damage to the road.
 - b. The degree to which trees may potentially cause a road safety risk due to wind fall.

GRUZ-AM3 Setback for Sensitive Activities from Existing Intensive Primary Production Activities

1. The likelihood of the proposed activity to generate reverse sensitivity effects on the intensive primary production activity and the potential impact these effects may have on the continuing effective and efficient operation of the intensive primary production activity.
2. The extent to which alternative locations have been considered.

GRUZ-AM4 Setback for New Residential Activities from Gas Transmission Network

1. Any effects on the safe, effective, and efficient operation, maintenance, and upgrade of the Gas Transmission Network.
2. Any effects on the ability for vehicles to access the Gas Transmission Network.
3. Risks relating to health or public safety and the risk of property damage.
4. Reverse sensitivity effects.
5. Technical advice provided by First Gas Ltd.

GRUZ-AM5 Residential Activities

1. Whether the additional residential activity will have an adverse effect on the sustainable management of the soil resource.
2. The impact of the residential activity on the character and amenity of adjoining activities and the surrounding rural environment and any potential for reverse sensitivity effects to arise.
3. Any cumulative effect of the residential activity.
4. The potential for the residential activity to have an adverse effect on road safety.
5. Whether the proposal will continue to allow for efficient use of the remaining undeveloped land for primary production activities.
6. Where located within the coastal environment area, the degree to which the proposed buildings will be compatible and integrate with the natural character and amenity of the surrounding area, including the scale, design, and appearance of buildings.

**GRUZ-AM6 Post-Harvest Facilities exceeding the 2,500m² Gross Floor Area
Threshold per site**

1. Whether the activity is of such a scale that it is better to be located or, in the case of an existing operation, relocated in a General Industrial Zone where infrastructure and employment are more readily available and the receiving environment is less sensitive.
2. The effects of the proposal on the soil resource.
3. Whether the Post-Harvest Facility will utilise any existing building(s).
4. The impact of the scale, character and/or effects of the activity and its compatibility with surrounding activities.
5. The potential for the activity to generate adverse effects in the environment in terms of stormwater quality and quantity.
6. Whether the activity will process, store and/or package agricultural, horticultural and/or viticultural crops and/or produce, the majority of which are grown from within the General Rural and/or Rural Production Zones.
7. Whether the proposal will significantly compromise the visual amenity value of the surrounding area, recognising that it is a rural working environment.
8. The potential for the activity to generate more than minor adverse effects on the environment in terms of noise, dust, glare, and road safety.

GRUZ-AM7 Commercial Activities, Visitor Accommodation, Home Businesses

1. Whether the proposal will maintain or enhance the character and amenity values of the surrounding area.
2. The impact of the scale, character and/or effects of the activity and its compatibility with surrounding activities, including proximity to sensitive activities.
3. The potential for the activity to generate more than minor adverse effects on the environment in terms of noise, dust, glare, vibration, and road safety.
4. Whether the proposal will have an adverse effect on the sustainable management of the soil resource and any potential for reverse sensitivity effects to arise.
5. Where located within the coastal environment area, the degree to which the proposed buildings will be compatible and integrate with the natural character and amenity of the surrounding area, including the scale, design, and appearance of buildings.

GRUZ-AM8 Community Facilities and Educational Facilities

1. The degree to which the proposed buildings will be compatible and integrate with the character of the surrounding area, including the layout, height, bulk and scale of buildings.
2. Any adverse effects from the proposed activity in terms of:
 - a. the life-supporting capacity of the rural soil resource and any potential for reverse sensitivity effects to arise;
 - b. loss of privacy to neighbours through being over-looked, including by buildings;
 - c. loss of openness and attractiveness of the street scene;
 - d. noise, vibration, and glare; and

- e. admission of sunlight and daylight to adjoining sites.
- 3. The volume and type of traffic which may be generated by the activity and the ability to avoid or mitigate any adverse effects on the function of the road network and/or the safety of pedestrians, cyclists and vehicles using the road network (including cumulative effects) through the provision of appropriate on-site parking, vehicle queuing, loading, manoeuvring and access design.
- 4. Whether the amenity of the rural environment will be adversely affected by the scale and/or intensity of the activity. The following matters will be considered:
 - a. the number of patrons and/or staff on the site at any one time;
 - b. the hours of operation to maintain the amenity of the area;
 - c. the proximity of the activity to adjacent activities;
 - d. the anticipated number of transportation movements (including pedestrians and vehicular traffic); and
 - e. whether the proposed activity is located in an area where there are already one or more non-residential activities in close proximity and the resultant cumulative effect on amenity.
- 5. Whether landscaping and/or screening is proposed to mitigate potential adverse visual effects of the activity.
- 6. The functional or operational need to locate in the General Rural Zone.

GRUZ-AM9 Intensive Primary Production Activities (located more than 500 metres from a General Residential, Large Lot Residential, Rural Lifestyle, Settlement, or Town Centre Zone boundary)

- 1. The traffic generated by the proposal.
- 2. Any noxious, offensive, or objectionable odour arising from the activity beyond the site boundary or any storage of materials associated with the operation of the activity.
- 3. The effects arising from the stormwater/wastewater management of the activity.
- 4. The hours of the operation of the activity and the potential for noise effects to arise.
- 5. Setbacks from wāhi tapu, wāhi taonga and sites of significance identified in SASM-SCHED3 and on the Planning Maps.

GRUZ-AM10 Commercial Boarding and/or Breeding of Cats, Dogs or Other Domestic Pets

- 1. The degree to which the boarding premises will be compatible with the character of the surrounding rural area, including the density of and proximity to residential units in the area.
- 2. The degree to which the proposed boarding premises are likely to lead to any adverse odour, noise, health, or amenity effects beyond the boundary of the site, and in particular, the building design and management systems proposed to mitigate noise or odour nuisance.
- 3. The degree to which the proposed buildings, will be compatible with the appearance, layout and scale of other buildings and sites in the surrounding area.

GRUZ-AM11 Camping Grounds

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

GRUZ-AM12 Expansion or Intensification of Existing Noise Sensitive Activities within the Outer Control Boundary

1. Conditions on building design to incorporate appropriate sound insulation, including provision of suitable ventilation system(s).

GRUZ-AM16 Rural Airstrips and Helicopter Landing Areas (located within 2km of a Residential, Large Lot Residential (Coastal), Settlement or Rural Lifestyle Zone boundary, within 500m of existing noise sensitive activities on a different site, or within 50m of a State Highway)

1. The number, frequency, and hours of flight operations.
2. The position of the flight path for take-offs and landings.
3. The extent to which the rural airstrip and/or helicopter landing area, and flight operations, will have adverse effects on amenity (such as noise, light, traffic, and dust effects) on the surrounding area.
4. The necessity to locate on the site, and the availability and feasibility of other alternatives.

GRUZ-AM13 **General**

1. Whether the activity is of a type or scale that means that it is better located in another zone (for example, where infrastructure and labour force are more readily available, and the receiving environment is less sensitive).
2. Effects on the visual amenity values of the surrounding area, recognising the rural character of the locality.
3. Whether the activity can be adequately serviced. The site must be capable of sustaining the infrastructural needs of the development.
4. The impact of the scale, character and/or effects of the activity and its compatibility with surrounding activities, including proximity to sensitive activities and wāhi tapu, wāhi taonga and sites of significance identified in SASM-SCHED3, as well as any potential for reverse sensitivity effects on primary production to arise.
5. The potential for the activity to generate more than minor effects on the environment in relation to traffic, parking demand, or visitor numbers.
6. The ability of the roading hierarchy to accommodate any additional traffic generated by the activity, including effects on road safety.
7. The potential for the activity to generate more than minor adverse effects in terms of noise, dust, glare, or vibration, and the extent to which mitigation options have been considered and evaluated.
8. Where located within the coastal environment area, the degree to which the activity is located appropriately, and the degree to which the scale, design and appearance of any built form or land modification is compatible with the character and amenity of the coastal environment, having regard to the effects of the activity and:
 - a. integration with natural processes, landform and topography (including the use of naturally occurring building platforms);
 - b. the particular natural character, cultural, landscape, ecological, historical or recreational values of the area;
 - c. the extent to which the values of the area are sensitive or vulnerable to change;
 - d. the extent to which the values of the adjacent areas (including coastal marine area) are sensitive or vulnerable to the long-term effects of the activity, particularly from plantation forestry;
 - e. opportunities to restore, rehabilitate or enhance natural character, indigenous vegetation and habitats, cultural values, landscape features, dunes and other natural coastal features or processes;
 - f. the presence of any natural hazards and whether the activity will exacerbate the hazard and/or be vulnerable to it; and
 - g. opportunities for public access and recreation.
9. Where located within an area of high natural character, outstanding natural landscape or feature, or significant amenity feature, refer to the assessment matters in CE-AM1 and CE-AM2, NFL-AM1 and NFL-AM2.

GRUZ-AM14 Electricity Safety Distances

1. Impacts on the operation, maintenance, upgrading and development of the electricity network.
2. The risk of electrical hazards affecting public or individual safety, and the risk of property damage.
3. The risk to the structural integrity of any support structures associated with the electricity network.
4. Technical advice provided by the National Grid owner (Transpower) or electricity distribution network operator (Centralines Limited).

GRUZ-AM15 Water supply for firefighting

1. The extent of compliance with *SNZ PAS 4509:2008 New Zealand Fire Service Firefighting Water Supplies Code of Practice* and health and safety of the community, including neighbouring properties.
2. Technical advice provided by Fire and Emergency New Zealand.

Methods

Methods, other than the above rules, for implementing the policies:

GRUZ-M1 Other Provisions in the District Plan

Other sections of the District Plan contain additional rules and standards applying to activities in the General Rural Zone:

1. NU – Network Utilities – includes rules and standards relating to network utility operations.
2. TRAN – Transport – includes rules and standards relating to access, parking, and loading.
3. HAZS – Hazardous Substances – includes rules relating to the storage, handling and use of hazardous substances, and rules applying to major hazardous facilities.
4. NH – Natural Hazards – includes rules applying in areas specifically identified as subject to natural hazards.
5. HH – Historic Heritage – includes rules applying specifically to identified heritage buildings.
6. TREE – Notable Trees – includes rules applying specifically to identified notable trees.
7. SASM – Sites and Areas of Significance to Māori – includes rules applying specifically to identified sites of significance.
8. ECO – Ecosystems and Indigenous Biodiversity – includes rules applying specifically to areas of significant indigenous vegetation and/or significant habitats of indigenous fauna.
9. NFL – Natural Features and Landscapes – includes rules applying specifically to identified outstanding natural features and landscapes.
10. SUB – Subdivision – includes rules and standards applying to subdivision, which will limit fragmentation of the rural land resource.

11. ASW – Activities on the Surface of Water – includes rules applying to certain activities on the surface of identified waterbodies.
12. CE – Coastal Environment – includes provisions applying specifically to the coastal environment area.
13. EW – Earthworks – includes rules and standards relating to earthworks and land disturbance, mining, quarrying and mineral prospecting and exploration.
14. LIGHT – Light – includes rules and standards relating to light and glare.
15. NOISE – Noise – includes rules and standards relating to the emission of noise.
16. PKH – Papakāinga and Kaumātua Housing, and associated Marae-based Development – includes rules and standards relating to papakāinga and kaumātua housing and marae-based developments on Māori land.
17. SIGN – Signs – includes rules and standards relating to the design and installation of signs.
18. TEMP – Temporary Activities – includes rules and standards relating to temporary activities, temporary buildings, and temporary events.

GRUZ-M2 Bylaws

The Central Hawke’s Bay District Council Bylaws – Part 13: 2008 *The Keeping of Animals, Poultry and Bees*.

GRUZ-M3 Industry Codes of Practice and Management Plans

Promote the use of management plans and industry codes of practice as a means of self-regulation.

GRUZ-M4 National Standards

1. The Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017.
2. Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011.
3. The New Zealand Standards NZS 6805:1992 Airport Noise Management and Land Use Planning, and NZS 6807:1994 Noise Management and Land Use Planning for Helicopter Landing Areas.

Principal Reasons

The principal reasons for adopting the policies and methods:

The General Rural Zone contains much of the District’s rural land resource and exhibits land use that is predominantly in primary production. As such, this zone provides extensively for land-based primary production activities (including post-harvest facilities and intensive primary production) and for a level of associated residential, rural commercial and rural

service activities where these actively support the primary productive purpose of these zones and the people who live and work in the various rural communities.

Some activities, however, such as larger-scale commercial and industrial activities, are not provided for in this zone, as they are generally not considered compatible with the zone's character and amenity values and have greater servicing needs, trade waste, traffic effects and the like. These activities are better located in other zones, particularly the Town Centre and General Industrial Zones which are specifically for this purpose and more likely to be serviced accordingly.

At the interface between rural zones and other zones, and between intensive primary production activities and those activities which are more sensitive to noise, odour, dust and other nuisance effects, there is potential for conflicts to occur between different activities and different expectations about amenity. The District Plan, therefore, requires setbacks from roads, property boundaries, zone boundaries, and from intensive primary production activities, to avoid or mitigate potential adverse cross-boundary effects and land use conflicts.

The District Plan also provides for larger subdivision lot sizes in the rural zones, and limits on the provision for residential and rural lifestyle subdivision, to avoid further fragmentation of the District's finite soil resource. Residential and rural lifestyle lots that are unrelated to primary production activities are better located in the General Residential Zone, Large Lot Residential Zone (Coastal), Settlement Zone, and Rural Lifestyle Zone, where amenity and servicing expectations are more likely to be met.

Anticipated Environmental Results

The environmental results anticipated from the policies and methods:

- GRUZ-AER1 The life-supporting capacity of the rural land resource is maintained.**
- GRUZ-AER2 The scale and form of development utilises and protects the rural land resource and maintains the range of potentially productive purposes.**
- GRUZ-AER3 Production activities continue to promote the sustainable management of the land resource and enhance the social, economic and cultural wellbeing of the rural community.**
- GRUZ-AER4 Recognition and acceptance of the effects associated with the management of primary production.**
- GRUZ-AER5 Land use and development of new activities is based on a legitimate need for a rural location.**
- GRUZ-AER6 An environment that has low scale commercial and industrial activities linked to produce grown and/or stock farmed on the site or nearby.**

- GRUZ-AER7** Commercial and industrial activities not directly related to primary production, or of a scale that is out of character with the rural environment, are directed to appropriate urban zones.
- GRUZ-AER8** The lawful operation of existing rural-based activities are not constrained by the introduction of new residential or rural residential land uses in the locality.
- GRUZ-AER9** Recognition of long-established infrastructure and community facilities.
- GRUZ-AER10** Rural activities appropriately manage their potential to create reverse sensitivity issues associated with odour, noise, dust and traffic affecting development in close proximity to them.
- GRUZ-AER11** Avoidance or mitigation of adverse effects on adjoining activities, including reverse sensitivity effects.
- GRUZ-AER12** Retention of the open character and low scale of buildings that comprise the amenity of the General Rural Zone.

Appendix L – RPROZ – Rural Production Zone

RPROZ – Rural Production Zone

Introduction

The Rural Production Zone represents the identified concentration of highly productive land centred in and around the Ruataniwha and Takapau Plains and surrounding Waipukurau, Waipawa and Ōtane.

The Zone encompasses the contiguous, flat to undulating terrain within the District that collectively supports regionally (and nationally) significant primary production and associated secondary services, based on:

- an exceptionally high proportion of Class 1-3 soils (comprising almost 25% of the District),
- Class 7 soils that are recognised as having very high value for viticultural production (which comprise almost 2% of the District),
- its proximity to a cluster of national and international processing industries and associated qualified labour force within the Hawke Bay Region, and
- its proximity to the Port of Napier and other regionally strategic transport networks providing efficient transport of produce.

The predominant land uses within this part of the rural area of the District are primary production (including intensive primary production), cropping, livestock farming, and horticulture (including viticulture).

The rural landscape within the Rural Production Zone also supports a range of recreational activities, and areas of indigenous vegetation and habitat of indigenous fauna, particularly along the riparian margins of the incised river and streams that pass through the zone.

The Zone is generally sparsely settled and is characterised by a predominance of open space. There are a small number of small scale commercial or industrial activities and a small number of larger established rural industries, largely servicing the primary production sector and rural communities within the zone.

Issues

refer Issues RLR-I1, and GRUZ-I1 and GRUZ-I2.

Objectives

- RPROZ-01 The Rural Production Zone is predominantly used for primary production activities (including intensive primary production) and associated ancillary activities.**

- RPROZ-02** The rural land resource is protected from fragmentation, and from being compromised by inappropriate building and development, including from ad hoc urban expansion.
- RPROZ-03** Activities do not reduce the potential for the highly productive land of the District to be used in a productive and sustainable manner.
- RPROZ-04** The predominant character of the Rural Production Zone is maintained, which includes:
1. overall low-density built form, with open space and few structures;
 2. a predominance of primary production activities and associated buildings such as barns and sheds, post-harvest facilities, seasonal workers accommodation, and artificial crop protection structures and crop support structures, which may vary across the district and seasonally;
 3. the sounds, smells, and traffic associated with primary production activities, and established rural industries, anticipated from a working rural environment;
 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-05** Activities are managed to ensure that rural character and amenity are maintained.
- RPROZ-06** The primary productive purpose and predominant character of the Rural Production Zone are not compromised by potentially incompatible activities establishing.
- RPROZ-07** The Waipukurau Aerodrome is protected from noise sensitive activities establishing within the air noise boundary.

Policies

- RPROZ-P1** To enable primary production (including intensive primary production) and ancillary activities, recognising the primary productive purpose and predominant character and amenity of the Rural Production Zone.
- RPROZ-P2** To provide for non-primary production activities that have a functional or operational need for a rural location, and/or that support the function and wellbeing of rural communities and/or the enjoyment

of the rural environment, and contribute to the vitality and resilience of the District's economy, and where they are managed to ensure that:

1. their scale, intensity and built form are in keeping with the rural character of the Rural Production Zone;
2. they maintain a level of amenity in keeping with the rural character of the Rural Production Zone;
3. they minimise reverse sensitivity effects on activities otherwise anticipated within the Rural Production Zone; and
4. adverse effects are avoided, remedied or mitigated

RPROZ-P3 To manage the scale of post-harvest facilities, rural industry and commercial activities to ensure that they remain compatible with the primary productive purpose of the Rural Production Zone, and potential adverse effects on the character and amenity of the rural area are avoided, remedied or mitigated.

RPROZ-P4 To manage the bulk, scale and location of buildings to maintain the character and amenity of the rural area, while recognising that it is a rural working environment.

RPROZ-P5 To require sufficient separation between sensitive activities and existing primary production and intensive primary production activities, and between new intensive primary production activities and property and zone boundaries, in order to avoid, remedy or mitigate potential adverse effects, including reverse sensitivity and land use conflict.

RPROZ-P6 To manage location of trees so that adjoining public roads and properties are not adversely affected by shading.

RPROZ-P7 To ensure activities do not locate in the Rural Productive Zone where the activity:

1. has no functional or operational need for a rural location;
2. is inconsistent with the primary productive purpose and predominant character of the Rural Productive Zone;
3. constrains the establishment and use of land for primary production;
4. exhibits no exceptional or unusual features that would differentiate it from possible later applications, which in combination would lead to incremental creep of urban activities and/or sporadic urban activities onto the highly productive land of the District; and/or
5. results in reverse sensitivity and/or leads to land use conflict.

- RPROZ-P8** To avoid residential and rural lifestyle subdivision that results in fragmentation of land within the Rural Production Zone and/or that limits the use of land for primary-productive purposes (including through the potential creation or exacerbation of reverse sensitivity effects).
- RPROZ-P9** To avoid establishment of commercial or industrial activities that are unrelated to the primary productive purpose of the Rural Production Zone, or that are of a scale that is incompatible with the predominant character and amenity of the rural area.
- RPROZ-P10** To avoid the establishment or intensification of noise sensitive activities within the airnoise boundary of the Waipukurau Aerodrome, and to require appropriate sound insulation of noise sensitive activities between the airnoise boundary and outer control boundary.
- RPROZ-P11** To ensure activities within the Rural Production Zone are self-sufficient in the provision of a suitable on-site wastewater treatment and disposal system, stormwater disposal system, and water supply, unless an appropriate alternative system is available to connect to.

Rule Overview Table

Use/activity	Rule Number
Residential activities	RPROZ-R1
Seasonal workers accommodation	RPROZ-R2
Primary production activities	RPROZ-R3
Artificial Crop Protection Structures	RPROZ-R21
Agricultural aviation movements ancillary to primary production activities	RPROZ-R4
Rural airstrips and/or helicopter landing areas	RPROZ-R5
Post-harvest facilities	RPROZ-R6
Home businesses	RPROZ-R7
Visitor accommodation	RPROZ-R8
Commercial activities not otherwise provided for	RPROZ-R9
Community facilities	RPROZ-R10

Educational facilities	RPROZ-R11
Emergency service activities and emergency aviation movements	RPROZ-R12
Relocated buildings	RPROZ-R13
Intensive primary production activities	RPROZ-R14
Rural industry (other than post-harvest facilities)	RPROZ-R22
Airport / aerodrome (other than rural airstrip and farm airstrip), and helicopter depot	RPROZ-R23
Commercial boarding and/or breeding of cats, dogs, and other domestic pets	RPROZ-R15
Camping grounds	RPROZ-R16
Relocatable building depots	RPROZ-R17
Any other activity not otherwise provided for	RPROZ-R18
Industrial activities (other than post-harvest facilities and rural industry)	RPROZ-R19
Noise sensitive activities within the Air Noise Boundary or Outer Control Boundary for the Waipukurau Aerodrome	RPROZ-R20
<u>Farm airstrip</u>	<u>RPROZ-R24</u>

Rules

It is important to note that in addition to the provisions in this chapter, a number of other Part 2: District-Wide Matters chapters also contain provisions that may be relevant for activities undertaken in the Rural Production Zone.

Also, check to see if consents are required from Hawke's Bay Regional Council, for instance in relation to:

- discharges of contaminants to land or water (e.g. on-site disposal of effluent, stormwater from industrial or trade premises).
- taking of water (e.g. from water courses or underground wells).
- discharge of contaminants to air (e.g. spray drift, odour).
- disturbance of the beds of rivers, lakes, or wetlands (i.e. earthworks in the bed, gravel extraction, culverts, and access structures).

- activities which impede access to rivers, lakes or wetlands, or artificial watercourse, within a land drainage or flood control scheme area.

RPROZ-R1 Residential activities

2. Activity Status: PER

Where the following conditions are met:

- a. Limited to:
 - i. one residential unit per site with an area less than 12 hectares, and
 - ii. one additional residential unit (i.e. a total of two) per site within an area of 12 hectares or greater, and
 - iii. one minor residential unit per site:
 - a. limited to a maximum gross floor area of 100m² (exclusive of garages, and verandahs less than 20m²); and
 - b. must share vehicle access with the principal residential unit on the site; and
 - c. must be located no further than 25m from a principal residential unit on the site.
- b. Compliance with:
 - i. RPROZ-S2;
 - ii. RPROZ-S3;
 - iii. RPROZ-S4;
 - iv. RPROZ-S5;
 - v. RPROZ-S6;
 - vi. RPROZ-S7;
 - vii. RPROZ-S8;
 - viii. RPROZ-S9;
 - ix. RPROZ-S10; and
 - x. RPROZ-S11.
- c. Compliance with:
 - i. RPROZ-S12 (setback from existing intensive primary production);
 - ii. RPROZ-S13 (building restrictions near Waipukurau Aerodrome); and
 - iii. RPROZ-S14 (setback from gas transmission network).
- d. Compliance with RPROZ-S15 (setbacks from National Grid).

2. Activity status where compliance with condition RPROZ-R1(1)(b) is not achieved: RDIS

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

- a. Assessment matters:
 - i. RPROZ-AM1.
 - ii. RPROZ-AM2.
 - iii. RPROZ-AM3.
 - iv. RPROZ-AM4.
 - v. RPROZ-AM15.
 - vi. RPROZ-AM16.
- b. Assessment matters in the following chapters:
 - i. TRAN – Transport.
 - ii. LIGHT – Light.
 - iii. NOISE – Noise.

3. Activity status where compliance with conditions RPROZ-R1(1)(a) and/or RPROZ-R1(1)(c) is not achieved: DIS

4. Activity status where compliance with condition RPROZ-R1(1)(d) is not achieved: NC

Note 1: an existing principal residential unit may become the minor residential unit provided that all standards and terms are met.

Note 2: Under the Hawke's Bay Regional Resource Management Plan, there are also requirements in respect of new domestic sewage systems (including minimum land area requirements).

RPROZ-R2 Seasonal workers accommodation

1. Activity Status: PER

Where the following conditions are met:

- a. Limited to:
 - i. A maximum gross floor area of 125m².
 - ii. All new buildings are relocatable in design or able to be reconfigured to buildings accessory to land-based primary production.
 - iii. The site is not a 'lifestyle site' (a site created through the lifestyle site subdivision provisions of the District Plan).
- b. Compliance with:
 - i. RPROZ-S2;
 - ii. RPROZ-S3;
 - iii. RPROZ-S4;
 - iv. RPROZ-S5;
 - v. RPROZ-S6;
 - vi. RPROZ-S7;
 - vii. RPROZ-S8;
 - viii. RPROZ-S9;
 - ix. RPROZ-S10; and
 - x. RPROZ-S11.
- c. Compliance with:
 - i. RPROZ-S12 (setback from existing intensive primary production);
 - ii. RPROZ-S13 (building restrictions near Waipukurau Aerodrome); and
 - iii. RPROZ-S14 (setback from gas transmission network).
- d. Compliance with RPROZ-S15 (setbacks from National Grid).

Note: Under the Hawke's Bay Regional Resource Management Plan, there are also requirements in

2. Activity status where compliance with condition RPROZ-R2(1)(b) is not achieved: RDIS

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

- a. Assessment matters:
 - i. RPROZ-AM1.
 - ii. RPROZ-AM2.
 - iii. RPROZ-AM3.
 - iv. RPROZ-AM4.
 - v. RPROZ-AM15.
 - vi. RPROZ-AM16.
- b. Assessment matters in the following chapters:
 - i. TRAN – Transport.
 - ii. LIGHT – Light.
 - iii. NOISE – Noise.

3. Activity status where compliance with condition RPROZ-R2(1)(a) is not achieved: RDIS

Matters over which discretion is restricted:

- a. Whether the proposed building location will allow for efficient use of the remaining undeveloped land for primary production activities.
- b. Whether the scale and design of the proposed building complements the character of the area.
- c. Whether the siting of the activity will impact on the amenity of adjoining properties, or any dwelling

respect of new domestic sewage systems (including minimum land area requirements).

- d. Whether soil values have been taken into account in selecting the site for the building.
- e. Whether traffic generation associated with the number of occupants will adversely impact on the road network.

4. Activity status where compliance with condition RPROZ-R2(1)(c) is not achieved: DIS

5. Activity status where compliance with condition RPROZ-R2(1)(d) is not achieved: NC

RPROZ-R3 Primary production activities (including accessory buildings and structures (primary production), but excluding post-harvest facilities, mining and quarrying)

1. Activity Status: PER

Where the following conditions are met:

- a. Compliance with:
 - i. RPROZ-S2;
 - ii. RPROZ-S3;
 - iii. RPROZ-S4;
 - iv. RPROZ-S5;
 - v. RPROZ-S6;
 - vi. RPROZ-S7;
 - vii. RPROZ-S8;
 - viii. RPROZ-S9;
 - ix. RPROZ-S10;
 - x. RPROZ-S11.
- b. Compliance with:
 - i. RPROZ-S13 (building restrictions near Waipukurau Aerodrome.
- c. Compliance with RPROZ-S15 (setbacks from National Grid).

Note: The provisions of the Rural Production Zone in the District Plan do not apply to plantation forestry. Plantation forestry is regulated separately under the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017 which addresses such things as setbacks,

2. Activity status where compliance with condition RPROZ-R3(1)(a) is not achieved: RDIS

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

- a. Assessment matters:
 - i. RPROZ-AM1.
 - ii. RPROZ-AM2.
 - iii. RPROZ-AM4.
 - iv. RPROZ-AM15.
 - v. RPROZ-AM16.
- b. Assessment matters in the following chapters:
 - i. TRAN – Transport.
 - ii. LIGHT – Light.
 - iii. NOISE – Noise.

3. Activity status where compliance with condition RPROZ-R3(1)(b) is not achieved: DIS

4. Activity status where compliance with condition RPROZ-R3(1)(c) is not achieved: NC

earthworks management, land preparation, harvesting and replanting.

RPROZ-R21 Artificial Crop Protection Structures

1. Activity Status: PER

Where the following conditions are met:

- a. Limited to:
 - i. Use of green or black cloth on vertical faces within 30m of the site boundary;
 - ii. Use of green, black, or white cloth on horizontal surfaces.
- b. Compliance with:
 - i. RPROZ-S3 Height of buildings;
 - ii. RPROZ-S6(4) and RPROZ-S6(5) Setback from neighbours;
 - iii. RPROZ-S8 Electrical safety distances; and
 - iv. RPROZ-S15 Setbacks from National Grid.

2. Activity status where compliance with conditions RPROZ-R21(1)(a) and/or RPROZ-R21(1)(b) and/or RPROZ-R21(1)(c)(i) and/or RPROZ-R21(1)(c)(ii) and/or RPROZ-R21(1)(c)(iii) is not achieved: **RDIS**

Matters over which discretion is restricted:

- a. The effects of not meeting the conditions in respect to cloth colour, setbacks and building height.
- b. The effects of not meeting setbacks from the National Grid.
- c. Assessment Matter RPROZ-AM15 in relation to not meeting electricity safety distances.

3. Activity status where compliance with condition RPROZ-R21(1)(c)(iv) is not achieved: **NC**

RPROZ-R4 Agricultural aviation activities

1. Activity Status: PER

Where the following conditions are met: **N/A**

Note: NOISE-S5(11) & (12) ~~apply~~ applies to noise associated with agricultural aviation activities.

2. Activity status where compliance not achieved: **N/A**

RPROZ-R24 Farm Airstrip

1. Activity Status: PER

Where the following conditions are met:

- a. Compliance with RPROZ-S15 (setbacks from National Grid).

2. Activity status where compliance with condition RPROZ-R24(1)(a) is not achieved: **NC**

RPROZ-R5 New, or expansion of existing, rural airstrips and/or helicopter landing areas

1. Activity Status: PER

Where the following conditions are met:

- a. The rural airstrip or helicopter landing area is located a minimum distance of:
 - i. 2km from any General Residential, Settlement, or Rural Lifestyle Zone boundary, and
 - ii. 500m from the notional boundary of any building associated with an existing or consented noise sensitive activity not located on the same site, and
 - iii. 50m from a State Highway.
- b. Compliance with:
 - i. RPROZ-S2;
 - ii. RPROZ-S3;
 - iii. RPROZ-S4;
 - iv. RPROZ-S5;
 - v. RPROZ-S6;
 - vi. RPROZ-S7;
 - vii. RPROZ-S8;
 - viii. RPROZ-S9;
 - ix. RPROZ-S10; and
 - x. RPROZ-S11.
- c. Compliance with:
 - i. RPROZ-S13 (building restrictions near Waipukurau Aerodrome).
- d. Compliance with RPROZ-S15 (setbacks from National Grid).

2. Activity status where compliance with condition RPROZ-R5(1)(b) is not achieved: RDIS

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

- a. Assessment matters:
 - i. RPROZ-AM1.
 - ii. RPROZ-AM2.
 - iii. RPROZ-AM4.
 - iv. RPROZ-AM17.
- b. Assessment matters in the following chapters:
 - i. TRAN – Transport.
 - ii. LIGHT – Light.
 - iii. NOISE – Noise.

3. Activity status where compliance with conditions RPROZ-R5(1)(a) and/or RPROZ-R5(1)(c) is not achieved: DIS

4. Activity status where compliance with condition RPROZ-R5(1)(d) is not achieved: NC

RPROZ-R6 Post-harvest facilities

1. Activity Status: PER

Where the following conditions are met:

- a. Limited to 2500m² gross floor area per site.
- b. Compliance with:
 - i. RPROZ-S2;
 - ii. RPROZ-S3;
 - iii. RPROZ-S4;
 - iv. RPROZ-S5;
 - v. RPROZ-S6;
 - vi. RPROZ-S7;
 - vii. RPROZ-S8;
 - viii. RPROZ-S9;

2. Activity status where compliance with condition RPROZ-R6(1)(b) is not achieved: RDIS

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

- a. Assessment matters:
 - i. RPROZ-AM1.
 - ii. RPROZ-AM2.
 - iii. RPROZ-AM4.
 - iv. RPROZ-AM15.
 - v. RPROZ-AM16.

- ix. RPROZ-S10; and
- x. RPROZ-S11.
- c. Compliance with:
 - i. RPROZ-S13 (building restrictions near Waipukurau Aerodrome).
- d. Compliance with RPROZ-S15 (setbacks from National Grid).

- b. Assessment matters in the following chapters:
 - i. TRAN – Transport.
 - ii. LIGHT – Light.
 - iii. NOISE – Noise.

3. Activity status where compliance with conditions RPROZ-R6(1)(a) and/or RPROZ-R6(1)(c) is not achieved: DIS

4. Activity status where compliance with condition RPROZ-R6(1)(d) is not achieved: NC

RPROZ-R7 Home businesses

1. Activity Status: PER

Where the following conditions are met:

- a. Compliance with RPROZ-S1 (the relevant activity thresholds).
- b. Compliance with:
 - i. RPROZ-S2;
 - ii. RPROZ-S3;
 - iii. RPROZ-S4;
 - iv. RPROZ-S5;
 - v. RPROZ-S6;
 - vi. RPROZ-S7;
 - vii. RPROZ-S8;
 - viii. RPROZ-S9;
 - ix. RPROZ-S10; and
 - x. RPROZ-S11.
- c. Compliance with:
 - i. RPROZ-S12 (setback from existing intensive primary production);
 - ii. RPROZ-S13 (building restrictions near Waipukurau Aerodrome); and
 - iii. RPROZ-S14 (setback from gas transmission network).
- d. Compliance with RPROZ-S15 (setbacks from National Grid).

2. Activity status where compliance with condition RPROZ-R7(1)(b) is not achieved: RDIS

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

- a. Assessment matters:
 - i. RPROZ-AM1.
 - ii. RPROZ-AM2.
 - iii. RPROZ-AM3.
 - iv. RPROZ-AM4.
 - v. RPROZ-AM15.
 - vi. RPROZ-AM16.
- b. Assessment matters in the following chapters:
 - i. TRAN – Transport.
 - ii. LIGHT – Light.
 - iii. NOISE – Noise.

3. Activity status where compliance with conditions RPROZ-R7(1)(a) and/or RPROZ-R7(1)(c) is not achieved: DIS

4. Activity status where compliance with condition RPROZ-R7(1)(d) is not achieved: NC

RPROZ-R8 Visitor accommodation

1. Activity Status: PER

Where the following conditions are met:

- a. Limited to:
 - i. Length of stay for any one guest must be no greater than 3 months in any 12-month period; and
 - ii. land not identified as Land Use Capability Class 1, 2, or 3, as mapped by the New Zealand Land Resource Inventory or by any more detailed mapping that uses the Land Use Capability classification.
Note: activities involving longer term tenancy within a residential unit are assessed as a 'Residential Activity'.
- b. Compliance with RPROZ-S1 (the relevant activity thresholds).
- c. Compliance with:
 - i. RPROZ-S2;
 - ii. RPROZ-S3;
 - iii. RPROZ-S4;
 - iv. RPROZ-S5;
 - v. RPROZ-S6;
 - vi. RPROZ-S7;
 - vii. RPROZ-S8;
 - viii. RPROZ-S9;
 - ix. RPROZ-S10; and
 - x. RPROZ-S11.
- d. Compliance with:
 - i. RPROZ-S12 (setback from existing intensive primary production);
 - ii. RPROZ-S13 (building restrictions near Waipukurau Aerodrome); and
 - iii. RPROZ-S14 (setback from gas transmission network).
- e. Compliance with RPROZ-S15 (setbacks from National Grid).

2. Activity status where compliance with condition RPROZ-R8(1)(c) is not achieved: RDIS

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

- a. Assessment matters:
 - i. RPROZ-AM1.
 - ii. RPROZ-AM2.
 - iii. RPROZ-AM3.
 - iv. RPROZ-AM4.
 - v. RPROZ-AM15.
 - vi. RPROZ-AM16.
- b. Assessment matters in the following chapters:
 - i. TRAN – Transport.
 - ii. LIGHT – Light.
 - iii. NOISE – Noise.

3. Activity status where compliance with conditions RPROZ-R8(1)(a), RPROZ-R8(1)(b) and/or RPROZ-R8(1)(d) is not achieved: DIS

4. Activity status where compliance with condition RPROZ-R8(1)(e) is not achieved: NC

RPROZ-R9 Commercial activities not otherwise provided for

1. Activity Status: PER

Where the following conditions are met:

- a. Any retail sales are limited to produce reared or produced on the site.
- b. Compliance with RPROZ-S1 (the relevant activity thresholds).

2. Activity status where compliance with condition RPROZ-R9(1)(c) is not achieved: RDIS

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

- c. Compliance with:
 - i. RPROZ-S2;
 - ii. RPROZ-S3;
 - iii. RPROZ-S4;
 - iv. RPROZ-S5;
 - v. RPROZ-S6;
 - vi. RPROZ-S7;
 - vii. RPROZ-S8;
 - viii. RPROZ-S9;
 - ix. RPROZ-S10; and
 - x. RPROZ-S11.
- d. Compliance with:
 - i. RPROZ-S12 (setback from existing intensive primary production); and
 - ii. RPROZ-S13 (building restrictions near Waipukurau Aerodrome).
- e. Compliance with RPROZ-S15 (setbacks from National Grid).

- a. Assessment matters:
 - i. RPROZ-AM1.
 - ii. RPROZ-AM2.
 - iii. RPROZ-AM3.
 - iv. RPROZ-AM4.
 - v. RPROZ-AM15.
 - vi. RPROZ-AM16.
- b. Assessment matters in the following chapters:
 - i. TRAN – Transport.
 - ii. LIGHT – Light.
 - iii. NOISE – Noise.

3. Activity status where compliance with conditions RPROZ-R9(1)(a) and/or RPROZ-R9(1)(d) is not achieved: DIS

4. Activity status where compliance with conditions RPROZ-R9(1)(b) and/or RPROZ-R9(1)(e) is not achieved: NC

RPROZ-R10 Community facilities

1. Activity Status: PER

Where the following conditions are met:

- a. Limited to:
 - i. 100m² gross floor area per site; and
 - ii. land not identified as Land Use Capability Class 1, 2, or 3, as mapped by the New Zealand Land Resource Inventory or by any more detailed mapping that uses the Land Use Capability classification.
- b. Compliance with:
 - i. RPROZ-S2;
 - ii. RPROZ-S3;
 - iii. RPROZ-S4;
 - iv. RPROZ-S5;
 - v. RPROZ-S6;
 - vi. RPROZ-S7;
 - vii. RPROZ-S8;
 - viii. RPROZ-S9;
 - ix. RPROZ-S10; and
 - x. RPROZ-S11.
- c. Compliance with:

2. Activity status where compliance with condition RPROZ-R10(1)(b) is not achieved: RDIS

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

- a. Assessment matters:
 - i. RPROZ-AM1.
 - ii. RPROZ-AM2.
 - iii. RPROZ-AM3.
 - iv. RPROZ-AM4.
 - v. RPROZ-AM9.
 - vi. RPROZ-AM15.
 - vii. RPROZ-AM16.
- b. Assessment matters in the following chapters:
 - i. TRAN – Transport.
 - ii. LIGHT – Light.
 - iii. NOISE – Noise.

3. Activity status where compliance with conditions RPROZ-R10(1)(a)

<ul style="list-style-type: none"> i. RPROZ-S12 (setback from existing intensive primary production); and ii. RPROZ-S13 (building restrictions near Waipukurau Aerodrome). 	<p>and/or RPROZ-R10(1)(c) is not achieved: DIS</p>
<ul style="list-style-type: none"> d. Compliance with RPROZ-S15 (setbacks from National Grid). 	<p>4. Activity status where compliance with condition RPROZ-R10(1)(d) is not achieved: NC</p>

RPROZ-R11 Educational facilities

<p>1. Activity Status: PER</p> <p>Where the following conditions are met:</p> <ul style="list-style-type: none"> a. Limited to: <ul style="list-style-type: none"> i. 200m² gross floor area per site; and ii. land not identified as Land Use Capability Class 1, 2, or 3, as mapped by the New Zealand Land Resource Inventory or by any more detailed mapping that uses the Land Use Capability classification. b. Compliance with: <ul style="list-style-type: none"> i. RPROZ-S2; ii. RPROZ-S3; iii. RPROZ-S4; iv. RPROZ-S5; v. RPROZ-S6; vi. RPROZ-S7; vii. RPROZ-S8; viii. RPROZ-S9; ix. RPROZ-S10; and x. RPROZ-S11. c. Compliance with: <ul style="list-style-type: none"> i. RPROZ-S12 (setback from existing intensive primary production); and ii. RPROZ-S13 (building restrictions near Waipukurau Aerodrome). d. Compliance with RPROZ-S15 (setbacks from National Grid). 	<p>2. Activity status where compliance with condition RPROZ-R11(1)(b) is not achieved: RDIS</p> <p>Matters over which discretion is restricted (where relevant to the infringed standard(s)):</p> <ul style="list-style-type: none"> a. Assessment matters: <ul style="list-style-type: none"> i. RPROZ-AM1. ii. RPROZ-AM2. iii. RPROZ-AM3. iv. RPROZ-AM4. v. RPROZ-AM15. vi. RPROZ-AM16. b. Assessment matters in the following chapters: <ul style="list-style-type: none"> i. TRAN – Transport. ii. LIGHT – Light. iii. NOISE – Noise. <p>3. Activity status where compliance with conditions RPROZ-R11(1)(a) and/or RPROZ-R11(1)(c) is not achieved: DIS</p> <p>4. Activity status where compliance with condition RPROZ-R11(1)(d) is not achieved: NC</p>
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RPROZ-R12 Emergency service activities and emergency aviation movements

<p>1. Activity Status: PER</p> <p>Where the following conditions are met:</p> <ul style="list-style-type: none"> a. Limited to 100m² gross floor area per site. b. Compliance with: <ul style="list-style-type: none"> i. RPROZ-S2; ii. RPROZ-S3; 	<p>2. Activity status where compliance with condition RPROZ-R12(1)(b) is not achieved: RDIS</p> <p>Matters over which discretion is restricted (where relevant to the infringed standard(s)):</p>
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<ul style="list-style-type: none"> iii. RPROZ-S4; iv. RPROZ-S5; v. RPROZ-S6; vi. RPROZ-S7; vii. RPROZ-S8; viii. RPROZ-S9; ix. RPROZ-S10; and x. RPROZ-S11. 	<ul style="list-style-type: none"> a. Assessment matters: <ul style="list-style-type: none"> i. RPROZ-AM1. ii. RPROZ-AM2. iii. RPROZ-AM4. iv. RPROZ-AM15. v. RPROZ-AM16. b. Assessment matters in the following chapters: <ul style="list-style-type: none"> i. TRAN – Transport. ii. LIGHT – Light. iii. NOISE – Noise.
<ul style="list-style-type: none"> c. Compliance with: <ul style="list-style-type: none"> i. RPROZ-S13 (building restrictions near Waipukurau Aerodrome); and ii. RPROZ-S14 (setback from gas transmission network). d. Compliance with RPROZ-S15 (setbacks from National Grid). 	<p>3. Activity status where compliance with conditions RPROZ-R12(1)(a) and/or RPROZ-R12(1)(c) is not achieved: DIS</p>
	<p>4. Activity status where compliance with condition RPROZ-R12(1)(d) is not achieved: NC</p>

RPROZ-R13 Relocated buildings

1. Activity Status: PER

Where the following conditions are met:

- a. The building must be for the purpose of accommodating a permitted or consented activity on the site.
- b. Compliance with RPROZ-S16.

2. Activity status where compliance not achieved: RDIS

Matters over which discretion is restricted:

- a. Whether the building is structurally sound, the condition of the building and the works needed to bring the exterior of the building up to an external visual appearance that is tidy, of appropriate standard, and compatible with other buildings in the vicinity.
- b. The bulk and location of the building in relation to the requirements of the zone.
- c. The need for structural repairs and reinstatement of the building and the length of time for completion of that work.
- d. The imposition of a performance bond to ensure compliance with the consent conditions.

Note: this rule applies to the building only. Any activities occurring within the building are subject to the District Plan rules relating to the activity itself.

RPROZ-R14 Intensive primary production activities

1. Activity Status: CON

Where the following conditions are met:

- a. Minimum setbacks for buildings housing animals reared intensively, enclosures accommodating animals reared intensively, and organic matter and effluent storage, treatment and utilisation associated with intensive primary production activities, from:
 - i. any Settlement, Rural Lifestyle, or General Residential Zone boundary is 500m.
 - ii. from a property boundary is 200m.
- b. Compliance with:
 - i. RPROZ-S2;
 - ii. RPROZ-S3;
 - iii. RPROZ-S4;
 - iv. RPROZ-S5;
 - v. RPROZ-S6;
 - vi. RPROZ-S7;
 - vii. RPROZ-S8;
 - viii. RPROZ-S9;
 - ix. RPROZ-S10; and
 - x. RPROZ-S11.
- c. Compliance with:
 - i. RPROZ-S13 (building restrictions near Waipukurau Aerodrome).
- d. Compliance with RPROZ-S15 (setbacks from National Grid).

Matters over which control is reserved:

- e. Effects on character and amenity of the zone from traffic generated by the proposal and the hours of operation.
- f. The method of storage and use of materials associated with the operation of the activity that may generate noxious, offensive, or objectionable odour beyond the site boundary.
- g. Methods of disposal of stormwater and wastewater for the activity.

2. Activity status where compliance with condition RPROZ-R14(1)(b) is not achieved: RDIS

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

- a. Assessment matters:
 - i. RPROZ-AM1.
 - ii. RPROZ-AM2.
 - iii. RPROZ-AM4.
 - iv. RPROZ-AM15.
 - v. RPROZ-AM16.
- b. Assessment matters in the following chapters:
 - i. TRAN – Transport.
 - ii. LIGHT – Light.
 - iii. NOISE – Noise.

3. Activity status where compliance with condition RPROZ-R14(1)(a)(ii) is not achieved: RDIS

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

- a. Assessment Matters:
 - i. RPROZ-AM10.

4. Activity status where compliance with condition RPROZ-R14(1)(c) is not achieved: DIS

5. Activity status where compliance with conditions RPROZ-R14(1)(a)(i) and/or RPROZ-R14(1)(d) is not achieved: NC

- h. Setbacks from wāhi tapu, wāhi taonga and sites of significance identified in SASM-SCHED3 that are located within the site of the activity.

RPROZ-R16 Camping grounds

1. Activity Status: RDIS

Where the following conditions are met:

- a. Compliance with:
 - i. RPROZ-S2;
 - ii. RPROZ-S3;
 - iii. RPROZ-S4;
 - iv. RPROZ-S5;
 - v. RPROZ-S6;
 - vi. RPROZ-S7;
 - vii. RPROZ-S8;
 - viii. RPROZ-S9;
 - ix. RPROZ-S10;
 - x. RPROZ-S11; and
 - xi. RPROZ-S17.
- b. Compliance with:
 - i. RPROZ-S12 (setback from existing intensive primary production); and
 - ii. RPROZ-S13 (building restrictions near Waipukurau Aerodrome); and
 - iii. RPROZ-S14 (setback from gas transmission network).
- c. Compliance with RPROZ-S15 (setbacks from National Grid Yard).

Matters over which discretion is restricted:

- d. Assessment matters (where relevant to the infringed standard(s)):
 - i. RPROZ-AM1.
 - ii. RPROZ-AM2.
 - iii. RPROZ-AM3.
 - iv. RPROZ-AM4.
 - v. RPROZ-AM12.
 - vi. RPROZ-AM15.
 - vii. RPROZ-AM16.
- e. Assessment matters in the following chapters:
 - i. TRAN – Transport.
 - ii. LIGHT – Light.
 - iii. NOISE – Noise.

2. Activity status where compliance with condition RPROZ-R16(1)(a) and/or RPROZ-R16(1)(b) is not achieved: DIS

3. Activity status where compliance with condition RPROZ-R16(1)(c) is not achieved: NC

RPROZ-R22 Rural Industry (other than post-harvest facilities)

<p>1. Activity Status: DIS</p> <p>Where the following conditions are met:</p> <p>a. Compliance with RPROZ-S15 (setbacks from National Grid).</p> <p>Subject to (but not limited to) the following assessment matter:</p> <p>b. The necessity of a rural location.</p>	<p>2. Activity status where compliance with condition RPROZ-R22(1)(a) is not achieved: NC</p>
<p>RPROZ-R23 Airport / aerodrome (other than rural airstrip <u>and farm airstrip</u>), and helicopter depot</p>	
<p>1. Activity Status: DIS</p> <p>Where the following conditions are met:</p> <p>a. Compliance with RPROZ-S15 (setbacks from National Grid).</p>	<p>2. Activity status where compliance with condition RPROZ-R23(1)(a) is not achieved: NC</p>
<p>RPROZ-R15 Commercial boarding and/or breeding of cats, dogs, and other domestic pets</p>	
<p>1. Activity Status: DIS</p> <p>Where the following conditions are met:</p> <p>a. Compliance with RPROZ-S15 (setbacks from National Grid).</p>	<p>2. Activity status where compliance with condition RPROZ-R15(1)(a) is not achieved: NC</p>
<p>RPROZ-R17 Relocatable building depots</p>	
<p>1. Activity Status: DIS</p> <p>Where the following conditions are met:</p> <p>a. Compliance with RPROZ-S15 (setbacks from National Grid).</p>	<p>2. Activity status where compliance with condition RPROZ-R17(1)(a) is not achieved: NC</p>
<p>RPROZ-R18 Any other activity not otherwise provided for</p>	
<p>1. Activity Status: DIS</p> <p>Where the following conditions are met:</p> <p>a. Compliance with RPROZ-S15 (setbacks from National Grid).</p>	<p>2. Activity status where compliance with condition RPROZ-R18(1)(a) is not achieved: NC</p>

RPROZ-R19 Industrial activities (other than post-harvest facilities and rural industry)

1. Activity Status: NC

Where the following conditions are met: N/A

2. Activity status where compliance not achieved: N/A

RPROZ-R20 New noise sensitive activities within the Air Noise Boundary or Outer Control Boundary for the Waipukurau Aerodrome

1. Activity Status: PR

Where the following conditions are met: N/A

2. Activity status where compliance not achieved: N/A

Standards

RPROZ-S1 Activity Threshold

<p>Commercial Activities</p> <p>Visitor Accommodation</p> <p>Home Businesses</p> <p>(excludes retail sales and restaurants)</p>	<p>1. Maximum gross floor area per site is 100m².</p> <p>2. Personnel limited to:</p> <ul style="list-style-type: none"> a. At least one person resident on the site must carry out the activity. b. A maximum of three additional employees (in addition to those resident on the site). <p><i>Note: Visitor accommodation within an existing residential unit or existing minor residential unit will be exempt from the 100m² maximum floor area, provided the existing residential activity does not cease.</i></p>
<p>Retail Sales of produce reared or produced on the site</p>	<p>3. Maximum gross floor area per site is 100m².</p> <p>4. Limited to the following hours of operation:</p> <ul style="list-style-type: none"> a. 0800 – 2200 hours, seven days a week.
<p>Restaurants</p>	<p>5. Maximum gross floor area for serving customers per site is 100m² (excluding uncovered outdoor areas).</p> <p>6. Maximum number of customers to be accommodated at any one time is 40 persons.</p> <p>7. Limited to the following hours of operation:</p> <ul style="list-style-type: none"> a. 0800 – 2200 hours, seven days a week.
<p>Cumulative Limits</p>	<p>8. Maximum combined gross floor area per site, for any of the above activities, is 100m².</p> <p>9. Maximum combined outdoor display area per site, for any of the above activities, is 100m².</p> <p><i>Note: Cumulative limits are calculated per site, not per activity.</i></p>

RPROZ-S2 Total Building Coverage

All	<ol style="list-style-type: none">1. Maximum building coverage (including hardstand and sealed areas) must not exceed 35% of the net site area or 1500m², whichever is the lesser, except:<ol style="list-style-type: none">a. for sites containing post-harvest facilities, the maximum building coverage is 35% of the net site area or 2500m², whichever is the lesser.2. Netting, structures (including artificial crop protection structures), and greenhouses where crops are grown under or within those structures directly in the soil of the site, are excluded from total building coverage calculations.
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RPROZ-S3 Height of Buildings

All (except frost fans)	1. Maximum height of any building(s) is 10m.
Frost Fans	2. Maximum height, measured to the tip of the blade at its highest point, is 15m.
	<i>Note: in all instances, height is measured from the natural ground level.</i>

RPROZ-S4 Height in Relation to Boundary

All	<ol style="list-style-type: none">1. No part of a building must exceed a height of 2 metres plus the shortest horizontal distance between that part of the building and the nearest site boundary, except for the following:<ol style="list-style-type: none">a. chimneys, ventilation shafts, lift and stair shafts and spires, poles and masts that meet the maximum height standard for the relevant zone, provided the maximum dimension of these structures measured parallel to the boundary under consideration must not exceed 3m;b. domestic water storage tanks, provided the maximum dimension of these structures measured parallel to the boundary under consideration must not exceed 3m;c. solar panels or solar hot water systems (and associated hardware), provided that the panels do not protrude more than 500mm from the surface of the roof.2. Where an internal boundary of a site immediately adjoins an access or part of an access which is owned or partly owned with that site, or has a registered right-of-way over it in
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	<p>favour of that site, the height in relation to boundary is measured from the far side of the access.</p> <p><i>Note: This does not apply to artificial crop protection structures.</i></p>
RPROZ-S5 Setback from Roads and Rail Network	
Residential Activities (including accessory buildings)	<ol style="list-style-type: none"> 1. Minimum setback of any building(s) from road boundaries is 5m. 2. Minimum setback of any building(s) from the Rail Network Boundary is 5m.
Seasonal Workers Accommodation	<ol style="list-style-type: none"> 3. Minimum distance of any building(s) from road boundaries is 15m.
Accessory Buildings and Structures (Primary Production)	<ol style="list-style-type: none"> 4. Minimum setback of any building(s) from road boundaries is 5m. 5. Minimum setback of stockyards and stock loading ramps/races fronting roads that are classified as Inter-regional Connectors, Rural Connectors, and Peri-urban Roads is 20m. 6. Minimum setback of any building(s) from the Rail Network Boundary is 3m.
All Other Buildings (including Post-Harvest Facilities)	<ol style="list-style-type: none"> 7. Minimum setback of any building(s) from road boundaries is 20m, except that: <ol style="list-style-type: none"> a. buildings less than 10m² in gross floor area, and buildings used by Emergency Service Activities, may be located within the above setbacks from road boundaries. 8. Minimum setback of any building(s) from the Rail Network Boundary is 5m. <p><i>Note: Under the Hawke's Bay Regional Resource Management Plan, there is also a requirement for setbacks from the bed of a river, lake or artificial watercourse which is within a land drainage or flood control scheme area.</i></p>
RPROZ-S6 Setback from Neighbours	
Residential Activities adjacent to an existing plantation forest on an adjoining site	<ol style="list-style-type: none"> 1. Minimum setback of buildings from an existing plantation forest on an adjoining site is 40m.

<p>All Other Activities (excluding Accessory Buildings and Accessory Buildings and Structures (Primary Production))</p>	<p>2. Minimum setback of buildings for an activity from side and rear boundaries is 15m. Farm and domestic water storage tanks up to 2m in height are exempt from this standard.</p>
<p>Accessory Buildings Accessory Buildings and Structures (Primary Production)</p>	<p>3. Minimum setback of buildings for an activity from side and rear boundaries is 5m. Farm and domestic water storage tanks up to 2m in height are exempt from this standard.</p>
<p>Artificial Crop Protection Structures</p>	<p>4. Minimum setback from internal boundaries is 5m. 5. Minimum setback from the nearest part of a residential dwelling on a separate site is 15m.</p>
<p>Sites created before 28 May 2021 and less than 4000m² net site area</p> <p>Where a subdivision consent application to create a site is lodged with Council before 28 May 2021, and accepted under section 88 of the RMA 1991 and thereafter granted</p>	<p>6. Minimum setback of buildings for a residential activity from side and rear boundaries is 5m. 7. Minimum setback of buildings for all other activities from side and rear boundaries is 10m.</p>
<p>RPROZ-S7 Shading of Land and Roads</p>	
<p>Trees on boundaries</p>	<p>1. Trees forming a continuous line for a distance of more than 20 metres on a side or rear boundary of a property under separate ownership:</p> <ul style="list-style-type: none"> a. must be planted a minimum distance of 5m from an adjoining property boundary and be maintained so that the branches do not extend over that boundary.
<p>Trees adjoining public roads</p>	<p>2. Trees forming a continuous line for a distance of more than 20 metres within 5 metres of a public road must be maintained at a height of less than 9 metres.</p>

Note: this standard does not apply to plantation forestry, which is subject to permitted activity setback conditions for afforestation specified in the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017.

RPROZ-S8 Electricity Safety Distances

All	1. Any activity, including the establishment of buildings and structures within the vicinity of overhead electric lines must comply with the New Zealand Electrical Code of Practice for Electrical Safety Distances (NZECP 34:2001).
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RPROZ-S9 Transport (Access, Parking, Loading)

All	1. Activities must comply with the provisions of the TRAN – Transport chapter.
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RPROZ-S10 Light

All	1. Activities must comply with the provisions of the LIGHT – Light chapter.
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RPROZ-S11 Noise

All	<p>1. Activities must comply with the provisions of the NOISE – Noise chapter.</p> <p><i>Note: There are exemptions and/or specific standards provided in NOISE-S5 for the use of agricultural machinery, audible bird scaring devices, hail cannons and frost protection fans.</i></p>
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RPROZ-S12 Setback from Existing Intensive Primary Production Activities

Sensitive Activities	1. Minimum setback of buildings from any buildings or enclosure housing animals reared intensively, or from organic matter and effluent storage, treatment and utilisation associated with intensive primary production activities, is 200 metres.
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RPROZ-S13 Buildings and structures by Waipukurau Aerodrome

All	<p>1. No building or structure in areas specified as ‘Waipukurau Aerodrome - No Building’ overlay.</p> <p>2. No building or structure exceeding heights specified in ‘Waipukurau Aerodrome – Height Restriction of 6m’ overlay or ‘Waipukurau Aerodrome – Height Restriction of 10m’ overlay.</p> <p>3. No building or structure exceeding a height restriction determined by a 1:20 approach and take-off gradient for</p>
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	aircraft using the runways identified for Waipukurau Aerodrome.
RPROZ-S14 Setback from Gas Transmission Network	
Residential Activities	<ol style="list-style-type: none"> 1. Gas Transmission Pipeline: <ol style="list-style-type: none"> a. minimum setback of buildings from a gas transmission pipeline forming part of the Gas Transmission Network is 20m. 2. Incidental Equipment: <ol style="list-style-type: none"> a. minimum setback of buildings from above ground incidental equipment forming part of the Gas Transmission Network is 30m.
RPROZ-S15 Setback from National Grid Yard	
All Buildings and Structures	<ol style="list-style-type: none"> 1. Under the National Grid conductors (wires): <ol style="list-style-type: none"> a. on all sites within any part of the National Grid Yard, all buildings and structures must: <ol style="list-style-type: none"> i. if for an existing sensitive activity, not involve an increase in the building height or footprint where alterations and additions to existing buildings occur; or ii. be a fence less than 2.5m high; or iii. be an uninhabitable farm building or structure for primary production activities (but not a milking/dairy shed (excluding ancillary structures), enclosed protective canopies made from impermeable material, commercial greenhouses, or intensive primary production buildings); or iv. be an uninhabited horticultural building or structure (but not a commercial greenhouse). b. all buildings or structures permitted by a. must comply with the following conditions: <ol style="list-style-type: none"> i. demonstrate that safe electrical clearance distances required by <i>NZEC 34:2001 New Zealand Electricity Code of Practice for Electricity Safe Distances</i> are maintained under all National Grid line operating conditions. ii. The building or structure within the National Grid Yard must not permanently physically impede existing ensure vehicular access to any National Grid support structure is available. 2. Around National Grid support structures: buildings and structures permitted under clause 21 above must be set back at least 12m from the outer visible edge of a tower, or 10m from a single pole, forming part of a National Grid support structure, except where the building or structure is:

	<ul style="list-style-type: none"> a. a fence less than 2.5m in height and more than 5m from the nearest National Grid support structure foundation; or b. an artificial crop protection structure or crop support structure between 8m and 12m from a pole support structure and any associated stay wire, that: <ul style="list-style-type: none"> i. meets the requirements of the <i>NZEC 34:2001 New Zealand Electricity Code of Practice for Electricity Safe Distances</i> for separation distances from the conductor; ii. is no more than 2.5m high; iii. is removable or temporary, to allow a clear working space 12 metres from the pole when necessary for maintenance and emergency repair purposes; and iv. allows all-weather access to the pole and a sufficient area for maintenance equipment, including a crane; or c. a horticultural structure for which Transpower has given written approval in accordance with clause 2.4.1 of <i>NZEC 34:2001 New Zealand Electricity Code of Practice for Electricity Safe Distances</i> to be located within 12m of a tower or 8m of a pole support structure.
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RPROZ-S16 Relocated Buildings

<p>All</p>	<ul style="list-style-type: none"> 1. Any relocated building intended for use as a dwelling or for visitor accommodation must have previously been designed, built and used as a dwelling or for visitor accommodation. 2. The relocated building must comply with all other relevant performance standards for the zone. 3. A Building Pre-Inspection Report must be submitted to the Council with each application to relocate a building. The report must: <ul style="list-style-type: none"> a. state whether the building is structurally sound; b. describe the condition of the building and identify all reinstatement works needed to bring the exterior of the building up to an external visual appearance that is tidy, workmanlike and compatible with other buildings in the vicinity; c. state the proposed timetable to complete the external reinstatement works (including connections to all infrastructure services and closing in and ventilation to the foundations) within 12 months from the date the building is moved to the site; d. provide clear photographs of the building in its current state; and
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- e. provide such plans and elevations of the building as are necessary to illustrate the new site location and likely external design and appearance of the building as a result of the reinstatement work.
4. The Building Pre-Inspection Report must be prepared by:
 - a. A Member of Engineering New Zealand (the Institute of Engineering Professionals) (Structural and Civil); or
 - b. A member of the New Zealand Institute of Building Surveyors; or
 - c. An independent person, persons, or company as approved by Central Hawke's Bay District Council Building Control Authority; or
 - d. A Building Control Officer (or equivalent) from the Territorial Local Authority where the building is being relocated from outside of the District; or
 - e. A Licensed Building Practitioner.
5. The Council must be notified of the intended delivery date at least 48 hours before the building is relocated. Relocation must not be undertaken until the site is visited by Council officers to inspect the standard of the site, footpath, vehicle entrance and road. This standard will be met provided that the building is relocated within 5 days of the notified date.
6. The building must be placed on permanent foundations no later than four weeks from the date the building is moved to the site.
7. All external reinstatement works identified in the Building Pre-Inspection Report, including connections to all infrastructure services and closing in and ventilation to the foundations, must be completed within 12 months from the date the building is moved to the site.
8. The owner of the site on which the relocated building is placed must certify to the Council that the reinstatement work identified in the Building Pre-Inspection Report will be completed within the 12-month period. The site owner will be responsible for ensuring this work is completed.

Note: All necessary building consents under the Building Act 2004 (including consent to place the building on permanent foundations) must be obtained prior to the relocated building being placed on the destination site, unless otherwise agreed in writing by the Council.

Assessment Matters

For Discretionary Activities, Council's assessment is not restricted to these matters, but it may consider them (among other factors).

RPROZ-AM1 Building Coverage, Height of Buildings, Height in Relation to Boundary, Setback from Roads and Rail Network, Setback from Neighbours

1. The degree to which the proposed buildings:
 - a. will be compatible with the character and amenity of the area, including the nature and scale of other buildings in the surrounding area;
 - b. will adversely affect the life-supporting capacity of the rural soil resource, particularly the highly productive land of Central Hawke's Bay, and any potential for reverse sensitivity effects to arise;
 - c. will overshadow adjoining sites and result in reduced sunlight and daylight;
 - d. will cause a loss of privacy through being over-looked from neighbouring buildings;
 - e. will block views from properties in the vicinity, or from roads or public open space in the surrounding area;
 - f. will diminish the openness and attractiveness of the street scene;
 - g. will detract from the amenity of adjoining sites, in terms of such matters as noise, odour, dust, glare or vibration occurring as a result of the building; and
 - h. will adversely affect the safe and efficient operation of the land transport network.
2. The ability of the applicant to:
 - a. provide adequate opportunity for garden and tree planting around buildings;
 - b. provide adequate vehicle parking and manoeuvring space on site;
 - c. provide adequate outdoor space on the site for all outdoor activities associated with residential and other activities permitted on the site;
 - d. mitigate any adverse effects of increased height or exceedance of the height in relation to boundary, such as through increased separation distances between the building and adjoining sites or the provision of screening; and
 - e. mitigate any adverse effects on people affected by the proposal.
3. The ability of the applicant to adequately dispose of effluent, which avoids:
 - a. any potential contamination of groundwater;
 - b. any potential slope instability problems;
 - c. any potential odour, noise and vibration nuisance to neighbours; and
 - d. any potential seepage of effluent at ground surface.
4. The degree to which the non-compliance with the standard allows more efficient, practical and/or pleasant use of the remainder of the site.
5. The degree to which alternative practical locations are available for the building.

RPROZ-AM2 Shading of Land and Roads

1. Trees on Boundaries

- a. The degree to which the planting of trees will overshadow adjoining sites and result in reduced sunlight and daylight, and/or result in the loss of productive land.
 - b. The degree to which trees may potentially damage structures due to wind fall or root growth.
2. Trees adjoining Public Roads
 - a. The degree to which planting will cause shading and ice forming on roads in winter, or root damage to the road.
 - b. The degree to which trees may potentially cause a road safety risk due to wind fall.

RPROZ-AM3 Setback for Sensitive Activities from Existing Intensive Primary Production Activities

1. The likelihood of the proposed activity to generate reverse sensitivity effects on the intensive primary production activity and the potential impact these effects may have on the continuing effective and efficient operation of the intensive primary production activity.
2. The extent to which alternative locations have been considered.

RPROZ-AM4 Buildings within the Air Noise Boundary or Outer Control Boundary for the Waipukurau Aerodrome

1. The degree to which any building may compromise the safety of aircraft arriving or departing from Waipukurau Aerodrome.

RPROZ-AM5 Setback for New Residential Activities from Gas Transmission Network

1. Any effects on the safe, effective, and efficient operation, maintenance, and upgrade of the Gas Transmission Network.
2. Any effects on the ability for vehicles to access the Gas Transmission Network.
3. Risks relating to health or public safety and the risk of property damage.
4. Reverse sensitivity effects.
5. Technical advice provided by First Gas Ltd.

RPROZ-AM6 Residential Activities

1. Whether the additional residential activity will have an adverse effect on the sustainable management of the soil resource.
2. The impact of the residential activity on the character and amenity of adjoining activities and the surrounding rural environment and any potential for reverse sensitivity effects to arise.
3. Any cumulative effect of the residential activity.
4. The potential for the residential activity to have an adverse effect on road safety.
5. Whether the proposal will continue to allow for efficient use of the remaining undeveloped land for primary production activities.

RPROZ-AM7 Post-Harvest Facilities exceeding the 2,500m² Gross Floor Area Threshold per site

1. Whether the activity is of such a scale that it is better to be located or, in the case of an existing operation, relocated in a General Industrial Zone where infrastructure and employment are more readily available and the receiving environment is less sensitive.
2. The effects of the proposal on the soil resource.
3. Whether the Post-Harvest Facility will utilise any existing building(s).
4. The impact of the scale, character and/or effects of the activity and its compatibility with surrounding activities.
5. The potential for the activity to generate adverse effects in the environment in terms of stormwater quality and quantity.
6. Whether the activity will process, store and/or package agricultural, horticultural and/or viticultural crops and/or produce, the majority of which are grown from within the Rural Production and/or General Rural Zones.
7. Whether the proposal will significantly compromise the visual amenity value of the surrounding area, recognising that it is a rural working environment.
8. The potential for the activity to generate more than minor adverse effects on the environment in terms of noise, dust, glare, and road safety.

RPROZ-AM8 Commercial Activities, Visitor Accommodation, Home Businesses

1. Whether the proposal will maintain or enhance the character and amenity values of the surrounding area.
2. The impact of the scale, character and/or effects of the activity and its compatibility with surrounding activities, including proximity to sensitive activities.
3. The potential for the activity to generate more than minor adverse effects on the environment in terms of noise, dust, glare, vibration, and road safety.
4. Whether the proposal will have an adverse effect on the sustainable management of the soil resource and any potential for reverse sensitivity effects to arise.

RPROZ-AM9 Community Facilities and Educational Facilities

1. The degree to which the proposed buildings will be compatible and integrate with the character of the surrounding area, including the layout, height, bulk and scale of buildings.
2. Any adverse effects from the proposed activity in terms of:
 - a. the life-supporting capacity of the rural soil resource, particularly the highly productive land of Central Hawke's Bay and any potential for reverse sensitivity effects to arise;
 - b. loss of privacy to neighbours through being over-looked, including by buildings;
 - c. loss of openness and attractiveness of the street scene;
 - d. noise, vibration, and glare; and
 - e. admission of sunlight and daylight to adjoining sites.
3. The volume and type of traffic which may be generated by the activity and the ability to avoid or mitigate any adverse effects on the function of the road network

and/or the safety of pedestrians, cyclists and vehicles using the road network (including cumulative effects) through the provision of appropriate on-site parking, vehicle queuing, loading, manoeuvring and access design.

4. Whether the amenity of the rural environment will be adversely affected by the scale and/or intensity of the activity. The following matters will be considered:
 - a. the number of patrons and/or staff on the site at any one time;
 - b. the hours of operation to maintain the amenity of the area;
 - c. the proximity of the activity to adjacent activities;
 - d. the anticipated number of transportation movements (including pedestrians and vehicular traffic); and
 - e. whether the proposed activity is located in an area where there are already one or more non-residential activities in close proximity and the resultant cumulative effect on amenity.
5. Whether landscaping and/or screening is proposed to mitigate potential adverse visual effects of the activity.
6. The functional or operational need to locate in the Rural Production Zone.

RPROZ-AM10 Intensive Primary Production Activities (located more than 500 metres from a General Residential, Rural Lifestyle, Settlement, or Town Centre Zone boundary)

1. The traffic generated by the proposal.
2. Any noxious, offensive, or objectionable odour arising from the activity beyond the site boundary or any storage of materials associated with the operation of the activity.
3. The effects arising from the stormwater/wastewater management of the activity.
4. The hours of the operation of the activity and the potential for noise effects to arise.
5. Setbacks from wāhi tapu, wāhi taonga and sites of significance identified in SASM-SCHED3 and on the Planning Maps.

RPROZ-AM11 Commercial Boarding and/or Breeding of Cats, Dogs or Other Domestic Pets

1. The degree to which the boarding premises will be compatible with the character of the surrounding rural area, including the density of and proximity to residential units in the area.
2. The degree to which the proposed boarding premises are likely to lead to any adverse odour, noise, health, or amenity effects beyond the boundary of the site, and in particular, the building design and management systems proposed to mitigate noise or odour nuisance.
3. The degree to which the proposed buildings, will be compatible with the appearance, layout and scale of other buildings and sites in the surrounding area.

RPROZ-AM12 Camping Grounds

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

RPROZ-AM13 Expansion or Intensification of Existing Noise Sensitive Activities within the Outer Control Boundary

1. Conditions on building design to incorporate appropriate sound insulation, including provision of suitable ventilation system(s).

RPROZ-AM17 Rural Airstrips and Helicopter Landing Areas (located within 2km of a Residential, Large Lot Residential (Coastal), Settlement or Rural Lifestyle Zone boundary, within 500m of existing noise sensitive activities on a different site, or within 50m of a State Highway)

1. The number, frequency, and hours of flight operations.
2. The position of the flight path for take-offs and landings.
3. The extent to which the rural airstrip and/or helicopter landing area, and flight operations, will have adverse effects on amenity (such as noise, light, traffic, and dust effects) on the surrounding area.
4. The necessity to locate on the site, and the availability and feasibility of other alternatives.

RPROZ-AM14 General

1. Whether the activity is of a type or scale that means that it is better located in another zone (for example, where infrastructure and labour force are more readily available, and the receiving environment is less sensitive).
2. Effects on the visual amenity values of the surrounding area, recognising the rural character of the locality.

3. Whether the activity can be adequately serviced. The site must be capable of sustaining the infrastructural needs of the development.
4. The impact of the scale, character and/or effects of the activity and its compatibility with surrounding activities, including proximity to sensitive activities and wāhi tapu, wāhi taonga and sites of significance identified in SASM-SCHED3, as well as any potential for reverse sensitivity effects on primary production to arise.
5. The potential for the activity to generate more than minor effects on the environment in relation to traffic, parking demand, or visitor numbers.
6. The ability of the roading hierarchy to accommodate any additional traffic generated by the activity, including effects on road safety.
7. The potential for the activity to generate more than minor adverse effects in terms of noise, dust, glare, or vibration, and the extent to which mitigation options have been considered and evaluated.
8. Where located within an outstanding natural landscape or feature, or significant amenity feature, refer to the assessment matters in NFL-AM1 and NFL-AM2.

RPROZ-AM15 Electricity Safety Distances

1. Impacts on the operation, maintenance, upgrading and development of the electricity network.
2. The risk of electrical hazards affecting public or individual safety, and the risk of property damage.
3. The risk to the structural integrity of any support structures associated with the electricity network.
4. Technical advice provided by the National Grid owner (Transpower) or electricity distribution network operator (Centralines Limited).

RPROZ-AM16 Water supply for firefighting

1. The extent of compliance with *SNZ PAS 4509:2008 New Zealand Fire Service Firefighting Water Supplies Code of Practice* and health and safety of the community, including neighbouring properties.
2. Technical advice provided by Fire and Emergency New Zealand.

Methods

Methods, other than the above rules, for implementing the policies:

RPROZ-M1 Other Provisions in the District Plan

Other sections of the District Plan contain additional rules and standards applying to activities in the Rural Production Zone:

1. NU – Network Utilities – includes rules and standards relating to network utility operations.
2. TRAN – Transport – includes rules and standards relating to access, parking, and loading.
3. HAZS – Hazardous Substances – includes rules relating to the storage, handling and use of hazardous substances, and rules applying to major hazardous facilities.
4. NH – Natural Hazards – includes rules applying in areas specifically identified as subject to natural hazards.
5. HH – Historic Heritage – includes rules applying specifically to identified heritage buildings.
6. TREE – Notable Trees – includes rules applying specifically to identified notable trees.
7. SASM – Sites and Areas of Significance to Māori – includes rules applying specifically to identified sites of significance.
8. ECO – Ecosystems and Indigenous Biodiversity – includes rules applying specifically to areas of significant indigenous vegetation and/or significant habitats of indigenous fauna.
9. NFL – Natural Features and Landscapes – includes rules applying specifically to identified outstanding natural features and landscapes.
10. SUB – Subdivision – includes rules and standards applying to subdivision, which will control fragmentation of the District’s highly productive land.
11. ASW – Activities on the Surface of Water – includes rules applying to certain activities on the surface of identified waterbodies.
12. EW – Earthworks – includes rules and standards relating to earthworks and land disturbance, mining, quarrying and mineral prospecting and exploration.
13. LIGHT – Light – includes rules and standards relating to light and glare.
14. NOISE – Noise – includes rules and standards relating to the emission of noise.
15. PKH – Papakāinga and Kaumātua Housing, and associated Marae-based Development – includes rules and standards relating to papakāinga and kaumātua housing and marae-based developments on Māori land.
16. SIGN – Signs – includes rules and standards relating to the design and installation of signs.
17. TEMP – Temporary Activities – includes rules and standards relating to temporary activities, temporary buildings, and temporary events.

RPROZ-M2 Bylaws

The Central Hawke’s Bay District Council Bylaws – Part 13: 2008 *The Keeping of Animals, Poultry and Bees*.

RPROZ-M3 Industry Codes of Practice and Management Plans

Promote the use of management plans and industry codes of practice as a means of self-regulation.

RPROZ-M4 National Standards

1. The Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017.
2. Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011.
3. The New Zealand Standards NZS 6805:1992 Airport Noise Management and Land Use Planning, and NZS 6807:1994 Noise Management and Land Use Planning for Helicopter Landing Areas.

Principal Reasons

The principal reasons for adopting the policies and methods:

The Rural Production Zone encompasses the District's concentration of highly productive land and is where the majority of the District's intensive cropping, horticulture and viticulture occurs, as well as traditional livestock farming. The zone provides extensively for land-based primary production activities (including post-harvest facilities and intensive primary production) and for a level of associated residential, rural commercial and rural service activities where these actively support the primary productive purpose of the zone and the people who live and work in the various rural communities.

Some activities, however, such as larger-scale commercial and industrial activities, are not provided for in this zone, as they are generally not considered compatible with the zone's character and amenity values and have greater servicing needs, trade waste, traffic effects and the like. These activities are better located in other zones, particularly the Town Centre and General Industrial Zones which are specifically for this purpose and more likely to be serviced accordingly.

At the interface between rural zones and other zones, and between intensive primary production activities and those activities which are more sensitive to noise, odour, dust and other nuisance effects, there is potential for conflicts to occur between different activities and different expectations about amenity. The District Plan, therefore, requires setbacks from roads, property boundaries, zone boundaries, and from intensive primary production activities, to avoid or mitigate potential adverse cross-boundary effects and land use conflicts.

The District Plan also provides for larger subdivision lot sizes in the rural zones, and strictly controls the provision for residential and rural lifestyle subdivision in the Rural Production Zone, to avoid further fragmentation of the District's highly productive land. Residential and rural lifestyle lots that are unrelated to primary production activities are better located in the

General Residential Zone, Large Lot Residential Zone (Coastal), Settlement Zone, and Rural Lifestyle Zone, where amenity and servicing expectations are more likely to be met.

In addition, the District Plan controls the establishment or intensification of noise sensitive activities within the air noise and outer control boundaries of the Waipukurau Aerodrome within the Rural Production Zone, to ensure that the ongoing efficient operation of the airport is not unreasonably constrained, whilst similarly protecting noise sensitive activities from the adverse effects of the airport.

Anticipated Environmental Results

The environmental results anticipated from the policies and methods:

- RPROZ-AER1** **The life-supporting capacity of the highly productive land of the District is protected.**
- RPROZ-AER2** **The scale and form of development utilises and protects the rural land resource and maintains the range of potentially productive purposes.**
- RPROZ-AER3** **Production activities continue to promote the sustainable management of the land resource and enhance the social, economic and cultural wellbeing of the rural community.**
- RPROZ-AER4** **Recognition and acceptance of the effects associated with the management of primary production.**
- RPROZ-AER5** **The area of land available for primary production purposes is not reduced by ad hoc and unplanned development.**
- RPROZ-AER6** **Land use and development of new activities is based on a legitimate need for a rural location.**
- RPROZ-AER7** **An environment that has low scale commercial and industrial activities linked to produce grown and/or stock farmed on the site or nearby.**
- RPROZ-AER8** **Commercial and industrial activities not directly related to primary production, or of a scale that is out of character with the rural environment, are directed to appropriate urban zones.**
- RPROZ-AER9** **The lawful operation of existing rural-based activities are not constrained by the introduction of new residential or rural residential land uses in the locality.**
- RPROZ-AER10** **Recognition of long-established infrastructure and community facilities.**

- RPROZ-AER11** Rural activities appropriately manage their potential to create reverse sensitivity issues associated with odour, noise, dust and traffic affecting development in close proximity to them.
- RPROZ-AER12** Avoidance or mitigation of adverse effects on adjoining activities, including reverse sensitivity effects.
- RPROZ-AER13** Retention of the open character and low scale of buildings that comprise the amenity of the Rural Production Zone.
- RPROZ-AER14** Retention of the ongoing operation of the Waipukurau Aerodrome as an important infrastructure asset for Central Hawke's Bay District.

Appendix M – Section 32AA Assessment to support consent position

Appendix 1 - Section 32AA Assessment to Support Consent Position

Topic 1 - Water Storage

CHB PDP Section	Agreed version	S32 AA Evaluation
Policy RLR-P6	To recognise the value of reliable stored water resources and associated infrastructure where it provides increased water availability and security for maintaining and enhancing the productive capacity of the rural land resource.	<p>The change is not considered to be a significant departure from the Proposed District Plan as decided.</p> <p>The changes do not affect, and continue to (or better) support, objective RLR-O1 which is that <i>“The productive capacity of the District’s rural land resource, particularly the District’s highly productive land, is maintained”</i>.</p> <p>Removal of reference to “enhancing” was considered to address a scope issue in that the inclusion of that reference had not been in the notified plan or requested by submission.</p> <p>Therefore, no s32AA evaluation is necessary.</p>

Topic 2 – Ecosystems and Indigenous Biodiversity

CHB PDP Section	Agreed version	S32 AA Evaluation
<p>Interpretation Definitions /</p> <p>BIODIVERSITY COMPENSATION</p>	<p>a conservation outcome resulting from actions that comply with best practice principles and compensate for (more than minor) residual, adverse biodiversity effects arising from subdivision, use or development after all appropriate avoidance, remediation, mitigation and biodiversity offset measures have been sequentially applied.</p>	<p>Amending the terms as agreed is not considered to be a significant departure from the PDP as decided.</p> <p>The term ‘biodiversity compensation’ is not a term referenced anywhere else within the PDP including in any objective, policy or rule, and its deletion will have no consequence for users of the Plan.</p>
<p>ENVIRONMENTAL COMPENSATION</p>	<p><u>For the purposes of the RE- Renewable Energy chapter,</u> any action (work, services, financial contribution or restrictive covenants) to compensate for the environmental effects of activities that cannot be avoided, remedied, mitigated, or addressed by a biodiversity offset or biodiversity compensation. <u>For avoidance of doubt this definition does not apply to biodiversity matters which are to be considered through Biodiversity Offsetting.</u></p>	<p>Amending the term ‘environmental compensation’ as agreed, clarifies how this term is applied in the PDP. It is only used in the plan in relation to the RE-Renewable Energy chapter and directly reflects the requirements of Policy C2 of the NPS for Renewable Electricity Generation (2011). Amending this term in this way is therefore a minor clarification that is not a significant departure from the PDP as decided.</p> <p>Therefore, any further S32AA re-evaluation is not warranted as a result of these amendments.</p>
<p>OBJECTIVE ECO-O2</p>	<p><u>ECO-O2 Maintain, and where appropriate promote restoration of, indigenous biodiversity within Central Hawke’s Bay District</u></p>	<p>The amendment as agreed between the parties remains consistent with the intent of the District Plan to address the “<i>Loss of Areas of Significant Indigenous Vegetation and/or Significant Habitats of Indigenous Fauna</i>” (Issue ECO-I1),</p> <p>It does not result in any additional economic, social or cultural benefits that are not already provided for in the PDP, and in this sense is not a significant departure from the PDP as decided.</p> <p>Any environmental benefits will also be consistent with what is envisaged in the wider policy and rule framework for indigenous biodiversity. For these reasons any further S32AA re-evaluation is not warranted as a result of this amendment.</p>

CHB Section	PDP Agreed version	S32 AA Evaluation								
POLICY ECO-P4	<p>ECO-P4 To avoid, remedy or mitigate adverse effects, including cumulative adverse effects of subdivision, use and development that would result in a loss of indigenous biodiversity values from:</p> <ol style="list-style-type: none"> 1. Clearance, modification, damage or destruction of large areas of intact <u>significant</u> indigenous vegetation <u>and/or</u> <u>significant</u> habitats of indigenous fauna; 2..... 	<p>Amended wording as agreed is consistent with the requirements of section 6(c) and better clarifies the intent of this policy and is not considered to be a significant departure from the PDP as decided.</p> <p>Therefore, any further S32AA re-evaluation is not warranted as a result of this amendment.</p>								
<p>Rule Overview Table and changes to Rule Headings - 'least restrictive rule' approach & other minor changes</p>	<table border="1"> <thead> <tr> <th data-bbox="371 564 1093 632">Use/activity</th> <th data-bbox="1093 564 1303 632">Rule Number</th> </tr> </thead> <tbody> <tr> <td data-bbox="371 632 1093 983"> <p>Trimming or clearance of indigenous vegetation within any of the following (excluding where it forms part of <u>any areas identified as a Significant Natural Area</u> or any natural wetland identified as a Significant Natural Area in ECO-SCHED5):</p> <ol style="list-style-type: none"> 1. Areas of domestic or ornamental landscape planting; or 2. Planted shelter belts; or 3. Plantation forestry undergrowth; or 4. Planted indigenous forestry. </td> <td data-bbox="1093 632 1303 983">ECO-R1</td> </tr> <tr> <td data-bbox="371 983 1093 1134"> <p>Specified trimming or clearance of indigenous vegetation <u>not provided for by ECO-R1</u> (excluding where it forms part of any natural wetland identified as a Significant Natural Area in ECO-SCHED5)</p> </td> <td data-bbox="1093 983 1303 1134">ECO-R1A</td> </tr> <tr> <td data-bbox="371 1134 1093 1331"> <p>Trimming or clearance of indigenous vegetation that has naturally re-grown on land that was cleared within the previous 15 years <u>not provided for by ECO-R1 or ECO-R1A</u> (excluding where it forms part of any natural wetland identified as a Significant Natural Area in ECO-SCHED5)</p> </td> <td data-bbox="1093 1134 1303 1331">ECO-R2</td> </tr> </tbody> </table>	Use/activity	Rule Number	<p>Trimming or clearance of indigenous vegetation within any of the following (excluding where it forms part of <u>any areas identified as a Significant Natural Area</u> or any natural wetland identified as a Significant Natural Area in ECO-SCHED5):</p> <ol style="list-style-type: none"> 1. Areas of domestic or ornamental landscape planting; or 2. Planted shelter belts; or 3. Plantation forestry undergrowth; or 4. Planted indigenous forestry. 	ECO-R1	<p>Specified trimming or clearance of indigenous vegetation <u>not provided for by ECO-R1</u> (excluding where it forms part of any natural wetland identified as a Significant Natural Area in ECO-SCHED5)</p>	ECO-R1A	<p>Trimming or clearance of indigenous vegetation that has naturally re-grown on land that was cleared within the previous 15 years <u>not provided for by ECO-R1 or ECO-R1A</u> (excluding where it forms part of any natural wetland identified as a Significant Natural Area in ECO-SCHED5)</p>	ECO-R2	<p>The amendments to the Rule Overview table, and individual rule headings are not considered to be a significant departure from the PDP as decided.</p> <p>The amendment to the title of Rule ECO-R1 is considered to be one of clarity rather than having a substantive impact on application of the rule. Generally, the listed exceptions (domestic gardens, planted shelterbelts and plantation forestry) are not found within areas recognized as Significant Natural Areas.</p> <p>The amendments to the remaining rule titles/ headings seek to clarify that the 'least restrictive rule' applies. That is, if an activity is covered by a rule earlier in the table, it does not also need to comply with later rules.</p> <p>These are minor changes to clarify the intended application of the rules. The changes will improve the effectiveness of rule administration by providing greater clarity as to how the rules apply without changing the policy approach, therefore S32AA re-evaluation is not warranted.</p>
Use/activity	Rule Number									
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<p>Trimming or clearance of indigenous vegetation that has naturally re-grown on land that was cleared within the previous 15 years <u>not provided for by ECO-R1 or ECO-R1A</u> (excluding where it forms part of any natural wetland identified as a Significant Natural Area in ECO-SCHED5)</p>	ECO-R2									

CHB Section	PDP Agreed version	S32 AA Evaluation						
	<table border="1"> <tr> <td data-bbox="371 264 1095 432">Trimming or clearance of indigenous vegetation inside any area identified as a Significant Natural Area in ECO-SCHED5 <u>not provided for by ECO-R1A or ECO-R2</u> (excluding natural wetlands)</td> <td data-bbox="1095 264 1303 432">ECO-R3</td> </tr> <tr> <td data-bbox="371 432 1095 564">Trimming or clearance of indigenous vegetation outside any area identified as a Significant Natural Area in ECO-SCHED5 <u>not provided for by ECO-R1, ECO-R1A or ECO-R2</u></td> <td data-bbox="1095 432 1303 564">ECO-R4</td> </tr> <tr> <td data-bbox="371 564 1095 703">Trimming or clearance of indigenous vegetation which forms part of any natural wetland identified as a Significant Natural Area in ECO-SCHED5</td> <td data-bbox="1095 564 1303 703">ECO-R6</td> </tr> </table>	Trimming or clearance of indigenous vegetation inside any area identified as a Significant Natural Area in ECO-SCHED5 <u>not provided for by ECO-R1A or ECO-R2</u> (excluding natural wetlands)	ECO-R3	Trimming or clearance of indigenous vegetation outside any area identified as a Significant Natural Area in ECO-SCHED5 <u>not provided for by ECO-R1, ECO-R1A or ECO-R2</u>	ECO-R4	Trimming or clearance of indigenous vegetation which forms part of any natural wetland identified as a Significant Natural Area in ECO-SCHED5	ECO-R6	
Trimming or clearance of indigenous vegetation inside any area identified as a Significant Natural Area in ECO-SCHED5 <u>not provided for by ECO-R1A or ECO-R2</u> (excluding natural wetlands)	ECO-R3							
Trimming or clearance of indigenous vegetation outside any area identified as a Significant Natural Area in ECO-SCHED5 <u>not provided for by ECO-R1, ECO-R1A or ECO-R2</u>	ECO-R4							
Trimming or clearance of indigenous vegetation which forms part of any natural wetland identified as a Significant Natural Area in ECO-SCHED5	ECO-R6							
ECO-R2 and ECO-R4	<p data-bbox="371 703 1303 871">ECO-R2 Trimming or clearance of indigenous vegetation <u>not provided for by ECO-R1 or ECO-R1A</u> that has naturally re-grown on land that was cleared within the previous 15 years (excluding where it forms part of any natural wetland identified as a Significant Natural Area in ECO-SCHED5)</p> <table border="1"> <tr> <td data-bbox="371 871 618 1386"> <p data-bbox="371 871 618 1034">Manuka and Kanuka Species Only (<u>outside the Coastal Environment</u>)</p> </td> <td data-bbox="618 871 1095 1386"> <p data-bbox="618 871 1095 906">1. Activity Status: PER</p> <p data-bbox="618 938 1095 1002">Where the following conditions are met:</p> <p data-bbox="618 1002 1095 1166">a. Limited to:</p> <p data-bbox="618 1038 1095 1166">i. trees no more than 30cm in diameter measured at 1.4m from the highest point of ground level at the base of the tree.</p> <p data-bbox="618 1166 1095 1386"><i>Note: If the requirements of this rule are complied with then there is no limit on the area of vegetation that can be trimmed or cleared.</i></p> </td> <td data-bbox="1095 871 1303 1386"> <p data-bbox="1095 871 1303 1002">2. Activity status where compliance not achieved: RDIS</p> <p data-bbox="1095 1034 1303 1166">Matters over which discretion is restricted:</p> <p data-bbox="1095 1166 1303 1386">a. ECO-AM1.</p> </td> </tr> </table>	<p data-bbox="371 871 618 1034">Manuka and Kanuka Species Only (<u>outside the Coastal Environment</u>)</p>	<p data-bbox="618 871 1095 906">1. Activity Status: PER</p> <p data-bbox="618 938 1095 1002">Where the following conditions are met:</p> <p data-bbox="618 1002 1095 1166">a. Limited to:</p> <p data-bbox="618 1038 1095 1166">i. trees no more than 30cm in diameter measured at 1.4m from the highest point of ground level at the base of the tree.</p> <p data-bbox="618 1166 1095 1386"><i>Note: If the requirements of this rule are complied with then there is no limit on the area of vegetation that can be trimmed or cleared.</i></p>	<p data-bbox="1095 871 1303 1002">2. Activity status where compliance not achieved: RDIS</p> <p data-bbox="1095 1034 1303 1166">Matters over which discretion is restricted:</p> <p data-bbox="1095 1166 1303 1386">a. ECO-AM1.</p>	<p data-bbox="1359 703 2054 884">The changes to Rule ECO-R2 and ECO-R4 provide for greater control over the clearance and trimming of indigenous vegetation in the Coastal Environment to give better effect to Council's responsibilities under Policy 11 of the NZCPS relating to the protection of indigenous biological diversity in the coastal environment.</p> <p data-bbox="1359 900 2054 986">Rule ECO-R2 applies to indigenous regrowth (outside of SNA), and Rule ECO-R4 applies to all other indigenous vegetation (outside of SNA).</p> <p data-bbox="1359 1002 2054 1386">The Council's ecologist Gerry Kessels supported a differentiation for clearance of manuka and kanuka in the Coastal Environment (1e 15cm diameter threshold). His view was that coastal indigenous vegetation fragments are generally more diverse and closely linked to coastal and oceanic ecosystems, containing habitats for lizards, coastal plants and rare vegetation types. Whilst much of the coastal areas were not ground truthed, Mr Kessels advised he had undertaken a number of coastal site visits giving him an appreciation of the local conditions. Based on this, he was strongly supportive of the proposed differentiation. Mr Kessels also supported retaining the 30cm diameter threshold for indigenous vegetation outside of the Coastal Environment given the robust SNA inventory and policy framework for the District Plan, and what</p>			
<p data-bbox="371 871 618 1034">Manuka and Kanuka Species Only (<u>outside the Coastal Environment</u>)</p>	<p data-bbox="618 871 1095 906">1. Activity Status: PER</p> <p data-bbox="618 938 1095 1002">Where the following conditions are met:</p> <p data-bbox="618 1002 1095 1166">a. Limited to:</p> <p data-bbox="618 1038 1095 1166">i. trees no more than 30cm in diameter measured at 1.4m from the highest point of ground level at the base of the tree.</p> <p data-bbox="618 1166 1095 1386"><i>Note: If the requirements of this rule are complied with then there is no limit on the area of vegetation that can be trimmed or cleared.</i></p>	<p data-bbox="1095 871 1303 1002">2. Activity status where compliance not achieved: RDIS</p> <p data-bbox="1095 1034 1303 1166">Matters over which discretion is restricted:</p> <p data-bbox="1095 1166 1303 1386">a. ECO-AM1.</p>						

CHB Section	PDP	Agreed version		S32 AA Evaluation	
		<p><u>Manuka and Kanuka Species Only (inside the Coastal Environment)</u></p>	<p>1A. Activity Status: PER</p> <p>Where the following conditions are met:</p> <p>b. Limited to:</p> <p>ii. <u>trees no more than 1530cm in diameter measured at 1.4m from the highest point of ground level at the base of the tree.</u></p> <p><i>Note: If the requirements of this rule are complied with then there is no limit on the area of vegetation that can be trimmed or cleared.</i></p>	<p>2A. Activity status where compliance not achieved: RDIS</p> <p>Matters over which discretion is restricted: ECO-AM1.</p>	<p>he has seen in his travels throughout the district in terms of the extensive protection and restoration work many landowners are doing already within SNAs and other parts of their properties.</p> <p>Amendments as agreed do not change the overall policy approach. Any environmental benefits will be consistent with what is envisaged in the wider policy and rule framework for indigenous biodiversity, in particular Objective ECO-O1 to “Protect the District’s areas of significant indigenous vegetation and/or significant habitats of indigenous fauna, particularly those within wetlands, braided rivers, and coastal margins, from activities that may adversely affect them” and Objective CE-O2 “Protection of the natural character of the coastal environment of Central Hawke’s Bay from inappropriate subdivision, use and development, and identify and promote opportunities for restoration or rehabilitation.”</p> <p>Maintaining the decisions version of the PDP (i.e. no rules for trimming and clearance of indigenous vegetation within the Coastal Environment) could result in Council not meeting its obligations under Policy 11 of the NZCPS. Amending the rule to address this as set out, is therefore a more effective means of meeting both Councils obligations under the NZCPS, and PDP objectives ECO-O1 and CE-O2.</p> <p>Whilst the economic and social costs of this approach are potentially higher to landowners who have indigenous biodiversity within the Coastal Environment (when compared to the notified PDP approach), the environmental costs of not doing so are also considered to be high particularly given the acknowledged low levels of indigenous cover in the coastal areas of Central Hawke’s Bay (refer ECO chapter introduction and explanation). As acknowledged in the section 32A assessment accompanying the notified PDP, the environmental cost equation has been unbalanced over a long period of time. This has resulted in the current environmental deficit in the coastal environment.</p> <p>Potentially there are also cultural benefits to ensuring the low levels of remaining indigenous biodiversity along the coast are better protected and thus better enabling traditional practices.</p>
		<p><u>All Other Indigenous Vegetation Species (outside the Coastal Environment)</u></p>	<p>3. Activity Status: PER</p> <p>Where the following conditions are met:</p> <p>a. Limited to:</p> <p>i. trees no more than 30cm in diameter measured at 1.4m from the highest point of ground level at the base of the tree.</p> <p><i>Note: If the requirements of this rule are complied with then there is no limit on the area of vegetation that can be trimmed or cleared.</i></p>	<p>4. Activity status where compliance not achieved: ECO-R3 to ECO-R6 apply</p>	
		<p><u>All Other Indigenous Vegetation Species (inside the Coastal Environment)</u></p>	<p>3A. Activity Status: PER</p> <p>Where the following conditions are met:</p> <p>b. Limited to:</p>	<p>4A. Activity status where compliance not achieved:</p>	

CHB Section	PDP Agreed version	S32 AA Evaluation						
	<p data-bbox="689 272 1077 395">ii. <u>trees no more than 1530cm in diameter measured at 1.4m from the highest point of ground level at the base of the tree.</u></p> <p data-bbox="640 403 1077 526"><i><u>Note: If the requirements of this rule are complied with then there is no limit on the area of vegetation that can be trimmed or cleared.</u></i></p> <div data-bbox="371 628 1305 762" style="background-color: #ADD8E6; padding: 5px;"> <p>ECO-R4 Trimming or clearance of indigenous vegetation <u>not provided for by ECO-R1, ECO-R1A or ECO-R2</u> outside any area identified as a Significant Natural Area in ECO-SCHED5</p> </div> <table border="1" data-bbox="371 762 1305 1393"> <tr> <td data-bbox="371 762 640 1331"> <p>Manuka and Kanuka Species Only (<u>outside the Coastal Environment</u>)</p> </td> <td data-bbox="640 762 1099 1331"> <p>1. Activity Status: PER Where the following conditions are met:</p> <p>a. Limited to:</p> <p>i. clearance of no more than 0.5 hectare per site per calendar year.</p> <p>ii. Trees to be cleared must have:</p> <p>a. an average diameter measured 1.4m from the highest point of ground level at the base of the tree, of no more than 15cm; and</p> <p>b. an average canopy height of less than 6 metres.</p> </td> <td data-bbox="1099 762 1305 1331"> <p>2. Activity status where compliance not achieved: RDIS</p> <p>Matters over which discretion is restricted:</p> <p>a. ECO-AM1.</p> </td> </tr> <tr> <td data-bbox="371 1331 640 1393"> <p><u>Manuka and Kanuka Species</u></p> </td> <td data-bbox="640 1331 1099 1393"> <p><u>1A. Activity Status: PER</u></p> </td> <td data-bbox="1099 1331 1305 1393"> <p><u>2A. Activity status where</u></p> </td> </tr> </table>	<p>Manuka and Kanuka Species Only (<u>outside the Coastal Environment</u>)</p>	<p>1. Activity Status: PER Where the following conditions are met:</p> <p>a. Limited to:</p> <p>i. clearance of no more than 0.5 hectare per site per calendar year.</p> <p>ii. Trees to be cleared must have:</p> <p>a. an average diameter measured 1.4m from the highest point of ground level at the base of the tree, of no more than 15cm; and</p> <p>b. an average canopy height of less than 6 metres.</p>	<p>2. Activity status where compliance not achieved: RDIS</p> <p>Matters over which discretion is restricted:</p> <p>a. ECO-AM1.</p>	<p><u>Manuka and Kanuka Species</u></p>	<p><u>1A. Activity Status: PER</u></p>	<p><u>2A. Activity status where</u></p>	<p data-bbox="1373 272 2045 467">The proposed amendments are considered to be more efficient and effective in achieving objectives ECO-O1 and CE-O2, than the notified plan approach. The low levels of indigenous vegetation in the Coastal Environment, and their particular characteristics, will be better protected by introducing a specific rule in the Coastal Environment for trimming and clearance activities involving indigenous vegetation.</p> <p data-bbox="1373 483 2045 730">In summary the proposed amendments will continue to meet Councils RMA obligations (section 6(c) - protection of significant indigenous vegetation and significant habitats of indigenous fauna, section 7(d) - intrinsic values of ecosystems: and section 31(1)(b)(iii) - the maintenance of indigenous biological diversity), and is a more effective and efficient method to achieve the policy direction of Policy 11 of the NZCPS in relation to indigenous biodiversity within the Coastal Environment than the notified version of the PDP.</p>
<p>Manuka and Kanuka Species Only (<u>outside the Coastal Environment</u>)</p>	<p>1. Activity Status: PER Where the following conditions are met:</p> <p>a. Limited to:</p> <p>i. clearance of no more than 0.5 hectare per site per calendar year.</p> <p>ii. Trees to be cleared must have:</p> <p>a. an average diameter measured 1.4m from the highest point of ground level at the base of the tree, of no more than 15cm; and</p> <p>b. an average canopy height of less than 6 metres.</p>	<p>2. Activity status where compliance not achieved: RDIS</p> <p>Matters over which discretion is restricted:</p> <p>a. ECO-AM1.</p>						
<p><u>Manuka and Kanuka Species</u></p>	<p><u>1A. Activity Status: PER</u></p>	<p><u>2A. Activity status where</u></p>						

CHB Section	PDP Agreed version	S32 AA Evaluation						
	<table border="1"> <tr> <td data-bbox="367 264 629 799"> <p><u>Only (within the Coastal Environment)</u></p> </td> <td data-bbox="629 264 1093 799"> <p><u>Where the following conditions are met:</u></p> <p>a. <u>Limited to:</u></p> <p>i. <u>clearance of no more than 0.5 hectare per site within the 10 year period from 28 May 2021.</u></p> <p>ii. <u>Trees to be cleared must have:</u></p> <p>a. <u>an average diameter measured 1.4m from the highest point of ground level at the base of the tree, of no more than 15cm; and</u></p> <p>b. <u>an average canopy height of less than 6 metres.</u></p> </td> <td data-bbox="1093 264 1305 799"> <p><u>compliance not achieved: RDIS</u></p> <p><u>Matters over which discretion is restricted:</u></p> <p>a. <u>ECO-AM1.</u></p> </td> </tr> <tr> <td data-bbox="367 799 629 1297"> <p><u>All Other Indigenous Vegetation Species (outside the Coastal Environment)</u></p> </td> <td data-bbox="629 799 1093 1297"> <p>3. Activity Status: PER</p> <p><u>Where the following conditions are met:</u></p> <p>a. <u>Limited to:</u></p> <p>i. <u>clearance of no more than 0.5 hectare per site per calendar year.</u></p> <p>ii. <u>Trees to be cleared must have:</u></p> <p>a. <u>an average diameter measured 1.4m from the highest point of ground level at the base of the tree, of no more than 15cm; and</u></p> </td> <td data-bbox="1093 799 1305 1297"> <p>4. Activity status where compliance not achieved: DIS</p> </td> </tr> </table>	<p><u>Only (within the Coastal Environment)</u></p>	<p><u>Where the following conditions are met:</u></p> <p>a. <u>Limited to:</u></p> <p>i. <u>clearance of no more than 0.5 hectare per site within the 10 year period from 28 May 2021.</u></p> <p>ii. <u>Trees to be cleared must have:</u></p> <p>a. <u>an average diameter measured 1.4m from the highest point of ground level at the base of the tree, of no more than 15cm; and</u></p> <p>b. <u>an average canopy height of less than 6 metres.</u></p>	<p><u>compliance not achieved: RDIS</u></p> <p><u>Matters over which discretion is restricted:</u></p> <p>a. <u>ECO-AM1.</u></p>	<p><u>All Other Indigenous Vegetation Species (outside the Coastal Environment)</u></p>	<p>3. Activity Status: PER</p> <p><u>Where the following conditions are met:</u></p> <p>a. <u>Limited to:</u></p> <p>i. <u>clearance of no more than 0.5 hectare per site per calendar year.</u></p> <p>ii. <u>Trees to be cleared must have:</u></p> <p>a. <u>an average diameter measured 1.4m from the highest point of ground level at the base of the tree, of no more than 15cm; and</u></p>	<p>4. Activity status where compliance not achieved: DIS</p>	
<p><u>Only (within the Coastal Environment)</u></p>	<p><u>Where the following conditions are met:</u></p> <p>a. <u>Limited to:</u></p> <p>i. <u>clearance of no more than 0.5 hectare per site within the 10 year period from 28 May 2021.</u></p> <p>ii. <u>Trees to be cleared must have:</u></p> <p>a. <u>an average diameter measured 1.4m from the highest point of ground level at the base of the tree, of no more than 15cm; and</u></p> <p>b. <u>an average canopy height of less than 6 metres.</u></p>	<p><u>compliance not achieved: RDIS</u></p> <p><u>Matters over which discretion is restricted:</u></p> <p>a. <u>ECO-AM1.</u></p>						
<p><u>All Other Indigenous Vegetation Species (outside the Coastal Environment)</u></p>	<p>3. Activity Status: PER</p> <p><u>Where the following conditions are met:</u></p> <p>a. <u>Limited to:</u></p> <p>i. <u>clearance of no more than 0.5 hectare per site per calendar year.</u></p> <p>ii. <u>Trees to be cleared must have:</u></p> <p>a. <u>an average diameter measured 1.4m from the highest point of ground level at the base of the tree, of no more than 15cm; and</u></p>	<p>4. Activity status where compliance not achieved: DIS</p>						

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CHB Section	PDP	Agreed version	S32 AA Evaluation
		<p style="text-align: right;">b. an average canopy height of less than 6 metres.</p> <p><u>3A. Activity Status: PER</u></p> <p><u>Where the following conditions are met:</u></p> <p>a. <u>Limited to:</u></p> <p style="padding-left: 20px;">i. <u>clearance of no more than 0.5 hectare within the 10 year period from 28 May 2021.</u></p> <p style="padding-left: 20px;">ii. <u>Trees to be cleared must have:</u></p> <p style="padding-left: 40px;">a. <u>an average diameter measured 1.4m from the highest point of ground level at the base of the tree, of no more than 15cm; and</u></p> <p style="padding-left: 40px;">b. <u>an average canopy height of less than 6 metres.</u></p>	<p><u>4A. Activity status where compliance not achieved: DIS</u></p>

CHB Section	PDP Agreed version	S32 AA Evaluation			
ECO-R3	<p>ECO-R3 Trimming or clearance of indigenous vegetation <u>not provided for by ECO-R1A or ECO-R2</u> inside any areas identified as a Significant Natural Area in ECO-SCHED5 (excluding natural wetlands)</p> <table border="1"> <tr> <td data-bbox="371 387 658 855">All Indigenous Vegetation Species</td> <td data-bbox="658 387 1133 855"> <p>1. Activity Status: PER</p> <p>Where the following conditions are met:</p> <p>a. Limited to (whichever is the lesser):</p> <p>i. clearance of no more than 500m² of indigenous vegetation <u>inside any</u> Significant Natural Area identified in ECO-SCHED5 <u>from 28 May 2021</u>; or</p> <p>ii. clearance of no more than 1% of the area of a Significant Natural Area identified in ECO-SCHED5.</p> </td> <td data-bbox="1133 387 1323 855"> <p>2. Activity status where compliance not achieved: DIS</p> </td> </tr> </table>	All Indigenous Vegetation Species	<p>1. Activity Status: PER</p> <p>Where the following conditions are met:</p> <p>a. Limited to (whichever is the lesser):</p> <p>i. clearance of no more than 500m² of indigenous vegetation <u>inside any</u> Significant Natural Area identified in ECO-SCHED5 <u>from 28 May 2021</u>; or</p> <p>ii. clearance of no more than 1% of the area of a Significant Natural Area identified in ECO-SCHED5.</p>	<p>2. Activity status where compliance not achieved: DIS</p>	<p>Inserting a date as agreed by the parties in condition a(i) provides greater clarity for the application of this rule. The agreed amendment is considered a minor change that will improve the effectiveness of rule administration by applying greater clarity how this rule applies without changing the policy approach, therefore S32AA re-evaluation is not warranted.</p>
All Indigenous Vegetation Species	<p>1. Activity Status: PER</p> <p>Where the following conditions are met:</p> <p>a. Limited to (whichever is the lesser):</p> <p>i. clearance of no more than 500m² of indigenous vegetation <u>inside any</u> Significant Natural Area identified in ECO-SCHED5 <u>from 28 May 2021</u>; or</p> <p>ii. clearance of no more than 1% of the area of a Significant Natural Area identified in ECO-SCHED5.</p>	<p>2. Activity status where compliance not achieved: DIS</p>			
ECO-R6	<p>ECO-R6 Trimming or clearance of indigenous vegetation which forms part of any natural wetland identified as a Significant Natural Area in ECO-SCHED5</p> <table border="1"> <tr> <td data-bbox="371 943 658 1374">All Indigenous Vegetation Species</td> <td data-bbox="658 943 1133 1374"> <p>1. Activity Status: NC</p> <p>Where the following conditions are met: N/A</p> <p><i>Note: This rule does not apply where the trimming or clearance is expressly regulated through a separate planning instrument as follows:</i></p> <p>(a) <i>Wetland restoration work managed by the Department of Conservation, Hawke’s Bay Regional Council or Central</i></p> </td> <td data-bbox="1133 943 1323 1374"> <p>2. Activity status where compliance not achieved: N/A</p> </td> </tr> </table>	All Indigenous Vegetation Species	<p>1. Activity Status: NC</p> <p>Where the following conditions are met: N/A</p> <p><i>Note: This rule does not apply where the trimming or clearance is expressly regulated through a separate planning instrument as follows:</i></p> <p>(a) <i>Wetland restoration work managed by the Department of Conservation, Hawke’s Bay Regional Council or Central</i></p>	<p>2. Activity status where compliance not achieved: N/A</p>	<p>Amendments to the notes as agreed are not considered to be a significant departure from the PDP as decided.</p> <p>They are a minor change, that will improve the effectiveness of rule administration by applying greater clarity how this rule applies without changing the policy approach, therefore S32AA re-evaluation is not warranted.</p>
All Indigenous Vegetation Species	<p>1. Activity Status: NC</p> <p>Where the following conditions are met: N/A</p> <p><i>Note: This rule does not apply where the trimming or clearance is expressly regulated through a separate planning instrument as follows:</i></p> <p>(a) <i>Wetland restoration work managed by the Department of Conservation, Hawke’s Bay Regional Council or Central</i></p>	<p>2. Activity status where compliance not achieved: N/A</p>			

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CHB Section	PDP Agreed version	S32 AA Evaluation
	<p><i>Hawke's Bay District Council is regulated by the Regional Resource Management Plan and the NES Freshwater 2020 and therefore exempt from this rule.</i></p> <p>(b) <i>This rule does not apply to Vegetation clearance associated with construction of, and ongoing safe and efficient operation, maintenance and upgrading of a network utility, but is subject to regulated by the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 (NESETA) (refer Regulations 30, 31 and 32), and / or Resource Management (National Environmental Standards for Freshwater) Regulations, 2020 (NES-FM), (refer Regulations 46 & 47)</i></p> <p>(c) <i>trimming or clearance of vegetation that requires consent under the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 is regulated by that instrument.</i></p>	
<p>Methods</p>	<p>ECO M3</p> <p>Applying nationally accepted best practice principles for biodiversity offsetting where biodiversity offsetting or compensation is proposed,...</p>	<p>Deleting reference to biodiversity 'compensation' in this method is a minor consequential change as a result of the mediated</p>

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CHB Section	PDP Agreed version	S32 AA Evaluation
		<p>agreement to delete the term 'biodiversity compensation' from the definitions section of the PDP.</p> <p>As this term is not referenced anywhere else within the PDP including in any objective, policy or rule, and its deletion has no consequence for users of the Plan, and this is a minor consequential change, any further S32AA re-evaluation is not warranted.</p>

Topic 3A - Natural Features & Landscapes

CHB PDP Section	Agreed version	S32 AA Evaluation			
Introduction	<p><u>When considering activities within the Coastal Environment, effects on natural character and indigenous biodiversity must also be addressed in accordance with the CE - Coastal Environment and ECO - Ecosystems and Indigenous Biodiversity chapters.</u></p> <p>(to be inserted at end of Introduction section)</p>	<p>The changes are explanatory only and for clarification purposes and are not considered to be a significant departure from the Proposed District Plan as decided.</p> <p>Therefore, no s32AA evaluation is necessary.</p>			
Policy NFL-P8	<p>To identify recognise and encourage opportunities to enhance natural values associated with significant amenity features, and to recognise the positive effects where enhancement is offered.</p>	<p>The changes are not considered to be a significant departure from the Proposed District Plan as decided.</p> <p>The changes do not affect, and continue to support, objective NFL-O2 which is that <i>'The qualities and values of significant amenity features identified within the District are recognised and provided for, and considered when undertaking new subdivision, use and development.'</i></p>			
SCHED6 Significant Amenity Features	<p>For all Significant Amenity Features which include working farms (which Council has assessed to be all of them), the following addition will be made to NFL-SCHED-6 which lists the values of the Significant Amenity Features:</p> <ul style="list-style-type: none"> <u>Partly comprises a working farm.</u> 	<p>Including a reference to working farms within NFL- SCHED6 is descriptive and will assist in understanding the landscape values of the SAF.</p> <p>Therefore, no s32AA evaluation is necessary.</p>			
NFL- Rules	<p>NFL-R1 New buildings, relocated buildings, or alterations to existing buildings within an ONL or ONF identified in NFL-SCHED6</p> <table border="1" data-bbox="338 970 1077 1374"> <tr> <td data-bbox="338 970 562 1374"> <p>All ONL/ONFs (except ONF-5, ONF-5A, <u>ONF-6</u>, ONF-7, ONF-9 & ONF-10)</p> </td> <td data-bbox="562 970 831 1374"> <p>1. Activity Status: PER</p> <p>Where the following conditions are met:</p> <p>a. Gross floor area of the building or alteration is less than 25m².</p> </td> <td data-bbox="831 970 1077 1374"> <p>2. Activity status where compliance with condition NFL- R1(1)(a) is not achieved <u>and</u> where the gross floor area of the building or alteration is less than 50m²: RDIS</p> </td> </tr> </table>	<p>All ONL/ONFs (except ONF-5, ONF-5A, <u>ONF-6</u>, ONF-7, ONF-9 & ONF-10)</p>	<p>1. Activity Status: PER</p> <p>Where the following conditions are met:</p> <p>a. Gross floor area of the building or alteration is less than 25m².</p>	<p>2. Activity status where compliance with condition NFL- R1(1)(a) is not achieved <u>and</u> where the gross floor area of the building or alteration is less than 50m²: RDIS</p>	<p>The changes are not considered to be a significant departure from the Proposed District Plan as decided.</p> <p>The changes provide a more nuanced approach to buildings on sites identified as ONFL including adding Coastal Environment assessment matters, being more specific about building type (ie ancillary to primary production) in ONF-5 (Northern end of Nga Kaihinaki-a-Whata & Te Whata Kokako); and stricter activity status for ONF-9 (Parimahu) and ONF-10 (Porongahau Foredune).</p> <p>These changes continue to support objective NFL-O1 <i>'Outstanding natural features and landscapes are retained and protected from inappropriate subdivision, use and development.'</i> and are not considered to warrant further section 32AA evaluation.</p>
<p>All ONL/ONFs (except ONF-5, ONF-5A, <u>ONF-6</u>, ONF-7, ONF-9 & ONF-10)</p>	<p>1. Activity Status: PER</p> <p>Where the following conditions are met:</p> <p>a. Gross floor area of the building or alteration is less than 25m².</p>	<p>2. Activity status where compliance with condition NFL- R1(1)(a) is not achieved <u>and</u> where the gross floor area of the building or alteration is less than 50m²: RDIS</p>			

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CHB Section	PDP Agreed version	S32 AA Evaluation
	<p>b. Maximum height of any building is less than 3m.</p> <p>Matters over which discretion is restricted:</p> <ul style="list-style-type: none"> a. NFL-AM1 b. NFL-AM2 c. <u>Where relevant, CE-AM1</u> d. <u>Where relevant, CE-AM2</u> 	

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CHB PDP Section	Agreed version			S32 AA Evaluation
			<p>3. Activity status where compliance with condition NFL- R1(1)(b) is not achieved <u>or</u> the gross floor area of the building or alteration exceeds 50m²: NC</p>	
	<p>ONF-5 & ONF-5A (Northern end of Nga Kaihinaki-a-Whata & Te Whata Kokako)</p> <p><u>ONF-6 (Silver Range)</u></p> <p>ONF-7 (Kairakau)</p> <p>ONF-9 (Parimahu)</p> <p>ONF-10 (Porangahau Foredune)</p>	<p>4. Activity Status: PER</p> <p>Where the following conditions are met:</p> <p>a. Gross floor area of the building or alteration is less than 25m².</p> <p>b. Maximum height of any building is less than 3m.</p> <p>c. <u>Limited to accessory buildings and structures (primary production)</u></p>	<p>5. Activity status where compliance not achieved: NC</p>	

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CHB PDP Section	Agreed version	S32 AA Evaluation
	<p><u>ONF-9 (Parimahu)</u></p> <p><u>ONF-10 (Porangahau Foredune)</u></p> <p>6. Activity Status: RDIS</p> <p><u>Where the following conditions are met:</u></p> <p>a. <u>Gross floor area of the building or alteration is less than 25m².</u></p> <p>b. <u>Maximum height of any building is less than 3m.</u></p> <p><u>Matters over which discretion is restricted:</u></p> <p>a. <u>NFL-AM1</u></p> <p>b. <u>NFL-AM2</u></p> <p>c. <u>CE-AM1</u></p> <p>d. <u>CE-AM2</u></p>	<p>7. Activity status where compliance not achieved: NC</p>

Topic 4 - Subdivision

CHB PDP Section	Agreed version	S32 AA Evaluation			
SUB-O5	<p>Avoidance of subdivision in localities where there is a significant risk of material damage from natural hazards on land or structures, including in relation to any likely subsequent use of the land, unless these can that cannot be remedied or mitigated.</p>	<p>This amended wording as agreed between the parties gives effect to Council's responsibilities under RMA Section 6(h) in relation to the management of significant risks from natural hazards. The amended objective provides a clear rationale for refusing subdivision applications when there are significant risks from natural hazards.</p> <p>Regarding removing the words 'of material damage', any natural hazard risk assessment would need to include the matters listed in s106(1A) which includes the 'likelihood' of an event occurring, as well as the 'material damage' that would result. Therefore any assessment of significant risk is more than material damage and removing these words would ensure an assessment is not just confined to this aspect. This is a matter of clarity and not considered a change significant to warrant a s32AA assessment.</p> <p>Again, removing the words 'unless these can that cannot be remedied or mitigated' fixes a typographical error in the first instance but also better aligns with s106. A subdivision that may be deemed acceptable from natural hazard risks would have conditions applied with the effect of remedying or mitigating such affects in accordance with s106(2). Remedying or mitigating effects is a method available under the RMA, rather than an objective.</p> <p>While this is a departure from the wording in the Decisions version of the plan, it is considered a matter of clarification and not a change warranting further s32AA assessment.</p>			
SUB-R1	<p>SUB-R1 Subdivision not otherwise provided for</p> <table border="1" data-bbox="309 1082 1084 1398"> <tr> <td data-bbox="309 1082 461 1398">All Zones</td> <td data-bbox="461 1082 808 1398"> <p>1. Activity Status: CON</p> <p>Where the following conditions are met:</p> <p>a. Compliance with SUB-S1.</p> <p>b. The land being subdivided does not contain any part (or all) of</p> </td> <td data-bbox="808 1082 1084 1398"> <p>2. Activity status where compliance with conditions SUB-R1(1)(c) and/or SUB-R1(1)(e) is not achieved: RDIS</p> <p>Matters over which discretion is restricted:</p> <p>a. SUB-AM1.</p> </td> </tr> </table>	All Zones	<p>1. Activity Status: CON</p> <p>Where the following conditions are met:</p> <p>a. Compliance with SUB-S1.</p> <p>b. The land being subdivided does not contain any part (or all) of</p>	<p>2. Activity status where compliance with conditions SUB-R1(1)(c) and/or SUB-R1(1)(e) is not achieved: RDIS</p> <p>Matters over which discretion is restricted:</p> <p>a. SUB-AM1.</p>	<p>The underlined additions to SUB-R1 have been agreed to by all parties and are considered consistent with the District Plan objectives for managing activities within the Coastal Environment (CE), SUB-O1 as well Policies 11, 13 and 15 of the NZCPS.</p> <p>This inclusion of the General Rural Zone (Coastal Environment Area) at SUB-R1(b)(iv) will elevate the status for subdivisions that fall within the Rural Zone and the Coastal Environment from controlled to restricted discretionary. Note that the creation of 'lifestyle sites' within the Coastal Environment is already a discretionary activity under SUB-R5(10) and therefore this rule amendment applies to all other subdivision within these overlays where the min. lot size is 20ha.</p> <p>The existing matters of discretion for this rule group, SUB-R1(3), already includes <u>SUB-AM16</u> that relates to subdivision within the Coastal Environment, including (but not limited to) areas of High Natural Character. The Forest & Bird appeal also included a request to</p>
All Zones	<p>1. Activity Status: CON</p> <p>Where the following conditions are met:</p> <p>a. Compliance with SUB-S1.</p> <p>b. The land being subdivided does not contain any part (or all) of</p>	<p>2. Activity status where compliance with conditions SUB-R1(1)(c) and/or SUB-R1(1)(e) is not achieved: RDIS</p> <p>Matters over which discretion is restricted:</p> <p>a. SUB-AM1.</p>			

CHB PDP Section	Agreed version	S32 AA Evaluation
	<p>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 within NFL-SCHED6. v. CE-SCHED7. vi. General Rural Zone (Coastal Environment Area) <ul style="list-style-type: none"> c. Compliance with: <ul style="list-style-type: none"> i. SUB-S4(1); ii. SUB-S5; iii. SUB-S6; iv. SUB-S7(1) and SUB-S7(2); v. SUB-S8; and vi. SUB-S9. d. Compliance with: <ul style="list-style-type: none"> i. SUB-S4(2) and SUB-S4(3) National Grid Subdivision Corridor; and ii. SUB-S4(4) and SUB-S4(5) Gas Transmission Network. e. The land being subdivided is not located within a Natural Hazard 	<ul style="list-style-type: none"> b. SUB-AM2. c. SUB-AM3. d. SUB-AM4. e. SUB-AM5. f. SUB-AM6. g. SUB-AM7. h. SUB-AM8. i. SUB-AM9. j. SUB-AM10. k. SUB-AM19. <p>3. Activity status where compliance with condition SUB-R1(1)(b) is not achieved: RDIS</p> <p>Matters over which discretion is restricted:</p> <ul style="list-style-type: none"> a. SUB-AM1. b. SUB-AM2. c. SUB-AM3. d. SUB-AM4. e. SUB-AM5. f. SUB-AM6. g. SUB-AM7. h. SUB-AM8. i. SUB-AM9. j. SUB-AM10. k. SUB-AM16. l. SUB-AM19. m. SUB-AM22. <p>4. Activity status where compliance with conditions SUB-R1(1)(a) and/or</p> <p>bolster this assessment matter to consider the management of effects on indigenous biodiversity within the Coastal Environment which was also agreed to through mediation and discussed below.</p> <p>A further amendment to this rule is to include SUB-AM16 as a matter of control for all controlled activity subdivisions under rule SUB-R1. As above, these amendments ensure consistency with the objectives for managing activities in the Coastal Environment and give effect to Councils responsibilities under the NZCPS Policies 11, 13 and 15.</p> <p>There are not considered to be significant economic or social costs associated with a higher activity status for subdivision within the Coastal Environment. Restricted Discretionary provides clear direction for applicants on the matters to be assessed and allows for conditions to be applied that may reduce the environmental costs associated with subdivision activity within a sensitive coastal environment.</p> <p>The amendments to this rule are considered to be more efficient and effective in achieving objectives SUB-O1, CE-O1 and CE-O2, than the Decisions version plan rule. The low levels of indigenous vegetation in the Coastal Environment will be better protected by having a restricted discretionary status for subdivision within the CE, with a matter of discretion being the effects on the Coastal Environment as a matter for consideration, including the management of effects on indigenous biodiversity within the Coastal Environment. Further, including SUB-AM16 as a matter of control for all subdivisions will also provide the mechanism to apply conditions relating to the protection of the coastal environment, where required.</p> <p>In summary, the proposed amendments will contribute to Council meeting its RMA obligations (section 6(c) - protection of significant indigenous vegetation and significant habitats of indigenous fauna, section 7(d) - intrinsic values of ecosystems: and section 31(1)(b)(iii) - the maintenance of indigenous biological diversity), and is a more effective and efficient method to achieve Policies 11, 13 and 15 of the NZCPS to protect the Coastal Environment than the Decisions version of the PDP.</p>

CHB PDP Section	Agreed version		S32 AA Evaluation						
		<p>area identified on the Planning Maps.</p> <p>f. Compliance with SUB-S7(3)</p> <p>Matters over which control is reserved:</p> <p>g. SUB-AM1.</p> <p>h. SUB-AM2.</p> <p>i. SUB-AM3.</p> <p>j. SUB-AM4.</p> <p>k. SUB-AM5.</p> <p>l. SUB-AM6.</p> <p>m. SUB-AM7.</p> <p>n. SSUB-AM8.</p> <p>o. SUB-AM9</p> <p>p. SUB-AM10.</p> <p>q. <u>SUB-AM16</u></p> <p>r. SUB-AM19.</p>	<p>SUB-R1(1)(f) is not achieved: DIS</p> <p>5. Activity status where compliance with condition SUB-R1(1)(d) is not achieved: NC</p>						
<p>SUB-R3</p>	<p>SUB-R3 Subdivision for special purposes</p> <table border="1" data-bbox="315 938 1077 1337"> <thead> <tr> <th data-bbox="315 938 465 970">All Zones</th> <th data-bbox="465 938 815 970">1. Activity Status: CON</th> <th data-bbox="815 938 1077 970">2. Where compliance with condition SUB-R3(1)(a) is not achieved: SUB-R1 applies</th> </tr> </thead> <tbody> <tr> <td data-bbox="315 970 465 1337"></td> <td data-bbox="465 970 815 1337"> <p>Where the following conditions are met:</p> <p>a. Limited to creation of lots of any size for public works, network utilities, renewable electricity generation activities, reserves, roads, and access.</p> <p>b. Compliance with:</p> </td> <td data-bbox="815 970 1077 1337"> <p>3. Activity status where compliance with condition SUB-R3(1)(b) and/or SUB-R3(1)(d) is not achieved: RDIS</p> </td> </tr> </tbody> </table>		All Zones	1. Activity Status: CON	2. Where compliance with condition SUB-R3(1)(a) is not achieved: SUB-R1 applies		<p>Where the following conditions are met:</p> <p>a. Limited to creation of lots of any size for public works, network utilities, renewable electricity generation activities, reserves, roads, and access.</p> <p>b. Compliance with:</p>	<p>3. Activity status where compliance with condition SUB-R3(1)(b) and/or SUB-R3(1)(d) is not achieved: RDIS</p>	<p>This amendment to SUB-R3 has been agreed to by all parties and is considered consistent with the District Plan objective SUB-O1 that seeks the protection of areas identified as Outstanding Natural Landscapes and Features, Significant Natural Areas, and High Natural Character Areas and items of Historic Heritage from the adverse effects of inappropriate subdivision. It also aligns with Council’s obligations with respect to matters of national importance in section 6.</p> <p>The addition of d) elevates the activity status for subdivisions for special purposes within these mapped areas from controlled to restricted discretionary. The matters of discretion now also include the relevant assessment matters that provide further guidance of subdivisions of land containing these items, SUB-AM16 Subdivision of land within Outstanding Natural Landscapes and Features, Significant Amenity Features, and the Coastal Environment (including identified areas of High Natural Character) and SUB-AM22 – Subdivision of land containing a Heritage Item.</p> <p>There are not considered to be significant economic or social costs associated with a higher activity status for subdivision for special purposes containing these overlays. Restricted Discretionary provides clear direction for applicants on the matters to be</p>
All Zones	1. Activity Status: CON	2. Where compliance with condition SUB-R3(1)(a) is not achieved: SUB-R1 applies							
	<p>Where the following conditions are met:</p> <p>a. Limited to creation of lots of any size for public works, network utilities, renewable electricity generation activities, reserves, roads, and access.</p> <p>b. Compliance with:</p>	<p>3. Activity status where compliance with condition SUB-R3(1)(b) and/or SUB-R3(1)(d) is not achieved: RDIS</p>							

CHB PDP Section	Agreed version	S32 AA Evaluation
	<ul style="list-style-type: none"> i. SUB-S4(1); ii. SUB-S5; iii. SUB-S6; iv. SUB-S7; v. SUB-S8; and vi. SUB-S9. <p>c. Compliance with:</p> <ul style="list-style-type: none"> i. SUB-S4(2) and SUB-S4(3) National Grid Subdivision Corridor; and ii. SUB-S4(4) and SUB-S4(5) Gas Transmission Network. <p>d. <u>The land being subdivided does not contain any part (or all) of the sites or areas identified in the following:</u></p> <ul style="list-style-type: none"> i. <u>HH-SCHED2.</u> ii. <u>SASM-SCHED3.</u> iii. <u>ECO-SCHED5.</u> iv. <u>ONL or ONF within NFL-SCHED6.</u> v. <u>CE-SCHED7.</u> <p>Matters over which control is reserved:</p> <ul style="list-style-type: none"> e. Whether the lot is of sufficient area and dimensions to facilitate the intended use of the site. 	<p>assessed and allows for conditions to be applied that may reduce the environmental costs associated with the adverse effects of subdivision..</p> <p>The amendments to this rule are considered to be more efficient and effective in achieving objectives SUB-O1, HH-O1, SASM-O1, ECO-O1, NFL-O1 and CE-O1 than the Decisions version plan rule. These areas of significance will be better protected by having a restricted discretionary status for special purpose subdivision with matters of discretion providing guidance on matters to be considered in ensuring their protection.</p> <p>Overall, the proposed amendments assist Council in meeting their obligations under Section 6 by managing land use while recognizing the importance of the natural character of the Coastal Environment (6a), Outstanding Landscapes and Features (6b), the protection of areas of significant indigenous vegetation (6c), Historic Heritage (6f) and the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga (6e).</p>

CHB PDP Section	Agreed version	S32 AA Evaluation
	<p>f. A Consent Notice may be registered on the Certificate of Title to any special purpose site, pursuant to section 221 of the RMA, requiring enforcement of a condition that, in the event that the site is no longer required for a special purpose, the site be amalgamated with an adjoining site, unless it is a fully complying lot for the respective zone.</p>	
<p>SUB-AM16</p>	<p>SUB-AM16 Subdivision of land, including Lifestyle Sites, within Outstanding Natural Landscapes and Features, Significant Amenity Features, and the Coastal Environment (including identified areas of High Natural Character)</p> <p>1. The design of the subdivision and the development it will accommodate, to ensure that it will not have adverse visual or landscape effects on the values of the feature, landscape or area (identified in ECO-SCHED5, NFL-SCHED6, and CE-SCHED7 of the District Plan) and, <u>in the coastal environment</u>, will not detract from the natural character <u>and will protect indigenous biodiversity of the coastal environment</u>. Reference will be made to the proposed nature and location of building platforms, roads and accessways, earthworks, landscaping, and planting. In particular, the subdivision will be assessed in terms of its ability to achieve the following:</p> <p>a. Be of a scale, design and location that is sympathetic to the visual form of the coastal environment or the natural</p>	<p>The underlined additions to this assessment matter have been agreed to by all parties and are considered to give effect to the objectives of the District Plan as decided.</p> <p>It was agreed that the title of the assessment matter SUB-AM16 is intended to cover subdivision within the Coastal Environment, yet the detail only considers areas of high natural character and is restricted to visual and landscape effects. It was agreed that Coastal Environments can contain significant indigenous biodiversity, outside of mapped SNA's.</p> <p>New matter h) requires subdivisions to be designed to avoid, remedy or mitigate any adverse effects on indigenous biodiversity in the coastal environment.</p> <p>It was also agreed that as a consequence of expanding the scope and including SUB-AM16 in all subdivision rules, it would be useful to replicate SUB-AM13(7) as an additional matter to manage the effects of multiple lot, 20ha min. lot size subdivisions setting up for later lifestyle subdivisions.</p> <p>These amendments to an assessment matter will create consistency with the objectives for managing activities in the Coastal Environment, objective SUB-O1 and provides more clarity to the intent of the Plan. It also aligns with Councils responsibilities under the NZCPS Policy 11.</p> <p>Further section 32AA evaluation is not considered to be warranted.</p>

CHB PDP Section	Agreed version	S32 AA Evaluation
	<p>character area, landscape, or feature, and will not dominate the landscape.</p> <ul style="list-style-type: none"> b. Avoid large scale earthworks on rural ridgelines, hill faces and spurs. c. Be sympathetic to the local character, to the underlying landform and to surrounding visual landscape patterns. d. Be designed to minimise cuttings across hill faces and through spurs, and to locate boundaries so the fencing is kept away from visually exposed faces and ridges. e. Where planting is proposed, its scale, pattern and location is sympathetic to the underlying landform and the visual and landscape patterns of surrounding activities. f. Where necessary, for the avoidance or mitigation of adverse effects, any proposals to ensure the successful establishment of plantings. g. Be sympathetic to the natural science, perceptual and associational values (including for tangata whenua) associated with the natural character area, landscape, or feature. h. <u>Be designed to avoid, remedy or mitigate any adverse effects on indigenous biodiversity in the coastal environment.</u> <p>2. <u>Where multiple sites greater than 20 hectares are being created in one subdivision or over successive applications, site configuration, shape and timing will be given particular consideration with regard to appropriateness for primary production activities. Such subdivisions should not be undertaken with the intention of 'setting up' future lifestyle site subdivisions. If this is found to be the case, the application may be declined on this basis.</u></p>	

Topic 5 - Coastal Environment

CHB PDP Section	Agreed version	S32 AA Evaluation
<p>Objectives (notes)</p>	<p><i>Refer Objective PA-O1, as it relates to public access to and along the coast.</i></p> <p><i>Refer also Objectives NH-O1, NH-O2 and NH-O3, as they relate to coastal hazards.</i></p> <p><u>Refer Objectives of the GRUZ as they relate to the General Rural Zone underlying the Coastal Environment.</u></p>	<p>The changes are not considered to be a significant departure from the Proposed District Plan as decided.</p> <p>The addition of this note is not a material change to the plan. The Coastal Environment chapter contains no rules and as such resource consent applications would need to be assessed under the zone provisions, irrespective of the inclusion of this note. However the note provides the clarity to plan users that the General Rural underlies the vast majority of the Coastal Environment and will be relevant to assessment of applications within both the Coastal Environment and Rural Zone..</p> <p>Further section 32AA evaluation is not warranted.</p>
<p>CE-P6</p>	<p>CE-P6 To require that proposed activities within the coastal environment area demonstrate that the activity is located appropriately, having regard to its effects and:</p> <ol style="list-style-type: none"> 1. the particular natural character, ecological, historical or recreational values of the area; 2. the extent to which the values of the area are sensitive or vulnerable to change; 3. opportunities to restore or rehabilitate the particular values of the coastal environment of the area; 4. the presence of any natural hazards and whether the activity will exacerbate the hazard and/or be vulnerable to it; 5. the impacts of climate change; 6. appropriate opportunities for public access and recreation; 7. the extent to which any adverse effects are avoided, remedied or mitigated; and 8. consistency with underlying zoning and existing land use, <u>such as farming.</u> 	<p>The changes are not considered to be a significant departure from the Proposed District Plan as decided.</p> <p>Policy CE-P6, in the Decisions version, already require that activities located in the Coastal Environment have regard to underlying zoning and existing land use. The addition of the words ‘such as farming’ acknowledges that the General Rural Zone is predominant zone which underlies the Coastal Environment and as such farming activities are consistent with the zone and existing land uses.</p> <p>Further section 32AA evaluation is not warranted.</p>

CHB PDP Section	Agreed version	S32 AA Evaluation
<p>Policies (notes)</p>	<p><i>Refer Policies PA-P3 and PA-P4, as they relate to public access to and along the coast.</i></p> <p><u>Refer Policies of the GRUZ as they relate to the General Rural Zone underlying the Coastal Environment</u></p> <p><i>Refer also Policies NH-P4, NH-P5, NH-P6, NH-P7, MH-P8, NH-9, NH-P10, NH-P11 and NH-P12, as they relate to coastal hazards.</i></p>	<p>The changes are not considered to be a significant departure from the Proposed District Plan as decided.</p> <p>The addition of this note is not a material change to the plan. The Coastal Environment chapter contains no rules and as such resource consent applications would need to be assessed under the zone provisions, irrespective of the inclusion of this note. However, the note provides the utmost clarity to plan users that the General Rural underlies the vast majority of the Coastal Environment.</p> <p>Further section 32AA evaluation is not warranted.</p>
<p>CE-AM2</p>	<p>CE-AM2 Additional Specific Assessment Matters for Activities on Land within or containing HNCs</p> <p>1. Buildings</p> <p>a. The location, layout, and design of the development to ensure that it does not have adverse effects on the coastal natural character. This will include reference to the proposed nature and location of building platforms, accessways, landscaping, planting, and the position, form, and appearance of building development. In particular, the location, layout and design of buildings should:</p> <p>i. Be of a scale, design and location that is sympathetic to the visual form of ridgelines and spurs and should not dominate the landscape.</p> <p>ii. Avoid large-scale earthworks on ridgelines, hill faces and spurs.</p> <p>iii. Be sympathetic to the underlying landform and surrounding visual and landscape patterns.</p> <p>iv. Be designed to minimise cuttings across hill faces and through spurs.</p> <p>v. Where planting is proposed, be of a scale, pattern and location that is sympathetic to the underlying landform and the visual and landscape patterns of surrounding activities.</p>	<p>The changes are not considered to be a significant departure from the Proposed District Plan as decided.</p> <p>The addition of clause viii: “<i>be consistent with the underlying zoning and existing land use</i>” gives effect to policy CE-P6 which requires that activities that locate in the coastal environment have regard to effects on the underlying zoning and existing land-use.</p> <p>This addition also provides consistency with clause 2 and 3 of assessment matter CE-AM2 which also list the underlying zoning and existing land use as a matter to be assessed.</p> <p>Further section 32AA evaluation is not warranted.</p>

Appendix M – Section 32AA Assessment to support consent position

CHB PDP Section	Agreed version	S32 AA Evaluation
	<ul style="list-style-type: none"> vi. Where necessary for the avoidance or mitigation of adverse effects, include proposals to ensure the successful establishment of plantings. vii. Avoid disturbance of archaeological sites. viii. <u>Be consistent with the underlying zoning and existing land use.</u> 	

Topic 6 - Earthworks

CHB PDP Section	Agreed version	S32 AA Evaluation
EW-O1	Enable people and communities to carry out earthworks where appropriate , while avoiding, remedying or mitigating the adverse environmental effects of earthworks, including on the health and safety of people.	<p>The changes are not considered to be a significant departure from the Proposed District Plan as decided.</p> <p>The changes reflect the rules of the chapter that permit earthworks that can meet the performance standards i.e. are permitted where appropriate. As such the change does not significantly alter the objective.</p> <p>Further section 32AA evaluation is not warranted.</p>
EW-P13	Where appropriate, to enable earthworks to provide for people and communities' social, economic and cultural well-being, and their health and safety, where adverse effects are avoided, remedied or mitigated.	<p>Similar to above, the changes are not considered to be a significant departure from the Proposed District Plan as decided.</p> <p>The changes reflect the rules of the chapter that permit earthworks that can meet the performance standards i.e. are permitted where appropriate. As such the change does not significantly alter the policy.</p> <p>Further section 32AA evaluation is not warranted.</p>
EW-P4	Where appropriate practicable , to require the re-pasture or revegetation of land where vegetation is cleared as a consequence of earthworks.	<p>The changes are not considered to be a significant departure from the Proposed District Plan as decided.</p> <p>Further section 32AA evaluation is not warranted.</p>
EW-P8	To provide for the prospecting and exploration of minerals where the adverse effects on the environment are avoided, remedied or mitigated.	<p>The changes are not considered to be a significant departure from the Proposed District Plan as decided.</p> <p>While the rule was agreed to be deleted, prospecting and the exploration of minerals is now provided for in policy EW-P10 and the intent to avoid, remedy or mitigate adverse effects on the environment from these activities remains unchanged. If anything, housing the prospecting and exploration of minerals in policy EW-P10 makes the intent clearer.</p> <p>Further section 32AA evaluation is not warranted.</p>
EW-P9	To provide for farm quarries and forestry quarrying activities to be established in rural areas where appropriate where the adverse effects on the environment are avoided, remedied or mitigated.	<p>The changes are not considered to be a significant departure from the Proposed District Plan as decided.</p> <p>The change in this policy more accurately reflects the intent of the chapter, whereby rules giving effect to the policy indicate where quarries are considered to be appropriate, as</p>

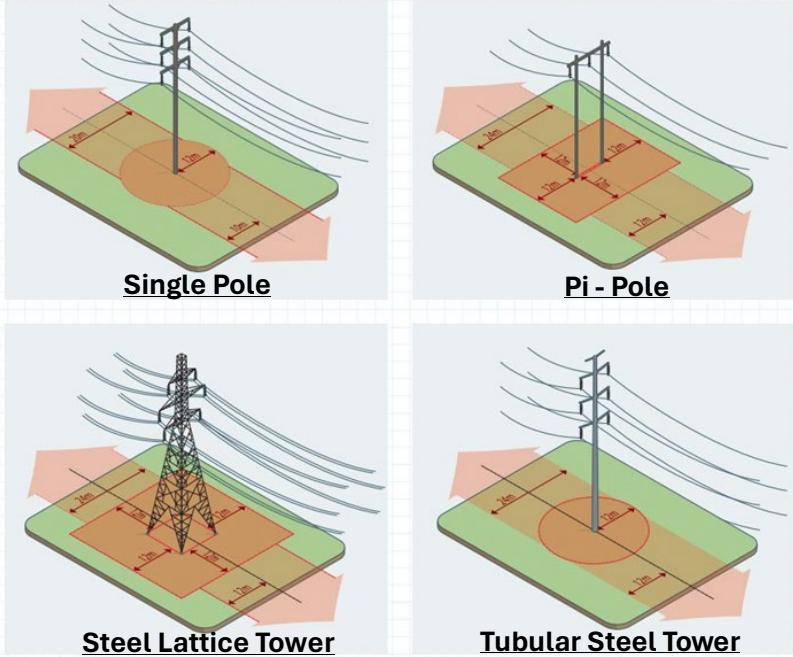
CHB PDP Section	Agreed version	S32 AA Evaluation						
		<p>well as requiring assessment of their effects on the environment. The agreed amendment provides more clarity to the intent of the Plan.</p> <p>Further section 32AA evaluation is not warranted.</p>						
EW-P10	<p>To avoid, remedy or mitigate adverse effects on the environment associated with mining, quarrying and hydrocarbon extraction activities, <u>and the prospecting and exploration of minerals.</u></p>	<p>The changes are not considered to be a significant departure from the Proposed District Plan as decided.</p> <p>While EW-P8 was agreed to be deleted, prospecting and the exploration of minerals is now provided for in policy EW-P10 and the intent to avoid, remedy or mitigate adverse effects on the environment from these activities remains unchanged. If anything, housing the prospecting and exploration of minerals in policy EW-P10 makes the intent clearer.</p> <p>Further section 32AA evaluation is not warranted.</p>						
EW-S2(1)&(2)	<table border="1"> <thead> <tr> <th colspan="2" data-bbox="315 632 1077 687">EW-S2 Extent of Earthworks</th> </tr> </thead> <tbody> <tr> <td data-bbox="315 687 602 991"> <p>Identified areas of:</p> <ul style="list-style-type: none"> — High Natural Character (HNCs) — Outstanding Natural Features and Landscapes (ONFs/ONL) - Significant Natural Areas (SNAs) </td> <td data-bbox="602 687 1077 991"> <ol style="list-style-type: none"> 1. Ancillary rural earthworks – maximum of 500m³ per site within the identified area/feature in any 12-month period. Refer also Standard EW-S7. 2. All other earthworks – maximum of 200m³ per site within the identified area/feature in any 12-month period. </td> </tr> <tr> <td data-bbox="315 991 602 1380"> <p>Identified areas of:</p> <ul style="list-style-type: none"> • High Natural Character (HNCs) • Outstanding Natural Features and Landscapes (ONFs/ONL) </td> <td data-bbox="602 991 1077 1380"> <p><u>2A. Ancillary rural earthworks (other than maintenance of existing farm tracks, driveways, roads and accessways) – maximum of 500m³ per site within the identified area/feature in any 12-month period. Refer also Standard EW-S7.</u></p> <p><u>2B. Maintenance of existing farm tracks, driveways, roads and accessways - unlimited.</u></p> <p><u>2C. All other earthworks – maximum of 200m³ per site within the identified area/feature in any 12-month period.</u></p> </td> </tr> </tbody> </table>	EW-S2 Extent of Earthworks		<p>Identified areas of:</p> <ul style="list-style-type: none"> — High Natural Character (HNCs) — Outstanding Natural Features and Landscapes (ONFs/ONL) - Significant Natural Areas (SNAs) 	<ol style="list-style-type: none"> 1. Ancillary rural earthworks – maximum of 500m³ per site within the identified area/feature in any 12-month period. Refer also Standard EW-S7. 2. All other earthworks – maximum of 200m³ per site within the identified area/feature in any 12-month period. 	<p>Identified areas of:</p> <ul style="list-style-type: none"> • High Natural Character (HNCs) • Outstanding Natural Features and Landscapes (ONFs/ONL) 	<p><u>2A. Ancillary rural earthworks (other than maintenance of existing farm tracks, driveways, roads and accessways) – maximum of 500m³ per site within the identified area/feature in any 12-month period. Refer also Standard EW-S7.</u></p> <p><u>2B. Maintenance of existing farm tracks, driveways, roads and accessways - unlimited.</u></p> <p><u>2C. All other earthworks – maximum of 200m³ per site within the identified area/feature in any 12-month period.</u></p>	<p>The changes are not considered to be a significant departure from the Proposed District Plan as decided.</p> <p>The standard is maintained with regard to SNAs. For areas of high natural character and outstanding natural features and landscapes, the standard for the most part remains unchanged with the exception of allowing for unlimited earthworks to maintain existing farm tracks, driveways, roads and accessways.</p> <p>Further section 32AA evaluation is not warranted.</p>
EW-S2 Extent of Earthworks								
<p>Identified areas of:</p> <ul style="list-style-type: none"> — High Natural Character (HNCs) — Outstanding Natural Features and Landscapes (ONFs/ONL) - Significant Natural Areas (SNAs) 	<ol style="list-style-type: none"> 1. Ancillary rural earthworks – maximum of 500m³ per site within the identified area/feature in any 12-month period. Refer also Standard EW-S7. 2. All other earthworks – maximum of 200m³ per site within the identified area/feature in any 12-month period. 							
<p>Identified areas of:</p> <ul style="list-style-type: none"> • High Natural Character (HNCs) • Outstanding Natural Features and Landscapes (ONFs/ONL) 	<p><u>2A. Ancillary rural earthworks (other than maintenance of existing farm tracks, driveways, roads and accessways) – maximum of 500m³ per site within the identified area/feature in any 12-month period. Refer also Standard EW-S7.</u></p> <p><u>2B. Maintenance of existing farm tracks, driveways, roads and accessways - unlimited.</u></p> <p><u>2C. All other earthworks – maximum of 200m³ per site within the identified area/feature in any 12-month period.</u></p>							

CHB PDP Section	Agreed version	S32 AA Evaluation				
EW-S3	<p data-bbox="322 336 741 360">EW-S3 Vertical Extent of Excavation</p> <table border="1" data-bbox="322 395 1081 1383"> <tr> <td data-bbox="322 395 584 895"> <p data-bbox="322 395 546 419">Identified areas of:</p> <ul style="list-style-type: none"> <li data-bbox="322 424 568 485">- High Natural Character (HNCs) <li data-bbox="322 489 568 619">- Outstanding Natural Features and Landscapes (ONFs/ONL) <li data-bbox="322 624 568 718">- Significant Natural Areas (SNAs) <p data-bbox="322 722 568 863">(except for HNC2, HNC6, ONL1, ONF5, ONF5A, ONF6, ONF7, ONF9 and ONF10)</p> </td> <td data-bbox="584 395 1081 895"> <p data-bbox="584 395 607 419">1.</p> <p data-bbox="629 424 741 448">2 metres</p> </td> </tr> <tr> <td data-bbox="322 895 584 1383"> <p data-bbox="322 895 546 956">HNC2 (Waimoana-Kairakau)</p> <p data-bbox="322 979 546 1010">HNC6 (Porangahau)</p> <p data-bbox="322 1038 568 1153">ONF5 & ONF5A (Northern end of Nga Kaihinaki-a-Whata & Te Whata Kokako)</p> <p data-bbox="322 1182 568 1212">ONF6 (Silver Range)</p> <p data-bbox="322 1241 501 1302">ONF7 (Kairakau Coastline)</p> <p data-bbox="322 1331 524 1361">ONF9 (Parimahu)</p> </td> <td data-bbox="584 895 1081 1383"> <p data-bbox="584 895 607 919">2.</p> <p data-bbox="629 924 719 948">1 metre</p> <p data-bbox="629 979 1066 1094"><u>(Excluding ancillary rural earthworks for maintenance of existing tracks, driveways, roads and accessways for which the limit is 2 metres)</u></p> </td> </tr> </table>	<p data-bbox="322 395 546 419">Identified areas of:</p> <ul style="list-style-type: none"> <li data-bbox="322 424 568 485">- High Natural Character (HNCs) <li data-bbox="322 489 568 619">- Outstanding Natural Features and Landscapes (ONFs/ONL) <li data-bbox="322 624 568 718">- Significant Natural Areas (SNAs) <p data-bbox="322 722 568 863">(except for HNC2, HNC6, ONL1, ONF5, ONF5A, ONF6, ONF7, ONF9 and ONF10)</p>	<p data-bbox="584 395 607 419">1.</p> <p data-bbox="629 424 741 448">2 metres</p>	<p data-bbox="322 895 546 956">HNC2 (Waimoana-Kairakau)</p> <p data-bbox="322 979 546 1010">HNC6 (Porangahau)</p> <p data-bbox="322 1038 568 1153">ONF5 & ONF5A (Northern end of Nga Kaihinaki-a-Whata & Te Whata Kokako)</p> <p data-bbox="322 1182 568 1212">ONF6 (Silver Range)</p> <p data-bbox="322 1241 501 1302">ONF7 (Kairakau Coastline)</p> <p data-bbox="322 1331 524 1361">ONF9 (Parimahu)</p>	<p data-bbox="584 895 607 919">2.</p> <p data-bbox="629 924 719 948">1 metre</p> <p data-bbox="629 979 1066 1094"><u>(Excluding ancillary rural earthworks for maintenance of existing tracks, driveways, roads and accessways for which the limit is 2 metres)</u></p>	<p data-bbox="1099 344 2049 405">The changes are not considered to be a significant departure from the Proposed District Plan as decided.</p> <p data-bbox="1099 416 2049 587">The agreed changes see that vertical excavations for specific high natural character and outstanding natural features can be increased to 2m where the activity is for ancillary rural earthworks for maintenance of existing tracks, driveways, roads and accessways. As the activities are restricted to existing activities, the potential for adverse effects was not considered to be significant, and the change reflected the intent to allow for continuation of existing productive activities.</p> <p data-bbox="1099 598 2049 713">The amendment is consistent with objectives and policies of the Plan that seek to enable earthworks to provide for people and communities' social, economic and cultural well-being, and their health and safety, where adverse effects are avoided, remedied or mitigated.</p> <p data-bbox="1099 724 2049 810">Policy NFL-P2 from the Natural Features and Landscapes chapter also seeks to allow activities within outstanding natural features and landscapes where they are for existing land uses.</p> <p data-bbox="1099 821 1630 852">Further section 32AA evaluation is not warranted.</p>
<p data-bbox="322 395 546 419">Identified areas of:</p> <ul style="list-style-type: none"> <li data-bbox="322 424 568 485">- High Natural Character (HNCs) <li data-bbox="322 489 568 619">- Outstanding Natural Features and Landscapes (ONFs/ONL) <li data-bbox="322 624 568 718">- Significant Natural Areas (SNAs) <p data-bbox="322 722 568 863">(except for HNC2, HNC6, ONL1, ONF5, ONF5A, ONF6, ONF7, ONF9 and ONF10)</p>	<p data-bbox="584 395 607 419">1.</p> <p data-bbox="629 424 741 448">2 metres</p>					
<p data-bbox="322 895 546 956">HNC2 (Waimoana-Kairakau)</p> <p data-bbox="322 979 546 1010">HNC6 (Porangahau)</p> <p data-bbox="322 1038 568 1153">ONF5 & ONF5A (Northern end of Nga Kaihinaki-a-Whata & Te Whata Kokako)</p> <p data-bbox="322 1182 568 1212">ONF6 (Silver Range)</p> <p data-bbox="322 1241 501 1302">ONF7 (Kairakau Coastline)</p> <p data-bbox="322 1331 524 1361">ONF9 (Parimahu)</p>	<p data-bbox="584 895 607 919">2.</p> <p data-bbox="629 924 719 948">1 metre</p> <p data-bbox="629 979 1066 1094"><u>(Excluding ancillary rural earthworks for maintenance of existing tracks, driveways, roads and accessways for which the limit is 2 metres)</u></p>					

Appendix M – Section 32AA Assessment to support consent position

CHB PDP Section	Agreed version		S32 AA Evaluation
	ONF10 (Porangahau Foredune & Estuary)		
	General Rural Zone ONL1 (Ruahine Range)	3. 5 metres	
	All Other Zones	4. 2.5 metres	

Topic 7A – National Grid

CHB PDP Section	Agreed version	S32 AA Evaluation
<p>Interpretation</p>	<p>National Grid Yard (Diagram only)</p>  <p>Single Pole</p> <p>Pi - Pole</p> <p>Steel Lattice Tower</p> <p>Tubular Steel Tower</p>	<p>The changes relate adding labels to the diagram under the definition of 'National Grid Yard'.</p> <p>The changes are not considered to be a significant departure from the Proposed District Plan as decided.</p> <p>The agreed amendments are an immaterial change to the plan and clarify what types of National Grid Yard structures are shown in the diagram.</p> <p>Further section 32AA evaluation is not warranted.</p>
<p>Interpretation</p>	<p>National Grid Subdivision Corridor</p>	<p>The changes relate to deleting the diagram under the definition of 'National Grid Subdivision Corridor'.</p> <p>The changes are not considered to be a significant departure from the Proposed District Plan as decided.</p>

Appendix M – Section 32AA Assessment to support consent position

CHB PDP Section	Agreed version	S32 AA Evaluation		
		<p>The agreed amendment is an immaterial change to the plan and is for the purposes of clarity as the diagram within the definition is confusing, as it does not accurately reflect what is within the text of the definition.</p> <p>Further section 32AA evaluation is not warranted.</p>		
<p>Standard SUB-S4</p> <p>....</p> <p>Subdivision of land within the National Grid Subdivision Corridor</p> <p>2. The subdivision of land in any zone within the National Grid Subdivision Corridor must be able to demonstrate that all resulting allotments are capable of accommodating a building platform for the likely principal building(s) and any building(s) for a sensitive activity outside of the National Grid Yard, other than where the allotments are for roads, access ways or network utilities.</p> <p>3. Within the National Grid Subdivision Corridor, the layout of allotments and any enabling earthworks must ensure that <u>vehicular physical access is maintained</u> to any National Grid support structures located on the allotments, including any balance area, <u>is available.</u></p> <p>....</p>	<p>SUB-S4 Building Platform</p>	<p>The changes are not considered to be a significant departure from the Proposed District Plan as decided.</p> <p>The agreed amendments are an immaterial change to the plan as they clarify that for subdivision of land within the National Grid Subdivision Corridor, the layout of allotments and any enabling earthworks must ensure that vehicular access to any National Grid support structures is available. The amendments also achieve better consistency with Standards EW-S6(3), GRUZ-S13(1)(b)(ii) and RPROZ-S15(1)(b)(ii).</p> <p>Requiring that access is available will not lock in a specific route and will continue to allow the landowner to determine access as per Section 23D of the Electricity Act 1992.</p> <p>Further section 32AA evaluation is not warranted.</p>		
<p>Rule EW-R5</p>	<p>EW-R5 Earthworks and vertical holes within the National Grid Yard</p> <table border="1" data-bbox="331 1050 1238 1398"> <tr> <td data-bbox="331 1050 884 1398"> <p>1. Activity Status: PER</p> <p>Where the following conditions are met:</p> <p>a. <u>Around National Grid poles, the earthworks and vertical holes must be no deeper than 300mm within 2.2 metres of the outer visible edge of any National Grid pole support structure, and no deeper than 750mm between 2.2 metres</u></p> </td> <td data-bbox="884 1050 1238 1398"> <p>2. Activity status where compliance with conditions EW-R5(1)(a) and/or EW-R5(1)(b) and/or EW R5(1)(c) is not achieved: RDIS</p> <p>Matters over which discretion is restricted:</p> <p>a. EW-AM1.</p> <p>b. EW-AM2.</p> </td> </tr> </table>	<p>1. Activity Status: PER</p> <p>Where the following conditions are met:</p> <p>a. <u>Around National Grid poles, the earthworks and vertical holes must be no deeper than 300mm within 2.2 metres of the outer visible edge of any National Grid pole support structure, and no deeper than 750mm between 2.2 metres</u></p>	<p>2. Activity status where compliance with conditions EW-R5(1)(a) and/or EW-R5(1)(b) and/or EW R5(1)(c) is not achieved: RDIS</p> <p>Matters over which discretion is restricted:</p> <p>a. EW-AM1.</p> <p>b. EW-AM2.</p>	<p>The changes are not considered to be a significant departure from the Proposed District Plan as decided.</p> <p>The agreed amendments are an immaterial change to the plan as they clarify which conditions apply specifically to earthworks and vertical holes around National Grid poles and around National Grid towers, and what exemptions apply.</p> <p>Further section 32AA evaluation is not warranted.</p>
<p>1. Activity Status: PER</p> <p>Where the following conditions are met:</p> <p>a. <u>Around National Grid poles, the earthworks and vertical holes must be no deeper than 300mm within 2.2 metres of the outer visible edge of any National Grid pole support structure, and no deeper than 750mm between 2.2 metres</u></p>	<p>2. Activity status where compliance with conditions EW-R5(1)(a) and/or EW-R5(1)(b) and/or EW R5(1)(c) is not achieved: RDIS</p> <p>Matters over which discretion is restricted:</p> <p>a. EW-AM1.</p> <p>b. EW-AM2.</p>			

Appendix M – Section 32AA Assessment to support consent position

CHB PDP Section	Agreed version	S32 AA Evaluation
	<p><u>and 5 metres of the outer visible edge of any National Grid pole support structure.</u></p> <p><u>Except that vertical holes not exceeding 500mm in diameter are exempt from a), provided they are more than 1.5m from the outer edge of the pole support structure or stay wire</u></p> <p>b. <u>Around National Grid towers (including tubular steel towers where these replace steel lattice towers). The earthworks and vertical holes must be no deeper (measured vertically) than 300mm within 6m of the outer visible edge of any National Grid tower support-structure foundation, and no deeper than 3 metres between 6 metres and 12 metres from the outer visible edge of a foundation of a National Grid tower support-structure foundation. , except under the following circumstances:</u></p> <p><u>Except that vertical holes are exempt from b), provided they are a post hole for a farm fence or artificial crop protection or crop support structures and are more than 5m from the visible outer edge of a tower support structure foundation.</u></p> <p><u>Except a) and b) do not apply to:</u></p> <p>i. <u>earthworks and vertical holes that are undertaken by a network utility operator (other than for the reticulation and storage of water for</u></p>	<p>c. EW-AM3.</p> <p>d. EW-AM4.</p> <p>e. EW-AM5.</p> <p>f. EW-AM6.</p> <p>g. EW-AM7.</p> <p>h. Impacts on the operation, maintenance, upgrading and development of the National Grid.</p> <p>i. The risk to the structural integrity of the affected National Grid support structure.</p> <p>j. Any impact on the ability of the National Grid owner (Transpower) to access the National Grid.</p> <p>k. The risk of electrical hazards affecting public or individual safety, and the risk of property damage.</p> <p>l. Technical advice provided by the National Grid owner (Transpower).</p> <p>m. Any effects on National Grid support structures including the creation of an unstable batter.</p> <p>3. Activity status where compliance with condition</p>

Appendix M – Section 32AA Assessment to support consent position

CHB PDP Section	Agreed version	S32 AA Evaluation
	<p>irrigation purposes) as defined by the Resource Management Act 1991, or</p> <p>ii. <u>earthworks and vertical holes</u> undertaken as part of agricultural or domestic cultivation, or repair, sealing or resealing of a road, footpath, driveway or farm track.</p> <p>iii. vertical holes not exceeding 500mm in diameter, provided they:</p> <p>a. are more than 1.5m from the outer edge of the pole support structure or stay wire, or</p> <p>b. are a post hole for a farm fence or artificial crop protection or crop support structures and are more than 6m from the visible outer edge of a tower support structure foundation.</p> <p>c. Compliance with:</p> <p>i. EW-S1;</p> <p>ii. EW-S2;</p> <p>iii. EW-S3;</p> <p>iv. EW-S4;</p> <p>v. EW-S5;</p> <p>vi. EW-S7;</p> <p>vii. EW-S8; and</p> <p>viii. EW-S9.</p> <p>d. Compliance with EW-S6.</p>	<p>EW-R5(1)(ed) is not achieved: NC</p>
<p>Standard EW-S6</p>	<p>EW-S6 Earthworks and Vertical Holes within the National Grid Yard</p> <p>All Zones</p> <p>1. The earthworks must not compromise the stability of a National Grid support structure, and</p>	<p>The changes are not considered to be a significant departure from the Proposed District Plan as decided.</p> <p>The agreed amendments are an immaterial change to the plan as they clarify that earthworks within the National Grid Yard must ensure that vehicular access to any National Grid support structure is available. The amendments also achieve better consistency with</p>

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CHB PDP Section	Agreed version	S32 AA Evaluation
	<p>2. The earthworks must not result in a reduction in ground-to-conductor clearance distances as required in Table 4 of the New Zealand Electrical Code of Practice for Electrical Safety Distances (NZECP 34:2001), and</p> <p>3. The earthworks within the National Grid Yard must not result in the permanent loss of ensure vehicular access to any National Grid support structure is available.</p>	<p>Standards SUB-S4(3), GRUZ-S13(1)(b)(ii) and RPROZ-S15(1)(b)(ii).</p> <p>Requiring that access is available will not lock in a specific route and will continue to allow the landowner to determine access as per Section 23D of the Electricity Act 1992.</p> <p>Further section 32AA evaluation is not warranted.</p>
<p>Standard GRUZ-S13</p>	<p>GRUZ-S13 Setback from National Grid Yard</p> <p>All buildings and structures</p> <p>1. Under the National Grid conductors (wires):</p> <p>a. on all sites within any part of the National Grid Yard, all buildings and structures must:</p> <p>i.</p> <p>ii. ...</p> <p>iii.</p> <p>iv.</p> <p>b. all buildings or structures permitted by a. must comply with the following conditions:</p> <p>i. demonstrate that safe electrical clearance distances required by NZECP 34:2001 New Zealand Electricity Code of Practice for Electricity Safe Distances are maintained under all National Grid line operating conditions.</p> <p>ii. <u>The building or structure within the National Grid Yard must not permanently physically impede existing ensure vehicular access to any National Grid support structure is available.</u></p> <p>2. Around National Grid support structures: buildings and structures permitted under clause 21 above must be set back at least 12m from the outer visible edge of a tower, or 10m from a single pole, forming part of a National Grid support structures, except where the building or structure is:</p> <p>[...]</p>	<p>The changes are not considered to be a significant departure from the Proposed District Plan as decided.</p> <p>The agreed amendments are an immaterial change to the plan as they clarify that buildings and structures within the National Grid Yard must ensure that vehicular access to any National Grid support structure is available. The amendments will give effect to the National Policy Statement for Electricity Transmission (NPSET) as required by section 75(3)(a) of the Resource Management Act 1991, particularly the Objective of the NPSET, Policy 1, Policy 2, Policy 10 and Policy 11. It will also achieve better consistency with Standards SUB-S4(3) and EW-S6(3).</p> <p>Requiring that access is available will not lock in a specific route and will continue to allow the landowner to determine access as per Section 23D of the Electricity Act.</p> <p>Further section 32AA evaluation is not warranted.</p>
<p>Standard RPROZ-S15</p>	<p>RPROZ-S15 Setback from National Grid Yard</p> <p>All buildings and structures</p> <p>1. Under the National Grid conductors (wires):</p>	

Appendix M – Section 32AA Assessment to support consent position

CHB PDP Section	Agreed version	S32 AA Evaluation
	<p>a. on all sites within any part of the National Grid Yard, all buildings and structures must:</p> <ul style="list-style-type: none"> i. ii. ... iii..... iv..... <p>b. all buildings or structures permitted by a. must comply with the following conditions:</p> <ul style="list-style-type: none"> i. demonstrate that safe electrical clearance distances required by NZECP 34:2001 New Zealand Electricity Code of Practice for Electricity Safe Distances are maintained under all National Grid line operating conditions. ii. <u>The building or structure within the National Grid Yard must not permanently physically impede existing ensure</u> vehicular access to <u>any</u> National Grid support structure <u>is available</u>. <p>2. Around National Grid support structures: buildings and structures permitted under clause 21 above must be set back at least 12m from the outer visible edge of a tower, or 10m from a single pole, forming part of a National Grid support structures, except where the building or structure is:</p> <p>[...]</p>	

Topic 8 - Agricultural Aircraft

CHB PDP Section	Agreed version	S32 AA Evaluation		
Interpretation	<u>Farm Airstrip - Means any airstrip on land where the principal use of the land is for primary production and the airstrip is used intermittently for agricultural aviation activities only.</u>	The changes are not considered to be a significant departure from the Proposed District Plan as decided.		
Interpretation	Rural Airstrip - means any defined area of land in the rural area intended or designed to be used, whether wholly or partly, for aircraft movement or storage, or the servicing of aircraft excluding any airstrip on land where the principal use of that land is for primary production and is used intermittently for agricultural aviation activities (farm airstrips).	The decisions included an exemption for farm airstrips within this definition. The amendment that parties agreed on relocates that description of farm airstrips and rehouses it under a separate definition. This provides more clarity for plan users and allows for an appropriate framework to be provided. Further section 32AA evaluation is not warranted.		
Interpretation	Helicopter Depot - means a site regularly used as a base for the operation, servicing, refueling, and storage of helicopters <u>including heliports and helipads.</u>	The changes are not considered to be a significant departure from the Proposed District Plan as decided.		
Interpretation	Helicopter Landing Area - means any area of land, intended or designed to be used, whether wholly or partly, for helicopter movement or servicing, including heliports and helipads <u>but excludes the intermittent take-off and landing of helicopters associated with agricultural aviation activities.</u>	Heliports and helipads were confirmed through the mediation process to have characteristics which are more appropriate for addressing as “Helicopter Depot”, in that they have a more permanent and potentially prominent physical presence and may be used more frequently resulting in effects that should be considered through the Helicopter Depot rule. The exclusion of the landing of the intermittent take offs and landings of helicopters associated with agricultural aviation activities is consistent with the separate definition of “Agricultural Aviation Activity” which is separately defined and provided for as a permitted activity. This clarifies the situation and avoids the activity being inadvertently captured by two definitions and rules. Further section 32AA evaluation is not warranted.		
GRUZ-R23	<p><u>GRUZ-R23 Farm Airstrip</u></p> <table border="1" data-bbox="315 1145 1171 1321"> <tr> <td data-bbox="315 1145 853 1321"> <u>1. Activity Status: PER</u> <u>Where the following conditions are met:</u> a. <u>Compliance with GRUZ-S13 (setbacks from National Grid).</u> </td> <td data-bbox="853 1145 1171 1321"> <u>2. Activity status where compliance with condition GRUZ-R23(1)(a) is not achieved: NC</u> </td> </tr> </table>	<u>1. Activity Status: PER</u> <u>Where the following conditions are met:</u> a. <u>Compliance with GRUZ-S13 (setbacks from National Grid).</u>	<u>2. Activity status where compliance with condition GRUZ-R23(1)(a) is not achieved: NC</u>	The changes are not considered to be a significant departure from the Proposed District Plan as decided. The introduction of a farm airstrip rule in both the General Rural and Rural Production Zones gives effect to the objectives and policies of the zones to enable primary production activities. Providing for farm airstrips in a rule as a permitted activity also further clarifies the intent of the Council’s decision on this topic at the decision-making stage to exclude farm airstrips from rural airstrips.
<u>1. Activity Status: PER</u> <u>Where the following conditions are met:</u> a. <u>Compliance with GRUZ-S13 (setbacks from National Grid).</u>	<u>2. Activity status where compliance with condition GRUZ-R23(1)(a) is not achieved: NC</u>			
RPROZ-R24	<u>RPROZ-R24 Farm Airstrip</u>	Further section 32AA evaluation is not warranted.		

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CHB PDP Section	Agreed version	S32 AA Evaluation		
	<p>1. Activity Status: PER</p> <p><u>Where the following conditions are met:</u> a. Compliance with RPROZ-S15 (setbacks from National Grid).</p>	<p>2. Activity status where compliance with condition RPROZ-R24(1)(a) is not achieved: NC</p>		
GRUZ-R22	<p>GRUZ-R22 Airport / aerodrome (other than rural airstrip and farm airstrip), and helicopter depot</p> <p>1. Activity Status: DIS</p> <p><u>Where the following conditions are met:</u> a. Compliance with GRUZ-S13 (setbacks from National Grid).</p>	<p>2. Activity status where compliance with condition GRUZ-R22(1)(a) is not achieved: NC</p> <p>The changes are not considered to be a significant departure from the Proposed District Plan as decided.</p> <p>This agreed amendment is an immaterial change to the plan as it is a consequential change to the introduction of the farm airstrip rule.</p> <p>Further section 32AA evaluation is not warranted.</p>		
RPROZ-R23	<p>RPROZ-R23 Airport / aerodrome (other than rural airstrip and farm airstrip), and helicopter depot</p> <p>1. Activity Status: DIS</p> <p><u>Where the following conditions are met:</u> a. Compliance with RPROZ-S15 (setbacks from National Grid).</p>	<p>2. Activity status where compliance with condition RPROZ-R23(1)(a) is not achieved: NC</p>		
NOISE-S5	<p>NOISE-S5 Exemptions and Noise Limits for Specific Activities</p> <p><i>Note: Regardless of the exemptions below, all land uses are subject to section 16 and Part 12 of the RMA.</i></p> <table border="1" data-bbox="315 1161 1176 1331"> <tr> <td data-bbox="315 1161 472 1331">Agricultural Aviation Activities and Farm Airstrips</td> <td data-bbox="472 1161 1176 1331"> <p>11. Exempt from NOISE-S4 for up to 14 days in any calendar year.</p> <p>12. Otherwise, must comply with the noise limits as for rural airstrips (NOISE-S5(13), (14) & (15)) and helicopter landing areas (NOISE-S5(16), (17) & (18)).</p> </td> </tr> </table>	Agricultural Aviation Activities and Farm Airstrips	<p>11. Exempt from NOISE-S4 for up to 14 days in any calendar year.</p> <p>12. Otherwise, must comply with the noise limits as for rural airstrips (NOISE-S5(13), (14) & (15)) and helicopter landing areas (NOISE-S5(16), (17) & (18)).</p>	<p>The changes are not considered to be a significant departure from the Proposed District Plan as decided.</p> <p>The amendments to exempt agricultural aviation activities from standard NOISE-S4 is essentially a correction of an error made when translating the Council decisions to the Decisions version of the plan. The Panel stated –</p> <p>“Given the importance of agricultural aviation activities to primary production, biosecurity and biodiversity in the District, and the absence of information to identify that these activities are creating reverse sensitivity issues in the District, <u>the Panel has concluded that a blanket exemption should be applied to intermittent agricultural aviation activities</u> associated with primary production, biosecurity and biodiversity in the District. In all</p>
Agricultural Aviation Activities and Farm Airstrips	<p>11. Exempt from NOISE-S4 for up to 14 days in any calendar year.</p> <p>12. Otherwise, must comply with the noise limits as for rural airstrips (NOISE-S5(13), (14) & (15)) and helicopter landing areas (NOISE-S5(16), (17) & (18)).</p>			

CHB PDP Section	Agreed version	S32 AA Evaluation
	<p>Rural Airstrips</p> <p>13. Exempt from NOISE-S4. The day-night average sound level (L_{dn}) generated by aircraft movements (excluding emergency aviation, and agricultural aviation activities for up to 14 days in any calendar year) must not exceed 55 dB L_{dn}, measured at the notional boundary of any building containing a noise sensitive activity on a separate site under different ownership in the General Rural, Rural Production, and Rural Lifestyle Zones, or at the boundary of any site containing a noise sensitive activity in all other zones.</p> <p>14. Aircraft noise must be measured and assessed in accordance with the provisions of NZS 6805:1992 Airport Noise Management and Land Use Planning.</p> <p>15. Aircraft maintenance and engine testing that is ancillary to aircraft operations is excluded from the calculations above and must comply with the zone-specific noise limits in NOISE-S4.</p> <p>Helicopter Landing Areas (other than those for temporary military training activities)</p> <p>16. Exempt from NOISE-S4. The day-night average sound level (L_{dn}) generated by helicopter movements (excluding emergency aviation movements, and agricultural aviation activities for up to 14 days in any calendar year) must not exceed 50 dB L_{dn} measured at the notional boundary of any building containing a noise sensitive activity on a separate site under different ownership in the General Rural, Rural Production, and Rural Lifestyle Zones, or at the boundary of any site containing a noise sensitive activity in all other zones.</p> <p>17. Noise may be averaged over periods of seven consecutive days and the averaged value must not exceed 50 dB L_{dn}, and in any case the limit must not be exceeded by 3 dB on any day.</p> <p>18. Helicopter noise must be measured and assessed in accordance with the provisions of NZS 6807:1994 – Noise</p>	<p>other situations, the standards applying to rural airstrips would also apply to agricultural aviation activities where they are using a rural airstrip.”</p> <p>The Council adopted the Panel’s recommendation in this regard in full, but was not correctly captured in the Decisions version.</p> <p>The amendment is not contrary to the noise objectives and policies of the Plan, given that agricultural aviation activities are defined as being intermittent as well as being in association with primary production activities, and therefore consistent with the character of the rural zones.</p> <p>The addition of Farm Airstrips in relation to clause 11 is a consequential amendment that has little material effect on the Plan.</p> <p>Further section 32AA evaluation is not warranted.</p>

Appendix M – Section 32AA Assessment to support consent position

CHB PDP Section	Agreed version	S32 AA Evaluation
	management and land use planning for helicopter landing areas.	

Topic 9 - Rural Setbacks

CHB PDP Section	Agreed version	S32 AA Evaluation				
	<p data-bbox="322 391 734 416">GRUZ-S5 Setback from Neighbours</p> <table border="1" data-bbox="322 451 1182 1362"> <tr> <td data-bbox="322 451 752 592"> <p data-bbox="322 451 591 563">Residential Activities adjacent to an existing plantation forest on an adjoining site</p> </td> <td data-bbox="752 451 1182 592"> <p data-bbox="763 451 1167 547">1. Minimum setback of buildings from an existing plantation forest on an adjoining site is 40m.</p> </td> </tr> <tr> <td data-bbox="322 592 752 1362"> <p data-bbox="322 592 730 762">All Other Activities (including Residential activities but excluding as provided for in GRUZ-S5(3)-(7) below) Accessory Buildings and Structures (Primary Production))</p> </td> <td data-bbox="752 592 1182 1362"> <p data-bbox="763 592 1167 823">2. <u>For sites greater than 2.5 ha,</u> Minimum setback of buildings for an activity from internal boundaries is 15m. Farm and domestic water storage tanks up to 2m in height are exempt from this standard.</p> <p data-bbox="763 831 1167 1086"><u>2A. For sites 2.5ha or less, minimum setback of buildings for an activity from internal boundaries shared with an adjoining lot greater than 2.5 ha is 15m. Farm and domestic water storage tanks up to 2m in height are exempt from this standard.</u></p> <p data-bbox="763 1118 1167 1362"><u>2B. For sites 2.5ha or less, minimum setback of buildings for an activity from internal boundaries shared with an adjoining lot 2.5 ha or less or from land zoned General Residential is 5m, provided the setback from any adjoining lot larger than 2.5 ha is 15m. Farm</u></p> </td> </tr> </table>	<p data-bbox="322 451 591 563">Residential Activities adjacent to an existing plantation forest on an adjoining site</p>	<p data-bbox="763 451 1167 547">1. Minimum setback of buildings from an existing plantation forest on an adjoining site is 40m.</p>	<p data-bbox="322 592 730 762">All Other Activities (including Residential activities but excluding as provided for in GRUZ-S5(3)-(7) below) Accessory Buildings and Structures (Primary Production))</p>	<p data-bbox="763 592 1167 823">2. <u>For sites greater than 2.5 ha,</u> Minimum setback of buildings for an activity from internal boundaries is 15m. Farm and domestic water storage tanks up to 2m in height are exempt from this standard.</p> <p data-bbox="763 831 1167 1086"><u>2A. For sites 2.5ha or less, minimum setback of buildings for an activity from internal boundaries shared with an adjoining lot greater than 2.5 ha is 15m. Farm and domestic water storage tanks up to 2m in height are exempt from this standard.</u></p> <p data-bbox="763 1118 1167 1362"><u>2B. For sites 2.5ha or less, minimum setback of buildings for an activity from internal boundaries shared with an adjoining lot 2.5 ha or less or from land zoned General Residential is 5m, provided the setback from any adjoining lot larger than 2.5 ha is 15m. Farm</u></p>	<p data-bbox="1205 400 2045 488">There was agreement among the parties that the 15m setback in the Decisions version of the plan between neighbors' boundaries is not always necessary or practical between smaller sites in the Rural Zone that are less than 2.5ha.</p> <p data-bbox="1205 496 2045 695">Providing a reduced setback between sites generally characterised as lifestyle would continue to give effect to the objectives and policies of the General Rural Zone which seek to provide for separation between sensitive activities and primary production activities. A reduced setback as between lifestyle properties (while ensuring a 15m setback from any site larger than 2.5 ha) would encourage the location of non-productive activities away from boundaries with larger, more productive sites.</p> <p data-bbox="1205 703 2045 879">Standards GRUZ-S5(6) and (7) relate to Sites created, or applied for, prior to notification of the Proposed District Plan on 28 May 2021 which were less than 4,000m² net site area. 4,000m² was the minimum lot size in the Operative District Plan and this standard was introduced as part of decisions on submissions in recognition that the 15m minimum setback would be difficult to achieve for lots created under the previous Plan.</p> <p data-bbox="1205 887 2045 975">All parties were agreed that the date should be amended to refer to 25 May 2023 when the decisions version was notified to capture sites created under the operative plan rules, before the PDP rules took legal effect.</p> <p data-bbox="1205 983 2045 1102">These are considered minor amendments that will provide for a more effective and efficient way of administering setback rules in the Rural Zone without changing the policy approach of managing reverse sensitivity. It is considered that further S32AA re-evaluation is not warranted.</p>
<p data-bbox="322 451 591 563">Residential Activities adjacent to an existing plantation forest on an adjoining site</p>	<p data-bbox="763 451 1167 547">1. Minimum setback of buildings from an existing plantation forest on an adjoining site is 40m.</p>					
<p data-bbox="322 592 730 762">All Other Activities (including Residential activities but excluding as provided for in GRUZ-S5(3)-(7) below) Accessory Buildings and Structures (Primary Production))</p>	<p data-bbox="763 592 1167 823">2. <u>For sites greater than 2.5 ha,</u> Minimum setback of buildings for an activity from internal boundaries is 15m. Farm and domestic water storage tanks up to 2m in height are exempt from this standard.</p> <p data-bbox="763 831 1167 1086"><u>2A. For sites 2.5ha or less, minimum setback of buildings for an activity from internal boundaries shared with an adjoining lot greater than 2.5 ha is 15m. Farm and domestic water storage tanks up to 2m in height are exempt from this standard.</u></p> <p data-bbox="763 1118 1167 1362"><u>2B. For sites 2.5ha or less, minimum setback of buildings for an activity from internal boundaries shared with an adjoining lot 2.5 ha or less or from land zoned General Residential is 5m, provided the setback from any adjoining lot larger than 2.5 ha is 15m. Farm</u></p>					

Appendix M – Section 32AA Assessment to support consent position

CHB PDP Section	Agreed version		S32 AA Evaluation
		<p><u>and domestic water storage tanks up to 2m in height are exempt from this standard.</u></p>	
	<p>Accessory Buildings</p> <p>Accessory Buildings and Structures (Primary Production)</p>	<p>3. Minimum setback of buildings for an activity from internal boundaries is 5m. Farm and domestic water storage tanks up to 2m in height are exempt from this standard.</p>	
	<p>Artificial Crop Protection Structures</p>	<p>4. Minimum setback from internal boundaries of 5m.</p> <p>5. Minimum setback from the nearest part of a residential dwelling on a separate site is 15m.</p>	
	<p>Sites created before 28 May 2021 <u>25 May 2023</u> and less than 4000m² net site area</p> <p>Where a subdivision consent application to create a site is lodged with Council before 28 May 2021, and accepted under section 88 of the RMA 1991 and thereafter granted</p>	<p>6. Minimum setback of buildings for a residential activity from internal boundaries is 5m.</p> <p>7. Minimum setback of buildings for all other activities from internal boundaries is 10m.</p>	

Topic 11 – Miscellaneous

CHB PDP Section	Agreed version	S32 AA Evaluation
SSB-P1	To promote subdivision design and building development that optimises efficient resource and energy use and water conservation measures through improved subdivision and building design, including by orientation to the sun, <u>development of houses with smaller physical footprints</u> , domestic on-site water storage and utilising principles of low impact urban design.	<p>The changes are not considered to be a significant departure from the Proposed District Plan as decided.</p> <p>Physically smaller houses can have reduced adverse effects on the environment, such as reduced stormwater run-off and water and energy consumption.</p> <p>This change better achieves the single objective of the SSB – Sustainable Subdivision and Building chapter, Objective SSB-O1, which is to ‘Promote sustainable subdivisions and buildings in the District’.</p> <p>Therefore, no s32AA evaluation is necessary.</p>
NH-O3	Any <u>significant increase in risk to people, property, infrastructure and the environment from the effects of natural hazards should be avoided and any other increase in risk should be avoided</u> , remedied or mitigated, reflecting the level of risk posed by the hazard.	<p>The changes are not considered to be a significant departure from the Proposed District Plan as decided.</p> <p>These amendments place a stronger emphasis on avoiding the effects of natural hazards where there is a significant risk to people, property and infrastructure, and where there is any other risk, this should be avoided, remedied or mitigated. The amendment is considered to assist the Council to meet its obligations under s 6(h) RMA.</p> <p>Further section 32AA evaluation is not warranted.</p>
NH-P9	To ensure that subdivision, land use activities or other new development is located and designed so natural hazard mitigation activities <u>beyond the subdivision or development site</u> are not required.	<p>The changes are not considered to be a significant departure from the Proposed District Plan as decided.</p> <p>The agreed amendments clarify that the intent of the policy is not to necessarily prevent subdivision and land use activities if they require natural hazard mitigation. Policy NH-P9 relates to ensuring that subdivision, land use activities and other new development does not rely on natural hazard mitigation activities to appropriate mitigate natural hazard risks, and which would extend beyond mitigation measures within the subject site.</p> <p>‘Natural hazard mitigation activities’ are defined in the PDP as being “activities that are carried out to reduce the risks posed by natural hazards (includes stopbanks, sea walls, vegetation planting, and river control drainage works)”. These measures are broader, off-site measures that may be taken to mitigate natural hazard risk. It is these measures that the policy is directing development from being reliant on.</p>

Appendix M – Section 32AA Assessment to support consent position

CHB PDP Section	Agreed version	S32 AA Evaluation
		Further section 32AA evaluation is not warranted.
LLRZ	Large Lot Residential Zone (Coastal)	<p>The changes are not considered to be a significant departure from the Proposed District Plan as decided.</p> <p>Having coastal in brackets to the name of this zone is not consistent with National Planning Standards, and so removing it will have an immaterial effect on the Plan.</p> <p>Further section 32AA evaluation is not warranted.</p>