

Our Ref: POL 6/1

14 February 2014

Hastings District Council  
Private Bag 9002  
**Hastings 4156**  
Attn: Rowan Wallis

Dear Sir,

### **SUBMISSION ON PROPOSED HASTINGS DISTRICT PLAN**

1. Thank you for the opportunity to make a submission on the Proposed Hastings District Plan. On 8 November 2013 the Regional Council was notified of the Proposed Hastings District Plan. Having reviewed the Proposed Plan, the Regional Council generally supports its intent, with some further amendments sought. The Regional Council's requested amendments and brief reasons for those are set out in the attachment.
2. Relevant aspects of this submission by the Regional Council are also made on behalf of the Hawke's Bay Civil Defence Emergency Management Group.

### **INTRODUCTION**

#### **Regional policy statement and plans**

3. It is useful to remember that sections 73(4) and 75(3) of the RMA require district plans to give effect to regional policy statements. In practice, giving effect to a policy statement typically means actively implementing the policy approach – not merely being silent or passive. We note that section 75(4) of the RMA applies a different threshold in relation to regional plans. The Hawke's Bay Regional Policy Statement (which is incorporated into the Hawke's Bay Regional Resource Management Plan) is a second generation planning document which was made operative in August 2006.

#### **The Hawke's Bay Civil Defence Emergency Management (HBCDEM) Group**

4. The HBCDEM Group has collective responsibility for the delivery of civil defence and emergency management within Hawke's Bay. Every council is required to be a member of a Group and the HBCDEM Group consists of the Hawke's Bay Regional Council, Wairoa District Council, Hastings District Council, Napier City Council, and Central Hawke's Bay District Council.
5. The HBCDEM Group is governed by the Joint Committee which is made up of the Mayors of each of the territorial authorities and the Chair of the Regional Council. This Committee sets the strategic direction for CDEM across the Hawke's Bay region. The management of the Group is the responsibility of the Coordinating Executives Group which consists of the CEOs of the councils and representatives of the emergency services and other partner agencies. The administering authority for the Group is the Regional Council.
6. The HBCDEM Group's vision is 'A Resilient Hawke's Bay Community.' The Plan states that resilience in Risk Reduction activities means individuals and organisations acknowledge and confront the risks they face. Hastings District Council is encouraged to continue its work in ensuring the risks its communities face are clearly identified and analysed to understand if

the risk is intolerable. Where intolerable risk is identified then hard decisions may need to be made.

7. The HBCDEM Group Plan sets out the strategies to assist its members to achieve this outcome. Reduction strategies (being one of the “4Rs”) include identifying and analysing long-term risks to human life and property from natural or non-natural hazards; taking steps to eliminate these risks if practicable, and if not, reducing the magnitude of their impact and the likelihood of their occurring. One of the key methods of reducing the risk from natural hazards is the control of land use through RMA planning documents, including district plans.

#### **Other Matters**

8. We do wish to be heard in support of our submission.
9. We would not consider presenting a joint case with other submitters.
10. Regional Council representatives are willing to have further discussions with Hastings District Council planning staff about matters raised in this submission as they prepare their s42A hearing reports over the coming months.
11. The Regional Council’s address for service in relation to this submission is:  
Hawke’s Bay Regional Council  
159 Dalton Street  
Private Bag 6006  
NAPIER 4110  
Attn: Esther-Amy Bate  
P: 06 833-8026  
E: [esther-amy@hbrc.govt.nz](mailto:esther-amy@hbrc.govt.nz)
12. Thank you for the opportunity to make this submission. If you have any queries on this submission, in the first instance please contact Esther-Amy Bate using the details above.

Yours sincerely

Helen Codlin  
**GROUP MANAGER STRATEGIC DEVELOPMENT**

Point	District Plan Section/page number	Comment	Requested amendment
<b>Section 1.1 – General Introduction</b>			
1	Section 1.1.4.2 Regional Level (pg 3)	<p>This section states that district plans must be consistent with RPS and Regional Plans.</p> <p>As noted in the introduction to our submission, s75 of the RMA is quite specific in that it states that district plans <u>must give effect to</u> a RPS – there is a subtle, yet important difference between ‘being consistent with’ and ‘giving effect to’ something. ‘Giving effect to’ means actively undertaking an action to cause something to happen, whereas ‘being consistent with’ something could simply be achieved by being silent on an issue.</p>	<ol style="list-style-type: none"> <li>Amend Section 1.1 as necessary to correctly state that district plans must ‘give effect to’ Regional Policy Statements.</li> <li>Make any necessary consequential amendments to the District Plan in order that it give effect to the RPS, not merely is consistent with it.</li> </ol>
<b>Section 2.4 – Urban Strategy</b>			
2	<p>Structure Plans</p> <p>Section 2.4 (page 3)</p> <p>Methods (page 7) ‘Structure Plans’</p>	<p>Policy UD10.1 of the RPS (included by Change 4) <u>requires</u> comprehensive structure plans to be prepared for the development of urban activities within all greenfield growth areas, while Policy UD10.3 of the RPS sets out the minimum requirements for a structure plan developed for any areas within the region.</p> <p>While it is recognised that Objective UDO2 in the District Plan refers to new urban development being planned for and undertaken in a manner that is consistent with the matters outlined in the RPS, there are no policies or explanations which provide a clear link between the requirements of RPS Policies UD10.1 and UD10.3 and the residential greenfield growth areas in the district plan.</p> <p>It would be beneficial for Plan users if RPS Policies UD10.1 and UD10.3 were to be cross-referenced in the district plan as they ensure consistency between private and council-led urban development proposals by setting out expectations for development across the region.</p>	<ol style="list-style-type: none"> <li>Amend Section 2.4 to include a new policy requiring comprehensive structure plans to be developed for all new greenfield growth areas. An example of wording of this new could be: ‘<u>Policy xx : Establish a comprehensive structure plan for all new greenfield growth areas, prior to development,</u></li> <li>Add a new explanation associated with the policy so that explanation at least refers to RPS Policies UD10.1 and UD10.3.</li> <li>Amend the method titled ‘structure plans’ to: <ol style="list-style-type: none"> <li>state that the development of urban activities within greenfield growth areas will occur in accordance with a comprehensive structure plan to guide development; and</li> <li>cross reference RPS Policies UD10.1 and UD10.2.</li> </ol> </li> </ol>
3	Section 2.4 Methods (page 6) ‘Regional Policy Statements and Plans’	<p>As noted in the introduction to our submission, s75 of the RMA is quite specific in that it states that district plans <u>must give effect to</u> a RPS.</p> <p>Under the title “Regional Policy Statement and Plans”, the paragraph states that its planning and regulatory functions are carried out in a manner <u>‘not inconsistent with’</u> the RPS.</p>	<ol style="list-style-type: none"> <li>Amend methods in Section 2.4 to clarify that planning and regulatory functions in district plans are to be carried out in a manner which ‘gives effect to’ the Hawke’s Bay Regional Policy Statement.</li> </ol>
<b>Section 2.5 Transportation Strategy</b>			
4	Objective TSO1 (page 4)	The objective states it will mitigate effects on the community but doesn’t specify what effects. Effects can be positive, negative, cumulative, short-term, long-term etc.	<ol style="list-style-type: none"> <li>Amend Objective TSO1 by adding the word ‘adverse’</li> </ol>

Point	District Plan Section/page number	Comment	Requested amendment
			before the word effects.
5	Objective TS05 and Policy TS05 (page 5)	Non-vehicle based transportation is not the same thing as alternative transportation which includes public transportation modes such as buses. The Objective TS05 is not consistent with Policy TSP6. Clarity is needed to provide certainty as to what is trying to be achieved.	8. Amend Objective TS05 and Policy TS05 by replacing reference to 'non-vehicle based transportation' with "alternative transportation modes".
6	2.5.5 Methods Subdivision and Land Development (page 7)	The method refers to the provision of 'alternative transport networks' as part of future subdivision design. The use of this wording supports the re-wording of Objective TS05 (page 5) to ensure consistency throughout the Plan.  The method should also include a requirement to ensure connectivity to the existing roading network.	9. Amend Section 2.5.5 to include a requirement to consider connectivity to the existing roading network.  10. And make necessary consequential amendments to Section 30.1 Subdivision and Land Development.
7	2.5.5 Methods Road Hierarchy (page 7)	The Hastings Roding Hierarchy is outlined in Appendix 69 not Appendix 68 as stated.	11. Amend Section 2.5.5 to replace reference to 'Appendix 68' with "Appendix 69".
8	2.5.5 Methods Parking Management Strategy (page 8)	The explanation of the method seems to be incomplete and requires further explanation.	12. Amend section 2.5.5 to include a further explanation to clarify the intent and use of the method.
<b>Section 2.7 Coastal Environment Strategy</b>			
9	2.7.1 Introduction	The RMA requires the Minister of Conservation to prepare a New Zealand Coastal Policy Statement (NZCPS) to guide local authorities in their day to day management of the coastal environment. In turn, local authorities must <u>give effect</u> to relevant provisions of the NZCPS in planning documents and consent authorities must <u>have regard</u> to relevant provisions when considering consent applications.	13. Amend third paragraph of section 2.7.1 to read:  <i>In managing this diverse resource, the District Plan also needs to <del>have regard</del> <u>give effect</u> to the New Zealand Coastal Policy Statement...</i>
10	2.7.1 Introduction 'Coastal Environment' definition	The HBRC is not merely an "adjoining" authority but has a complementary role above MHWS as well as the local authority for resource management functions in the coastal marine area.  We note that the District Plan's definition of 'Coastal Environment' is at odds with the common interpretation of 'coastal environment' as, for example, in the 2010 NZ Coastal Policy Statement. In that definition, the coastal marine area is included within the coastal environment. This discrepancy might lead to confusion about geographic differences in planning terminology.	14. Amend third paragraph of Section 2.7.1 to read:  <i>The Hawke's Bay Regional Council <del>is an adjoining authority, which manages the Coastal Environment and which includes the Coastal Marine Area through its Regional Coastal Environment Plan.</del></i>  15. Delete or amend definition of 'coastal environment'; or create a new term in order to avoid confusion about whether the coastal environment includes or excludes the CMA for the purposes of the District Plan, compared with other national and regional planning documents under the RMA.

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11	2.7.2.1 Managing Natural Processes	HDC should take into account not only its own information, but all available information, including that information held by, and available from, HBRC.	16. Amend second paragraph of section 2.7.2.1 to read:  <i>During the life of the District Plan the Council will need to review <u>its all</u> available information to ensure that any...</i>
12	2.7.2.2 Preserving the Natural Character of the Coastal Environment.	Incorrect reference to National Coastal Policy Statement.	17. Amend second paragraph of section 2.7.2.2 to read:  <i>...and the direction established by the Resource Management Act 1991 and <del>National</del> <u>New Zealand</u> Coastal Policy Statement.</i>
13	2.7.2.6 Protecting Tangata Whenua Values in the Coastal Environment	The Regional Coastal Environment Plan Chapter 6 Explanations and Reasons Section 6.2 states:  <i>The identification and protection of coastal characteristics of special significance to iwi recognises the special relationships that iwi have with coastal resources. <u>The whole of the CMA is of significance to Ngati Kahungunu. The Coastal Margin is also of importance to Ngati Kahungunu.</u> [emphasis added].</i>  This is a statement repeatedly made by Ngati Kahungunu in various forms of engagement with HBRC. The District Plan should reflect this sentiment too.	18. Amend section 2.7.2.6 as follows:  <i><del>The Coastal environment therefore has particular significance to local iwi;</del> <u>The whole of the Coastal Marine Area is of significance to Ngati Kahungunu. The Coastal Margin is also of importance to Ngati Kahungunu.</u> <del>and the</del> <u>The District Plan will need to ensure that the <del>Tangata Whenua</del> Ngati Kahungunu are consulted as part of the ongoing and future management of the Coastal Environment Resources.</u></i>
14	2.7.2.7 Recognising the Modified Coastal Environment	Recognises that further developments must be appropriate in the context of place and intensity to provide for the sustainable management of coastal resources. This language is consistent with NZCPS policies.	19. Amend second sentence in s2.7.2.7 Recognising the Modified Coastal Environment as follows:  <i>The District Plan must recognise and provide for ongoing <u>appropriate</u> development, within the context of the need to sustainably manage the Hastings District coastal resources.</i>
15	2.7.2.8 Providing for the Sustainable Development of Coastal Settlements in the Hastings District, second paragraph, second sentence.	Recognises that limited infrastructure pertaining to, for example wastewater servicing, is also a limiting factor in the sustainable development of coastal settlements.	20. Amend second paragraph, second sentence in s2.7.2.8 as follows:  <i>The Strategy identifies that there should be choice in the type of residential development but there should not be an unlimited supply of the various land types for reasons relating to <u>limited infrastructure</u>, sustainable urban development and compact urban development.</i>
16	2.7.2.8 Providing for the Sustainable	The last sentence of paragraph 2 which reads as follows appears to be a method rather	21. Consider relocating last sentence of paragraph 2 in

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	Development of Coastal Settlements in the Hastings District, second paragraph, fourth sentence.	than a Strategy: "...The Council has identified land for future residential development at Haumoana and Te Awanga, but deferred its rezoning until completion of the Master Plan for this area."	section 2.7.2.8 as a method in s2.7.5.
17	2.7.3 Anticipated Outcomes - CE1	The outcome is somewhat ambiguous and it is not clear what this is trying to describe/achieve. Reference to "matters of significance" is particularly ambiguous. Is this within an RMA context or is HDC going to undertake work to define 'significance'?	22. Consider rewording outcome CE1 to provide clarity to the intent of the outcome.
18	2.7.4 Objectives and Policies - general	It is unclear to what extent the HDC Coastal Environment Strategy pertains to. The Regional Council has mapped the Coastal Environment for the purpose of the Regional Coastal Environment Plan. In this context the Coastal Environment includes both the Coastal Marine Area and the Coastal Margin. Both are included in the RCEP maps to provide certainty to users.	23. Add a high level policy that determines the "coastal environment" for District Plan purposes and/or maps defining the extent to which "coastal environment" pertains; or  24. Amend District Plan to replace all references to 'coastal environment' with another term that applies to those parts of the coast between MHWS and the currently labelled 'coastal environment inland boundary.'
19	Section 2.7 (Coastal Environment Strategy);  Objective CEO1  Policy CEP3;  Section 15 (Natural Hazards);  Rule NH8 (Coastal Protection Works); and  'Coastal Protection Works' definition.	Objective CEO1 makes reference to implementing an integrated approach. This surely involves other methods and planning documents in addition to the district plan. Meanwhile, we consider Policy CEP3 as currently written is vague and appears to be very broad policy to justify a rule restricting coastal protection works. The policy states that HDC will "establish appropriate provisions" but we do not consider some of those provisions are indeed appropriate.  We oppose Rule NH8. Rule NH8 unnecessarily duplicates similar controls applied by the Hawke's Bay Regional Coastal Environment Plan (RCEP). The inclusion of Rule NH8 seems contradictory to the statement in Section 15.1 of the District Plan (which reads "the rules of the district plan do not seek to address those hazards where appropriate regulatory controls exist, such as the Building Act or the Hawke's Bay Regional Coastal Environment Plan..."). Rule NH8 also appears contrary to Objective NHO3 insofar as it duplicates a regulatory method (ie. a regional rule) that applies consistently across the region. It is unlikely that Rule NH8 would 'pass the tests' in s32 in terms of that rule, <i>inter alia</i> , being necessary and being the most appropriate method, given the existence of a regional rules controlling coastal protection structures in the RCEP's CHZ1 and CHZ2.  The functions of HBRC and territorial authorities under the RMA (see sections 30(1)(c)(iv) and 31(1)(b)(i) respectively) are similar in relation to land use controls for avoiding and mitigating natural hazards. It is therefore important that overlaps and duplication in the management of natural hazards are avoided and consistent	25. Amend Policy CEP3 to be more precise and clear about what are appropriate and/or inappropriate provisions in the District Plan.  26. Delete Rule NH8.  27. Delete any other rules in the District Plan that control coastal protection structures, coastal protection works (or similar).  28. Consequentially delete meaning of 'coastal protection works' from Glossary.

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		<p>environmental policy and rule structures are developed.</p> <p>The coastal hazard-related policies and rules in the RCEP were subjected to submissions, appeals and a thorough s32 evaluation. As noted in the District Plan's s32 report, the RCEP is a planning document which applies both above <u>and</u> below mean high water springs whereas the district plan only applies to activities above MHWS.</p> <p>One of the fundamental principles of the RCEP's preparation was to improve integrated management of coastal resources, particularly in respect of issues spanning MHWS, such as management of risks associated with coastal erosion and storm surge inundation. Another fundamental principle was to achieve a degree of consistency across the region. With the RCEP's thorough suite of policies and regional rules in place, we do not consider the inclusion of Rule NH8 in the Hastings District Plan satisfies the tests imposed by s32 of the RMA. First and foremost, we do not consider this rule is necessary given it would merely duplicate similar rules in the RCEP.</p> <p>The District Plan's s32 Report refers to "significant costs to [consent] applicants in applying to both councils for resource consent for the same activity" but goes on to refer to a "political view point." We doubt this "political view point" validates the inclusion of Rule NH8 in the District Plan. A political view point is not something that applies under s32 scrutiny. The s32 Report refers to Rule NH8 allowing HDC "to maintain the ability to make decisions on consents which affect its ratepayers and core assets." Remember, HDC's ratepayers are also HBRC's constituents. Resource consent decision-making is a quasi judicial function of councils and not to be confused with the asset management roles and responsibilities of councils regarding their infrastructure, facilities and other assets.</p> <p>We note that Rule NH8 does have the same activity status as RCEP Rule 85 for coastal protection structures and arguably 'consistent' in that regard, but nevertheless, we consider it is unnecessary for the District Plan to <u>duplicate</u> controls for coastal protection structures already addressed by rules in the RCEP. On that basis, we do not consider Rule NH8 effectively and efficiently implements policies to achieve Objective NH03 (<i>"To seek greater integration and greater consistency in hazard management approaches across the region"</i>) and similarly Policy CEP3 (<i>"establish appropriate provisions within the Hastings District Plan to address the effects caused by natural coastal processes in the coastal environment"</i>).</p>	
20	2.7.4 Objectives and Policies, Policy CEP4	The explanation doesn't explain the policy especially in relation to the conflict with cultural or natural values. Because of this, the Policy is reasonably ambiguous and difficult to interpret. For example, Policy CEP4 refers to conflicts with cultural or natural values, but there is no reference or explanation of any such conflicts or the way that Policy CEP4 might assist in addressing those particular conflicts. The explanation	29. Consider rewording Policy CEP4 so the explanation actually explains the policy.

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		appears solely focuses on the provision of public access.	
21	2.7.4 Objectives and Policies, Policy CEP5	The Policy refers to the protection of “features identified in the Coastal Environment” however the explanation refers to “significant elements”. This is ambiguous and needs further clarifying. The way the current Policy CEP5 is written it provides for the protection of all natural and cultural features. This will have the effect of restricting most activities in the coastal environment. By including a qualifier in the Policy of ‘significant’ it will bring certainty to Plan users of the intent and scope of the Policy.	30. Amend Policy CEP5 to read:  <i>Ensure the protection of <u>significant</u> natural and cultural features identified in the Coastal Environment.</i>
22	2.7.5 Methods Hawke’s Bay Regional Policy Statement & Plans	The Hawke’s Bay Regional Policy Statement is included in the Regional Resource Management Plan. This method can be written more clearly and precisely.	31. Amend paragraph 7 section 2.7.5 to read:  <i><u>Hawke’s Bay Regional Resource Management Plan including the <del>Hawke’s Bay</del> Regional Policy Statement and <del>Plans</del> the Hawke’s Bay Regional Coastal Environment Plan.</u></i>  <i>Hawke’s Bay Regional Coastal Environment Plan: The Hawke’s Bay Regional Coastal Environment Plan covers the Coastal Environment <del>including the and</del> Coastal Marine Area (CMA). <del>The CMA which</del> lies adjacent to...</i>
23	2.7.5 Methods National Coastal Policy Statement	Incorrect reference to National Coastal Policy Statement.	32. Amend to refer to:  <i><del>National</del> <u>New Zealand</u> Coastal Policy Statement</i>
<b>Section 2.9 Industrial Strategy</b>			
24	Methods (page 6)	The Regional Policy Statement is not mentioned as a method here despite clear direction being included, for example, RPS Policy UD4.5 regarding appropriate industrial greenfield growth areas.	33. Amend Section 2.9 to include reference to the RPS as a method.
<b>Section 11.1 – Haumoana – Te Awanga Strategic Management Area</b>			
25	Methods (page 8) ‘Hawke’s Bay Regional Council Plans and Policies’	The Regional Policy Statement provides guidance and direction to around urban growth within the region and makes reference to appropriate residential greenfield growth areas. Reference to Haumoana and Te Awanga is specifically made in RPS Policy UD4.3.  The method contained in Section 11.1.6 re. Hawke’s Bay Regional Council Plans and Policies (page 8), does not mention the policy framework for urban growth contained within the RPS.	34. Amend the method ‘Hawke’s Bay Regional Council Plans and Policies’ to refer to the RPS providing guidance and direction to around urban growth within the region.
<b>Section 14.1.8 Assessment Criteria Restricted Discretionary and Discretionary Activities</b>			



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26	Section 14.1.8(d)(ix) Stormwater & Servicing	Stormwater runoff can have a wider adverse effect than current covered in the proposed plan. Attenuation of stormwater on adjoining and downstream sites should also be considered.	35. Amend s14.1.8(d)(ix) to read:  <i>Whether the activity will have adverse effects in terms of stormwater runoff or ponding on the subject site, <u>adjoining sites or downstream sites</u>, and whether it would...</i>
27	Section 14.1.6E.5(a)(v)	Boundaries adjacent to the Tomoana Drain should be kept clear of tree fall and overhanging branches so that its capacity is not compromised.	36. Amend s14.1.6E.5(a)(v) to read:  <i>The shelterbelt shall be maintained so that:</i> <ul style="list-style-type: none"> <li>• <i>The branches do not extend over the boundary; and</i></li> <li>• <i><u>Trimmed or fallen branches or limbs shall be kept clear of the Tomoana Drain at all times; and</u></i></li> <li>• <i>Its height does not exceed the distance the shelterbelt is from the boundary plus 4 metres.</i></li> </ul>
<b>Section 15.1 Natural Hazards</b>			
		<p>The HBCDEM Group generally supports the Hastings District Council's approach to managing the risks its communities face from natural hazards. In particular the District Council is encouraged to take a risk-based approach to making decisions on new or more intensive land uses where they may be subject to the impacts of natural hazards. This is a fundamental change to how natural hazards have typically been dealt with in the past. Under the RMA, councils are required to consider and address the effects of natural hazards. This often resulted in controls that dealt with structures such as minimum floor heights and a focus on timeframes such as 1 in 50 year events. A risk-based approach would enable the District Council to take a broader approach and consider the risk to the community in terms of the social, economic, cultural as well as built environment. The focus therefore includes the consequences of an event, rather than just its likelihood.</p> <p>Submission points on the Natural Hazards section of the proposed plan focuses on two main areas. The first are the outcomes, objectives and policies which underpin the methods and rules to address the issues faced. In a planning sense these strategic provisions are also used to assess future plan changes and activities not envisaged by the Council. Secondly, on the hazard mapping and rules which are used to trigger an assessment of the risks to activities from natural hazards.</p>	Refer to relief requested relating to other submission points.

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28	Section 15.1.1 Introduction	TLAs also have a key role in identification of risk, not just the avoidance or mitigation of risk.	37. Amend first paragraph to read: “...The Hastings District Council needs to pay particular attention to the <u>identification, and avoidance or mitigation of risks</u> ...”
29	15.1.2 Anticipated Outcomes – NH3	The avoidance of significant risk may place an unacceptable burden on the community. For example a tsunami is a significant risk to Hawke’s Bay. However, while the consequences of a tsunami are significant, the likelihood is very low. For that reason the community may decide that coastal residential development with adequate warning systems and evacuation routes may mean the tsunami risk is acceptable.	38. Amend Outcome NH3 to replace references to ‘significant risk’ with “unacceptable risk”.
30	15.1.3 Policies and Objectives – Policy NHP2:	<p>Natural hazard research is an ongoing and iterative process over time. Often the information and mapping contained in the District Plan will have changed or have been updated when a development or proposal is assessed. It is important that when assessing proposed changes to a land use the Council considers the increased risk that may result based on the most current information. It is acknowledged that this is not easy given the requirement to clearly state as a snapshot in time the hazard information in a plan which has a life of over 10 years.</p> <p>While this is a challenge in terms of providing a clear trigger for requiring resource consent, activities which are not envisaged by the plan and in particular increase the risk though their nature or large scale, need to be considered against the current hazard environment. This can be achieved through objectives and policies; and where appropriate assessment criteria.</p> <p>An example of this is the assessment over the past decade of coastal erosion and storm surge inundation hazards across the region’s coast. Some specific areas have been reassessed more recently. Those assessments were based on a predicted sea level rise of 0.5m by 2100. However, since those assessments were done, MfE’s current guidelines state that local government should plan for at least 50cm rise and assess the sensitivity of the activity to a possible 80cm rise by 2090 (plus an additional allowance of sea level rise per annum beyond 2090). HBRC has not done any work on the possible consequences of an 80cm rise, but clearly the implication will be greater than for a 50cm rise.</p>	39. Amend explanation for policies in Section 15.1.3 to clarify that developments requiring resource consent will be assessed against contemporary natural hazard information – not just those currently identified in the district plan maps.
31	Policy NHP2	There are a number of incorrect technical statements which require amendment.	40. Amend Policy NHP2 to read as follows:  <i>Flooding</i> <i>The Hawke’s Bay Regional Council completed a set of flood extent maps (2006) based on computer modelling of a 50 year average return period design rainfall event. <del>The horizontal accuracy of the potential flood areas shown in GIS is less than 5m on</del></i>

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			<p><del>steep slopes and on flat area there is an accuracy of 10-20m.</del></p> <p><i>Karamu</i> This area is based on a computer modelled 50 year flood level in the Karamu catchment <del>and</del> <u>but does not</u> includes <u>urban</u> areas of Hastings City.</p> <p><i>Te Awanga</i> Flood protection works on the true left side of the Maraetotara River, the Leyland and <del>Heggerty</del> <u>Haggerty</u> drains....</p>
32	Policy NHP2 tsunami	<p>The impact of tsunamis on new land uses within areas that may be subject to inundation will need to be considered in terms of the long term risk to lives and property. The Council will need to be satisfied that the risk is acceptable before providing for new land uses in areas likely to be inundated by a tsunami. The 2010 NZCPS includes tsunami within its broader references to 'coastal hazards.'</p> <p>The current tsunami mapping in Hawke's Bay is at the leading edge of a national mapping project. The model used has taken into account local and regional bathymetry and topography and has been peer reviewed by GNS. Currently completed mapping only covers the coast between Waipatiki and Cape Kidnappers. It is expected that the mapping for the rest of the HDC coastline (and other parts of Hawke's Bay region) will be complete within the next year.</p>	<p>41. Amend District Plan to identify tsunami inundation risk areas where this information exists.</p> <p>42. Amend Policy NHP2 to include reference to the identification of tsunami inundation areas in the district plan and the requirement to consider the risks in assessing land use changes and resource consents within these areas.</p>
33	15.1.3 Policies and Objectives – Policy NHP3	The explanation for this policy needs to consider unacceptable risk as per the comment above on Outcome NH3.	<p>43. That the first paragraph of the explanation Policy NHP3 be amended to read as follows:</p> <p><i>Primarily, Council will attempt to take an avoidance approach to new <u>and increased</u> development within hazard prone areas where <u>an unacceptable</u> degree of risk may be present.</i></p>
34	15.1.3 Policies and Objectives – Policy NHP6	When considering the need for physical mitigation works, it is important that the impacts of climate change and sea level rise be considered. This will ensure decision-makers consider the long term sustainability and suitability of such structures as part of the assessment process.	<p>44. Add the following as a new sentence to explanation of Policy NHP6:</p> <p><i><u>This may include the requirement to consider the long term impacts of climate change and sea level rise on development or proposed protection works.</u></i></p>
35	15.1.3 Policies and Objectives – Policy NHP10:	HBCDEM strongly supports this policy. The Hawke's Bay CDEM Group Plan contains a comprehensive risk analysis of the hazards facing the Hawke's Bay. It important that	45. Retain Policy NHP10.

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		any significant land use changes or developments are considered against the risks identified.	
36	15.1.4 Methods	In the discussion about the Hawke's Bay CDEM Group Plan mention is made of the 4R's. For consistency with the National CDEM Plan a minor wording change is requested.	46. Amend first sentence in s15.1.4 methods to replace reference to 'phases of' with " <i>components of comprehensive</i> ".
37	Assessment Criteria – 15.1.6.1D Natural Hazards:	<p>Overall the use of this assessment criteria is supported. What is being described is essentially a risk assessment and it would be useful to call it such. A broader assessment of the risk will enable the decision maker to decide whether the risk is tolerable or not. As mentioned previously a risk based assessment will be wider and more flexible than a pure effects based approach.</p> <p>The criteria include two of the key components of risk assessment being risk identification and analysis. However some criteria regarding the third criteria of risk evaluation would also be helpful.</p> <p>Due to the cumulative natural hazard environment that existing in the Hawke's Bay, it is also recommend that the Council consider assessing a development against the cumulative impacts.</p>	<p>47. Amend second sentence in Section 15.1.6.1D as follows:</p> <p><i>In making this <u>risk</u> assessment the following factors will.....</i></p> <p>48. Amend assessment criteria in Section 15.1.6.1D as follows:</p> <p><i>(b) Assessment.....of the <u>cumulative natural hazards that affect the proposal</u>!</i></p> <p><i>(c) The type.....from the <u>cumulative natural hazards that affect the proposal</u>!</i></p> <p>49. Add a new clauses to the assessment criteria in Section 15.1.6.1D as follows:</p> <p><i>(e) <u>The potential life safety, economic, cultural and built environment risks associated with the proposed activity.</u></i></p> <p><i>(f) <u>The type of development proposed and whether it will be occupied by vulnerable sections of the community.</u></i></p> <p><i>(g) <u>The extend of whether the proposal will result in consequences to other properties or infrastructure as a result of the natural hazard occurring.</u></i></p> <p><i>(h) <u>The overall assessment of whether the risk is intolerable or not.</u></i></p>
38	Other General Comments and Relief Sought.	The Proposed District Plan appears to shift the control of activities in natural hazard areas away from the District Plan to HDC's functions under the Building Act 2002. The Building Act only seeks to control structures and not broader risks (likelihood and consequences) associated with a land use or activity per se. The land use can only be effectively managed by plans under the RMA. A building consent must be granted if the building code is satisfied and the use of the land is usually not relevant. The risk is not	<p>50. Retain hazard maps for flooding and identified fault lines in the District Plan.</p> <p>51. Amend District Plan to identify tsunami inundation areas .</p> <p>52. Amend rules in Section 15 so that within flood and tsunami hazard zones and within 30m of a fault line;</p>

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		<p>however confined just to the structure, but to the activity that occurs as well.</p> <p>An example of the impact of this approach could be the development of a child care facility in a flood area. The structure could be built so it is safe for the use, however during a flood event the concentration of staff, parents and children could be at risk and the evacuation of the facility would place additional demand on the CDEM response.</p> <p>HDC needs to understand the risks of such a change. In taking a wider risk-based approach however, not all activities within hazard areas will need to be restricted. There are however vulnerable activities that potentially increase the risk to life and safety to a level where this may be intolerable. For example placing a rest home within a flood zone or an early childhood centre within 30m of a fault line.</p>	<p>the following land uses be classified as discretionary activities which must be assessed against the assessment criteria in 15.1.6.1:</p> <ul style="list-style-type: none"> <li>• Education Facilities</li> <li>• Camping Grounds</li> <li>• Healthcare Facilities</li> <li>• Rest Home Care facilities</li> <li>• Early Childhood Centres</li> <li>• Non-Residential Care Facilities</li> </ul> <p>53. Amend Rules in section 15 so that within flood and tsunami hazard zones and within 30m of a fault line; activities that exceed permitted activity scale thresholds, such as:</p> <ul style="list-style-type: none"> <li>• Temporary Event Days</li> <li>• Hazardous Substances Facilities</li> <li>• Wineries</li> <li>• Restaurants</li> <li>• Visitor Accommodation</li> <li>• Places of Assembly</li> <li>• Community Facilities</li> <li>• Marae</li> <li>• Recreation Facilities</li> <li>• Emergency Services Facilities</li> </ul> <p>and therefore require resource consent as a restricted or discretionary activity, and be assessed against the assessment criteria in 15.1.6.1.</p>
39	Rule NH1 – ‘Natural hazard mitigation activities’ (page 12)	<p>The meaning given to ‘natural hazard mitigation activities’ in the Glossary limits mitigation activities to those carried out by network utility operators. Network utility operators are defined in the RMA. The RMA’s definition of a network utility operator is virtually silent on flood control and drainage operations HBRC (and HDC) undertake in the District. The closest ‘match’ might be a very broad interpretation of ‘drainage’ as in a “drainage or sewerage system” in RMA s166(e).</p> <p>This definitional limitation of ‘network utility operations’ creates some ambiguity as to whether or not Rule NH1 does indeed permit local authorities’ river control and drainage works.</p> <p>It might be possible to alter the definition of ‘natural hazard mitigation activities.’</p>	<p>54. Amend District Plan to ensure rules and definitions clearly allow (and do not unnecessarily preclude) any activity carried out by or on behalf of a local authority exercising carrying out their statutory functions, so, for example:</p> <ol style="list-style-type: none"> <li>a. Amend Rule NH1 and/or</li> <li>b. Amend Standards and Terms (a) and (b) in s15.1.6A so they do not apply to natural hazard mitigation works, or alternatively not apply to natural hazard mitigation activities carried out by</li> </ol>

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		Standards and Terms (a) and (b) in s15.1.6A pose difficulties for natural hazard mitigation activities to realistically comply with. For example, a stopbank would be a natural hazard mitigation activity, but it cannot be installed and removed so it only exists during daylight hours. These sorts of natural hazard mitigation activities exist 24/7. Maintenance and upgrade works on them might only occur infrequently.	<p>or on behalf of a local authority exercising its powers, functions and duties under the RMA, Soil Conservation and Rivers Control Act 1941 or the Land Drainage Act 1908.</p> <p>c. Add a new rule clearly permitting “<i>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 or the Land Drainage Act 1908</i>” and/or</p> <p>d. amend definition of ‘natural hazard mitigation activities’ to more explicitly allow works to be undertaken by local authorities rather than only network utility operators; or</p> <p>e. other amendments to similar effect.</p>
40	Rule NH7 – permitted activities not meeting relevant performance standards	Rule NH7 has a ‘RD’ status meaning HDC are able to specify in the rule whether or not applications will be publicly notified and/or served on affected parties. For the few permitted activities that might not comply with all performance standards, it is difficult to envisage a realistic scenario when such an application would need to be publicly notified. Even if there were such a circumstance, it is likely to be a special circumstance, in which case, the RMA enables applications to be publicly notified anyway.	55. Amend Section 15.1.5 to state notification requirements for restricted discretionary activities under Rule NH5 as follows (or similar): <i>“Except where an applicant requests of where special circumstances exist, an application will not be publicly notified, but HDC will require notice of an application to be served on all affected persons (if any), unless all affected persons have provided their written approval.”</i>
41	Rule NH9 - Permanent buildings, structures and habitable buildings within the River Hazard Overlay	In the upper Karamu Catchment there are natural ponding areas that HBRC considers are not suitable for further development.	56. Amend Plan to incorporate the natural ponding areas in the Karamu Catchment that are unsuitable for further development.  57. NOTE: HBRC staff would welcome the opportunity for further discussions on how these natural ponding areas can be incorporated into HDC’s River Hazard Overlay. HBRC can provide a map of this known ponding area in the Karamu Stream catchment.
42	Policy NHP3 (page 7)	Policy NHP3 refers to “adopt and promote the best practicable options...”  The corresponding definition for ‘Best Practicable Option’ in the glossary refers to the same meaning as in the RMA. The RMA definition is limited to the discharge of a	58. Amend the definition of “Best Practicable Option” so it can be applied to natural hazards. It is also suggested that the definition include reference to

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		contaminant or emission of noise, it does not relate to natural hazards. Consequently, the District Plan inappropriately imports this narrow focussed interpretation while purporting to apply it in a natural hazard context.	best practice being adopted for natural hazards.
43	Assessment criteria for restricted discretionary activities such as early child care centres, rest homes, places of assembly etc throughout proposed plan.	<p>Objective NHO2 seeks to “avoid increasing the risk to people, property, infrastructure and the environment from the effects of natural hazards”.</p> <p>It is noted that throughout many of the zones, the establishment of activities such as childcare centres, rest homes and places of assembly are a restricted discretionary activity throughout the plan, with no assessment criteria referring to hazards.</p> <p>It appears that hazards would only be considered for any of these activities if the site fell within either the River Hazard Overlay or the Land Instability Overlay contained within the district plan.</p> <p>Inserting an assessment criteria relating to natural hazards will enable any potential hazards to be assessed. For the large part, it is expected that hazards will not be an issue for many of these activities. However, if for example a childcare facility of 40 children or a rest home is located within Haumoana it may be situated within a Tsunami zone. If this were to occur with the current RD activity assessment criteria HDC would be unable to take into account the design of the development having particular regard to evacuation routes or other design features that could minimise Tsunami impacts.</p>	59. Amend assessment criteria for restricted discretionary activities throughout the Plan to enable the risks of natural hazards to be addressed for activities such as child care facilities, rest homes, places of assembly and other community or recreational facilities.
<b>Section 20.1 Indigenous Vegetation and Habitats of Indigenous Fauna</b>			
44	Rule 20.1.6A Indigenous Vegetation Modification outside of any area identified in Appendix 56	<p>The proposed general performance standards and terms will allow significant areas of regenerating Manuka and Kanuka to be cleared as of right. The Regional Council acknowledges concerns that the current general performance standards and terms maybe too restrictive for landowners efficiently maintaining pasture or further developing areas for additional grazing, Nevertheless, Regional Council is concerned that the proposed general performance standards and terms enable unsustainable clearance of regenerating Manuka and Kanuka, particularly on erosion-prone land and in areas with high and established indigenous biodiversity values.</p> <p>Part 2, (s6 in particular) requires local authorities to manage the use, development, and protection of natural and physical resources for the purposes of protecting areas of significant indigenous vegetation and significant habitats of indigenous fauna. Regional Council submits that the protection of some areas of Manuka and Kanuka regeneration will assist in the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna and thus should have more stringent controls than those proposed.</p> <p>HDC has stated that the value of Manuka and Kanuka is less than significant but</p>	<p>60. Amend Section 20.1.6C Modification and Clearance of Kanuka and Manuka (not including areas identified in Appendix 56) as follows:</p> <p><i>Indigenous Vegetation Modification or clearance of manuka and kanuka shall be permitted where:</i></p> <p><i>(a) The vegetation clearance or modification consists of regrowth juvenile and adolescent manuka and/or kanuka <u>and the canopy cover less than 50 percent per hectare.</u></i></p> <p>61. Add definitions of ‘juvenile’ and ‘adolescent’ to incorporate a trunk diameter, tree height and canopy coverage either to the Glossary or as a footnote to rules in Section 20.1.</p>

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		<p>recognises the role of Manuka and Kanuka in the ecological process of succession and regeneration of other indigenous plant species. HDC appears not to have taken into account the role Manuka and Kanuka plays as being important habitats for native fauna (for example indigenous lizards which are protected by the Wildlife Act 1953). Furthermore, Manuka and Kanuka have an important ecological role as climax vegetation in extreme environments. Manuka and Kanuka also stabilise soils potentially mitigating soil erosion and landslides in at risk environments.</p> <p>'Significance' depends on the context of the ecological district. Where there is little remaining indigenous biodiversity, young Manuka and Kanuka communities can be significant and also representative of the ecological district.</p>	
45	20.1.6C Modification and Clearance of Kanuka and Manuka (not including areas identified in Appendix 56)	Section 20.1.6C(a) refers to <u>juvenile and adolescent</u> Manuka and/or Kanuka. It is not clear what is meant by either of these terms and offers no certainty. A definition should be included within the glossary or within Section 20.1.6C. The Regional Council submits that a height definition should be determined which also includes a percentage canopy cover. This is because the clearance of Manuka and Kanuka greater than 2-2.5 height is not necessarily an issue if the trees are scattered. For example, 10 trees per hectare.	62. Add definitions of 'juvenile' and 'adolescent' to incorporate a trunk diameter, tree height and canopy coverage either to the Glossary or as a footnote to rules in Section 20.1.
46	20.1.6C Modification and Clearance of Kanuka and Manuka (not including areas identified in Appendix 56)	Within the region there has been land cleared in the past which has been uneconomic to farm and had a high risk of erosion. These are classified in LUC (Land Use Capability) units. In particular they are represented in classes 7 & 8 and some areas of class 6. Uneconomic land has in some cases been left to revert to native vegetation (Manuka and Kanuka). Previously active erosion has stabilised and slope slip scars have become less visible. In some cases land has changed hands and the new owner is not always aware of the history. For this reason the percentage canopy cover is a good indicator of the length of time it has taken for the reversion to occur. When Manuka and Kanuka has reached a high percentage of ground cover a mechanism is required to consider these issues rather than potentially allowing past mistakes to be repeated. What has taken many years to stabilise can be undone in a short period of time. Clearing 10ha of dense (>80% cover) of Manuka/Kanuka (which would be permitted by the proposed plan) has the potential for significant adverse effects on land.	63. Add new clause to assessment criteria for restricted discretionary activities under section 20.1.7A to enable consideration of Land Use Capability, particularly modification of vegetation on erosion and slip prone lands in LUC Classes 6, 7 and 8.
<b>Section 21.1 - Papakainga</b>			
47	Policy PKP3 (page 3) Assessment Criteria (pages 13, 14) Methods (page 5)	<p>RPS Policy UD6.1 sets out a number of locational constraints that <u>must</u> be avoided or mitigated prior to papakainga or marae based development taking place.</p> <p>While it is recognised that Policy PKP3 provides for papakainga development on Maori land subject to adverse effects being avoided remedied or mitigated, it does not cross reference RPS Policy UD6.1.</p>	<p>64. Amend the explanation for Policy PKP3 to cross reference to RPS Policy UD6.1.</p> <p>65. Amend Section 21.1.8 'Assessment Criteria' to specifically refer to the locational constraints in RPS Policy UD6.1 (points (a) i-ix) and ensure they are</p>



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		<p>The assessment criteria contained within Section 21.1.8 (pages 13 &amp; 14) also does not fully reflect the contents of RPS Policy UD6.1, and ensure points (a) i-ix are taken into account prior to papakainga or marae based development taking place.</p> <p>Additionally it is noted, that the method relating to the RPS on page 5 is silent around the RPS's provisions about papakainga and marae based development (i.e. only refers to versatile land and urban limits).</p>	<p>taken into account prior to papakainga and marae based development taking place.</p> <p>66. Amend the method relating to the 'Hawke's Bay Regional Policy Statement and Plans' to state that the RPS specifically includes policies that apply to papakainga and marae based development that should be given regard to when assessing applications.</p>
48	Section 21.1 – Papakainga (pages 1 – 14)	<p>RPS Policy UD6.2 encourages papakainga and marae based development to integrate with existing development, strategic and other infrastructure and promote social infrastructure where possible.</p> <p>Section 21.1 does not appear to refer to (or provide a cross reference to) RPS Policy UD6.2, meaning these points will likely be missed when papakainga or marae based development is being assessed.</p>	<p>67. Amend Section 21.1 to include reference to RPS Policy UD6.2 (in either a policy or explanation)</p> <p>68. Amend Section 21.1.8 'Assessment Criteria' to specifically refer to points (a) – (c) of RPS Policy UD6A. This will ensure points (a) – (c) of RPS Policy UD6A are encouraged where possible.</p>
<b>Section 27.1 Earthworks, Mineral, Aggregate and Hydrocarbon Extraction</b>			
49	Section 27.1.6H Sediment Control	To be effective in controlling the adverse effects of sediment run-off into any water body should be addressed not just runoff into a HDC reticulated network.	<p>69. Amend Section 27.1.6H Sediment Control to read:</p> <p><i>“Sediment run-off into a Council reticulated network or waterbody shall not cause any conspicuous change in colour or visual clarity of water after reasonable mixing.”</i></p> <p>70. Or alternatively, add a note (or similar) such as:</p> <p><i>“Note: stormwater runoff and sediment entering waterbodies may be subject to rules administered by the Hawke's Bay Regional Council.”</i></p>
<b>Section 29.1 Hazardous Substances and Genetically modified Organisms District Wide Activity</b>			
50	Section 29.1.6A(i) Impervious surfaces (page 9)	The note to Section 29.1.6A(i) states that underground tanks and pipelines are considered to contain hazardous substances within an impervious surface but makes no mention of secondary containment in the event of a breach. This appears to be inconsistent with vehicle requirements to provide secondary containment in the event of a leak or spill above ground. Underground storage tanks are a greater risk to soil and water contamination should a breach of the tank occur. The Regional Council considers that underground storage tanks should be required to also provide secondary	<p>71. Amend Section 29.1.6A(i) to read:</p> <p><i>“Note: Underground tanks and pipelines with <u>secondary containment mechanisms such as double skinned tanks and pipelines</u>, are considered to contain hazardous substances within an impervious surface.”</i></p> <p>72. Or alternatively, amend provisions in s29.1 to require</p>

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		containment.	secondary containment for underground storage tanks.
51	Section 29.1.6A(ii) Stormwater (page 9)	Section 29.1.6A(ii) appears intended to prevent hazardous substance contamination on land and in water. However the criterion does not include spills into open stormwater systems. The criteria should include all stormwater systems to be effective. This performance standard should be met during any rain event upto a 1% AEP rainfall.	73. Amend Section 29.1.6A(ii) to read:  <i>Facilities shall be provided to prevent hazardous substances from being washed or spilled into natural ground or entering any <del>pipe</del> storm water systems or storm water ground soakage during <u>a rainfall event up to 1% AEP rain event.</u></i>
52	Section 29 - General	<p>The functions of HBRC and territorial authorities under the RMA (see sections 30(1)(c)(v) and 31(1)(b)(ii) and (iia) respectively) are similar in relation to land use controls for preventing and mitigating effects relating to hazardous substances and contaminated land. RPSs are required to clearly apportion those responsibilities. Section 8.4.4.6 of the Regional Resource Management Plan (incorporating the RPS) states the respective responsibilities of HBRC and TLAs will be as follows:</p> <p><i>“The HBRC will have responsibility for hazardous substances as they relate to the discharge of contaminants to air, water and land as defined by section 15 of the RMA. The HBRC will also have responsibility for the use, storage, and transportation of hazardous substances where these are associated with the control of the use of land of any river or lake under section 13 of the RMA. ... The territorial authorities will have responsibility for the use, storage, disposal, and transportation of hazardous substances where these are associated with the control of the use of land under section 9 of the RMA.”</i></p> <p>The District Plan appears to propose comprehensive provisions to manage the human health-related effects of hazardous substances and contaminated sites.</p> <p>However, we consider that the District Plan implements some of those responsibilities in RPS s8.4.4.6, but in some respects, does not fully implement HDC’s responsibilities for controlling the use of land in terms of actual or potential effects on the environment that are not human-health related.</p>	<p>74. Consider amending the District Plan to better give effect to RPS s8.4.4.6 which states the respective functions of HBRC and TLAs with respect to the management of hazardous substances, (and similarly sites that are contaminated due to spills of hazardous substances).</p> <p>75. NOTE: HBRC staff would welcome the opportunity for further discussions on how the District Plan could be amended to better implement HDC’s land use responsibilities apportioned by the RPS.</p>
<b>Section 30.1 - Subdivision in the rural zone</b>			
53	Rule SLD4 & Rule SLD6 (page 12) Table 30.1.6B– 3 and 5 year rural lifestyle lots (page 22)	<p>RPS Objective UD4 seeks to avoid inappropriate lifestyle and residential development in the rural parts of the Heretaunga Plains. To achieve that objective, RPS Policy UD3 requires district plans to discourage or avoid ad hoc residential development outside of existing rural residential areas.</p> <p>We do not consider creating additional lots in rural areas simply based on time elapsed since the previous subdivision (ie. once every 3 or 5 years) in the Heretaunga Plains sub-</p>	76. Amend Rules in s30.1 and Table 30.1.6B so that the creation of lifestyle lots in the Rural Zone within the Heretaunga Plains sub-region solely on the basis of once every 3 or 5 years, (or any other timeframe) is a discretionary or non-complying activity.

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		region gives effect to RPS Policy UD3 and Objective UD4.	
54	Section 30.1 – Subdivision and Development Rule SLD18 – Farm parks: Rural (page 14) Table 30.1.6B– – Residential farm parks (page 22)	RPS Policy UD3 requires district plans to include policies and methods to ‘discourage’ or ‘avoid’ ad hoc residential development and further rezoning for rural residential purposes or lifestyle development outside existing rural residential zones.  The creation of farm parks in the rural zone does not give effect to the RPS in particular Objective UD4 and Policy UD3.	77. Amend farmpark provisions in s30.1 and other provisions in the District Plan as necessary to discourage and avoid ad hoc development of farmparks within the Heretaunga Plains sub-region.
<b>Section 30.1 - Subdivision and Land Development</b>			
55	Methods (page 9)	The Hawke’s Bay Regional Resource Management Plan (RRMP) is not mentioned as a method here despite having a number of objectives, policies and rules around water, wastewater and stormwater.  Including a method which relates to the Hawke’s Bay Regional Resource Management Plan would alert Plan users to regional provisions and rules relevant to applications relating to these activities.	78. Insert reference to the Hawke’s Bay Regional Resource Management Plan as a method in Section 30.1.4.
56	Water supply performance standard 30.1.7.B (page 24)  30.1.8.1 General Assessment Criteria – water supply, wastewater disposal, stormwater disposal (page 34)	Water is a critical resource in the Hawke’s Bay, and is essential to sustain irrigation, industrial, municipal and domestic water supplies across the Region.  The Hastings District Plan does not currently address the tensions that can arise between new developments and existing water users (i.e. existing domestic water supplies or say, irrigation takes), particularly in areas with limited water availability.  Residential and lifestyle development in these areas can have significant adverse effects on the quantity of water, particularly where the water source in question is already fully allocated. For example a new residential subdivision (with individual bores) could be granted and the resultant individual water takes for domestic are permitted activities, with no regard to the existing surrounding water users with legitimate access to those water resources. This means each new dwelling can reduce the available water by 20 m <sup>3</sup> /day, which in some areas will result in a gradual over allocation of the resource, exacerbating adverse effects on the environment and existing legitimate water users.  The Hastings District Plan should include ‘flags’ and ‘triggers’ for subdivision and land developments to ensure that any new development in areas with limited water availability occurs in a manner which does not cause significant adverse effects on the environment or adversely affect existing water takes.  It is also requested that a note be placed under the water supply performance standard	79. Amend the water supply performance standard for subdivision and land development (30.1.7.B) as follows:  <u>Outcome</u>  <i>A water supply will be available to each lot, which can meet the potential needs of activities on the lot, while protecting the health and safety of residents, <del>and</del> avoiding significant adverse effects on the environment, and without adversely affecting any lawfully established efficient water take<sup>1</sup>.</i>  <u>Advisory note: It is important to note that performance standard 30.1.7.B does not replace rules in regional plans which control the taking and use of groundwater and surface water. These rules must be complied with prior to the activity proceeding. Or amendments to similar effect.</u>  <sup>1</sup> <u>This will be determined in liaison with the Hawke’s Bay Regional Council.</u>

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		which would alert Plan users to regional rules controlling the take and use of groundwater or surface water. This would not be necessary in the event of domestic water supplies from rainfall roof collection.	80. Amend section 30.1.8.1(4) 'GENERAL ASSESSMENT CRITERIA' for water supply, wastewater disposal and stormwater disposal, by adding a new clause to read:  <i>Council will have regard to the following:</i>  ...  <i><u>(vii) when the site is not proposed to be connected to a public water supply, the ability of the site to be serviced by a water supply which does not adversely affect any lawfully established efficient water take<sup>2</sup>.</u></i>  <sup>2</sup> <i><u>This will be determined in liaison with the Hawke's Bay Regional Council.</u></i>
57	Wastewater disposal performance standard 30.1.7C (page 24)	The Coastal Settlement and Haumoana/Te Awanga zones (page 19) appear to be the only zones which contain advisory notes cross referencing the regional council rules for wastewater discharges.  Rules in the regional plan for wastewater collection, treatment and disposal (i.e. discharge) are relevant to all areas within the District not serviced by an approved reticulated sewage disposal scheme.	81. Add an advisory note under performance standard 30.1.7C as follows:  <b><u>Advisory note:</u></b> <i>It is important to note that <u>performance standard 30.1.7C 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.</u></i> Or amendments to similar effect.
58	Stormwater disposal performance standard 30.1.7D (page 24)	There are rules in the regional plan which are relevant to the collection and disposal of stormwater not serviced by an approved reticulated stormwater disposal scheme.	82. Add an advisory note under performance standard 30.1.7D as follows:  <b><u>Advisory note:</u></b> <i>It is important to note that <u>performance standard 30.1.7D 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.</u></i> Or amendments to similar effect.
59	Stormwater disposal performance standard 30.1.7D (page 24)	The advisory note following the performance standards appears to be incomplete. It refers to attenuation standards applying to land use but does not indicate where these standards can be found.	83. Add a cross reference to the location of the attenuation standards referred to in s30.1.7D that apply to land use in each of the Residential and Commercial SMA/Zones.
60	Stormwater General	The proposed district plan proposes new rule on the use of inert roofing material in	84. Amend the relevant sections of the proposed plan so

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		<p>industrial and commercial zones. The Regional Council supports the implementation of these land use rules as one means of controlling a known source of heavy metal contaminants ending up in waterbodies. We note that the new rules only apply to industrial and commercial zones and not residential zones. It is not apparent from the proposed plan or the s32 Report why this is the case.</p> <p>Research has found that galvanised roofing and unpainted zinc aluminium steel roofing is associated with high zinc concentrations in stormwater receiving environments. Reducing the use of galvanised iron and restricting exposed metal roofing on all new developments is considered an appropriate step to control inputs of contaminants at 'source'. In this way, rules restricting the use of unpainted zinc aluminium steel roofing should not only apply to industrial and commercial zones, but all types of new developments including residential in Hastings District.</p>	<p>that the requirements to install inert roofing material on new developments applies in all zones in the Hastings District.</p>
<b>31.1 Designations</b>			
61	Schedule of Designated sites (Appendix 66) and district planning maps	HDC has taken over responsibility of designation D48 from HBRC. The proposed plan is an opportunity to change the requiring authority from HBRC to HDC in Appendix 66 and the associated planning maps.	<p>85. Amend Appendix 66 Designation D48 so the requiring authority is listed as Hastings District Council rather than HBRC.</p> <p>86. Amend Planning Maps 47, 110, 111, 115, 116 and 117 to reflect the requiring authority for Designation D48 is Hastings District Council rather than HBRC.</p>
62	District Planning Maps.	We are unable to locate designations D157 and D156 on planning maps 73, 74 and 75.	87. Amend planning maps 73, 74 and 75 to show the location of Designations D157 and D156.
63	District Plan in General, particularly the 'district wide' sections, definition and overlay provisions.	<p>Much has been made of the effort Hastings District Council and Napier City Council have invested into 'harmonising' parts of their respective district plans wherever relevant and practicable. We commend both councils for this 'harmonising' effort. However having reviewed parts of the District Plan relevant to HBRC's interests, we have discovered some instances in the 'district-wide' type sections of the District Plan to be slightly inconsistent or unsynchronised with similar provisions in Napier City Council's own Plan Change 10. The rules on the use of inert roofing are an example.</p> <p>We have not attempted to identify each and every individual instance where imperfect harmony exists in the District Plan. Nevertheless, we make this submission point as a constructive request. In doing this, Hastings District Council might then have scope upon which to make further improvements and modifications in the absence of any other submitter raising specific or general issues about harmonisation of content in the District Plan and equivalent provisions in Napier's Plan Change 10.</p>	88. Amend the District Plan to ensure consistency (or harmony) where this is appropriate and practicable, with equivalent provisions in Napier City Council's District Plan and/or proposed Plan Change 10.

And make any necessary consequential amendments arising from the requests and any relief granted in respect of the above specific submission points.