



**NAPIER**  
CITY COUNCIL  
*Te Kaunihera o Ahuriri*

# SECTION 42A REPORT

**Hearing Stream 2 - Part 2– Subdivision: Report on submissions and further submissions on the Proposed Napier City District Plan**

Report Date 23 October 2024

Hearing Date: 2-3 December 2024

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## Document Information

Report for: Hearings Panel:  
Robert Schofield (Chair)  
Liz Lambert  
Annette Brosnan

Subject: Proposed Napier City District Plan  
Hearing Stream 2, Part 2

- *SUB - Subdivision*

## Executive Summary

- i. This report considers submissions received by Napier City Council in relation to the relevant objectives, policies, rules, standards, definitions, and appendices of the Proposed Napier City District Plan as they apply to the SUB - Subdivision chapter in the Proposed District Plan.
- ii. There were a number of submissions and further submissions received in relation to these parts of the Proposed District Plan. The submissions received were varied and sought a range of outcomes. The purpose of this report is to provide the Hearings Panel with a summary and an analysis of the submissions received on the relevant chapters and to recommend possible amendments to the Proposed Plan in response to those submissions.
- iii. The following are considered to be the key issues in contention with respect to the relevant chapters:
  - a. Minimum lot size in the Rural Lifestyle zone
  - b. Reverse sensitivity protections for highly productive land and infrastructure
  - c. Management of urban intensification
- iv. This report addresses these key issues, as well as any other relevant issues raised in the submissions. There are a number of matters not in contention or needing further consideration, for example where no submissions were received in relation to an objective, policy, rule or standard. It is recommended that these matters are adopted as notified and no further consideration of them is required, with the exception of any consequential changes that need to be made as a result of submissions.
- v. **Appendix A** of this report sets out the recommended drafting amendments ('track changes') to the various relevant chapters in a consolidated manner. These recommendations take into account all of the relevant matters raised in submissions and relevant statutory and non-statutory documents. References to a submitter number, submission point and abbreviation for their title provide the scope for each recommended change (including consequential changes in response to recommended relief on primary submission points). Where no amendments are recommended to a provision, submission points that sought the retention of the provision without amendment are not referenced.
- vi. **Appendix B** of this report sets out the recommended responses to submissions by way of a summary table of submissions for each of the particular relevant chapters.
- vii. This report is to be read in conjunction with the Section 42A Report Part 1 – Strategic Direction<sup>1</sup> and with the Section 42A – Overview Report. These reports provide background information including the review process undertaken, consultation carried out, statutory context, procedural, and administrative matters relating to the plan review to inform the Hearings Panel, submitters and general public of the steps taken to reach the hearings stage and to inform the strategic direction of the Proposed District Plan.
- viii. Where Proposed District Plan provisions are recommended for amendment as a result of submissions, the reasoning for the amendments is given in the hearing report, including the reasons outlined under Section 32AA to consider the appropriateness of the proposed provisions and the benefits and costs of any policies, rules or other methods.

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<sup>1</sup> [Section-42A-Report-Strategic-Direction.pdf](#)

## Interpretation

Abbreviations used throughout this s42 reports and supporting documents are as set out in *Tables 1 and 2* below.

**Table 1: Abbreviations**

<b>Abbreviation</b>	<b>Means</b>
FDS	Hastings & Napier Future Development Strategy
GRZ	PDP General Residential Zone
HBRC	Hawkes Bay Regional Council
HERITAGE NZA	Heritage New Zealand Pouhere Taonga Act 2014
HPUDS	The Heretaunga Plains Urban Development Strategy
HRZ	PDP High Density Residential Zone
HPL	Highly productive land
LLRZ	PDP Large Lot Residential Zone
MDRS	Medium Density Residential Standards
MFE	Ministry for the Environment
MRZ	PDP Medium Density Residential Zone
NES	National Environmental Standard
NES-CS	National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health 2011
NES-ETA	National Environmental Standards for Electricity Transmission Activities 2009
NESTF	National Environmental Standards for Telecommunication Facilities 2016
NMP	Noise Management Plan
NPS	National Policy Statement or else National Planning Standards, MFE 2019 depending upon context
NPS-ET	National Policy Statement on Electricity Transmission 2008
NPS-FM	National Policy Statement for Freshwater Management 2020
NPS-HPL	National Policy Statement for Highly Productive Land 2022
NPSIB	National Policy Statement for Indigenous Biodiversity 2023
NZCPS	New Zealand Coastal Policy Statement 2010
NPS-REG	National Policy Statement for Renewable Electricity Generation 2011
NPS-UD	National Policy Statement on Urban Development 2020

P1 Sch1	Part One Schedule 1 Process
PREC1	PDP Harbour Reserve Amenity Precinct
PREC2	PDP Mission Residential Precinct
PREC3	PDP Napier Hill Mataruahou Amenity Precinct
RCEP	Regional Coastal Environment Plan 2014 (RCEP) Mahere Taiao Taha Moana ā-Rohe
RPS	Hawkes Bay Regional Policy Statement (contained in the RRMP)
RRMP	Hawkes Bay Regional Council Regional Resource Management Plan (2006)
SOSM	Site of Significance to Māori
S32	Section 32 of the Resource Management Act 1991
S32AA	Section 32AA of the Resource Management Act 1991
the Act / the RMA	Resource Management Act 1991
the Building Act / BA	Building Act 2004
the Council / NCC	Napier City Council
the Enabling Act / RMA-EHS	Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021
the Operative Plan/ODP	Operative Napier City District Plan
the Proposed Plan/PDP	Proposed Napier City District Plan

**Table 2: Abbreviations of Submitters and Further Submitters Names addressed in this report**

<b>Abbreviation</b>	<b>Means</b>
Dept of Corrections	Ara Poutama Aotearoa the Department of Corrections
DOC	Department of Conservation Te Papa Atawhai
Emerald Hills	Emerald Hills Joint Venture Limited
FENZ	Fire and Emergency New Zealand
Forest and Bird	Royal Forest and Bird Protection Society
Fuel Companies	Z Energy, BP Oil NZ Ltd and Mobil Oil NZ Limited
HBRC	Hawkes Bay Regional Council
Heritage NZ	Heritage New Zealand Pouhere Taonga
Kāinga Ora	Kāinga Ora Homes and Communities
KiwiRail	KiwiRail Holdings Limited
Mana Ahuriri	Mana Ahuriri Holdings Limited Partnership
NCC	Napier City Council
NZAAA	New Zealand Agricultural Aviation Association
NZDF	New Zealand Defence Force
NZFFL	New Zealand Frost Fan Limited
NZHA	New Zealand Helicopter Association
QEII	Queen Elizabeth the Second National Trust
RNZ	Radio New Zealand
Tawanui	Tawanui Developments Limited
Telecommunications Companies	Chorus New Zealand Limited, Connexa Limited, Aotearoa Tower Group (trading as FortySouth), One New Zealand Group Limited and Spark New Zealand Trading Limited
Transpower	Transpower New Zealand Ltd
Waka Kotahi	Waka Kotahi NZ Transport Agency

In addition, references to submissions includes further submissions, unless otherwise stated.

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**APPENDIX D - Land Use Capacity Map with Zoning**

**APPENDIX E - Memo - Development Engineering**

# 1. Introduction

## 1.1 Purpose of the Section 42A Report

1. This report has been prepared under section 42A of the Resource Management Act 1991 (“RMA”). It discusses the various issues raised by submissions and makes recommendations on either retaining the Proposed District Plan (“PDP”) provisions without amendment or making amendments to the PDP in response to those submissions in order to assist the Hearings Panel in drafting the Council’s decisions on the subdivision chapter (SUB).
2. It considers submissions received by Napier City Council in relation to the relevant strategic directions, objectives, policies, rules, definitions, and appendices as they apply to the relevant chapters in the PDP. The report outlines recommendations in response to the key issues that have emerged from these submissions.
3. This report discusses general issues or topics arising, the original and further submissions received following notification of the PDP, makes recommendations as to whether or not those submissions should be accepted or rejected, and concludes with a recommendation for changes to the PDP provisions based on the preceding assessment and evaluation contained in the report. Where necessary, other parts of the PDP have been addressed in this report.
4. The conclusions reached and recommendations made in this report are not binding on the Hearings Panel. It should not be assumed that the Hearings Panel will reach the same conclusions having considered all the information in the submissions and the evidence to be brought before them, by the submitters.

## 1.2 Author, Code of Conduct and Supporting Evidence

5. My name is Connie Mills. I am employed by the Council as a Strategic Planning Lead. My qualifications include a Bachelor of Science in Geography and Psychology and a Master in Planning both from the University of Otago. I am an Intermediate Member of the New Zealand Planning Institute and have previously served for three years as a member of Central North Island Branch Committee.
6. I have over seven years’ experience working as a resource management planner, with this work including various resource management positions in local government, public sector companies as well as for private firms. I am familiar with, and experienced in, the processing of resource consents, preparation of assessment of environmental effects, providing advice to elected members, preparing plans and the Resource Management 1991 (“RMA”).
7. I have been involved in the district plan review process since March 2024 when joining the Council. My involvement begun during the summary of submissions phase. I am involved in the drafting of S42 reports for numerous chapters. I was not involved in the drafting of the Strategic Direction chapter of the PDP.
8. Although this is a Council Hearing, I have read the Code of Conduct for Expert Witnesses contained in the Practice Note issued by the Environment Court in 2023. I have complied with that Code when preparing my written statement of evidence and I agree to comply with it when I give any oral evidence.

9. The scope of my evidence relates to the subdivision chapter. Other than when I state that I am relying on the evidence or advice of another person, this evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions I express.
10. Any data, information, facts, and assumptions I have considered in forming my opinions are set out in part of the evidence in which I express my opinions. Where I have set out opinions in my evidence, I have given the reasons for those opinions.
11. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.
12. The expert evidence, literature, legal cases or other material which I have used or relied upon in support of the opinions expressed in this report include the following:
  - a. Expert evidence of Patrik Ralsberg, GIS Analyst at the Napier City Council in respect of the properties contained within the Rural Lifestyle Zone and size areas.
  - b. Expert evidence of Simon Bradshaw, Manager Infrastructure Developments at the Napier City Council in respect of the servicing opportunities and limitations within the Rural Lifestyle Zone.
  - c. Expert evidence of Dave Curson, Transportation Engineer at the Napier City Council in respect of the access opportunities and limitations within the Rural Lifestyle Zone.

### 1.3 Procedural Matters

13. At the time of writing this report there has not been any pre-hearing conferences, clause 8AA meetings or expert witness conferencing in relation to submissions on the subdivision chapter.
14. There has been an email and a response with the Fuel Companies agent in respect of subdivision controls within the Significant Hazardous Facilities Risk overlay. The outcome of this email response contributed towards my consideration of subdivision within this area however, no amendments have been made to the notified provisions of the PDP as a result.

## 2. Statutory Considerations and Planning Framework

### 2.1 Overview

15. As set out in the Section 42A Report Part 1 Strategic Direction, there are a number of higher order planning documents and strategic plans that provide direction and guidance for the preparation and content of the PDP, including in relation to this topic. This report details all relevant consultation and includes a comprehensive assessment of the statutory considerations considered prior to public notification of the PDP, as well as changes to the planning framework in the intervening period. For efficiencies in reporting, this has not been repeated within this topic specific report. Where higher order documents are specifically relevant to the analysis on submissions, this has been addressed in the assessment of submissions by issue/theme in this report.

16. In addition to the Part 1 Strategic Direction report, the following Section 32 Evaluations Reports are relevant to the relevant provisions that will be addressed in this S42A report:

- <https://www.napier.govt.nz/assets/Proposed-District-Plan/Section-32-Reports/Section-32-Report-Part-2-Subdivision.pdf>

## 2.2 Section 32AA

17. Section 32 of the RMA requires that the objectives of the proposal be examined for their appropriateness in achieving the purpose of the RMA, and the provisions (policies, rules, standards or other methods) of the proposal are to be examined for their efficiency, effectiveness and risk. The effects of new policies and rules on the community, the economy, cultural, historic heritage matters and the environment needs to be clearly identified and assessed as part of this examination.
18. Where changes are proposed to the as-notified provisions, a further assessment needs to be undertaken to confirm that the new provisions are appropriate at a level of detail that corresponds to the scale and significance of the changes.
19. Where there is a significant departure from the notified PDP provisions, I have undertaken a S32AA evaluation in respect to the recommended amendments in my assessment on a topic basis within the analysis of submissions.

## 2.3 Strategic Objectives

20. The strategic objectives of the Proposed District Plan provide a framework for ensuring a consistent policy direction for all chapters. The strategic objectives particularly relevant to this topic are:
- Objective SD-UFD-O9: Infrastructure and land use planning Infrastructure planning is integrated with land use planning to facilitate efficient development in identified growth areas.
  - Objective SD-UFD-O2: Housing Supply and Choice Housing supply and choice meets demand and reflects the demographics of Napier's communities.
  - Objective SD-UFD-O7: Heretaunga Plains The contribution that soils within the Heretaunga Heretaunga Plains makes to food supply is protected from inappropriate subdivision, urban use, and development.
  - Objective SD-UFD-O10: Quality environment Attractive, safe and healthy environments to live, work and play.
  - Objective SD-TI-O2: Transport Napier's transport network optimises connectivity, public health and safety, and encourages active and public transport modes.
  - Objective SD-UFD-O9: Infrastructure and land use planning Infrastructure planning is integrated with land use planning to facilitate efficient development in identified growth areas.
  - Objective SD-SRCC-O1: Risk and vulnerability Risk and vulnerability of people and property from natural hazards is minimised.
  - Objective SD-SRCC-O3: Natural systems The functions of natural systems are protected from inappropriate subdivision, use, and development.

- Objective SD-SRCC-O2: Resilient Napier There is no significant increase in the risk from natural hazards, including the effects of climate change, to people, property, and infrastructure as a result of subdivision, use, and development.
  - Objective SD-HCH-O1: Character, culture, heritage and landscapes Napier's distinctive character, culture, heritage, and landscapes are recognised, celebrated, maintained, protected, and enhanced.
  - Objective SD-TWO3: Sites of significance to Māori The relationship of tangata whenua with their cultural heritage and with the natural and physical environment is recognised and provided for.
21. The above strategic objectives have been considered alongside the higher order planning documents and legislation when informing the analysis of submissions in this report, including the s32AA assessments.

## 2.4 Trade Competition

22. There are no known trade competition issues raised within the submissions.

## 3. Consideration of Submissions and Further Submissions

### 3.1 Overview

23. In total, there were 244 submission points in relation to subdivision and 122 further submission points.
24. Submissions on the provisions relevant to this topic raised a number of issues which have been grouped into sub-themes within the applicable parts of this S42A report. Some of the submissions are addressed under a number of headings based on the topics contained in the submission. I have considered substantive commentary on primary submissions contained in further submissions as part of my consideration of the primary submission(s) to which they relate.
25. In accordance with Clause 10(3) of the First Schedule of the RMA, I have undertaken the following evaluation on both an issues and provisions-based approach, as opposed to a submission-by-submission approach. I have organised the evaluation in accordance with common themes that appear on the residential chapters in the PDP as notified.
26. Due to the number of submission points, this evaluation is generic only and may not contain specific recommendations on each submission point, but instead discusses the issues generally. Specific recommendations on each submission / further submission are contained in **Appendix B**.
27. The following evaluation should be read in conjunction with the summaries of submissions and the submissions themselves, the applicable S32 Reports, and the overlays and maps on the ePlan. Where I agree with the relief sought and the rationale for that relief, I have noted my agreement, and my recommendation is provided in the summary of submission table in **Appendix B**. Where I have undertaken further evaluation of the relief sought in a submission / s, the evaluation and recommendation are set out in the body of this report. I have provided a marked-up version of the subdivision chapter (and other chapters where changes relating to subdivision are recommended) with recommended amendments in response to submissions as **Appendix A**.

28. My recommendations in relation to further submissions reflect the recommendations on the relevant primary submission. In general, further submissions may not be specifically mentioned.
29. This report only addresses definitions that are specific to the subdivision provisions in the PDP. Where Definitions relate to more than one topic, they have been addressed in Hearing Stream 5 and the associated S42A Report.
30. Where relevant I have addressed minor and inconsequential changes, pursuant to Schedule 1, clause 16 (2) of the RMA, within the context of the relevant provision assessment. Section 12 provides a summary of these minor and inconsequential changes.
31. I note that the provisions of the Subdivision Chapter are unique in that they relate to a number of zone specific and district wide matters. For ease and clarity, the assessments undertaken in this report have been organised into related sections based on the zone/district wide matter or theme to which they relate, as set out below:
- Definitions
  - General Matters
  - Network Utilities
  - Urban Subdivision
  - Rural Subdivision
  - Subdivision involving historic and biodiverse values
32. Given that the provisions of the Subdivision Chapter are interrelated to a number of other PDP chapters that are yet to be assessed and heard, the recommendations in this report are somewhat limited on the basis that the outcomes of the 'parent' chapter hearing processes are unknown. To the extent possible, I have made recommended amendments for the subdivision provisions, or otherwise noted proposed amendments that I consider would be appropriate.
33. The sections of this report which this issue is most relevant to are:
- Network utilities and transport – to be addressed in Hearing Stream 3
  - Ecosystems and indigenous biodiversity – to be addressed as part of a variation to the PDP
  - Natural Hazards – to be addressed as part of a variation to the PDP
34. Where amendments are proposed these will either be made in parallel with, or consequential to, the parent chapter hearings.
35. For each identified topic, the consideration of submissions has been undertaken in the following format:
- Matters raised by submitters;
  - Assessment; and
  - Summary of recommendations and consequential amendments in **Appendix A**.
36. Relief sought by submitters has been identified via **bold and underlined** where inclusions are sought and ~~strikethrough~~ for deletions. Recommended changes are shown in **red and underlined** for inclusion and deletions are shown as ~~strikethrough~~.

### 3.2 Late submissions

37. One submission on this topic was received after the close of submissions date of 15<sup>th</sup> December 2023. One further submission was received after the further submission period closed on the 7<sup>th</sup> May 2024. These are listed in the table below.

Submitter Number	Submitter name	Date submission received
288	Fire and Emergency New Zealand (FENZ)	18 <sup>th</sup> December 2023
289	Royal Forest and Bird Protection Society of New Zealand Inc (Forest and Bird)	19 <sup>th</sup> December 2023
580.150	Sera Chambers	2 <sup>nd</sup> July 2024

38. I recommend the above late submissions be accepted as they were received sufficiently in advance of preparing this report so as to not impact on the analysis undertaken. I have included analysis of the relevant submission points from this submission within the report alongside other submissions.

## 4. Submissions on Definitions

### 4.1 Matters raised by submitters

39. Guy Panckhurst (210.8) seeks a definition of “allotment size” in reference to SUB-S1.
40. Guy Panckhurst (210.12), supported by HBRC (FS19.210.12) and Alison Francis (FS250.210.12), seek a definition of “flood free” in reference to building platforms as part of SUB-S8.

### 4.2 Assessment

41. In response to a definition of “allotment size”, the PDP includes a definition of “allotment” and “net site area” as follows:

ALLOTMENT	<p>has the same meaning as in section 218 of the RMA (as below): means—</p> <ul style="list-style-type: none"> <li>a. any parcel of land under the Land Transfer Act 1952 that is a continuous area and whose boundaries are shown separately on a survey plan, whether or not— <ul style="list-style-type: none"> <li>i. the subdivision shown on the survey plan has been allowed, or subdivision approval has been granted, under another Act; or</li> <li>ii. a subdivision consent for the subdivision shown on the survey plan has been granted under this Act; or</li> </ul> </li> <li>b. any parcel of land or building or part of a building that is shown or identified separately— <ul style="list-style-type: none"> <li>i. on a survey plan; or</li> <li>ii. on a licence within the meaning of Part 7A of the Land Transfer Act 1952; or</li> </ul> </li> <li>c. any unit on a unit plan; or</li> <li>d. any parcel of land not subject to the Land Transfer Act 1952.</li> </ul>
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NET SITE AREA	<p>means the total area of the site, but excludes:</p> <ol style="list-style-type: none"> <li>a. any part of the site that provides legal access to another site;</li> <li>b. any part of a rear site that provides legal access to that site;</li> <li>c. any part of the site used for access to the site;</li> <li>d. any part of the site subject to a designation that may be taken or acquired under the Public Works Act 1981.</li> </ol>
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42. Neither definition is utilised in the subdivision standards for minimum lot size. Instead, minimum areas are set by 'allotment area'. To improve plan clarity, I recommend amending SUB-S1 to SUB-S5 to be titled 'Minimum net site area...' for the reasons set out in the Section 32AA report in Section 4.3 below.

43. Turning to a definition for the purpose of a 'flood free' building platform. I concur with the submitters that a definition would assist plan users, however, have reservations on providing a specific level as what's considered 'flood free' could change over time as climate data updates. Likewise, an overly conservative definition could unduly restrict what otherwise could be appropriate development. As 'flood free' has not been referenced elsewhere in the PDP I do not consider a definition to be necessary however, I concur with submitters that clarity is needed. I recommend the following amendment, as supported by the Section 32AA evaluation in Section 4.3, to SUB-S8 to define a 'flood free' building platform as follows:

<b>SUB-S8: Building Platform</b>	
All Zones	<p>Each allotment must contain at least one <b><u>suitable building platform that is stable, flood-free building platform</u></b>;</p> <ol style="list-style-type: none"> <li>a. <b><u>Free from mapped overland flow paths</u></b></li> <li>b. <b><u>Free from inundation to a 1% AEP event,</u></b></li> <li>c. capable of containing existing and new buildings in compliance with the permitted activity performance standards for the zone where it is located (including building setbacks applicable to that zone), and,</li> <li>d. be suitable for building foundations;</li> </ol> <p style="text-align: center;">...</p>

### 4.3 Section 32AA

44. The following provides a Section 32AA evaluation for the definition of a minimum net site area:

<b>Provisions Most Appropriate Way to Achieve the Objectives</b>
<p>The preferred option is to change "allotment sizes" to "minimum net site area" in provisions SUB-S1-S5.</p> <p>Minimum net site area has been defined in the notified PDP:  Means the total area of the site, but excludes:</p> <ol style="list-style-type: none"> <li>a. Any part of the site that provides legal access to another site;</li> <li>b. Any part of a rear site that provides legal access to that site;</li> <li>c. Any part of the site used for access to the site;</li> <li>d. Any part of the site subject to a designation that may be taken or acquired under the Public Works Act 1981.</li> </ol>

This will only impact zones and other spatial layers that provide a minimum lot size, including residential zones, large format retail, rural zones, special purpose zones: Te Whanganui-a-Orotū (Ahuriri Estuary) and Jervoistown Development Area, and historic heritage and amenity overlays and precincts.

This change will increase consistency across the plan and deliver on intended outcomes as the density provisions of underlying zones are based on 'net site area'.

Where sites are connected to the stormwater network the PDP requires hydraulic mitigation. This calculation is based on the 'impervious area', this includes any new or redeveloped areas since the date the rule becomes operative (SW-S1). Accordingly, there will be no change to how hydraulic mitigation is calculated at the time of subdivision.

<b>Benefits</b>	<b>Costs</b>
<u>Environmental:</u> <ul style="list-style-type: none"> <li>- By excluding areas used for legal access, such as driveways or shared access lanes or designation areas, from the net site area calculation, there is a greater focus on the actual usable land. This discourages inefficient land division that includes large accessways, ensuring that more of the land is available for productive uses (e.g. housing).</li> </ul>	<u>Environmental:</u> <ul style="list-style-type: none"> <li>- Defacto larger lots may be unintentionally encouraged, resulting in marginally less infill development putting pressure on urban sprawl. NB: there is no minimum lot size in most residential zones provided bulk and location standards can be demonstrated therefore will not be subject to the minimum net site area calculation.</li> </ul>
<u>Economic:</u> <ul style="list-style-type: none"> <li>- By relying on net site area, land owners and developers have a more reflective dimension of the potentially developable land, not lost to access and servicing.</li> </ul>	<u>Economic:</u> <ul style="list-style-type: none"> <li>- There will be some loss of subdivision potential throughout zones/spatial layers that specify a minimum area. Under the notified provision of 'allotment area', the minimum site size included all areas within the legal boundaries which could include legal access and designation areas.</li> </ul>
<u>Social:</u> <ul style="list-style-type: none"> <li>- Subdivision design will deliver on compatible land uses which reflect the community aspirations and patterns of development within the relevant zone. At present, the zone chapters specify density provisions based on net site area.</li> <li>- The onsite livability of properties subject to subdivision will be slightly more generous in area therefore can accommodate more activities with fewer yard infringements.</li> </ul>	<u>Social:</u> <ul style="list-style-type: none"> <li>- It will be slightly less enabling of subdivision, the yield may slightly reduce for larger subdivision sites where accommodating shared or rear vehicle access.</li> </ul>
<u>Cultural:</u> N/A	<u>Cultural:</u> N/A
<b>Risk of acting or not acting if there is insufficient information. – s 32(2)(c)</b>	
The information available is considered sufficient to inform this aspect of the review.	

<b>Efficiency – s 32(1)(b)(ii)</b>	
Benefit to the users of the District Plan and wider community from simple defined provisions applicable throughout both zone/spatial layer chapters and subdivision.	
Enables consideration of the important matters at issue, rather than a focus on the perceived least path of resistance associated with the class of resource consents.	
Referring to the "net site area" instead of the "allotment area" when considering the minimum lot size for subdivision is more efficient because the net site area excludes land used for accessways, communal areas and designations. This provides a more accurate reflection of the actual usable land available for development, ensuring a clearer understanding of how the land will be utilised. It also helps in assessing density, compliance with zoning requirements, and managing infrastructure more precisely, which aligns with efficient land use and sustainable urban planning objectives	
<b>Effectiveness – s 32(1)(b)(ii)</b>	
The preferred option is considered to be the most efficient means of addressing the issues and objectives within the plan, as it will:	
<ul style="list-style-type: none"> <li>• Deliver on subdivision design which reflects the characteristics and amenity values of the locality to which it relates (Issue SUB-I1, SUB-O1 and SUB-P1) as lot size will mirror the zone density provisions.</li> <li>• Enable a quality urban environment through well considered subdivision layouts (Issue SUB-I4, SUB-O1, SUB-O3 and SUB-P1) as excluding areas for roads and infrastructure encourages thoughtful design focused on the livable portions of the site, improving functionality and appearance.</li> <li>• Enable the consistent application of definitions throughout the plan.</li> </ul>	
<b>Alternative Options – s32(1)(b)(i)</b>	
Option 1: Status Quo	<p>This option is not considered appropriate for the following reasons:</p> <ul style="list-style-type: none"> <li>• It is currently unclear what constitutes the minimum area required for subdivision as 'allotment area' is not defined but both 'allotment' and 'net site area' are defined.</li> </ul>
<b>Overall evaluation</b>	
Providing plan users and plan administrators a clear, non-ambiguous direction on what constitutes the minimum area for subdivision is an effective method of implementing the PDP. Overall, the benefits outweigh the costs overall.	

45. The following provides a Section 32AA evaluation of what is considered 'flood free' building platform:

**Provisions (Policy, Rule, Method) Most Appropriate Way to Achieve the Objectives**

Only used in relation to subdivision. Does not need a new definition instead, the following amendment is recommended to SUB-S8: Building Platform:

<b>SUB-S8: Building Platform</b>	
All Zones	<p>1. Each allotment must contain at least one <b><u>suitable building platform that is</u></b> <del>stable, flood free building platform;</del></p> <p><u>a. Free from mapped overland flow paths</u></p> <p><u>b. Free from inundation to a 1% AEP event,</u></p> <p><u>c.</u> capable of containing existing and new buildings in compliance with the permitted activity performance standards for the zone where it is located (including building setbacks applicable to that zone), and,</p> <p><u>d.</u> be suitable for building foundations;</p> <p>...</p>

Each allotment must contain at least one suitable building platform that is;

- a. free from mapped overland flow paths,
- b. free from inundation to a 1% AEP event,
- c. capable of containing existing and new buildings in compliance with the permitted activity performance standards for the zone where it is located (including building setbacks applicable to that zone), and
- d. be suitably stable for building foundations.

Non-compliance with this standard would elevate subdivision consent consideration to a restricted discretionary activity which lists 'natural hazard and land stability' as a matter of discretion (among other things). This would provide plan users the opportunity to demonstrate mitigation, equally enables decision makers to decline the consent if flood risk is unable to be managed.

This option provides an efficient method of having regard to Section 6(h)

<b>Benefits</b>	<b>Costs</b>
<p>Environmental:</p> <ul style="list-style-type: none"> <li>- clear to the community what constitutes a suitable building platform.</li> <li>- Subdivision would be directed to occur in locations where buildings would not be positioned in overland flow paths or inundation areas.</li> </ul>	<p>Environmental:</p> <ul style="list-style-type: none"> <li>- Maps are static. Where the overland flow path changes plan users may need to unnecessarily obtain a restricted discretionary consent.</li> </ul>
<p>Economic:</p> <ul style="list-style-type: none"> <li>- It will not impose unjustifiably high costs on the community/ parts of the community to determine whether the subdivision contains a suitable building platform.</li> <li>- Developments not within these mapped layers will be afforded a clear controlled activity pathway which decision makers must grant. It provides developers confidence where suitable platforms are demonstrated</li> </ul>	<p>Economic:</p> <ul style="list-style-type: none"> <li>- Generally, resource consents with more stringent status require additional financial resources to provide sufficient information to demonstrate effects. Sites mapped within these layers will incur additional costs to obtain a subdivision consent to demonstrate mitigation of the flood hazards.</li> <li>- A higher threshold consent may discourage development in some areas.</li> </ul>

<p>Social:</p> <ul style="list-style-type: none"> <li>- Future land owners are provided with security that the building platform is located with the recognised flood free area.</li> <li>- Only the properties identified within the mapped overland flow paths and 1% AEP inundation will be impacted.</li> <li>- There is no ambiguity as to where a suitable building platform applies.</li> </ul>	<p>Social:</p> <ul style="list-style-type: none"> <li>- The maps are static. Some people may consider their properties are without a suitable building platform if the information is updated and the extents are moved.</li> </ul>
<p>Cultural: N/A</p>	<p>Cultural: N/A</p>
<p><b>Risk of acting or not acting if there is insufficient information. – s 32(2)(c)</b></p>	
<p>The information available is considered sufficient to inform this aspect of the review.</p>	
<p><b>Efficiency – s 32(1)(b)(ii)</b></p>	
<p>The preferred option is an efficient method of enabling subdivision where suitable building platforms are available, and the benefits generally outweigh the costs. The specific reference to mapped overland flow paths and the 1% AEP inundation extents provides plan users confidence on whether they comply or not. This would minimise the need for site specific assessment in determining suitable platforms. This is useful for when considering the viability of a development prior to purchase of a property or development.</p>	
<p><b>Effectiveness – s 32(1)(b)(ii)</b></p>	
<p>The preferred option is considered to be the most efficient means of addressing the issues and objectives within the plan, as it will:</p> <ul style="list-style-type: none"> <li>- Give effect to the relevant strategic objectives of the Proposed District Plan.</li> <li>- Give effect to the relevant matters of national importance under Section 6 of the RMA, specifically 6(h).</li> <li>- Enables new development by way of subdivision to follow a controlled activity pathway where suitable building platforms are provided, assuming all other standards are complied with.</li> <li>- Where subdivision is within the layers, a consenting process enables council engineers to consider the impact on flooding, and decline if appropriate.</li> </ul>	
<p><b>Alternative Options – s32(1)(b)(i)</b></p>	
<p>Option 1: Status Quo</p>	<p>This option is not considered appropriate for the following reasons:</p> <ul style="list-style-type: none"> <li>- The phrase 'flood free' is vague therefore could lead to a variety of different interpretations. It does not assist decision makers with a clear understanding of what constitutes a suitable building platform.</li> <li>- Anyone undertaking a subdivision would need to consider what 'flood free' is, it would be unclear based on consideration of the PDP alone.</li> <li>- Though the phrase 'flood free' addresses SUB-I3, it is an ineffective way of managing the natural hazard risk.</li> </ul>

<p>Option 2: Apply a specific elevation above specified data set i.e. 500mm above the 1% AEP Event or 500mm above the Cyclone Gabrielle dataset</p>	<p>This option is not considered appropriate for the following reasons:</p> <ul style="list-style-type: none"> <li>- Council may be required to provide the specific elevation based on its held dataset, this would be inefficient.</li> <li>- It may result in perverse outcomes whereby landowners elevate their properties to comply with the required building platform provision to retain the controlled subdivision pathway whereby council must grant the consent, this could result in displaced flood waters into neighboring properties.</li> </ul>
<p><b>Overall evaluation</b></p> <p>In summary, a more detailed description of what constitutes a flood free building platform assists plan users, plan administrators, and the future landowner with security on a suitable building area. It will provide for the most effective implementation of the current objectives of the PDP and the benefits outweigh the costs.</p>	

#### 4.4 Recommendations

46. Hearing Stream 2, Subdivision, Recommendation 1: that relief sought by Guy Panckhurst (210.8) is accepted in part provisions which reference 'minimum allotment size' are amended to 'minimum net site area', specifically within provisions SUB-S1 to SUB-S5.
47. Hearing Stream 2, Subdivision, Recommendation 2: that the relief sought by Guy Panckhurst (210.12) as supported by HBRC (FS 19.210.12) and Alison Francis (FS 250.210.12) is accepted to amend SUB-S8 to incorporate a definition of a 'flood free' building platform as follows:

SUB-S8: Building Platform	
All Zones	<p>1. Each allotment must contain at least one <u>suitable building platform that is stable, flood free building platform</u>:</p> <ul style="list-style-type: none"> <li>a. <u>Free from mapped overland flow paths</u></li> <li>b. <u>Free from inundation to a 1% AEP event,</u></li> <li>c. capable of containing existing and new buildings in compliance with the permitted activity performance standards for the zone where it is located (including building setbacks applicable to that zone), and,</li> <li>d. be suitable for building foundations; ...</li> </ul>

## 5. Submissions on general points throughout the chapter

### 5.1 Issue #1 – Assessment Criteria reference to Objectives and Policies

#### 5.1.1 Matters raised by submitters

48. A number of submitters<sup>2</sup> have either sought amendment to or oppose in entirety to the matters of control or restricted discretion extending to reference the objectives

<sup>2</sup> Emerald Hills (128.8, 128.9, 128.35, 128.38, 128.39, FS 292.196.77, FS 290.247.10, FS 290.247.16, FS 290.247.17, FS 289.263.9), Napier City Council Policy Team (196.77), Tawanui Limited (247.8, 247.9, 247.10, 247.17), Mana Ahuriri (263.9, 263.10, 263.11, 263.17)

and policies of the relevant zone, precinct, or development area.

49. This package of submission points include reference to the following rules and assessment criteria:
- SUB-R1A
  - SUB-R2A
  - SUB-R5A
  - SUB-R7A
  - SUB-AC1(a)
  - SUB-AC2(a)
50. The position expressed in this suite of submissions argues that requiring subdivision designs to be "consistent with" objectives and policies is overly subjective. Instead, it is proposed that assessment criteria should align with the specific matters of control or restricted discretion in subdivision applications. The reference to objectives and policies is considered too open-ended, and it is recommended that the matters for control and discretion should explicitly address the relevant aspects of any development infringement to provide greater clarity and precision in decision-making.
51. Relief sought by these submitters include deletion of reference to the objectives and policies, or to specify exactly what matters are applicable for control or discretion from the objective and policy framework.

### 5.1.2 Assessment

52. I concur with the relief sought to remove reference to the objectives and policies of the relevant zone, precinct, and development area for those provisions listed in paragraph 44 above for the reasons outlined in the S32AA in 5.3 below.

### 5.1.3 Section 32AA evaluation for provisions

53. In my opinion, the removal of objectives and policies of the relevant zone, precinct, and development area from matters of control, restricted discretion and assessment criteria in SUB-R1A, SUB-R2A, SUB-R5A, SUB-R7A, SUB-AC1(a), SUB-AC2(a) is more appropriate in achieving the objectives of the plan than the notified provisions as:
- a. A controlled subdivision activity must adhere to the minimum lot size, this minimum is the density that the PDP has anticipated for the zone. It is generally accepted that a permitted activity could be established within the minimum lot therefore should be consistent with the intent of the zone. Any zone infringements would require a land use resource consent therefore, the policy framework would become applicable in that instance.
  - b. In addition to a, subdivision for the purpose of residential activities can either comply with the minimum lot size or be undersized where it is demonstrated that all zone standards are met or may be applied for concurrently with a land use consent for a zone standard infringement (SUB-S1(1-2)). All residential zone standard infringements list specifically the matters control/ discretion is reserved to therefore, returning to the policy framework would not assist in decision making.
  - c. The remaining matters of control/restricted discretion/ assessment criteria adequately cover the merits of subdivision.
  - d. Section 104(1)(b) requires the consideration of any relevant provision of a plan or proposed plan, therefore decision makers are afforded the opportunity to revert to the policy framework if it would assist decision making.

## 5.2 Issue #2 – Consistency of provisions

### 5.2.1 Matters raised by submitters

54. Tawanui (247.3) as supported by Kāinga Ora (FS 509.247.3), and Mana Ahuriri (263.4) oppose the Issues as a whole package and instead consider that there should be amendments to align with Policy 6 of the NPS-UD, specifically recognising changing character in communities through ongoing urban development.
55. Tawanui (247.4, 247.5) as supported by Kāinga Ora (FS 509.247.4, FS 509.247.5), and Mana Ahuriri (263.5, 263.6) as supported by Kāinga Ora (FS 511.263.6) oppose the Objectives and Policies as a whole package and considers there to be significant repetition and confusing terminology. The submitters seek amendment to provide guidance on key matters.
56. Forest and Bird (289.119) oppose the whole chapter including Introduction, Objectives, Policies and Rules. Arising from late notification of ECO-chapter arising from the later notification of the ECO-chapter. Instead, seeks to add additional clarity as follows:

The Ecosystems and Indigenous Biodiversity chapter includes provisions which relate to subdivision. Where there is a conflict between the Subdivision chapter and the Ecosystems and Indigenous Biodiversity chapter, the provisions that place greater or additional restrictions on activities with adverse effects on the natural environment will apply.
57. HBAL (198.181) seek an amendment to the subdivision chapter generally, to be consistent with the recommendations set out in NZS6805, future proof the Airport from reverse sensitivity effects and manage the potential amenity and health effects on the community. Sera Chambers (FS 560.198.181) opposes this relief.

### 5.2.2 Assessment

58. Policy 6 of the NPSUD requires plan changes to recognise that urban environments naturally evolve and to avoid overemphasizing adverse effects associated with amenity levels in changing urban environments. The policy acknowledges that while urban development may lead to some adverse effects, these alone should not justify refusing a proposal unless the effects are significant in the broader context of urban growth. Plans, and consequentially resource consents, are encouraged to balance potential negative impacts with the positive outcomes of development, such as increased housing supply and efficient land use, ensuring that urban areas can adapt and meet changing needs over time.
59. SUB-I1 directs subdivision to respond to the "scale, density, and type of development anticipated by the objectives and policies of the relevant zone or precinct." I consider it appropriate to delete the latter part of the issue statement "including any identified characteristics of the neighbourhood" to better enable character change in neighbourhoods in response to increased development density. Retaining this statement could hinder the evolution of neighbourhoods toward denser development forms.
60. Turning to the objectives in relation to Policy 6 of the NPS-UD, subdivision is directed to align with the outcomes sought by the relevant zones, rather than maintaining the existing urban form. For example, SUB-O1 requires that subdivision "delivers quality community environments and patterns of development that ensure the objectives, policies, and rules of the relevant zone," (emphasis added) and SUB-P1 seeks subdivision that "reflects patterns of development that are compatible with and reinforce the role, function, and predominant character of the



zone (emphasis added)." These provisions focus on the intended future state of the zone, not the existing built environment.

61. I recommend amending SUB-I1 as outlined, but I consider the remainder of the policy framework to appropriately give effect to Policy 6. Accordingly, I recommend accepting in part the relief sought by Tawanui, Kāinga Ora, and Mana Ahuriri.
62. I consider the current drafting of the Issues, Objectives, and Policies to provide clear and effective direction to plan users, addressing the key considerations for subdivision development without unnecessary complexity. The provisions adequately cover important aspects such as good design, protection of highly productive land (HPL), reverse sensitivity, infrastructure requirements, access, natural hazards, the recognition of Māori relationships with natural environmental values, ecological needs, and the protection of heritage values. In my view, there are no elements within this policy framework that are superfluous or unnecessary. Accordingly, I recommend rejecting the relief sought by Tawanui, Kāinga Ora, and Mana Ahuriri.
63. In response to the relief sought by Forest and Bird, I recommend rejecting the relief at this time due to the current lack of certainty regarding the contents of the ECO variation. It may be appropriate to introduce more stringent subdivision controls once the ECO provisions are confirmed. However, introducing such measures now would be premature and speculative.
64. The external document HBAL have referenced in their relief sought requires payment to access, I consider requiring additional costs on plan users to determine compliance to be overburdensome and inequitable. Accordingly, I recommend rejecting reference to this external document. Looking more broadly at the submission from HBAL in relation to subdivision, the submitter seeks the following relief for activities within the Outer Control Boundary
  - General Residential Zone density of one unit per 350m<sup>2</sup>
  - Rural Lifestyle Zone density of one unit per 2500m<sup>2</sup>
  - require provision of acoustic treatment (primarily through mechanical ventilation) for residential activitiesI note that the submitter seeks modifications to the Outer Control Boundary. This will be addressed as part of the Noise Chapter within Hearing Stream 4.
65. I consider the plan as notified has responded to the relief sought by HBAL for the following reasons:
  - NOISE-S5: *Acoustic treatment for activities sensitive to aircraft noise inside the Outer Control Boundary* requires inside noise sensitive spaces to be acoustically designed to manage the potential effects from aircraft noise.
  - All subdivision is subject to SUB-AC1 which includes consideration of reverse sensitivity effects on existing land uses. This provision will direct plan users to respond to the needs of the Hawkes Bay Airport. Accordingly, I do not consider duplication within the subdivision chapter to be necessary.
  - The minimum vacant lot size in the GRZ is 350m<sup>2</sup> (SUB-S1) and density controls limit one dwelling per site (GRZ-R1). In the event a reduced lot size is sought, the developer will need to demonstrate compliance with all other zone provisions and would be directed to consider both NOISE-S5 and SUB-AC1.

### 5.3 Issue #3 – Number of Allotments

#### 5.3.1 Matters raised by submitters

66. Emerald Hills (128.12), Mana Ahuriri (263.15) Tawanui (247.14), supported by Kāinga Ora (FS 509.247.14) oppose standard *SUB-S6: Number of allotments*. The former submitter either seeks the removal of this standard on the premise that it introduces an additional layer of complexity for subdivision applications that doesn't appear justified, or the removal of this standard for compliance in the Mission Precincts. The latter submitters seek the removal of the standard as it will result in a more arduous consent category, inconsistent with intensification aspirations.
67. Angela McFlynn (189.21) seeks amendment to *SUB-S6: Number of allotments* as they consider that subdivisions will be undertaken in a piecemeal manner to avoid the elevation of activity status from controlled to restricted discretionary associated with the creation of four or more sites in a residential zone or 7 or more sites in a rural zone.
68. Emerald Hills (128.37), Mana Ahuriri (263.18) supported by Emerald Hills (FS 289.263.18) oppose assessment criteria SUB-AC2: Subdivision of three sites or more in residential, rural, commercial, and industrial zones. The former submitter seeks the deletion of SUB-AC2 as they consider there is insufficient guidance to the community as to how this assessment criteria would be implemented. The latter submitter seeks the deletion as they consider it is effectively addressing the same issues as that for all other subdivisions. It is considered unnecessary and not a provision that adds to the robustness or quality of an assessment of subdivision.
69. Additionally, Emerald Hills (128.36) oppose SUB-AC1(d) which seeks to limit the use of cul-de-sacs. Note, this submission was misattributed to SUB-AC2(d), it has been inferred that SUB-AC1(d) was intended by the submitter.

#### 5.3.2 Assessment

70. On balance, I concur with the submitters' concerns outlined in paragraphs 50-52, particularly regarding the perception that the current limits on the number of allotments represent an arbitrary control. There are notable disadvantages in retaining SUB-S6 and SUB-AC2 as presently drafted, as this could encourage fragmented, piecemeal development to maintain controlled activity status, prioritising a simpler consenting process over cohesive urban planning. This, in turn, could impede comprehensive development efforts and lead to disconnected, poorly integrated developments across smaller number of allotments.
71. At a broader level, the primary purpose of SUB-S6 is to recognise the value of well-planned, high-quality environments (as set out in Issue SUB-14). In my view, the PDP could more effectively achieve this goal by revising the matters of control under SUB-R1A and enhancing the assessment criteria in SUB-AC1 to explicitly incorporate the Napier Subdivision Design Guide and open space requirements.
72. A significant portion of the matters identified for restricted discretion under SUB-S6 largely reflects those listed for control under SUB-R1A, with the key exceptions being the requirements for reserves, open spaces, and consistency with the Napier Subdivision Design Guide, as well as compliance with the Code of Practice for Land Development and Subdivision Infrastructure.
73. Similarly, the assessment criteria within SUB-AC1 substantially overlap with those in SUB-AC2, except for the omission of references to the subdivision design guide and the requirements for recreation, open spaces, and reserves within residential subdivisions.

74. The Napier Subdivision Design Guide has not been explicitly referenced within the subdivision chapter of the PDP due to the timing of its development and the notification of the plan. The guide, owned by Napier City Council's policy team and developed in collaboration with the Urban Design team, addresses key issues such as context mapping, design elements, earthworks, building locations, connectivity, low-impact urban design, street and site layouts, and open space and landscaping. Any future amendments to this guide will need to be undertaken in accordance with the Napier City Significance and Engagement Policy, ensuring appropriate community consultation. Given that it serves as a guide rather than a prescriptive standard, I consider it is more appropriately referenced within the assessment criteria, rather than as a matter of control. Incorporating it as a control could introduce subjectivity into its application, potentially leading to inconsistent outcomes.
75. Accordingly, I recommend the deletion of SUB-S6 and SUB-AC2 but the consequential following amendments to SUB-R1A and SUB-AC1:

### **SUB-R1A**

**Activity Status:** Controlled

**Where:**

1. Compliance with standards SUB-S1 - SUB-S18.

**Matters of control are:**

1. Purpose and objectives and policies of the relevant zone, precinct, and development area;
2. Adherence to any relevant structure plan;
3. Safe, connected, and efficient transport network;
4. Infrastructure and stormwater;
5. Natural hazards, including liquefaction, land stability and coastal hazards;
6. Heritage values;
7. Cultural values;
8. Landscape and topographical features;
9. Indigenous trees and vegetation;
- 10. Reserve and open space requirements;**
11. ~~40.~~ Management of construction effects;
12. ~~44.~~ Management of potential reverse sensitivity effects on existing land uses;
13. ~~42.~~ Financial contributions, and
14. ~~43.~~ Subdivision chapter assessment criteria.

### **SUB-AC1**

...

#### **Recreation, open space, and reserve requirements for residential subdivision**

- hh. **For subdivisions outside of structure plan areas, the extent to which public open space meets the following:**
  - conserving existing areas of natural or cultural value;**
    - i. **integration with green infrastructure and sustainability concepts;**
    - ii. **is conveniently located, sized, and situated to strengthen existing green networks;**
    - iii. **is well connected to existing walkways and cycleways;**
    - iv. **is accessible from public land to ensure a sense of public ownership;**
    - v. **are safe, welcoming, and provides for a range of activities and users, and**
    - vi. **is able to be gazetted under the Reserves Act 1977.**
  - ii. **Whether land for reserves is vested in Council calculated at 75 m<sup>2</sup> per allotment or the equivalent through financial contributions.**

- jj. For subdivisions that adjoin existing council reserves, whether Council has considered options for adding land to that reserve before taking financial contributions.
- kk. For subdivision adjoining public open space, whether open-style permeable fencing is provided in accordance with the rules of the underlying zones.
- ll. For subdivision within structure plan areas, the extent to which public open space adheres to the location, size, shape and any additional criteria of the relevant structure plan reserve requirements

#### Subdivision Design Guide

- mm. The extent to which the subdivision design demonstrates consistency with the Napier subdivision design guide

76. I recommend rejecting the relief sought by Emerald Hills to delete SUB-AC1(d) which seeks to limit the use of cul-de-sacs. The retention of the direction to limit the use of cul-de-sacs promotes greater urban connectivity and accessibility. This assessment criteria recognises that in some instances cul-de-sacs cannot be avoided. In the event that developers seek slower residential streets, there are design options available such as traffic calming solutions, widened greened verges, and non-linear design.

## **5.4 Issue #4 – Natural Hazards**

### **5.4.1 Matters raised by submitters**

77. Sera Chambers (150.112, FS 517.150.112, FS 549.150.112, FS 580.150.112) supports SUB-O5: Natural Hazards and seeks that it is used to deter medium density development away from the submitters perception of low-laying areas such as Onekawa and Pirimai.

78. Angela McFlynn (189.8) seeks amendment to SUB-O5 as they consider the provision currently inconsistent with the RMA relating to natural hazards, in particular, s6 which requires the management of "significant risk" from natural hazards. Ms McFlynn seeks the following relief:

SUB-O5: Natural hazards

New subdivision reduces, or does not increase, ~~the~~ any significant risks from natural hazards to people, property, and infrastructure.

79. The HBRC (FS 17.189.8) opposes the relief sought by Ms McFlynn as subdivisions should not increase the level of natural hazard risk, or potential for increased risk from subsequent development.

80. FENZ (288.47) supports SUB-O5 as notified.

81. FENZ (288.51) supports SUB-P15: Natural Hazards as notified. NCC Development Engineering (FS 435.288.51) supports FENZ in part, however, seeks the removal of the ability for subdivisions to mitigate the risk of natural hazards.

## 5.4.2 Assessment

82. I note Ms Chamber's support for SUB-O5 however, I consider it inappropriate to amend the objective to provide specific direction on where subdivision can or cannot occur. Detailing such directives at the objective level would be remis, as it would preclude a case-by-case assessment of the merits of each development proposal. Furthermore, the Napier Structure Plan, informed by an analysis of natural hazard risk vulnerabilities, already provides guidance on where higher-density development is suitable. For these reasons, I recommend rejecting the relief sought in Ms. Chamber's submissions.
83. I recommend rejecting the relief sought by Ms McFlynn in relation to SUB-O5 and instead accepting the relief within the further submission from HBRC which is to retain the provision as notified. I concur with the HBRC that subdivision should not increase the level of natural hazard risk, or potential for increased risk from subsequent development. I consider the notified provision to be consistent with Section 6 of the RMA. Furthermore, the natural hazard variation would provide specific direction as to what natural hazards pose the significant risk, at this time additional policy frameworks may be required to support the direction.
84. Regarding SUB-P15, I acknowledge the relief sought by NCC Development Engineering to remove the option for subdivision developments to mitigate natural hazard risks. However, I consider this approach impractical at present. Napier is exposed to a range of natural hazards, and it would be challenging to identify land entirely free from such risks. Accordingly, it is essential to provide a pathway for development that manages the effects of natural hazards. I recognise that, in some cases, avoiding subdivision in high-risk areas is a more sustainable approach, as it reduces the community's vulnerability to natural hazards. However, the determination of where subdivision is inappropriate will be addressed through the natural hazard chapter variation. In the interim, subdivision proposals must assess the feasibility of mitigating natural hazard risks, where avoidance is not possible. I therefore recommend rejecting the relief sought.

## 5.5 Issue #5 – Public Access and Esplanades

### 5.5.1 Matters raised by submitters

85. NCC Parks and Reserves Team (222.7 and 222.9) support provisions SUB-I5: The need to ensure public access to the coast, estuary, and rivers, and SUB-P11: Esplanade reserves and public access as drafted. No further submissions were made.
86. Angela McFlynn (189.24) seeks to amend SUB-S17: Indicative public access route to provide details on how compensation will be determined and provided to landowners whose property rights are being affected by the requirement to provide public access through their land. Emerald Hills (FS 285.189.24) support this relief.
87. NCC Parks and Reserves (222.10 and 222.11) as supported by Emerald Hills (FS 284.222.11) supports the notified drafting of SUB-17 and SUB-AC6: Indicative public access routes.
88. Angela McFlynn (189.27) as supported by Emerald Hills (FS 285.189.27) seeks to amend SUB-AC6 to clarify that this assessment criteria only applies where SUB-S17 is not met.

## 5.5.2 Assessment

89. I recommend accepting the support on SUB-I5 and SUB-P11 as no further submissions were received on these provisions, they are beyond challenge.
90. I recommend rejecting the relief sought by Ms McFlynn and Emerald Hills and instead accepting the position by NCC Parks and Reserves. Though I don't disagree with the sentiment of the submissions insofar as seeking compensation for loss of private rights to public access routes, there is no legal requirement under the RMA to compensate for access strips, unlike esplanades. In the event that Council does seek to compensate landowners for the purpose of public access I consider the method of determining the compensation value and guidelines to sit independently of the PDP.
91. I concur with the relief sought by Ms McFlynn in relation to SUB-AC6 on the basis that it would improve clarity. The following amendment is recommended to the criteria's heading:

SUB-AC6: **Subdivision not meeting indicative public access route**  
standard (SUB-S17)

## 5.6 Issue #6 – Provision Specific Matters

### 5.6.1 Matters raised by submitters

#### Boundary Adjustments

92. Angela McFlynn (189.15) seeks an amendment to *SUB-R2: Boundary Adjustment* to remove the reference to a 10% area change as the submitter considers this an unnecessary limitation, specifically as part 4 of the rule requires that the adjustment does not result in non-compliance or increase any existing non-compliance with any other rules or standard.
93. NCC Policy Team (196.75) as supported by Emerald Hills (FS292.196.75) seeks the addition of a user note stating that boundary adjustments not meeting the 10% area requirement may be considered either under SUB-R1A if activity standard (1) is met, or SUB-R2B. This user note will assist in the administration of the plan as the current drafting of SUB-R2 effectively makes any subdivision more than 10% of an existing site area a discretionary activity, even if the minimum lot size of the zone is met. The intention of the boundary adjustment rule is to enable small adjustments to existing lots as a controlled activity even where not all standards are met. However, where the boundary adjustment is more than 10%, this could be treated as a standard controlled activity subdivision under SUB-R1 if all standards are met.
94. Mana Ahuriri (263.7), Tawanui (247.6) as supported by Kāinga Ora (FS 509.247.6) oppose the discretionary status of SUB-R2B in the event that one of the matters listed in SUB-R2A cannot be complied with.

#### Cross lease title to freehold subdivision

95. Angela McFlynn (189.16) seeks amendment to the matters of control for *SUB-R5: Cross lease title to freehold subdivision* to only 'the extent to which the new boundaries reflect the existing occupation of reach of the existing units'. The submitter considers that all cross lease titles contain existing established development therefore subdivision of these properties to create freehold titles will not give rise to any change in the existing development or servicing of the land, and therefore compliance with all development standards in SUB-R5 should be waived.

96. Guy Panckhurst (210.1) seeks amendment to the matters of control for SUB-R5 as in the submitters perspective, the majority of cases the cross leases involve existing buildings with defined restrictive use areas and access arrangements. Many of SUB-S6 to SUB-S18 standards are not relevant to this situation. Many of the matters of control are not relevant to this situation either. Specific relief was not sought, instead Mr Panckhurst sought to amend the applicable matters of control 'to only address issues that need assessing'.

### Shape Factor

97. NCC Policy Team (196.76) seek an amendment to *SUB-S11: Shape Factor* to improve clarity. The submission states that the purpose of the shape factor standard is to ensure sites can accommodate development that complies with the standards of the zone. However, it is not clear in the wording of the standard that the shape factor should comply with all applicable standards for the zone e.g. yard setbacks. Further, the shape factor for the high-density zone should be larger to accommodate the intended typologies sought by the zone objectives. The following wording is proposed:

#### **SUB-S11: Shape factor**

##### **High density residential zone (HDRZ)**

- 1. All vacant sites must be able to contain a rectangle of 15m x 20m that complies with all applicable standards of the zone.**

##### **All other zones**

- 2. All vacant sites must be able to contain a rectangle of 8 m by 15m that complies with all applicable standards of the zone.**

98. Kāinga Ora (FS 496.196.76) supports the concept of having a different shape factor for vacant subdivision in the HRZ as proposed by NCC Policy Team, but seeks to consider a different shape dimension. No specific dimension was offered by the further submission.
99. Mana Ahuriri (263.16) and Tawanui (247.15) oppose SUB-S11. The former considers that a blanket shape factor renders the outcome of development inflexible and does not reflect higher density development. Both submitters oppose a shape factor that does not distinguish between MRZ and GRZ typologies.
100. Kāinga Ora (FS 509.247.15) seek an amendment to Tawanui's relief. Kāinga Ora supports a minimum shape factor for vacant lot subdivision in the MRZ and HRZ and does not consider that this standard should apply where a subdivision is sought around a land-use consent or existing / consented development. Kāinga Ora agree that the minimum shape factor should not apply in the GRZ for vacant subdivision and instead support a minimum site size.
101. Angela McFlynn (189.26) seeks to amend SUB-AC5: Shape factor (SUB-S11) to clarify that this assessment criteria only applies where SUB-S11 is not met.

### SUB-I4: Poorly Designed Subdivision Layouts

102. Sera Chambers (150.113) as supported by Sera Chambers (FS 549.150.113) seeks to amend SUB-I4 to include an additional matter, "are not premised on the enjoyment of adjoining property owner rights as a guiding principle".

### Future Network Utilities

103. Unison (240.11) seeks to amend SUB-O3, considering that the term "established network utilities" is unclear and should include reference to both existing and future utility infrastructure. They seek to amend the objective to ensure sufficient capacity for both current and future network utility needs. Kāinga Ora (FS

508.240.11) opposes this relief, expressing concern that the reference to "planned network utilities" could create uncertainty in the subdivision consenting process.

104. Unison (240.12) seeks to amend SUB-P9, considering that the term "established network utilities" is unclear and should include reference to both existing and future utility infrastructure. They seek to amend the objective to ensure sufficient capacity for both current and future network utility needs. Kāinga Ora (FS 508.240.12) opposes this relief, expressing concern that the reference to "planned network utilities" could create uncertainty in the subdivision consenting process.

Fire Fighting Water Supply

105. FENZ (288.49) seeks to amend SUB-P9, supporting the policy but requesting clarification that the potable water network also serves firefighting purposes. They seek an amendment to include both potable and firefighting water supply in the policy as follows:

**SUB-P9: Integrated provision of infrastructure**

- ...
- d. connects sites capable of containing a building, in areas where service connections to the public network are available and capacity exists, to the following networks:
- i. wastewater;
  - ii. stormwater, and
  - iii. ~~potable~~ water **supply (for both potable and firefighting).**

106. FENZ (288.50) seeks to amend SUB-P12, requesting that rural sites provide for firefighting water storage where no reticulated water supply is available.

107. FENZ (288.54) seeks an amendment to SUB-S14 to introduce an additional matter of discretion for consideration of compliance with the standard for firefighting water supplies code as follows:

SUB-S14: Water supply		
<b>All zones</b>	<ol style="list-style-type: none"> <li>1. All new allotments created that require water must be connected to a public reticulated water supply where a supply is available.</li> <li>2. At the time of subdivision, sufficient land for water tobies must be set aside.</li> <li>3. Where a new lot 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 (including firefighting water supply).</li> </ol>	<p><b>Matters of discretion:</b></p> <ol style="list-style-type: none"> <li>1. The adequate and safe supply of water to service sites;</li> <li>2. Infrastructure servicing;</li> <li>3. Public health and safety, and</li> <li>4. Compliance with the Code of Practice for Land Development and Subdivision Infrastructure</li> <li>5. <b><u>The extent of compliance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ 4509:2008</u></b></li> </ol>



108. Kāinga Ora (FS 516.288.54) oppose the relief by FENZ as the inclusion of assessment criteria relating to water supply specific to firefighting (and in accordance with the NZ Fire Service Firefighting Water Supplies Code of Practice) is opposed as such standards/criteria are covered through the building consent process.
109. FENZ (288.55) seek to amend SUB-AC1 to specifically reference the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ 4509:2008 where determining sufficient capacity for firefighting needs. Kāinga Ora (FS 516.288.55) oppose this relief.

#### Policies otherwise not categorised

110. Forest and Bird (289.110, 289.112, 289.116) support the following policies, no further submissions have been received:
- SUB-P2: Quality living
  - SUB-P5: Open space and reserves
  - SUB-P15: Natural hazards

#### Standards

111. Angela McFlynn (189.22) seeks an amendment to SUB-S8: Building Platforms. The submitter considers where vacant sites are created in rural zones, the land may contain multiple potential building platforms with the potential to require earthworks. The submitter believes it is not appropriate in these situations to require details of any earthworks that might be required to create a building platform and access and this will be determined by the design and location of the building at the time of development. Ms McFlynn seeks that matter (2) is deleted from this standard. Alison Francis (FS 251.189.22) supports this relief. HBRC (FS 17.189.22) opposes this relief, instead considers that the scale and location of earthworks are important in assessing the suitability of a proposed building platform. While the site may offer multiple opportunities for building platforms, at least one needs to be demonstrated to be viable.

#### Assessment criteria

112. Mana Ahuriri (263.19), Tawanui (247.18) as supported by Kāinga Ora (FS 509.247.18) oppose SUB-AC8 as it is not an appropriate provision as currently drafted as it partially applies a test in (a) that is applicable only to a non-complying activity under The Act and is onerous for a subdivision which infringes a standard in SUB-S1 -SUB-S18. It adds no substantive guidance to an assessment of an application.

### **5.6.2 Assessment**

#### Boundary Adjustments

113. Considering all submission points on SUB-R2 I consider there to be a viable outcome that resolves all relief sought. Incorporating the note as recommended by the NCC Policy team would assist plan users in determining alternative consenting pathways. Non-compliance with the 10% area requirement could still result in a consenting pathway as a controlled activity under SUB-R1A. Accordingly, I recommend accepting the relief sought by NCC Policy Team and supported by Emerald Hills

### Cross lease title to freehold subdivision

114. I generally agree with the relief sought by both Ms McFlynn and Mr Panckhurst. Most cross-lease titles involve existing buildings, meaning the primary considerations for these subdivisions focus on compliance with servicing and access requirements. Therefore, I recommend limiting control to matters that ensure compliance with the Engineering Code of Practice, as it encompasses relevant considerations such as access and three waters infrastructure. Given that the built form is already established, the zone's purpose and amenity values are not relevant in this context.
115. I consider that subdivision standards SUB-6 to SUB-12, and SUB-14 to SUB-19, should not apply to cross-lease to freehold subdivisions. Since the buildings already exist, concerns about avoiding the national grid or gas transmission network are unlikely to arise. Shape factor standards are also irrelevant, as the existing arrangement already demonstrates onsite liveability.
116. It is important to maintain compliance with SUB-13, which addresses stormwater treatment and disposal. This standard applies to all allotments, including existing ones, and requires stormwater management from all impervious surfaces to be handled in accordance with the Engineering Code of Practice. Typically, this requires onsite attenuation for a 1-in-10-year storm event. Proper stormwater management at the subdivision level will support broader infrastructure maintenance and help mitigate flooding risks across Napier.

### Shape Factor

117. Taking a balanced approach to the submissions on shape factor, I acknowledge the need to ensure functional design at the subdivision stage for both MDR and HDR zones. Both zones require shape factor standards that can accommodate realistic building designs without fragmenting urban properties. For the MDR, I find the 8m x 15m shape factor appropriate. However, I can see the benefits as offered by the NCC Policy Team of a larger shape factor of 15m x 20m for the HDR to support the zone's intended typologies, including greater building heights and recession planes. That said, considering the existing small lot sizes in the proposed HDR areas, which are predominantly around existing centres, it may become challenging to encourage redevelopment within a controlled activity pathway. Additionally, a 15m x 20m shape factor, when accounting for yard setbacks, could effectively create a larger minimum lot size than the 350m<sup>2</sup> currently allowed for vacant HDR allotments under SUB-R1.
118. At present, I believe there is insufficient evidence to determine the most appropriate shape factor for the HDR zone. This matter would benefit from further discussion during the Hearings process, including coordination with the Section 42A report on residential zones scheduled for Hearing Stream 4.
119. To contribute to this discussion, I offer the following points:
- In principle, I support a larger shape factor for the HDR, as it would enable more comprehensive developments that comply with the standards set out in the HDR chapter. A larger shape factor in subdivisions would reduce the likelihood of land use infringements at the development stage, particularly in areas like landscaping, outdoor living, and onsite parking (if required), resulting in more functional and liveable environments.

- Promoting more intensive land use in the HDR is consistent with the Napier Structure Plan and the Proposed District Plan's strategic objectives for compact urban form (SD-UFD-O1), housing supply (SD-UFD-O2), and efficient infrastructure management (SD-UFD-O9 and SD-TI-O1).
- However, I am concerned that the established development patterns across much of the HDR zone may be incompatible with a larger shape factor. This could discourage redevelopment unless developers acquire multiple adjoining lots, ultimately deterring the intended development within the HDR zone.

120. For GRZ, I consider shape factors to be less necessary due to its low-density nature and other standards controlling the layout of allotments.

121. I concur with the relief sought by Ms McFlynn in relation to SUB-AC5 on the basis that it would improve clarity. The following amendment is recommended to the criteria's heading:

SUB-AC5: **Subdivision not meeting** shape factor standard (SUB-S11)

#### Fire Fighting Water Supply

122. I recommend accepting the relief sought by FENZ in response to enabling water connections for both potable and fire fighting for urban subdivision under SUB-P9. Consequentially I recommend rejecting the relief sought by Kāinga Ora. As subdivision is the most effective time during the development process to consider firefighting demands, either the subdivision can incorporate existing service connections into its design or may need to set aside land to provide for new/upgraded connections.

123. Likewise, I recommend accepting the relief sought by FENZ for firefighting water provisions for subdivision in the rural environment in amending SUB-S12 as follows:

#### **SUB-P12: Provision of infrastructure in rural areas**

- a. Require sites capable of containing a building, in areas where no reticulated water supply, stormwater, or wastewater network is available, to be of a size and shape that provides for:
  - i. the treatment and disposal of stormwater in a way that does not lead to significant adverse offsite effects including degraded water quality, erosion, land instability, and/or creation or exacerbation of flooding.
  - ii. the management of wastewater via:
    1. an appropriate on-site wastewater treatment system, or
    2. approval to connect to a private wastewater network.
  - iii. the storage of potable water **and firefighting water supply**,

124. I recommend accepting the relief ion part sought by Fire and Emergency New Zealand to amend SUB-S14. It is crucial that all new lots requiring water are connected to a public reticulated water supply where available, and where not, a satisfactory alternative, including a firefighting water supply, must be provided. However, I consider that it is ineffective to direct plan users to a secondary document that charges to view (the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ 4509:2008). Instead, I recommend amending the wording of the matter of discretion as follows, which may result in plan users deferring to the standard to demonstrate compliance:

**Matters of discretion:**

1. The adequate and safe supply of water to service sites;
2. Infrastructure servicing;
3. Public health and safety, ~~and~~
4. Compliance with the Code of Practice for Land Development and Subdivision Infrastructure; **and**
5. **Capacity of firefighting water supply.**

125. I recommend rejecting the relief sought by FENZ to specifically reference the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ 4509:2008 as part of SUB-AC1 for similar reasons as above, I consider it inappropriate to reference a paid external document for plan users to determine compliance.

Policies otherwise not categorised

126. I recommend accepting the relief sought by Forest and Bird to retain policies SUB-P2, SUB-P5, and SUB-P15 as notified. No other specific submissions were made to this policies, as Tawanui, Mana Ahuriri, and supported by Kāinga Ora opposed all policies (detailed above), these policies remain subject to challenge.

SUB-I4: Poorly Designed Subdivision Layouts

127. I recommend rejecting the relief sought by Sera Chambers as private property rights are not a guiding principle under the current RMA framework. The inclusion of this matter would unduly restrict subdivision and undermine the process of development as set out in the RMA, specifically the notification tests.

Future Network Utilities

128. I agree with the further submission by Kāinga Ora that considering future network utilities during the subdivision stage would be premature. Network utility providers have alternative tools available, such as designating land for future infrastructure needs, to ensure these requirements are met. This approach avoids speculation. Accordingly, I recommend rejecting the relief sought by Unison on SUB-O3 and SUB-P9 and instead accepting the future submission by Kāinga Ora.

## Standards

129. I recommend rejecting the relief sought by Ms. Flynn, as supported by Ms. Francis, regarding SUB-S8 in relation to providing earthworks details for building platforms. I agree with the Hawke's Bay Regional Council (HBRC) that at least one viable building platform must be demonstrated to ensure that the subdivision is fit for purpose. Should the developer choose not to provide this information upfront, a restricted discretionary consent could be pursued, allowing earthworks details to be submitted at the building consent stage. This may necessitate additional land use consents, secured through a consent notice or a similar mechanism which ultimately may make the site less appealing to prospective owners. The controlled activity pathway should be available to those who provide sufficient information to demonstrate compliance with all relevant standards, ensuring an efficient and streamlined development process.

## Assessment criteria

130. I concur with Mana Ahuriri, Tawanui, and Kāinga Ora in their opposition to SUB-AC8. In my view, the assessment criteria are already addressed elsewhere in the chapter, either under SUB-AC1 or within the specific matters of control and discretion. The repetition in SUB-AC8, as it relates to all infringed standards, provides no clear benefit. Therefore, I recommend accepting the relief and deleting SUB-AC8 in its entirety.

### 5.6.3 Summary of recommendations

131. Hearing Stream 2, Subdivision, Recommendation 3: that the relief sought in submission points Emerald Hills (128.8, 128.9, 128.35, 128.38, 128.39, FS 292.196.77, FS 290.247.10, FS 290.247.16, FS 290.247.17, FS 289.263.9), Napier City Council Policy Team (196.77), Tawanui (247.8, 247.9, 247.10, 247.17), Mana Ahuriri (263.9, 263.10, 263.11, 263.17) are accepted and SUB-R1A, SUB-R2A, SUB-R5A, SUB-R7A, SUB-AC1(a) are amended as follows:

#### **SUB-R1A**

**Activity Status:** Controlled

**Where:**

1. Compliance with standards SUB-S1 - SUB-S18.

#### **Matters of control are:**

- ~~1. Purpose and objectives and policies of the relevant zone, precinct, and development area;~~
1. Adherence to any relevant structure plan;
- ~~2. Safe, connected, and efficient transport network;~~
3. Infrastructure and stormwater;
- ~~4. Natural hazards, including liquefaction, land stability and coastal hazards;~~
5. Heritage values;
- ~~6. Cultural values;~~
7. Landscape and topographical features;
- ~~8. Indigenous trees and vegetation;~~
- ~~9. Management of construction effects;~~
10. Management of potential reverse sensitivity effects on existing land uses;
- ~~11. Financial contributions, and~~
12. Subdivision chapter assessment criteria.

## **SUB-R2A**

**Activity Status:** Controlled

**Where:**

1. Subdivision involves two or more adjacent sites (which are not separated by any road, rail, river, stream, or watercourse);
2. No new site is created, and no existing site area is changed by more than 10% of its original area;
3. No existing complying lot is rendered non-complying, and no dwelling is severed from its existing site;
4. The adjustment does not result in non-compliance or increase any existing non-compliance with any other rules or standards, and
5. Boundary alterations do not prevent any existing allotment's legal and physical access to a road or limit or interfere with any servicing requirements of any of the sites.

**Matters of control are:**

- ~~1. Purpose and objectives and policies of the relevant zone, precinct, and development area;~~
2. 1. Safe, connected, and efficient transport network;
3. 2. Infrastructure and stormwater;
4. 3. Natural hazards and land stability;
5. 4. Heritage values;
6. 5. Cultural values;
7. 6. Landscape and topographical features;
8. 7. Natural features and indigenous trees and vegetation;
9. 8. Management of construction effects;
10. 9. Management of potential reverse sensitivity effects on existing land uses, and
11. 10. Subdivision chapter assessment criteria.

## **SUB-R5A**

**Activity Status:** Controlled

**Where:**

1. Subdivision is to create freehold titles from existing cross lease titles;
2. Compliance with SUB-S1 - SUB-S5 (minimum allotment sizes) does not apply, and
3. Compliance with SUB-S6 - SUB-S18 does apply.

**Matters of control are:**

- ~~1. Purpose and objectives and policies of the relevant zone, precinct, and development area;~~
2. 1. Safe, connected, and efficient transport network;
3. 2. Infrastructure and stormwater;
4. 3. Natural hazards and land stability;
5. 4. Heritage values;
6. 5. Cultural values;
7. 6. Landscape and topographical features;
8. 7. Natural features and indigenous trees and vegetation;
9. 8. Management of construction effects;
10. 9. Management of potential reverse sensitivity effects on existing land uses, and
11. 10. Subdivision chapter assessment criteria.

## **SUB-R7A**

**Activity Status:** Restricted Discretionary

**Where:**

1. Compliance with standards SUB-S1 - SUB-S18.

**Note:** This rule does not apply when the subdivision is for the purpose of conservation allotments in accordance with SUB-R4.

**Matters of discretion are:**

1. Visual impacts;
2. Landscape values and topographical features;
3. Cultural values;
- ~~4. Purpose of the relevant zone, precinct, and development area and associated objectives and policies;~~
5. 4. Safe, connected, and efficient transport network;
6. 5. Infrastructure and stormwater;
7. 6. Natural hazards, including liquefaction, land stability, and coastal hazards;
8. 7. Protection, maintenance, and/or enhancement of natural features, indigenous trees, and vegetation;
9. 8. Management of potential reverse sensitivity effects on existing land uses;
- ~~10.~~ 9. Financial contributions, and
- ~~11.~~ 10. Subdivision chapter assessment criteria.

**SUB-AC1: General, applies to all subdivision (including boundary adjustments)**

~~Purpose of the relevant zone, precinct, or development area~~

- ~~a. Whether compliance with the rules of the zone, precinct and/or development area in which subdivision is taking place is able to be met and whether the subdivision is consistent with all relevant objectives and policies.~~

...

132. Hearing Stream 2, Subdivision, Recommendation 4: I recommend that the relief sought by Tawanui (247.3) as supported by Kāinga Ora (FS 509.247.3), and Mana Ahuriri (263.4) to better align with the NPSUD Policy 6 be accepted in part and SUB-I1 be amended as follows:

**SUB-I1: Subdivision design should reflect the characteristics and amenity values of the locality in which it is located**

Subdivision of land should be designed in a manner that is appropriate to the scale, density, and type of development anticipated by the objectives and policies of the relevant zone or precinct, ~~including any identified characteristics of the neighbourhood.~~

133. Hearing Stream 2, Subdivision, Recommendation 5: I recommend accepting relief in part from Emerald Hills (128.12, 128.37 and FS 289.263.18), Mana Ahuriri (263.15 and 263.18) Tawanui (247.14), supported by Kāinga Ora (FS 509.247.14), and Angela McFlynn (189.21) and deleting SUB-S6 and SUB-AC2 and amending SUB-R1A and SUB-AC1 as follows:

### **SUB-R1A**

**Activity Status:** Controlled

**Where:**

2. Compliance with standards SUB-S1 - SUB-S18.

**Matters of control are:**

1. Purpose and objectives and policies of the relevant zone, precinct, and development area;
2. Adherence to any relevant structure plan;
3. Safe, connected, and efficient transport network;
4. Infrastructure and stormwater;
5. Natural hazards, including liquefaction, land stability and coastal hazards;
6. Heritage values;
7. Cultural values;
8. Landscape and topographical features;
9. Indigenous trees and vegetation;
10. Reserve and open space requirements;
11. ~~40.~~ Management of construction effects;
12. ~~44.~~ Management of potential reverse sensitivity effects on existing land uses;
13. ~~42.~~ Financial contributions, and
14. ~~43.~~ Subdivision chapter assessment criteria.

### **SUB-AC1**

...

#### *Recreation, open space, and reserve requirements for residential subdivision*

- nn. For subdivisions outside of structure plan areas, the extent to which public open space meets the following: conserving existing areas of natural or cultural value;
  - vii. integration with green infrastructure and sustainability concepts;
  - viii. is conveniently located, sized, and situated to strengthen existing green networks;
  - ix. is well connected to existing walkways and cycleways;
  - x. is accessible from public land to ensure a sense of public ownership;
  - xi. are safe, welcoming, and provides for a range of activities and users, and
  - xii. is able to be gazetted under the Reserves Act 1977.
- oo. Whether land for reserves is vested in Council calculated at 75 m<sup>2</sup> per allotment or the equivalent through financial contributions.
- pp. For subdivisions that adjoin existing council reserves, whether Council has considered options for adding land to that reserve before taking financial contributions.
- qq. For subdivision adjoining public open space, whether open-style permeable fencing is provided in accordance with the rules of the underlying zones.



- rr. For subdivision within structure plan areas, the extent to which public open space adheres to the location, size, shape and any additional criteria of the relevant structure plan reserve requirements

**Subdivision Design Guide**

- ss. The extent to which the subdivision design demonstrates consistency with the Napier subdivision design guide

134. Hearing Stream 2, Subdivision, Recommendation 6: I recommend accepting the relief sought by Angela McFlynn (189.27) and Emerald Hills (285.189.27) to improve clarity on SUB-AC6 as follows:

SUB-AC6: Subdivision not meeting indicative public access route standard (SUB-S17)

135. Hearing Stream 2, Subdivision, Recommendation 7: I recommend accepting the relief sought by NCC Policy Team (196.75) as supported by Emerald Hills (FS 292.196.75) to include a note to plan users where boundary adjustments exceed 10% difference in area but still comply with the minimum lot size as follows:

SUB-R2: Boundary adjustment	
<p><b>SUB-R2A</b></p> <p><b>Activity Status:</b> Controlled</p> <p><b>Where:</b></p> <ol style="list-style-type: none"> <li>1. Subdivision involves two or more adjacent sites (which are not separated by any road, rail, river, stream, or watercourse);</li> <li>2. No new site is created, and no existing site area is changed by more than 10% of its original area;</li> <li>3. No existing complying lot is rendered non-complying, and no dwelling is severed from its existing site;</li> <li>4. The adjustment does not result in non-compliance or increase any existing non-compliance with any other rules or standards, and</li> <li>5. Boundary alterations do not prevent any existing allotment's legal and physical access to a road or limit or interfere with any servicing requirements of any of the sites.</li> </ol> <p><u>Note: any boundary adjustment greater than 10% change of original area but remaining compliant with minimum net site area shall be considered under SUB-R1A</u></p>	<p><b>SUB-R2B</b></p> <p><b>Activity Status where activity conditions are not met:</b> Discretionary</p>

<p><b>Matters of control are:</b></p> <ol style="list-style-type: none"> <li>1. Purpose and objectives and policies of the relevant zone, precinct, and development area;</li> <li>2. Safe, connected, and efficient transport network;</li> <li>3. Infrastructure and stormwater;</li> <li>4. Natural hazards and land stability;</li> <li>5. Heritage values;</li> <li>6. Cultural values;</li> <li>7. Landscape and topographical features;</li> <li>8. Natural features and indigenous trees and vegetation;</li> <li>9. Management of construction effects;</li> <li>10. Management of potential reverse sensitivity effects on existing land uses, and</li> <li>11. Subdivision chapter assessment criteria.</li> </ol>	
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136. Hearing Stream 2, Subdivision, Recommendation 8: I recommend that the relief sought in submissions by Angela McFlynn (189.16) and Guy Panckhurst (210.1) are accepted in part and SUB-R5A is amended as follows:

**SUB-R5A**

**Activity Status:** Controlled

**Where:**

1. Subdivision is to create freehold titles from existing cross lease titles;
2. Compliance with SUB-S1 - SUB-S5 (minimum allotment sizes) does not apply.
3. Compliance with SUB-S6 – SUB-S12 and SUB-S14 – SUB-S19 does not apply and
4. Compliance with SUB-S6 – SUB-S18 SUB-S13 does apply.

**Matters of control are:**

- ~~1. Purpose and objectives and policies of the relevant zone, precinct, and development area;~~
- ~~2. Safe, connected, and efficient transport network;~~
- ~~3. Infrastructure and stormwater;~~
- ~~4. Natural hazards and land stability;~~
- ~~5. Heritage values;~~
- ~~6. Cultural values;~~
- ~~7. Landscape and topographical features;~~
- ~~8. Natural features and indigenous trees and vegetation;~~
- ~~9. Management of construction effects;~~
- ~~10. Management of potential reverse sensitivity effects on existing land uses, and~~
- ~~11. Subdivision chapter assessment criteria.~~
1. Compliance with the Engineering Code of Practice

137. Hearing Stream 2, Subdivision, Recommendation 9: that the relief by FENZ (288.49) is accepted to amend SUB-P9 to include direction for firefighting water supply in urban environments:

**SUB-P9: Integrated provision of infrastructure:**

Require subdivision to provide servicing that meets the requirements of the Code of Practice for Land Development and Subdivision Infrastructure and that:

- a. is coordinated, integrated, and compatible with the existing infrastructure network.
- b. enables the existing network to be expanded or extended to adjacent land in the future where that land is zoned or identified through a future urban development strategy for urban development, and especially through the avoidance of allotments created primarily for the purpose of preventing connectivity to adjacent sites (spite strips).
- c. enables electricity and telecommunications services to be reticulated to each site, and undergrounded in residential and commercial zones where practicable.
- d. connects sites capable of containing a building, in areas where service connections to the public network are available and capacity exists, to the following networks:
  - i. wastewater;
  - ii. stormwater, and
  - iii. ~~potable water~~ supply (for both potable and firefighting).

unless it is demonstrated that an alternative means of servicing can be provided meeting legislative and acceptable environmental outcomes.

138. Hearing Stream 2, Subdivision, Recommendation 10: that the relief by FENZ (288.50) is accepted to amend SUB-P12 to include direction for firefighting water supply in rural environments:

**SUB-P12: Provision of infrastructure in rural areas**

- a. Require sites capable of containing a building, in areas where no reticulated water supply, stormwater, or wastewater network is available, to be of a size and shape that provides for:
  - i. the treatment and disposal of stormwater in a way that does not lead to significant adverse offsite effects including degraded water quality, erosion, land instability, and/or creation or exacerbation of flooding.
  - ii. the management of wastewater via:
    1. an appropriate on-site wastewater treatment system, or
    2. approval to connect to a private wastewater network.
  - iii. the storage of potable water and a firefighting water supply.
- b. Manage the design and location of subdivision to avoid the close proximity of multiple access points on rural roads.

139. Hearing Stream 2, Subdivision, Recommendation 11: that the relief is accepted in part by FENZ (288.53) an amending the matters of discretion in SUB-S14 as follows:

SUB-S14: Water supply		
<b>All zones</b>	<ol style="list-style-type: none"> <li>1. All new allotments created that require water must be connected to a public reticulated water supply where a supply is available.</li> <li>2. At the time of subdivision, sufficient land for water tobies must be set aside.</li> <li>3. Where a new lot 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 (including firefighting water supply).</li> </ol>	<b>Matters of discretion:</b> <ol style="list-style-type: none"> <li>1. The adequate and safe supply of water to service sites;</li> <li>2. Infrastructure servicing;</li> <li>3. Public health and safety, and</li> <li>4. Compliance with the Code of Practice for Land Development and Subdivision Infrastructure</li> <li>5. <u>The capacity of firefighting water supply.</u></li> </ol>

140. Hearing Stream 2, Subdivision, Recommendation 12: that relief sought by NCC Policy Team (196.76) and opposed by Kāinga Ora (FS 496.196.76) is deferred until more information is received.

141. Hearing Stream 2, Subdivision, Recommendation 13: that the relief sought by Angela McFlynn (189.26) to improve plan clarity is accepted as follows:

SUB-AC5: Subdivision not meeting sShape factor standard (SUB-S11)

142. Hearing Stream 2, Subdivision, Recommendation 14: that the relief sought by Mana Ahuriri (263.19), Tawanui (247.18) as supported by Kāinga Ora (FS 509.247.18) is accepted to delete SUB-AC8 in its entirety.

143. Hearing Stream 2, Subdivision, Recommendation 15: that the remainder of the submission points are either accepted, accepted in part, or rejected as detailed in Appendix B

## 6. Submissions on Subdivision for Utility Activities

### 6.1 Issue #1 – Reverse sensitivity

#### 6.1.1 Matters raised by submitters

##### Issues

144. Transpower (99.59) supports SUB-I7: Issues of reverse sensitivity on adjacent land uses as notified provided amendments have been made to NU-P4 through their wider submission. Kāinga Ora (FS 373.99.59) oppose the alternative relief by Transpower and instead support SUB-I7 as notified (inferred).

##### Objectives

145. Kiwirail (168.69) and Waka Kotahi (277.59) support SUB-O1: Compatible land use as notified.
146. Kiwirail (168.70) supports SUB-O3: Infrastructure, transport, and connectivity as notified. Transpower (99.61) seeks a minor amendment to improve consistency with the activities enabled under Policy 10 of the NPSET as follows:

##### **SUB-O3: Infrastructure, transport, and connectivity**

- a. subdivision has a layout that is:
    - i. safe, efficient, convenient, accessible, enhances connectivity and encourages active transport modes, and
    - ii. resilient and integrates with existing communities and provides for the long-term needs of its residents.
  - b. infrastructure supporting subdivision and development is planned and provided for in an integrated and comprehensive manner at the time of subdivision.
  - c. land is vested at the time of subdivision to provide for high-quality reserves, esplanade reserves, roads, stormwater, access and other purposes for the benefit of the wider community.
  - d. **Subdivision does not compromise the operation, maintenance, upgrade and development of, subdivision protects the operation and access to established network utilities and regionally significant infrastructure while mitigating reserve sensitivity effects.**
147. Waka Kotahi (277.61) as supported by Kiwirail (FS 233.277.61) supports in part SUB-O6 however considers an additional point should be added to avoid reverse sensitivity effects between subdivisions in rural areas and established activities, as follows:

##### **SUB-O6: Subdivision in rural zones**

Subdivision of rural land:

- a. protects highly productive land;
- b. ensures rural lifestyle subdivision is contained within the Rural Lifestyle Zone and avoided within the highly productive land in the Rural Productive Zone, and
- c. avoids reverse sensitivity effects between rural activities and sensitive activities.
- d. **avoids reverse sensitivity effects between rural subdivision and lawfully established noise activities**

## Policies

148. Kiwirail (168.71) and Waka Kotahi (277.62) support SUB-P1: Compatible land use as notified.
149. Kiwirail (168.72) support SUB-P9: Integrated provision of infrastructure as notified.
150. Kiwirail (168.73) support SUB-P12: Provision of infrastructure in rural areas as notified.

## Rules

151. Kiwirail (168.74) supports SUB-R1: Subdivision as notified, specifically matter of control 1.
152. Kiwirail (168.75) supports SUB-R2: Boundary adjustments as notified, specifically matter of control 1.
153. Waka Kotahi (277.69) as supported by Unison (FS 358.277.69) supports the controlled status of subdivision of land for public works and network utilities under SUB-R3 but notes compliance with SUB-S6 – SUB-S18 must be achieved to meet this activity status. Request additional exemptions apply for SUB-S8 (building platforms) and SUB-S11 (shape factor), which appear to control effects for residential activities and amenity, to reflect the nature of subdivision for public works and network utilities.
154. Unison (240.14) seeks the inclusion of a standard that specifically requires a setback from the electricity distribution network as follows:

### **SUB-Sxx – Building platforms within proximity of the electricity distribution network:**

1. **The subdivision of land in any zone containing the electricity distribution 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 10 m from the underground electricity distribution network and 20 m from above-ground equipment forming part of the electricity distribution network.**
2. **The layout of allotments and any enabling earthworks must ensure that physical access is maintained to the electricity distribution network support structures where it is located on the allotments, including any balance area.**

### **Matters of discretion:**

1. **Ability to comply with relevant zone rules and standards.**
2. **Infrastructure and connectivity.**

155. Kāinga Ora (FS 508.240.14) opposes the relief sought by Unison given the potential impacts it could have on residential intensification and given that the effects of this standard have not been assessed in this respect.
156. Transpower (99.64, 99.65, 99.66, 99.67, 99.68, 99.69) seek an additional rule for the purpose of managing subdivision within the National Grid. Transpower seeks a restricted discretionary activity status for subdivision that demonstrates a building platform outside the National Grid Yard, and where vehicle access to support structures is maintained, as this provides an appropriate incentive to design subdivision layouts that avoid building sites within the National Grid Yard. Where compliance cannot be achieved, the submitter seeks a non-complying status.

157. Kāinga Ora (FS 373.99.65, FS373.99.66, FS373.99.67, FS373.99.69) oppose the relief sought by Transpower. While Kāinga Ora acknowledges the importance of the National Grid and safeguarding people and property from its operation, Kāinga Ora are concerned with the implications of the new rule suggested by Transpower on residential subdivision.

#### Standards

158. Transpower (99.70) supports SUB-S9 however, considers that it is better placed within the Network Utilities chapter. Kainga Ora (FS 373.99.70) opposes this relief and instead seeks that provisions relating to subdivision within the National Grid are best placed in the subdivision chapter.

### 6.1.2 Assessment

#### Issues

159. As the Network Utilities Section 42 report is yet to be published, I make no comment on the relief sought by Transpower and Kāinga Ora on SUB-I7, instead note their comments.

#### Objectives

160. I concur with the relief sought by Transpower to amend SUB-O3 to improve consistency with the activities enabled under Policy 10 of the NPSET insofar as amending matter d.
161. I recommend rejecting the relief sought by Waka Kotahi, supported by Kiwirail, to amend SUB-O6. The request to avoid reverse sensitivity effects between rural subdivision and lawfully established noise activities is already addressed in SUB-O3(d), which applies to all subdivisions. Including such provisions in SUB-O6 would dilute its primary objective, which is to protect highly productive soils in the rural environment from conflicting sensitive activities. This protection should remain the focus of SUB-O6 without introducing unnecessary complexity related to utility providers.

#### Policies

162. Kiwirail has expressed support for SUB-P1, SUB-P9, and SUB-P12. However, as other submissions have addressed these policies in different sections of the report, I recommend accepting these submissions in part. This is due to the fact that amendments have been recommended elsewhere in response to related submissions.

Rules

163. I recommend accepting the relief sought by Waka Kotahi and supported by Unison to remove the requirement for the subdivision of land for public works and network utilities (SUB-R3) to comply with the traditionally residential bulk and location requirements i.e. SUB-S8 (building platforms) and SUB-S11 (shape factor). The following amendment is proposed:

<b>SUB-R3: Subdivision of land for the purpose of public works, network utilities, reserves, or access</b>	
<p><b>SUB-R3A</b></p> <p><b>Activity Status:</b> Controlled</p> <p><b>Where:</b></p> <ol style="list-style-type: none"> <li>1. Compliance with standards SUB-S6, <u><b>SUB-S7, SUB-S9, SUB-S10 and SUB-S12</b></u>- SUB-S18, and</li> <li>2. Compliance with SUB-S1 - SUB-S5, <u><b>SUB-S8 and SUB-S11</b></u> (minimum allotment sizes, <u><b>building platform and shape factor</b></u>) does not apply.</li> </ol> <p><b>Matters of control are:</b></p> <ol style="list-style-type: none"> <li>1. The size, design, and layout of allotments for the purpose of public works, network utilities, or reserves;</li> <li>2. Safe, legal, and physical access to and from the allotments;</li> <li>3. Infrastructure and stormwater in accordance with the Code of Practice for Land Development and Subdivision Infrastructure;</li> <li>4. Natural hazards, including liquefaction, land stability, and coastal hazards;</li> <li>5. Protection, maintenance, and enhancement of natural features and landforms, indigenous trees and vegetation, heritage values, and cultural values;</li> <li>6. Financial contributions, and</li> <li>7. Subdivision chapter assessment criteria.</li> </ol>	<p><b>SUB-R3B</b></p> <p><b>Activity Status where activity conditions are not met:</b> Restricted Discretionary</p> <p><b>Matters of discretion are:</b></p> <ol style="list-style-type: none"> <li>1. The matters of control listed for SUB-R3A, and</li> <li>2. The matters identified in the standards not complied with (SUB-S6 - SUB-S18).</li> </ol> <p><b>Notification:</b> Any application under this rule is precluded from public and limited notification.</p>

164. I recommend rejecting the relief sought by Unison for the inclusion of a new standard for setbacks from the electricity distribution network for the following reasons:

- The electricity distribution network is not mapped, therefore offers plan users no clear direction in where these limitations apply.
- I consider SUB-S16 adequate in directing plan users to design and locate subdivision so that provision is made for power lines.
- There is an absence of any further compelling reasons or supporting section 32AA evaluation being supplied by the submitter.



165. I recommend rejecting the relief sought by Transpower for an additional rule to specifically manage subdivision within the National Grid for the following reasons:
- SUB-S9 provides for similar relief, building platforms outside of the National Grid and access must be maintained for the National Grid.
  - Non-compliance with SUB-S9 would elevate a subdivision resource consent application up to a restricted discretionary status thereby enabling decision makers to reject the application if effects cannot be managed.
  - There is an absence of any further compelling reasons or supporting section 32AA evaluation being supplied by the submitter.
166. I recommend rejecting the relief sought in the further submission by Kāinga Ora (FS 373.99.65, FS373.99.66, FS373.99.67, FS373.99.69) specifically as the National Grid overlays are wholly with the Rural General, Rural Productive and Natural Open Space zones where residential development is not encouraged.

### Standards

167. I concur with Kainga Ora in that I recommend the retention of SUB-S9 within the subdivision chapter as notified. I recommend rejecting the relief sought by Transpower for the purpose of plan users who are subdividing it would be better placed to consider building platforms at the time of subdivision within the National Grid Corridor therefore is best retained in the subdivision chapter.

## **6.2 Issue #2 – Access**

### **6.2.1 Matters raised by submitters**

#### Policy

168. Peter Grant (78.21) seeks to amend SUB-P7: Providing for connectivity to enable multiple escape routes for residents where there are cul-de-sacs, particularly older residents who may have less mobility, in the event of an emergency evacuation. NCC Urban Design Team (FS 541.78.21) support this relief.
169. Forest and Bird (289.114) as supported by NCC Urban Design Team (FS 541.289.114) support SUB-P7 as it enables walking and cycleways.
170. Angela McFlynn (189.11) seeks to amend SUB-P8: Access and egress to clarify how competing outcomes should be balanced and to provide certainty regarding when shared access might be considered appropriate.
171. FENZ (288.48) seeks to amend SUB-P8, supporting the policy to manage access and egress points but also emphasizing the need for safe and efficient emergency service access. They request an amendment to include a specific reference to emergency access and egress in the policy. Kāinga Ora (FS 516.288.48) oppose this relief noting the importance of emergency services but raising concerns about the potential impact of wider vehicle crossings on streetscape and housing feasibility.
172. Waka Kotahi (277.64) seeks to amend SUB-P8 to include ‘the safe and efficient operation of the state highway network’.
173. Angela McFlynn (189.11) seeks to amend SUB-P10: Road reserves as the submitter considers that it should only apply to greenfield developments.
174. Waka Kotahi (277.65) seeks to amend SUB-P12: Provision of infrastructure in rural areas to be broadened to include reference to the state highway network.

## Rules

175. Waka Kotahi (277.66 and 277.67) both supports and seeks amendment to SUB-R1 to require that any subdivision with direct access on to the state highway network carries a minimum activity status of restricted discretionary, consistent with TPT-R2. Kāinga Ora (FS 514.277.67) opposes this relief and considers it unnecessary duplication.
176. Waka Kotahi (277.68) seeks an amendment to SUB-R2: Boundary adjustments to include compliance with SUB-S12 as the submitter considers that boundary adjustment activities have the potential to increase the intensity of residential activity or land use activities, which have the potential if not properly managed to adversely affect the transport network. Kāinga Ora (FS 514.277.68) oppose this relief.
177. Waka Kotahi (277.71) supports SUB-R7: Subdivision of land within or containing a special character landscape as notified.
178. Waka Kotahi (277.70) supports SUB-R12: Subdivision on highly productive land as notified.

## Standards

179. Guy Panckhurst (210.2) seeks to amend SUB-S12 to recognise there are sometimes instances when it is not practical to provide a physical access because other works need to occur first, or installing a crossing may result in damage during subsequent building construction activities.
180. FENZ (288.53) supports SUB-12 as it requires all new allotments to have vehicular access to an existing, legal road that complies with the relevant provisions of the Transport chapter for vehicle access and manoeuvrability however, seeks an additional matter of discretion as follows:

<b>SUB-S12: Transport, access and connectivity</b>		
<b>All zones</b>	<ol style="list-style-type: none"><li>1. All new allotments must have vehicular access to an existing, legal road that complies with the relevant provisions of the Transport chapter for vehicle access and manoeuvrability.</li></ol>	<b>Matters of discretion:</b> <ol style="list-style-type: none"><li>1. The safety of vehicles, pedestrians, and cyclists;</li><li>2. Connectivity with adjoining land uses and roading networks;</li><li>3. The effects of traffic generation, and</li><li>4. Active street frontages,</li><li>5. <b><u>The extent of consistency with the requirements of the designers guide to firefighting operations emergency vehicle access F5-02 GD and the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008.</u></b></li></ol>

181. Kāinga Ora (FS 516.288.53) opposes this relief, expressing concern that wider vehicle crossings and emergency access provisions may impact streetscape and housing feasibility, and they request a full assessment by the submitter.

## Assessment Criteria

182. Peter Grant (78.22) proposes amending AC1 to ensure evacuation routes are integrated at the subdivision stage. He emphasizes that cul-de-sacs are not conducive to residents, particularly those with limited mobility, to have efficient escape routes in emergencies.



## 6.2.2 Assessment:

### Policy

183. Peter Grant (78.21 and 78.22) has sought similar relief to both SUB-P7 and SUB-AC1 insofar as seeking safe escape routes, particularly for those with limited mobility, noting that cul-de-sacs are not conducive for safe egress. I recommend accepting this relief but noting that no changes are needed to give effect to the relief as:
- Cul-de-sacs are discouraged,
  - A connected network, including walking and cycling is promoted within the policy,
  - The policy seeks to provide efficient evacuation of people from the risk of tsunami.
184. I disagree with Ms. McFlynn's view that SUB-P8 presents competing issues. Rather, the policy takes a holistic approach, offering clear guidance on integrating safety, efficient access, and shared use of driveways. It aims to balance the needs of all road users—pedestrians, cyclists, and vehicles—by minimising queuing, enhancing visibility, and promoting shared access. The policy allows for flexibility, with each development assessed on its merits, making it unnecessary to provide overly specific standards at this level. I recommend rejecting the relief sought.
185. I concur with FENZ, it is important to provide for the safe and efficient access for emergency services. Accordingly, I recommend rejecting the relief sought by Kāinga Ora on SUB-P8. The following amendment is recommended:
- Manage the number, location, and design of access and egress points to support all of the following:
- a. safety and amenity for pedestrians and cyclists to and from the site and along the street frontage;
  - b. visibility of vehicles, pedestrians, and cyclists when exiting the site;
  - c. efficient access to the site to minimise queuing within the integrated transportation network;
  - d. safe and efficient operation of intersections, and
  - e. encourage shared vehicle access by way of rear lanes in urban areas, where appropriate, to avoid the proliferation of vehicle crossings.
  - f. **Safe and efficient emergency access and egress.**
186. I recommend rejecting the relief sought by Waka Kotahi to include specific reference to the safe and efficient operation of the state highway network in SUB-P8. The policy, as notified, already addresses this concern by referring to an integrated transport network, which inherently includes state highways. Differentiating between local roads and state highways is unnecessary, as the policy provides sufficient coverage for all transport network considerations without requiring additional specificity.
187. I recommend rejecting the relief sought by Ms. McFlynn on SUB-P10. I disagree with the notion that consideration of road reserve widths is only relevant to greenfield development. All forms of development, including the subdivision of larger lots into smaller ones, should account for road widths to ensure proper design. This consideration helps determine appropriate placement for elements such as street lighting, waste bin positioning, and sightlines for entry and exit, ensuring functional and safe road infrastructure in all subdivisions.

188. I recommend accepting relief sought by Waka Kotahi to include reference to the state highway network in SUB-P12 as follows:

**SUB-P12: Provision of infrastructure in rural areas**

...

- c. Manage the design and location of subdivision to avoid the close proximity of multiple access points on rural roads **and state highways**.

**Rules**

189. I agree with Kāinga Ora that introducing an additional restricted discretionary rule for access to the state highway network is redundant and inefficient. This activity is already effectively managed by TPT-R2, and SUB-S12 adequately directs plan users to the relevant provisions. Creating a duplicate rule would complicate the plan unnecessarily without adding any value to the management of state highway access. Accordingly, I recommend rejecting the relief sought by Waka Kotahi to amend SUB-R1A.
190. I recommend rejecting the relief sought by Waka Kotahi to require compliance with SUB-S12 for SUB-R2. The SUB-R2 pathway is limited to boundary adjustments of no more than 10%, allowing minor alterations to existing boundaries. These changes are unlikely to lead to significantly different activities onsite. Additionally, the matters of control under SUB-R2 already include ensuring a "safe, connected, and efficient transport network," providing ample opportunity to assess and manage access concerns.

**Standards**

191. I recommend rejecting the relief sought by Guy Panckhurst to defer the construction of vehicle crossings under SUB-S12. While there may be cases where deferring the installation is appropriate, such instances should be evaluated on a case-by-case basis during the resource consent process, with the applicant needing to justify the deferral. Introducing this as a standard would create uncertainty about when crossings should be installed. The preference remains for new allotments to have suitable, formed access upon creation to ensure clarity and functionality.
192. I recommend accepting the relief from FENZ to introduce an additional matter of discretion for SUB-S12, consequentially rejecting the relief sought by Kāinga Ora. The matter of discretion to consider access consistent with the design requirements for vehicle access for firefighting services will become applicable where the PDP minimum standards for access are not met. I consider it paramount to enable firefighting safety as part of new subdivision. I consider it inequitable to direct plan users to a paid secondary document to determine compliance, instead of specifically referencing the 'New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008' as a matter of discretion I recommend 'the extent to which emergency vehicles can enter and exit safely'.

**6.3 Issue #3 – Stormwater**

**6.3.1 Matters raised by submitters**

193. Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (289.115) seeks to amend SUB-P12: Provision of infrastructure in rural areas, considering it should include low-impact design and green infrastructure. They seek to add provisions for low-impact design solutions and green infrastructure where possible.
194. TW Property (142.50) seeks to amend SUB-S13: Stormwater treatment and disposal, considering that the term "treatment" is open to interpretation and inconsistent with new stormwater rules. They seek to amend the rule for clarity and consistency across the plan.

195. Angela McFlynn (189.23) opposes SUB-S13: Stormwater treatment and disposal, considering it impractical to require detailed stormwater design at the subdivision stage. She seeks to delete SUB-S13 entirely. HBRC (FS 17.189.23) opposes this relief, instead considers stormwater management integral to subdivision design and seeking comprehensive pre-design management. Relief sought is disallowed.
196. Son Nguyen (287.9) seeks to amend SUB-S13, considering the standard should contain site-specific information prior to design, the submitter has not sought specific relief.

### 6.3.2 Assessment

197. I agree with Forest and Bird's position to incorporate low-impact stormwater design within SUB-P12. Since SUB-P12 provides guidance for rural subdivisions not connected to reticulated systems, promoting low-impact design will support better environmental outcomes. Therefore, I recommend accepting the relief sought and amending SUB-P12 as follows:

#### **SUB-P12: Provision of infrastructure in rural areas**

1. Require sites capable of containing a building, in areas where no reticulated water supply, stormwater, or wastewater network is available, to be of a size and shape that provides for:
  - i. the treatment and disposal of stormwater in a way that does not lead to significant adverse offsite effects including degraded water quality, erosion, land instability, and/or creation or exacerbation of flooding.
  - ii. the management of wastewater via:
    1. an appropriate on-site wastewater treatment system, or
    2. approval to connect to a private wastewater network.
  - iii. the storage of potable water,
  - iv. **The use of low-impact design solutions and green infrastructure where possible.**
2. Manage the design and location of subdivision to avoid the close proximity of multiple access points on rural roads.

198. I recommend rejecting the relief sought by TW Property, as I consider SUB-S13 to provide an appropriate balance between guidance and design flexibility for stormwater treatment. Overly prescriptive requirements could become restrictive or impractical in some cases. The standard allows for case-by-case consideration, which is crucial as technical solutions for stormwater treatment may evolve more frequently than the plan's 10-year lifecycle. Similarly, I recommend rejecting Mr. Nguyen's relief, as site-specific designs should adapt to the unique characteristics of each site, supporting more responsive and appropriate solutions.

199. I support the further submission by HBRC, emphasizing that stormwater treatment and design are critical considerations at the subdivision stage therefore SUB-13 should be retained. Addressing these factors early allows developers and decision-makers to ensure that the site is well-suited to meet the stormwater requirements outlined in the PDP. Delaying these considerations to the land use phase could lead to issues such as insufficient space for stormwater collection and treatment or inappropriate areas for disposal, which could

compromise the overall effectiveness of stormwater management. Consequentially I recommend rejecting the relief sought by Ms McFlynn.

## 6.4 Issue #4 – Telecommunication and Electrical Connections

### 6.4.1 Matters raised by submitters

#### Objectives

200. Transpower (99.60) seeks to amend the note within the objectives in the Subdivision chapter to provide cross-references to the Network Utilities chapter as the submitter considers the rule applies in the subdivision chapter but the policy framework is within the Network Utilities chapter. Kāinga Ora (FS 373.99.86) opposes this relief.

#### Policies

201. Telecommunications Companies (184.2) seeks to amend SUB-P9, generally supporting it but requesting clearer requirements for electricity and telecommunications connections to reticulated networks. They seek to amend SUB-P9c to ensure connections are made at subdivision stage, the current reading of the policy seeks to enable connections.
202. Guy Panckhurst (210.6) seeks to amend SUB-P9 as they consider that telecommunication connections and electrical connections are not required at subdivision stage for rural subdivision.
203. Telecommunications Companies (151.62) seeks to amend SUB-P12, considering that if SUB-P9 applies only to urban areas, rural subdivisions should include telecommunications connectivity. They seek to amend the policy to include requirements for connectivity to telecommunications networks in rural areas.

#### Standards

204. Telecommunications Companies (151.66 and 184.3) seeks to amend SUB-S16, supporting the standard but suggesting that telecommunications connections do not need to be physical. They seek to amend the standard to confirm the ability to connect to a telecommunications network and ensure adequate land is set aside for utility services. The following amendments are proposed:

SUB-S16: Utility services		
<b>All zones</b>	<ol style="list-style-type: none"> <li>1. Each allotment must be designed and located so that provision is made for power lines, gas distribution pipes (where available) and <b><u>the ability to connect to</u></b> telecommunication <b><u>network lines</u></b>.</li> <li>2. With the exception of industrial and rural zones, all utility services must be laid underground.</li> <li>3. At the time of subdivision, sufficient land for telecommunications, transformers and any associated ancillary services must be set aside.</li> <li>4. All necessary easements for the protection of network utility services must be duly granted and reserved</li> </ol>	<b>Matters of discretion:</b> <ol style="list-style-type: none"> <li>1. The ability of the site to be adequately serviced by network utilities, and</li> <li>2. Public health and safety.</li> </ol>

205. Guy Panckhurst (210.3) seeks amendment to SUB-S16 for clarity on why

connections are needed for rural subdivision. Considers that the standard should not require telecommunication or and electrical connections from rural subdivision, and telecommunications connections from urban subdivision.

206. Chorus (212.1) seeks to amend SUB-S16 or create a new standard to mandate connection to an open-access fibre network during subdivision. They highlight the importance of broadband for work, education, and lifestyle, considering fibre as essential as other utilities like water and wastewater. They seek relief to ensure alignment with subdivision standards while allowing alternative telecommunication options in certain cases.

#### Assessment criteria

207. Transpower (99.71) seeks to amend SUB-AC9, supporting the current assessment matters while requesting two additional matters to address the design and construction of subdivisions near the National Grid Subdivision Corridor, ensuring safety and operational efficiency. The following is proposed:

##### **SUB-AC9: National Grid Subdivision Corridor**

- a. The extent to which the subdivision design allows for the ongoing efficient operation, maintenance, upgrading, and development of the National Grid, including the ability for continued reasonable access for inspections, maintenance, and upgrading.
  - b. The extent to which the design and construction of the subdivision allows for activities to be set back from the National Grid, **including the ability to provide a complying building platform outside of the National Grid Yard.**
  - c. The risk of electrical hazards affecting public or individual safety and the risk of property damage.
  - d. The nature and location of any vegetation to be planted in the vicinity of the National Grid and how such landscaping will impact on the operation, maintenance, upgrade, and development (including access) of the National Grid.
  - e. The extent to which the subdivision design and consequential development will minimise the potential reverse sensitivity and amenity and nuisance effects of the National Grid asset.
  - f. **The extent to which the design and construction of any subdivision allows for or earthworks, buildings and structures to comply with the safe separate distance requirements in the New Zealand Electrical Code of Practice for Electrical Safe Distances 34:2001.**
  - g. **The outcome of any technical advice provided by Transpower.**
208. Transpower (99.85) opposes SUB-AC7, arguing that it creates unnecessary duplication with SUB-AC9. They request that SUB-AC7 be deleted to avoid confusion for plan users.

#### **6.4.2 Assessment**

##### Objectives

209. I concur with Transpower that an amendment to the note within the objectives section to include reference to the Network Utility chapter is appropriate. Consequentially I recommend rejecting the relief by Kāinga Ora. The following amendment is proposed:

Note: The objectives and policies contained in other chapters, including (but not necessarily limited to) zone chapters and district-wide chapters, including the Transport chapter, **Network Utilities Chapter (as it relates to subdivision within the National Grid Subdivision Corridor)**, Public Access chapter, the Natural Hazards chapter, and the Hazardous Substances and Contaminated Land chapter, are relevant in



addition to those below.

### Policies

210. I consider the PDP currently unclear as to whether SUB-P9 relates to all subdivision or only urban and whether there is duplication under SUB-P12. I consider there sufficient scope within the submissions received<sup>3</sup> to amend these policies to provide clarity.

211. I consider that SUB-P9 provides greater guidance to urban environments, specifically in relation to future urban environments (SUB-P9(b)) therefore recommend the title of the policy is amended as follows:

SUB-P9: Integrated provision of infrastructure **in urban environments**

212. To ensure that there are no gaps in the direction for infrastructure rural environments I recommend amending SUB-P12 as follows:

**SUB-P12: Provision of infrastructure in rural areas**  
**Require subdivision to provide servicing that meets the requirements of the Code of Practice for Land Development and Subdivision Infrastructure and that:**

a. Require sites capable of containing a building, in areas where no reticulated water supply, stormwater, or wastewater network is available, to be of a size and shape that provides for:

- iv. the treatment and disposal of stormwater in a way that does not lead to significant adverse offsite effects including degraded water quality, erosion, land instability, and/or creation or exacerbation of flooding.
- v. the management of wastewater via:

- 3. an appropriate on-site wastewater treatment system, or
- 4. approval to connect to a private wastewater network.

vi. the storage of potable water,

b. Manage the design and location of subdivision to avoid the close proximity of multiple access points on rural roads.

213. I recommend accepting in part the relief sought by the Telecommunications Companies to amend SUB-P9 to require connections to be made at subdivision stage. I concur that in urban areas, subdivision should provide for the connection to telecommunications. However, in rural settings the physical connection is not always appropriate at subdivision stage, though provisions should be made to enable a connection later for example via an easement registered at subdivision stage, consistent with Telecommunications relief on SUB-P12. Consequentially I recommend accepting the relief in two submission points (210.3 and 210.6) by Guy Panckhurst in part too. The following amendments are recommended:

**SUB-P9: Integrated provision of infrastructure in urban environments**

...

c. ~~enables~~ **connects** electricity and telecommunications services to be reticulated ~~to~~ **for** each site, and undergrounded in residential and commercial zones where

<sup>3</sup> Telecommunications Companies (151.62), Telecommunications Companies (184.2), Guy Panckhurst (210.6), Unison (240.12), Kainga Ora (FS 508.240.12)

practicable.

...

**SUB-P12: Provision of infrastructure in rural areas**

...

**c. Enables electricity and telecommunications services to be reticulated to each site.**

Standards

214. I recommend accepting the relief sought by the telecommunications companies to amend SUB-S16 to allow for telecommunication connections via either fibre or wireless, providing flexibility and options for plan users.

215. However, I recommend rejecting the relief sought by Chorus New Zealand to create a new standard mandating land for fibre connections. Requiring subdivisions to elevate from a controlled activity status simply due to the absence of fibre, when wireless is available, would be inefficient and unnecessary. Wireless options should remain a viable alternative where appropriate.

216. To implement the recommended changes to SUB-P9 and SUB-P12, which require electrical and telecommunication connections at the subdivision stage in urban areas but only enable connections in rural areas, I recommend accepting the relief sought by Guy Panckhurst for SUB-S16, along with the relief from the Telecommunications Companies to allow telecommunication connections via either fibre or wireless, offering flexibility for plan users. This standard should be clarified to provide specific guidance on when these connections are required. The proposed amendments will ensure clearer direction on these requirements. The following amendments are recommended:

<b>SUB-S16: Utility services</b>		
<b>All zones</b>	<ol style="list-style-type: none"> <li>1. <b><u>Each allotment in an urban environment must connect to an electrical network.</u></b></li> <li>2. <b><u>Each allotment in a rural environment must make provisions for an electrical connection.</u></b></li> <li>3. <b><u>All allotments must be provided with a telecommunication connection, either hard-wired infrastructure or wireless technology.</u></b></li> <li>4. Each allotment must be designed and located so that provision is made for <b><u>existing</u></b> power lines, gas distribution pipes (where available) and telecommunication lines.</li> <li>5. With the exception of industrial and rural zones, all utility services must be laid underground.</li> <li>6. At the time of subdivision, sufficient land for telecommunications, transformers and any associated</li> </ol>	<b>Matters of discretion:</b> <ol style="list-style-type: none"> <li>1. The ability of the site to be adequately serviced by network utilities, and</li> <li>2. Public health and safety.</li> </ol>

	<p>ancillary services must be set aside.</p> <p>7. All necessary easements for the protection of network utility services must be duly granted and reserved</p>	
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217. Consequentially, I consider it useful to include definitions of what areas are considered 'urban environments' and 'rural environments'. I propose the following definitions as justified by the Section 32AA evaluation in paragraph 218 below:

Urban Environment	<p>means any site contained within the following zones:</p> <ul style="list-style-type: none"> <li>- General Residential</li> <li>- Large Lot Residential</li> <li>- Medium Density Residential</li> <li>- High Density Residential</li> <li>- Mixed Use</li> <li>- Neighbourhood Commercial</li> <li>- Local Centre</li> <li>- Large Format Retail</li> <li>- Town Centre</li> <li>- City Centre</li> <li>- Light Industrial</li> <li>- General Industrial</li> <li>- Sport and Active Recreation</li> <li>- Tertiary Education</li> <li>- Stadium</li> <li>- Port</li> <li>- Māori Purpose</li> <li>- Marine Industrial</li> <li>- Boat Harbour</li> <li>- Airport Zone</li> <li>- Te Whanganui-a-Orotū (Ahuriri Estuary) Ecology and Stormwater</li> <li>- Wastewater treatment</li> <li>- Open Space</li> </ul>
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Rural Environment	<p>means any site contained within the following zones:</p> <ul style="list-style-type: none"> <li>- Rural Lifestyle</li> <li>- Rural Production</li> <li>- Settlement Zone</li> <li>- Natural Open Space Zone</li> </ul>
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### Assessment Criteria

218. I recommend accepting in part the relief sought by Transpower on SUB-AC9. It is appropriate to include assessment criteria that ensure an adequate building platform can be located outside the National Grid, which will lead to better planning outcomes. Including the compliance of earthworks, buildings, and structures with electrical safe distances is also a valid consideration. However, I recommend rejecting the inclusion of "the outcome of any technical advice provided by Transpower," as incorporating this into assessment criteria is speculative and may not provide clear guidance to plan users.
219. I concur with Transpower that SUB-AC7 can be deleted as the assessment criteria is otherwise included in SUB-AC1 and SUB-AC9.

### 6.4.3 Section 32AA Evaluation

220. In my opinion, introducing a new definition that clearly delineates which zones fall within the urban and rural environments is the most effective way to fulfill the Plan's objectives, as it will provide clearer guidance for plan users in identifying policy directions. Specifically, I consider that:
- a) Urban environments encompass zones that support urban activities, including housing, retail, commercial uses, educational facilities, and parks and recreational spaces.
  - b) The Airport, Port, and Wastewater Treatment Zones should be included in the urban environment definition, as these zones serve essential functions that support urban infrastructure, connectivity, and service needs.
  - c) The rural environment includes zones where rural activities predominate, with limited built development, such as the Settlement Zone, which only allows for low-density residential use. These areas are generally separate from the broader urban landscape and lack full reticulated services, instead prioritise rural activities.
  - d) The proposed amendments are consistent with the overall direction of the Plan as notified. They enhance, rather than undermine, the intent of the notified provisions by providing clearer guidance on what is considered urban and rural environments.

### 6.4.4 Summary of recommendations

#### Reverse sensitivity

221. Hearing Stream 2, Subdivision, Recommendation 16: that the relief sought by Transpower (99.61) is accepted to amend SUB-O3 to improve consistency with the NPSET as follows:

#### **SUB-O3: Infrastructure, transport, and connectivity**

- a. subdivision has a layout that is:
  - i. safe, efficient, convenient, accessible, enhances connectivity and encourages active transport modes, and
  - ii. resilient and integrates with existing communities and provides for the long-term needs of its residents.
- b. infrastructure supporting subdivision and development is planned and provided for in an integrated and comprehensive manner at the time of subdivision.
- c. land is vested at the time of subdivision to provide for high-quality reserves, esplanade reserves, roads, stormwater, access and other purposes for the benefit of the wider community.
- d. Subdivision does not compromise the operation, maintenance, upgrade and development of ~~subdivision protects the operation and access to~~ established network utilities and regionally significant infrastructure while mitigating reserve sensitivity effects.

222. Hearing Stream 2, Subdivision, Recommendation 17: that the relief sought by Waka

Kotahi (277.69) as supported by Unison (FS 358.277.69) is accepted to narrow the standards in which subdivision for the purpose of network utilities must comply with to retain the controlled activity status as follows:

<b>SUB-R3: Subdivision of land for the purpose of public works, network utilities, reserves, or access</b>	
<p><b>SUB-R3A</b></p> <p><b>Activity Status:</b> Controlled</p> <p><b>Where:</b></p> <ol style="list-style-type: none"> <li>1. Compliance with standards SUB-S6, <u>SUB-S7, SUB-S9, SUB-S10 and SUB-S12</u>- SUB-S18, and</li> <li>2. Compliance with SUB-S1 - SUB-S5, <u>SUB-S8 and SUB-S11</u> (minimum allotment sizes, <u>building platform and shape factor</u>) does not apply.</li> </ol> <p><b>Matters of control are:</b></p> <ol style="list-style-type: none"> <li>1. The size, design, and layout of allotments for the purpose of public works, network utilities, or reserves;</li> <li>2. Safe, legal, and physical access to and from the allotments;</li> <li>3. Infrastructure and stormwater in accordance with the Code of Practice for Land Development and Subdivision Infrastructure;</li> <li>4. Natural hazards, including liquefaction, land stability, and coastal hazards;</li> <li>5. Protection, maintenance, and enhancement of natural features and landforms, indigenous trees and vegetation, heritage values, and cultural values;</li> <li>6. Financial contributions, and</li> <li>7. Subdivision chapter assessment criteria.</li> </ol>	<p><b>SUB-R3B</b></p> <p><b>Activity Status where activity conditions are not met:</b> Restricted Discretionary</p> <p><b>Matters of discretion are:</b></p> <ol style="list-style-type: none"> <li>2. The matters of control listed for SUB-R3A, and</li> <li>3. The matters identified in the standards not complied with (SUB-S6 - SUB-S18).</li> </ol> <p><b>Notification:</b> Any application under this rule is precluded from public and limited notification.</p>

Access

223. Hearing Stream 2, Subdivision, Recommendation 18: I recommend accepting the relief sought by FENZ (288.48) to amend SUB-P8, supporting the policy to manage access and egress points but also emphasizing the need for safe and efficient emergency service access as follows:

**SUB-P8: Access and egress**

Manage the number, location, and design of access and egress points to support all of the following:

- a. safety and amenity for pedestrians and cyclists to and from the site

- and along the street frontage;
- b. visibility of vehicles, pedestrians, and cyclists when exiting the site;
- c. efficient access to the site to minimise queuing within the integrated transportation network;
- d. safe and efficient operation of intersections, and
- e. encourage shared vehicle access by way of rear lanes in urban areas, where appropriate, to avoid the proliferation of vehicle crossings.
- f. Safe and efficient emergency access and egress.

224. Hearing Stream 2, Subdivision, Recommendation 19: I recommend accepting the relief sought by Waka Kotahi (277.65) to include reference to the state highway network in SUB-P12 as follows:

**SUB-P12: Provision of infrastructure in rural areas**

- ...
- d. Manage the design and location of subdivision to avoid the close proximity of multiple access points on rural roads and state highways.

225. Hearing Stream 2, Subdivision, Recommendation 20: I recommend accepting the relief in part from FENZ (288.53) to include a matter of discretion of the safe entry and exit of emergency vehicle where the minimum standards are not met, as follows:

SUB-S12: Transport, access and connectivity		
<b>All zones</b>	1. All new allotments must have vehicular access to an existing, legal road that complies with the relevant provisions of the Transport chapter for vehicle access and manoeuvrability.	<b>Matters of discretion:</b>  1. The safety of vehicles, pedestrians, and cyclists; 2. Connectivity with adjoining land uses and roading networks; 3. The effects of traffic generation, and 4. Active street frontages, 5. <u>the extent to which emergency vehicle can enter and exit safely.</u>

Stormwater

226. Hearing Stream 2, Subdivision, Recommendation 21: I recommend accepting the relief sought by Forest and Bird (289.15) to provide direction for low impact design in unreticulated subdivision developments, as follows:

**SUB-P12: Provision of infrastructure in rural areas**

1. Require sites capable of containing a building, in areas where no reticulated water supply, stormwater, or wastewater network is available, to be of a size and shape that provides for:
  - i. the treatment and disposal of stormwater in a way that does not lead to significant adverse offsite effects including degraded water quality, erosion, land instability, and/or creation or exacerbation of flooding.
  - ii. the management of wastewater via:
    1. an appropriate on-site wastewater treatment system, or
    2. approval to connect to a private wastewater network.

- iii. the storage of potable water,
  - iv. The use of low-impact design solutions and green infrastructure where possible.
2. Manage the design and location of subdivision to avoid the close proximity of multiple access points on rural roads.

#### Telecommunications and Electrical

227. Hearing Stream 2, Subdivision, Recommendation 22: I recommend accepting the relief sought by Transpower (99.60) to amend the note within the objectives in the Subdivision chapter to provide cross-references to the Network Utilities chapter. The following amendment is proposed:

Note: The objectives and policies contained in other chapters, including (but not necessarily limited to) zone chapters and district-wide chapters, including the Transport chapter, Network Utilities Chapter (as it relates to subdivision within the National Grid Subdivision Corridor), Public Access chapter, the Natural Hazards chapter, and the Hazardous Substances and Contaminated Land chapter, are relevant in addition to those below.

228. Hearing Stream 2, Subdivision, Recommendation 23: I recommend accepting the relief in part by Telecommunications Companies (184.2, 151.62) and Guy Panckhurst (210.6) to provide clearer direction on when connections are required at subdivision stage for both urban and rural environments. Amendments are necessary to SUB-P9 and SUB-P12 as follows:

#### **SUB-P9: Integrated provision of infrastructure in urban environments**

Require subdivision to provide servicing that meets the requirements of the Code of Practice for Land Development and Subdivision Infrastructure and that:

- a. is coordinated, integrated, and compatible with the existing infrastructure network.
- b. enables the existing network to be expanded or extended to adjacent land in the future where that land is zoned or identified through a future urban development strategy for urban development, and especially through the avoidance of allotments created primarily for the purpose of preventing connectivity to adjacent sites (spite strips).
- c. ~~Enables~~ connects electricity and telecommunications services to be reticulated ~~to~~ for each site, and undergrounded in residential and commercial zones where practicable.
- d. connects sites capable of containing a building, in areas where service connections to the public network are available and capacity exists, to the following networks:
  - i. wastewater;
  - ii. stormwater, and
  - iii. potable water.

unless it is demonstrated that an alternative means of servicing can be provided meeting legislative and acceptable environmental outcomes.

#### **SUB-P12: Provision of infrastructure in rural areas**

Require subdivision to provide servicing that meets the requirements of the Code of Practice for Land Development and Subdivision Infrastructure and that:

- a. Require sites capable of containing a building, in areas where no reticulated water supply, stormwater, or wastewater network is available, to be of a size and shape that provides for:
  - i. the treatment and disposal of stormwater in a way that does not lead to significant adverse offsite effects including degraded water quality, erosion, land instability, and/or creation or exacerbation of flooding.
  - ii. the management of wastewater via:
    - 1. an appropriate on-site wastewater treatment system, or
    - 2. approval to connect to a private wastewater network.
  - iii. the storage of potable water,
- b. Manage the design and location of subdivision to avoid the close proximity of multiple access points on rural roads.
- c. Enables electricity and telecommunications services to be reticulated to each site.

229. Hearing Stream 2, Subdivision, Recommendation 24: I recommend accepting the relief in part sought by Guy Panckhurst (210.3) for SUB-S16 to confirm when connections must be made, differentiating between the rural and urban environment. These amendments are incorporated in the tracked changes of Recommendation 25 below.

230. Hearing Stream 2, Subdivision, Recommendation 25: I recommend accepting the relief sought by Telecommunications Companies (151.66 and 184.3) to amend SUB-S16 to allow for telecommunication connections via either fibre or wireless as follows:

SUB-S16: Utility services		
<b>All zones</b>	<ol style="list-style-type: none"> <li>1. <u>Each allotment in an urban environment must connect to an electrical network.</u></li> <li>2. <u>Each allotment in a rural environment must make provisions for an electrical connection.</u></li> <li>3. <u>All allotments must be provided with a telecommunication connection, either hard-wired infrastructure or wireless technology.</u></li> <li>4. Each allotment must be designed and located so that provision is made for <b>existing</b> power lines, gas distribution pipes (where available) and telecommunication lines.</li> <li>5. With the exception of industrial and rural zones, all utility services must be laid underground.</li> <li>6. At the time of subdivision, sufficient land for telecommunications, transformers and any associated ancillary services must be set aside.</li> </ol>	<b>Matters of discretion:</b> <ol style="list-style-type: none"> <li>1. The ability of the site to be adequately serviced by network utilities, and</li> <li>2. Public health and safety.</li> </ol>



	7. All necessary easements for the protection of network utility services must be duly granted and reserved	
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231. Hearing Stream 2, Subdivision, Recommendation 26: I recommend accepting the relief in part sought by Transpower (99.71) on SUB-AC9 as follows:

**SUB-AC9: National Grid Subdivision Corridor**

- a. The extent to which the subdivision design allows for the ongoing efficient operation, maintenance, upgrading, and development of the National Grid, including the ability for continued reasonable access for inspections, maintenance, and upgrading.
- b. The extent to which the design and construction of the subdivision allows for activities to be set back from the National Grid, including the ability to provide a complying building platform outside of the National Grid Yard.
- c. The risk of electrical hazards affecting public or individual safety and the risk of property damage.
- d. The nature and location of any vegetation to be planted in the vicinity of the National Grid and how such landscaping will impact on the operation, maintenance, upgrade, and development (including access) of the National Grid.
- e. The extent to which the subdivision design and consequential development will minimise the potential reverse sensitivity and amenity and nuisance effects of the National Grid asset.
- f. The extent to which the design and construction of any subdivision allows for earthworks, buildings and structures to comply with the safe separate distance from electrical networks.

232. Hearing Stream 2, Subdivision, Recommendation 27: I recommend endorsing additional definitions of ‘urban environment’ and ‘rural environment’ as a consequential amendment to the relief sought by Telecommunications Companies (151.66 and 184.3) and Guy Panckhurst (210.3).

<u>Urban Environment</u>	<u>means any site contained within the following zones:</u> <ul style="list-style-type: none"> <li>- <u>General Residential</u></li> <li>- <u>Large Lot Residential</u></li> <li>- <u>Medium Density Residential</u></li> <li>- <u>High Density Residential</u></li> <li>- <u>Mixed Use</u></li> <li>- <u>Neighbourhood Commercial</u></li> <li>- <u>Local Centre</u></li> <li>- <u>Large Format Retail</u></li> <li>- <u>Town Centre</u></li> <li>- <u>City Centre</u></li> <li>- <u>Light Industrial</u></li> <li>- <u>General Industrial</u></li> <li>- <u>Sport and Active Recreation</u></li> <li>- <u>Tertiary Education</u></li> <li>- <u>Stadium</u></li> <li>- <u>Port</u></li> <li>- <u>Māori Purpose</u></li> </ul>
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	<ul style="list-style-type: none"> <li>- <u>Marine Industrial</u></li> <li>- <u>Boat Harbour</u></li> <li>- <u>Airport Zone</u></li> <li>- <u>Te Whanganui-a-Orotū (Ahuriri Estuary) Ecology and Stormwater</u></li> <li>- <u>Wastewater treatment</u></li> <li>- <u>Open Space</u></li> </ul>
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<u>Rural Environment</u>	<u>means any site contained within the following zones:</u> <ul style="list-style-type: none"> <li>- <u>Rural Lifestyle</u></li> <li>- <u>Rural Production</u></li> <li>- <u>Settlement Zone</u></li> <li>- <u>Natural Open Space Zone</u></li> </ul>
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233. Hearing Stream 2, Subdivision, Recommendation 28: I recommend accepting the relief sought by Transpower (99.71) and deleting SUB-AC7 in its entirety.

## 7. Submissions on Urban Subdivision

### 7.1 Issue #1 – Minimum lot size

#### 7.1.1 Matters raised by submitters

##### Residential Zones

234. Kāinga Ora (285.20) support *SUB-S1: Minimum allotment sizes* to the extent that these enable for a controlled activity pathway, with no minimum lot size, for subdivisions that are associated with a land use consent.

235. A series of submissions<sup>4</sup> were received on SUB-S1 for the Large Lot Residential Zone (LLR) to either remove the averaging requirement or reduce the minimum lot size, or both.

236. TW Property (142.49) supports SUB-S1 for the removal of minimum lot sizes for subdivision of an approved (or concurrent) resource consent for multiple residential units. The submitter agrees that minimum lot sizes should apply to vacant lot subdivisions. However, opposes a non-complying activity status for residential subdivisions which do not comply with minimum allotment sizes. Noting that assessing activities as a non-complying activity increases reporting costs and risk for developers.

237. Tawanui (247.11) supported by Kāinga Ora (FS 509.247.11) opposes a non-complying status to SUB-S1 where minimum lot size is not met in the residential environments. NCC Urban Design Team, (FS 548.247.11) oppose this relief, and seek the retention of the non-complying status.

238. NCC Policy Team (196.21) seek an amendment to improve clarity within SUB-S1 on how residential zone standards will be addressed if subdivision is being processed concurrently. The submitter also considers that 350m<sup>2</sup> minimum lot size in the high-density residential zone is too small and would encourage fragmentation, instead proposes a minimum lot size of 1200m<sup>2</sup>.

<sup>4</sup> The Surveying Company (131.1), Jeff Reid (136.2), Angela McFlynn (189.19) opposed by NCC Urban Design Team (FS 547.131.1, FS 548.136.2, FS 545.189.19)

239. Kāinga Ora (FS 496.196.21) supports NCC Policy Team in seeking clarity on zone provisions considerations however, opposes the minimum lot size in the HDR and instead seeks a shape factor of 15x x 8m (as suggested in 196.76).
240. NCC Policy Team (196.59) seeks an amendment to SUB-S1 to exclude minor residential units from subdividing down to no minimum lot size as minor units are established based on the unit being ancillary to a primary dwelling. Instead, the submitter seeks that subdivision in this instance could be enabled either under S1(2) if 350sqm, or if under-sized, would need land use consent to "upgrade" it to a full unit complying with all other provisions. Kāinga Ora (FS 496.196.59) supports this relief.
241. Guy Panckhurst (210.11) seeks a reduced minimum lot size for the residential zone of 300m<sup>2</sup>, instead of 350m<sup>2</sup>. The submitter considers that the standard as notified offers no flexibility for two lot infill subdivision when, due to site constraints, either the lot containing the existing dwelling, or the vacant allotment cannot achieve 350m<sup>2</sup>, which could prevent potential infill subdivisions from occurring. Mr Panckhurst also seeks that there is no minimum lot size for allotments containing existing dwellings. The submitter seeks to amend SUB-S1(b)(ii) to enable staged subdivision to occur with vacant allotments without the need to upgrade the activity status from controlled, instead Mr Panckhurst seeks the ability to register a consent notice on the vacant staged allotment preventing building until such time that a land use consent is obtained.
242. Kāinga Ora (285.25) oppose SUB-S1 and instead seek a minimum lot size of 300m<sup>2</sup> for the GRZ. The submitter seeks no minimum lot size for the MDR and HDR zone and instead seek a 8m x 15m outside of network utilities and land subject to instability. HBAL (FS 348.285.25) oppose this request as it will enable intensification of noise sensitive activities within the Outer Control Boundary, giving rise to potential reverse sensitivity effects on HBAL.
243. Tawanui (247.12) and Mana Ahuriri (263.12) oppose SUB-S1 for vacant lot subdivision, the submitters consider that 250m<sup>2</sup> is appropriate to develop a townhouse within the MDR zone. Kāinga Ora (FS 509.247.12) seeks to amend this relief insofar as seeking clearly distinguishable minimum lot sizes for the GRZ, MDR and HDR zones. In particular, seeks that GRZ have a minimum allotment of 300m<sup>2</sup> and HDR/MDR don't have minimum lot sizes but instead a shape factor of 8m x 15m outside of network utilities and land subject to instability. NCC Urban Design Team (FS 542.263.12) opposes this relief and instead seeks the retention of the notified provisions.

#### Commercial and Industrial Zones

244. The Surveying Company (131.5) seeks to amend SUB-S2: Minimum allotment size – commercial and industrial as they consider it a large change from the ODP which has a minimum lot size of 1000m<sup>2</sup>. The submitter considers that the PDP larger lots are unduly restrictive. The NCC Urban Design Team (FS 547.131.5) opposes this relief.
245. Mana Ahuriri (263.13) oppose SUB-S2 and seeks the deletion of the 2500m<sup>2</sup> minimum lot size in respect of the Large Format Retail Zone as the submitter considers there to be no clear resource management rationale in this instance. The NCC Urban Design Team (FS 547.131.13) opposes this relief.
246. Kāinga Ora (285.21) opposes SUB-S2 however, the submission sought relief relevant to the GRZ minimum lot size therefore this relief is not applicable to SUB-S2. Submission points 285.25 and FS 509.247.12 adequately address the relief sought.

## 7.1.2 Assessment

### Residential Zones

247. I recommend rejecting the requests from submitters seeking the removal of the averaging requirement or a reduction in the minimum lot size within the Large Lot Residential Zone. This zone, which is confined to the Kent Terrace wider environment (as shown in the snippet below), has been established around a minimum lot size of 1,000m<sup>2</sup>, coupled with an averaging requirement. Altering this regulatory framework in such a specific and established area could significantly impact the anticipated density and functionality of the zone. In my view, any such change would necessitate consultation with affected landowners.

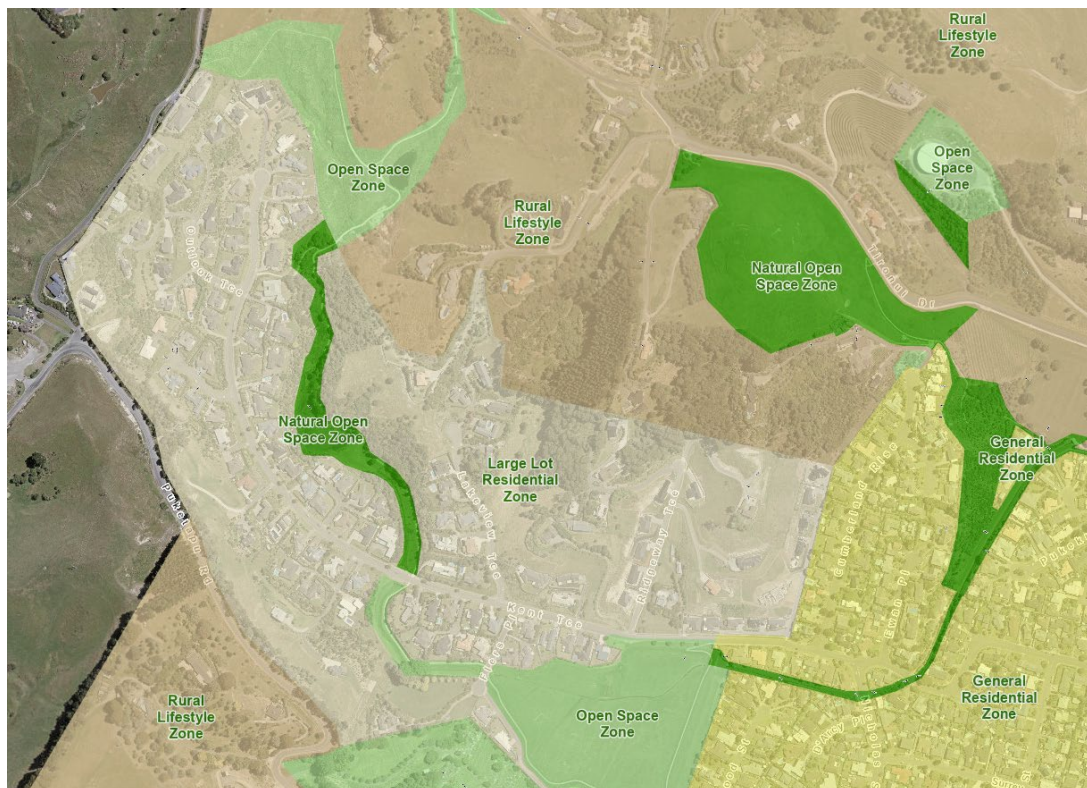


Figure 1: PDP Planning Maps Extract of Large Lot Residential Zone

248. The elevation from a controlled activity status subdivision to a non-complying activity status where minimum lot size is not met has been intentionally set therefore, I recommend rejecting the relief sought by TW Properties, Tawanui, and Kāinga Ora. In my opinion, SUB-S1 (minimum lot size for residential) offers a lot of flexibility insofar as demonstrating compliance with the PDP at subdivision stage. By setting non-compliance with this standard as a non-complying activity it acts to incentivize design compliance with the PDP. This approach helps ensure that the subdivision patterns align with the strategic vision set out in the district plan, such as achieving desirable housing densities, minimizing environmental impacts, and supporting the efficient use of infrastructure. Moreover, elevating non-compliant subdivisions allows decision-makers greater discretion to decline consent if the proposal could undermine the long-term goals for the zone, such as density, infrastructure capacity, or community character.

249. Though I concur with the sentiment presented by the NCC Policy Team insofar as a minimum lot size of 350m<sup>2</sup> in the HDR would be too small to encourage comprehensive development, and instead could result in lower density fragmentation. To align better with the shape factor requirement (paragraphs 117-119 above) and the density provisions of the HDR I recommend deferring any amendments to the HDR zone minimum lot size until the hearing.

250. I agree with the NCC Policy Team and Kāinga Ora that supplementary residential units should either be excluded from the minimum lot size requirements or be required to meet the principal dwelling standards of the underlying zone. These proposed amendments are outlined in the relief detailed in paragraph 249 below.

251. To offer plan users greater clarity on seeking subdivision concurrently with land use infringements, I concur with the NCC Policy Team and recommend amending SUB-S1 as follows:

<b>SUB-S1: Minimum allotment sizes - residential</b>		
<p>General Residential Zone, Medium Density Residential Zone, High Density Residential Zone, precincts or overlays not otherwise provided for elsewhere.</p>	<p>1. There is no minimum allotment size for the following:</p> <p>a) any allotment with an existing <b><u>primary</u></b> residential unit, if:</p> <p style="padding-left: 40px;">i. either the subdivision does not increase the degree of any non-compliance with the District Plan or land use consent has been granted, <b><u>or,</u></b></p> <p style="padding-left: 40px;">ii. <b><u>a land use consent for zone infringement has been applied for concurrently</u></b> and</p> <p style="padding-left: 40px;">ii. no vacant allotments are created.</p> <p>b) any allotment with no existing residential unit, where a subdivision application is accompanied by a land use application that will be determined concurrently, <b><u>or has previously been granted,</u></b> if the applicant for the resource consent can demonstrate that:</p> <p style="padding-left: 40px;">iii. it is practicable to construct on every allotment within the proposed subdivision a residential unit that complies with the standards of the relevant zone, or land use consent is concurrently sought for the infringement to the relevant standard(s), and</p> <p style="padding-left: 40px;">iv. no vacant allotments are created.</p> <p>2. A minimum allotment size of 350 m<sup>2</sup> applies to any subdivision that creates new vacant allotments.</p>	<p><b>Activity Status where standards are not met:</b> Non-complying</p>

252. I recommend rejecting the relief sought by Mr. Panckhurst to reduce the minimum lot size for vacant sections and to impose consent notices on vacant allotments, restricting building until a land use consent is obtained. In my view, there are adequate consenting pathways available to facilitate infill development on vacant lots smaller than 350m<sup>2</sup>. These pathways allow developers to demonstrate compliance with bulk and location requirements under the zone provisions, enabling them to proceed as a controlled activity in accordance with SUB-S1(b)(ii). While this approach requires developers to consider the future design of buildings during the subdivision process, I believe this is appropriate to ensure that subdivision development aligns with the intent of the zone. Registering consent notices, only to later cancel them upon obtaining land use consent, is an inefficient process. Instead, if developers wish to benefit from the certainty provided by a controlled activity pathway, they should be required to demonstrate adequate compliance from the outset.

253. Similarly, I recommend rejecting the relief sought by Mana Ahuriri and Tawanui regarding a reduction in lot size for the MDR zone in vacant property situations. I believe there are adequate consenting pathways available in the MDR zone. Developers must demonstrate how a townhouse meets the bulk and location requirements to qualify for a smaller lot size. By requiring this design demonstration at the subdivision stage, we can ensure that the built form is thoughtfully considered and aligned with the anticipated outcomes of the zone, contributing to a harmonious environment.
254. Building upon the above position, I also recommend rejecting the relief sought by Kāinga Ora is seeking a reduced minimum lot size for the MDR and HDR for vacant lots, instead only applying the 8m x 15m shape factor. I consider the minimum lot size of 350m<sup>2</sup> suitable for MDR however, as detailed above (paragraphs 117-119) I consider there to be insufficient evidence to determine a lot size for HDR and it should be deferred to the Hearing.

### Commercial and Industrial Zones

255. I recommend rejecting the relief sought by The Surveying Company and Mana Ahuriri to reduce the minimum lot size for the commercial and industrial environment. Currently, only the Large Format Retail (LFR) and Pandora Specific Control Areas have established minimum lot sizes, which range from 1,000m<sup>2</sup> to 2,500m<sup>2</sup>. While I acknowledge that this represents a significant departure from the ODP, the Subdivision Section 32 report on pages 18 and 19 demonstrates that these minimum lot sizes are appropriate for the intended needs of these zones. The LFR zone is designed to promote large, big-box retailers while discouraging smaller retail operations, which are more suitable for the City Centre or Local Centre Zones. Allowing smaller lots in the LFR and Pandora environments could undermine the establishment of larger retailers and commercial activities in Napier.

## **7.2 Issue #3 – Development Areas**

### **7.2.1 Matters raised by submitters**

256. Emerald Hills (128.7) seeks an amendment to the rules table to clarify how the plan works, enabling the precinct rule tables to apply over the rules of the subdivision chapter.
257. Emerald Hills (128.13) oppose SUB-S7: Development Areas and seek it be deleted as there are no provisions in DEV3, while subdivision within the Development Area is regulated by PREC2 and PREC7 in any case. This is unnecessary duplication.
258. Emerald Hills (138.14) oppose SUB-13: Stormwater treatment and disposal, instead seek that the Mission Development Area is excluded from this standard as a low impact stormwater solution has already been developed for the Mission Development Area.
259. Emerald Hills (128.15) oppose SUB-S17: Indicative public access route, instead seek that the Mission Development Area is excluded from this standard as pathways are already provided for within the existing planning framework pertaining to the Mission Development Area. Marist Holdings (Greenmeadows) Limited (FS 27.128.15) supports this relief.
260. Emerald Hills (128.16) seeks amendment to SUB-S18: Esplanade reserves as the submitter considers it unclear as to the implications of the Mission Development Area esplanade reserve requirements on the properties concerned. Marist Holdings (Greenmeadows) Limited (FS 27.128.16) supports this relief and seeks that the provisions are updated due to a subdivision having occurred with the Mission Estate now being Lot 1 DP 559656. Mary Knoll remains Pt Lot 2 DP 25932.

261. Emerald Hills (128.34) as supported by Marist Holdings (Greenmeadows) Limited (FS 27.128.34) opposes the subdivision assessment criteria as the planning framework for the Mission Development Area was developed through a specific Plan Change process which produced a specific assessment criteria to guide development. The submitter considers it is not necessary to introduce additional matters.

262. Mana Ahuriri (263.14) seeks an amendment to SUB-S5: Minimum allotment sizes – development areas to recognise Wharerangi Development Area to benefit from a ‘no minimum’ lot area approach to subdivision.

## 7.2.2 Assessment

263. I consider it unnecessary to update the rules table generally to demonstrate how the plan works in relation to development areas, as sought by Emerald Hills. I consider the plan as notified is sufficiently clear to enable users to determine where controls for development areas apply. For example, a controlled subdivision within the Development Area will need to comply with the minimum lot size as set by SUB-S5, and I consider standards SUB-S8 to SUB-S19 to remain relevant to Development Areas.

264. Where additional clarity could be afforded is between SUB-S6: Number of allotments and SUB-S7: Development areas. I consider it unnecessary to limit development areas to a maximum of 6 allotments per-subdivision to follow the controlled activity pathway as the development areas have all been master-planned with structure plans applying. Provided subdivision occurs consistent with the structure plans, SUB-S6 should not apply. Accordingly, I recommend accepting the relief in part by Emerald Hills (128.7) and amending only SUB-S6 as follows:

<b>SUB-S6: Number of allotments</b>		
<b>All general residential, commercial and industrial zones, precincts, and control areas (excluding Development Areas)</b>	The number of new allotments created must not exceed three allotments.	<b>Matters of discretion:</b> <ol style="list-style-type: none"> <li>1. Street layout;</li> <li>2. Reserve and open space requirements;</li> <li>3. Purpose of the relevant zone, precinct, and development area;</li> <li>4. Adherence to any relevant structure plan;</li> <li>5. Safe, connected, and efficient transport network;</li> <li>6. Infrastructure and stormwater;</li> <li>7. Natural hazards, including liquefaction, land stability, and coastal hazards;</li> <li>8. Heritage values;</li> <li>9. Cultural values;</li> <li>10. Landscape and topographical features;</li> <li>11. Indigenous trees, mature trees and vegetation;</li> <li>12. Management of construction effects;</li> <li>13. Management of potential reverse sensitivity effects on existing land uses;</li> <li>14. Financial contributions;</li> <li>15. Compliance with the Code of Practice for Land Development and Subdivision Infrastructure, and</li> <li>16. Consistency with the Subdivision Design Guide.</li> </ol>

<b>Rural zones, precincts, and control areas</b> <u>(excluding Development Areas)</u>	The number of new allotments created must not exceed six allotments.	<b>Matters of discretion:</b> <ol style="list-style-type: none"> <li>1. Street layout;</li> <li>2. Reserve and open space requirements;</li> <li>3. Purpose of the relevant zone, precinct, and development area;</li> <li>4. Adherence to any relevant structure plan;</li> <li>5. Safe, connected, and efficient transport network;</li> <li>6. Infrastructure and stormwater;</li> <li>7. Natural hazards, including liquefaction, land stability, and coastal hazards;</li> <li>8. Heritage values;</li> <li>9. Cultural values;</li> <li>10. Landscape and topographical features;</li> <li>11. Street layout;</li> <li>12. Context mapping;</li> <li>13. Connectivity;</li> <li>14. Open space requirements;</li> <li>15. Consistency with the Subdivision Design Guide, and</li> <li>16. Compliance with the Engineering Code of Practice.</li> </ol>
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265. I recommend rejecting the relief sought by Emerald Hills (128.13) to delete SUB-S7. I consider it a necessary standard within the subdivision chapter to recognise that development must be consistent with the development area provisions, including the PREC chapters and Appendices.

266. I recommend declining the relief sought by Emerald Hills (128.14) to remove the Mission Development Area from SUB-13. In my view, the requirement for low impact stormwater treatment solutions at the subdivision stage continues to be a relevant and appropriate standard for the development of the Mission Development Area. While it is possible that at the time of subdivision, the structure plan's low impact stormwater management solution may still be adequate, this standard ensures that, should the originally designed system prove unsuitable as development advances, the need for a viable and effective stormwater solution remains a key consideration.

267. I recommend rejecting the relief sought by Emerald Hills (128.15) to remove the Mission Development Area from SUB-S17: Indicative public access routes. While I acknowledge that there may be some duplication, given that these routes are already identified within the structure plan and the assessment criteria for development in the Mission Hills area, I consider those provisions to be less enforceable than the standard set out in SUB-S17. Therefore, removing SUB-S17 would remove the regulatory strength for subdivisions to give effect to these public access routes.



268. I recommend accepting the relief sought by Emerald Hills (128.16) as supported by Marist Holdings (Greenmeadows) Limited insofar as amending SUB-S18 to reflect updated legal descriptions. The following amendment is recommended:

<b>SUB-S18: Esplanade reserves</b>		
<p><b>Mission Development Area</b></p> <p><i>Purpose: to consider the safety of the public when restricting access through a working vineyard.</i></p>	<p>3. There is no esplanade reserve requirement for Taipo Stream where it traverses the Mission Special Character Zone, except in the following circumstances:</p> <p>a) a 20 m esplanade reserve must be vested in Council for land comprised in either <del>Lot 1 DP 27138 held in Certificate of Title W3/453-W1/63</del> <b>Lot 1 DP 559656 held in Record of Title 985828</b> and/or Part Lot 2 DP 25932 held in Certificate of Title HBW1/63 (as at <del>12 September 2018</del> <b>14 October 2024</b>) that falls within the Productive Rural, Landscape &amp; Visitor, and/or Rural Residential (fronting Church Road) Precincts where sites of less than 4 ha are created wholly or partly within 100 m of Taipo Stream.</p> <p>b) no esplanade reserve will be required for sites created through subdivision within the Residential Precinct and the Rural Residential Precinct, which adjoins the Residential Precinct.</p>	<p><b>Activity Status where standards are not met:</b> Non-complying</p>

269. I recommend rejecting the relief sought by Emerald Hills (128.34), as supported by Marist Holdings (Greenmeadows) Limited, to remove the Mission Development Area from the subdivision assessment criteria SUB-AC1. While I acknowledge the submitter's concern regarding potential duplication between the subdivision assessment criteria and DEV3-AC1, I believe both sets of criteria remain relevant to development within the Mission Hills. SUB-AC1 provides a more comprehensive framework, specifically drawing attention to critical matters such as transport, natural hazards, financial contributions, and construction effects, which are not fully addressed under DEV3-AC1.

270. I recommend accepting the relief sought by Mana Ahuriri to amend SUB-S5 to enable the Wharerangi Development Area to benefit from 'no minimum' lot area. This relief is merely an update in referencing, previously the development area was 'Park Island'. The following amendment is recommended:

<b>SUB-S5: Minimum allotment sizes – development areas</b>		
<p>Te Awa Development Area, Parklands Development Area, <del>Park Island</del> <b>Wharerangi Road Development Area</b></p>	<p>No minimum</p>	<p><b>Activity Status where standards are not met:</b> NA</p>

271. As a minor and inconsequential amendment pursuant to Schedule 1, Clause 16(2) of the RMA, I recommend removing the 'Park Islands Development Area' from SUB-S5, as its inclusion in the PDP appears to be an error. This is evident from the absence of any further references to the Park Islands Development Area or any mapped extents. The underlying zoning for the Park Islands suburb is General Residential, which does not impose a minimum lot size, provided that bulk and location plans are provided at the time of subdivision. Therefore, I consider that the removal of this reference will not affect the overall functionality or application of the plan.

### 7.2.3 Summary of recommendations

#### Minimum Lot Size

272. Hearing Stream 2, Subdivision, Recommendation 28: that submission points by Tawanui (247.12) supported in part by Kainga Ora (FS 509.247.12) and opposed by NCC Urban Design Team (FS 542.263.12) relating specifically to the minimum lot size for the HDR zone are deferred until more information is available.

273. Hearing Stream 2, Subdivision, Recommendation 29: accept the relief by NCC Policy Team (196.59) to exclude minor dwelling units from minimum lot sizes as follows:

<b>SUB-S1: Minimum allotment sizes - residential</b>		
<p>General Residential Zone, Medium Density Residential Zone, High Density Residential Zone, precincts or overlays not otherwise provided for elsewhere.</p>	<ol style="list-style-type: none"> <li>1. There is no minimum allotment size for the following:               <ol style="list-style-type: none"> <li>a) any allotment with an existing <u>primary</u> residential unit, if:                   <ol style="list-style-type: none"> <li>i. either the subdivision does not increase the degree of any non-compliance with the District Plan or land use consent has been granted, and</li> <li>ii. no vacant allotments are created.</li> </ol> </li> <li>b) any allotment with no existing residential unit, where a subdivision application is accompanied by a land use application that will be determined concurrently if the applicant for the resource consent can demonstrate that:                   <ol style="list-style-type: none"> <li>i. it is practicable to construct on every allotment within the proposed subdivision a residential unit that complies with the standards of the relevant zone, or land use consent is concurrently sought for the infringement to the relevant standard(s), and</li> <li>ii. no vacant allotments are created.</li> </ol> </li> </ol> </li> <li>2. A minimum allotment size of 350 m<sup>2</sup> applies to any subdivision that creates new vacant allotments.</li> </ol>	<p><b>Activity Status where standards are not met:</b> Non-complying</p>

274. Hearing Stream 2, Subdivision, Recommendation 30: accept the relief in part by NCC Policy Team (196.21) as supported in part by Kāinga Ora (FS 496.196.21) to provide clarity to plan users where seeking a combined subdivision/ use consent either concurrently or where a land use consent has been previously granted. I recommend the amendments as follows:

<b>SUB-S1: Minimum allotment sizes - residential</b>		
<p>General Residential Zone, Medium Density Residential Zone, High Density Residential Zone, precincts or overlays not otherwise provided for elsewhere.</p>	<ol style="list-style-type: none"> <li>1. There is no minimum allotment size for the following:               <ol style="list-style-type: none"> <li>a) any allotment with an existing residential unit, if:                   <ol style="list-style-type: none"> <li>i. either the subdivision does not increase the degree of any non-compliance with the District Plan or land use consent has been granted, <u>or,</u></li> <li>ii. <u>a land use consent for zone infringement has been applied for concurrently</u> and</li> <li>iii. no vacant allotments are created.</li> </ol> </li> <li>b) any allotment with no existing residential unit, where a subdivision application is accompanied by a land use application that will be determined concurrently, <u>or has previously been granted,</u> if the applicant for the resource consent can demonstrate that:                   <ol style="list-style-type: none"> <li>iii. it is practicable to construct on every allotment within the proposed subdivision a residential unit that complies with the standards of the relevant zone, or land use consent is concurrently sought for the infringement to the relevant standard(s), and</li> <li>iv. no vacant allotments are created.</li> </ol> </li> </ol> </li> <li>2. A minimum allotment size of 350 m<sup>2</sup> applies to any subdivision that creates new vacant allotments.</li> </ol>	<p><b>Activity Status where standards are not met:</b> Non-complying</p>

Development Areas

275. Hearing Stream 2, Subdivision, Recommendation 31: I recommend accepting in part the relief sought by Emerald Hills (128.7) to improve plan clarity on where standards don't apply to the development areas. I recommend amending SUB-S6 as follows:

<b>SUB-S6: Number of allotments</b>		
<b>All general residential, commercial and industrial zones, precincts, and control areas</b> <u>(excluding Development Areas)</u>	The number of new allotments created must not exceed three allotments.	<b>Matters of discretion:</b> <ol style="list-style-type: none"> <li>1. Street layout;</li> <li>2. Reserve and open space requirements;</li> <li>3. Purpose of the relevant zone, precinct, and development area;</li> <li>4. Adherence to any relevant structure plan;</li> <li>5. Safe, connected, and efficient transport network;</li> <li>6. Infrastructure and stormwater;</li> <li>7. Natural hazards, including liquefaction, land stability, and coastal hazards;</li> <li>8. Heritage values;</li> <li>9. Cultural values;</li> <li>10. Landscape and topographical features;</li> <li>11. Indigenous trees, mature trees and vegetation;</li> <li>12. Management of construction effects;</li> <li>13. Management of potential reverse sensitivity effects on existing land uses;</li> <li>14. Financial contributions;</li> <li>15. Compliance with the Code of Practice for Land Development and Subdivision Infrastructure, and</li> <li>16. Consistency with the Subdivision Design Guide.</li> </ol>
<b>Rural zones, precincts, and control areas</b> <u>(excluding Development Areas)</u>	The number of new allotments created must not exceed six allotments.	<b>Matters of discretion:</b> <ol style="list-style-type: none"> <li>1. Street layout;</li> <li>2. Reserve and open space requirements;</li> <li>3. Purpose of the relevant zone, precinct, and development area;</li> <li>4. Adherence to any relevant structure plan;</li> <li>5. Safe, connected, and efficient transport network;</li> <li>6. Infrastructure and stormwater;</li> <li>7. Natural hazards, including liquefaction, land stability, and coastal hazards;</li> <li>8. Heritage values;</li> <li>9. Cultural values;</li> <li>10. Landscape and topographical features;</li> </ol>

		11. Street layout; 12. Context mapping; 13. Connectivity; 14. Open space requirements; 15. Consistency with the Subdivision Design Guide, and 16. Compliance with the Engineering Code of Practice.
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276. Hearing Stream 2, Subdivision, Recommendation 32: I recommend accepting the relief sought by Emerald Hills (128.15) as supported by Marist Holdings (Greenmeadows) Limited (FS 27.128.16) to amend SUB-S18 to reflect new title references as follows:

SUB-S18: Esplanade reserves		
<b>Mission Development Area</b>  <i>Purpose: to consider the safety of the public when restricting access through a working vineyard.</i>	3. There is no esplanade reserve requirement for Taipo Stream where it traverses the Mission Special Character Zone, except in the following circumstances:  c) a 20 m esplanade reserve must be vested in Council for land comprised in either <del>Lot 1 DP 27138 held in Certificate of Title W3/453 W1/63</del> <u>Lot 1 DP 559656 held in Record of Title 985828</u> and/or Part Lot 2 DP 25932 held in Certificate of Title HBW1/63 (as at <del>12 September 2018</del> <u>14 October 2024</u> ) that falls within the Productive Rural, Landscape & Visitor, and/or Rural Residential (fronting Church Road) Precincts where sites of less than 4 ha are created wholly or partly within 100 m of Taipo Stream.  d) no esplanade reserve will be required for sites created through subdivision within the Residential Precinct and the Rural Residential Precinct, which adjoins the Residential Precinct.	<b>Activity Status where standards are not met:</b> Non-complying

277. Hearing Stream 2, Subdivision, Recommendation 33: I recommend accepting the relief sought by Mana Ahuriri (263.14) to update the development area reference from Park Island to Wharerangi Road Development Area as follows:

SUB-S5: Minimum allotment sizes – development areas		
Te Awa Development Area, Parklands Development Area, <del>Park Island</del> <u>Wharerangi Road Development Area</u>	No minimum	<b>Activity Status where standards are not met:</b> NA

## 8. Submissions on Rural Subdivision

### 8.1 Issue #1 – Minimum Lot Sizes

#### 8.1.1 Matters raised by submitters

278. Richard Brown (1.1) seeks consistency between SUB-I1: Subdivision design should reflect the characteristics and amenity values of the locality in which it is located and Rule SUB-RLZ-R3A. It is inferred that the relief Mr. Brown seeks is that the averaging requirement should be removed from the Rural Lifestyle Zone.
279. Further submissions were received from Rob and Lisa Townshend (23.1.1), Richard Brown, Martin and Monique Prestridge, Grant and Jane Russell, Peter and Pam Hubscher (FS 67.1.1) and Emerald Hills (FS 288.1.1) in support of the relief sought by Mr. Brown. These submitters consider that the averaging requirement is too large for the needs of the rural lifestyle residents, a smaller lot size reflects the consented development in the wider neighbourhood which has experienced subdivision under the averaging requirement, and that the rural lifestyle environment specifically Poraiti and Taradale Hills is at a good elevation above flood risk following Cyclone Gabrielle. The latter submitter considers that the PDP should maximise the use of the land close to the city to accommodate development.
280. The Surveying Company (131.2), Alison Francis (139.2), the Dooney Brothers Partnership (169.10), Guy Panckhurst (210.10) and supported by Emerald Hills (FS 279.131.2 and FS 278.169.10) and Alison Francis (FS 253.131.2 and FS 252.169.10) seek an amendment to SUB-S3: Minimum Lot Sizes – Rural to remove the averaging requirement from Rural Lifestyle zone and simply just applying a minimum lot size of 5000m<sup>2</sup>. The collection of submitters generally considers the requirement to maintain a 1.5ha balance lot is unsubstantiated. Councils have gradually reduced the size of what an appropriate “lifestyle lot” is (for example, Hastings District Council reduced their minimum lifestyle lot size from 6ha to 2500m<sup>2</sup> in their most recent District Plan review). They contend that 1.5ha is too big to be used effectively as a lifestyle lot, and far too small to be used for a productive lot. They understand the desire to retain a rural aspect to these communities, however, seek a more appropriate size. Emerald Hills seeks that 1000m<sup>2</sup> applies to the Mission Rural Residential Precinct.
281. HBRC (FS 16.131.2) oppose the relief sought by The Surveying Company as the Rural Lifestyle zoning minimum allotment size standards should be sufficient to enable on-site wastewater treatment where it is not possible to connect to a reticulated wastewater system. Regional Rule 37 (Permitted activity for new sewage system) of the Hawke's Bay Regional Resource Management Plan sets permitted activity performance standards. When applied on the ground, much larger sites than the minimum site size specified (of 2500m<sup>2</sup>) are often needed. For example, sites that are sloping, poorly drained or near waterways or wetlands add complexity to meeting the other standards specified.
282. Cameron Lloyd, Kerry Beard and Peter Oliver (120.2) seek that SUB-S3: Minimum Lot Sizes – Rural be amended to remove the averaging requirement and be reduced from 5000m<sup>2</sup> to 1000m<sup>2</sup>. The relief is sought generally to the zone with the justification that properties along Rogers Road in Bayview are larger than surrounding properties and the environment does not reflect rural character, in the submitters opinion. The submitters consider 1000m<sup>2</sup> is sufficient to manage onsite wastewater disposal. Emerald Hills (FS 287.120.2) supports this relief and seeks that it apply to the Mission Rural Residential Precinct.

283. Horticultural New Zealand (FS 45.120.2) oppose the relief sought by Cameron Lloyd, Kerry Beard and Peter Oliver on the basis that enabling smaller minimum lot sizes in rural areas will result in intensification at the rural/urban boundary resulting in more reverse sensitivity issues.
284. Robyn Sinden (124.2) seeks to amend SUB-S3: Minimum Lot Sizes – Rural to enable a smaller lot size of 3000m<sup>2</sup> where properties are connected to reticulated water and wastewater. The submission seeks this apply generally to the zone with the justification that the property at 100 Churchill Drive is on the border of the urban area and it is well located to avoid urban sprawl, in the perspective of the submitter. Richard Brown (FS 1.124.2), Emerald Hills (FS 286.124.2) and Alison Francis (FS 254.124.2) support the relief sought. Ms. Francis expands on their support for the relief, it appears that the properties referred to in the subdivision are unique given their connection to the Council's reticulated sewer and water networks. They consider it could be appropriate to reduce the minimum lot size to 3,000m<sup>2</sup> for these sites (identified as being in the vicinity of Churchill Drive, Tironui Drive and Cato Road) as it will provide for rural residential development in close proximity to the urban area, out of the natural hazards that are found on the flat.
285. Cameron Lloyd (192.1 and 194.1) seeks to amend SUB-S3: Minimum Lot Sizes – Rural to enable a smaller lot size in the Rural Lifestyle zone generally with the specific justification that the properties at 5 and 17 Villers Street are suitable for an area of 1000m<sup>2</sup>. The submitter does not know the reasons why council is discouraging infill development of housing in this area. They feel that the rural lifestyle character is not evident, the area has become industrial and has outgrown the rural character. The submitter considers that if wastewater is an issue landowner within the area are prepared to build their own treatment as they want to develop more housing in their titles. The submitter considers that lot size of 5000m<sup>2</sup> is too small to be a productive form of agriculture and horticulture.
286. HBRC (FS 14.194.1) oppose Mr Lloyd's relief for smaller lot size along Villers Street on the basis that where reticulated wastewater treatment is not available, the minimum lot size should be sufficient to enable onsite treatment. Regional Rule 37 (Permitted activity for new sewage system) of the Hawke's Bay Regional Resource Management Plan sets permitted activity performance standards. When applied on the ground, much larger sites than the minimum site size specified (of 2500m<sup>2</sup>) are often needed.
287. Darryl Wayne Hook (248.2) opposes SUB-S3: Minimum Lot Sizes – Rural and instead seeks a minimum lot size of 2500m<sup>2</sup> for the Rural Lifestyle Zone specifically to enable the subdivision of 135 Ballantyne Road. Alison Francis (FS 249.248.2) supports in part Mr. Hooks relief however, considers that 2,500m<sup>2</sup> is too small and instead recommends a minimum lot size of 5,000m<sup>2</sup>.
288. NCC Policy Team (196.14) seeks an amendment of SUB-S3: Minimum Lot Sizes – Rural, seeking that a minimum lot size apply to both partially serviced and wholly unserved sites in the Settlement Zone. At present there is an error in the plan insofar as it is silent on the minimum lot size for sites not wholly connected to reticulated systems. The following amendment is sought:

<b>SUB-S3: Minimum allotment sizes - rural</b>		
Settlement Zone	800 m <sup>2</sup> fully serviced sites 1500 m <sup>2</sup> <del>unserved</del> <u>other</u> sites	<b>Activity Status where standards are not met:</b> Non-complying

289. Jack Brownlie Investments Limited (209.4) opposes *SUB-S3: Minimum Lot Sizes – Rural* and instead seeks a reduced minimum lot size of 350m<sup>2</sup> for the Settlement Zone to increase consistency between the density provision of the Settlement Zone which the submitter considers to be 350m<sup>2</sup>. Note that the notified provision of *SETZ-S1: Density* is one dwelling per 1000m<sup>2</sup> where reticulated-networks are available.

### 8.1.2 Assessment

290. A variety of submissions were received proposing changes to the minimum lot size in the Rural Lifestyle Zone, ranging from 1,000m<sup>2</sup> to 8,000m<sup>2</sup>, as well as tailored provisions for specific properties. The tailored requests are discussed below. I find merit in removing the averaging requirement from *SUB-S3: Minimum Lot Sizes – Rural*, which would establish a standard minimum lot size of 5,000m<sup>2</sup> for the Rural Lifestyle Zone. The rationale for this recommendation is detailed in the Section 32AA report below.

291. I partially accept the concerns raised by HBRC, who opposed reducing minimum lot sizes in the Rural Lifestyle Zone due to the need for adequate onsite wastewater disposal, a matter controlled by the HBRP. The submitter noted that a minimum area of 2,500m<sup>2</sup> is typically required for permitted onsite disposal systems on flat sites, with larger areas necessary for sloping properties. Given that much of the Rural Lifestyle Zone covers hilly *terrain*, larger lot sizes would likely be needed. Since 5,000m<sup>2</sup> is the current minimum lot size (with averaging requirements), I consider this to be a reasonable size for onsite wastewater disposal.

292. Regarding Horticultural New Zealand's opposition to smaller lot sizes due to concerns about increased intensification at the rural/urban boundary, potentially leading to reverse sensitivity issues, I acknowledge that the PDP should aim to minimise conflicts between rural lifestyle living and productive environments. However, I *believe* that relaxing the minimum lot size in this instance is unlikely to exacerbate these conflicts. The Poriati and Taradale Hills areas, which are zoned Rural Lifestyle, are not adjacent to Rural General or Rural Productive Zones, except at the southernmost border, where Springfield Road separates them. The land to the west, located within the Hastings District, is zoned Rural but is not classified as highly productive, as shown in Map [Appendix C].

293. The Esk Hills/Bayview area, also zoned Rural Lifestyle, presents a more complex situation. The surrounding land is predominantly zoned Rural Production and is highly productive, as shown in Map [Appendix D]. To mitigate potential reverse sensitivity effects, I recommend adding a provision to *SUB-S8: Building Platforms* that requires building platforms to be located at least 30 meters from any highly productive land on adjacent *properties*. This aligns with RPROZ-S3: Setback from Highly Productive Land for residential dwellings within the Rural Productive Zone.

294. In response to Emerald Hills request for a minimum lot size of 1,000m<sup>2</sup> in the Mission Hills Rural Residential Precinct, I recommend rejecting this proposal, as there is insufficient evidence to justify why 1,000m<sup>2</sup> is appropriate for this area. Essentially, this request resembles a rezoning to Large Lot Residential. Currently, there *are* no plans to extend reticulated services to this area, and a 1,000m<sup>2</sup> lot size would conflict with the purpose of the Rural Lifestyle Zone, which emphasizes preserving open space character.

295. I recommend rejecting the relief sought by Robyn Sinden and further supported by Richard Brown, Emerald Hills, and Alison Francis, to set a minimum lot size of 3,000m<sup>2</sup> in the vicinity of Churchill Drive, Tironui Drive, and Cato Road. A 3,000m<sup>2</sup> minimum lot size is inconsistent with the Rural Lifestyle Zone's purpose, and there is no confirmation of availability of three waters services to support this reduction.



296. The submission point raised by Jack Brownlie Investments Limited is a curious one, relief is sought to increase *consistency* between the Settlement Zone density provisions (SETZ:S1) and the minimum lot size. The notified density for settlement zone is:

SETZ-S1: Density	
Settlement Zone	1. Where a <u>site</u> is fully serviced with council-reticulated networks, the maximum density must not exceed:
<b>Purpose:</b> <i>to protect rural settlement character and amenity, and to manage <u>reverse sensitivity</u>.</i>	<ul style="list-style-type: none"> <li>a. one dwelling unit per 1000 m<sup>2</sup>, and</li> <li>b. one dwelling unit and one <u>minor residential unit</u> per <u>site</u>, provided that the <u>net site area</u> is not less than 1500 m<sup>2</sup>.</li> </ul>

297. There is no intention at present to amend the density provisions, however this will be confirmed as part of Hearing Stream 5. Although the submitter has sought relaxed minimum lot sizes for the Settlement Zone (350m<sup>2</sup>) I consider there merit in the submission to improve consistency across chapters. Additionally, the notified provisions would require a land use resource consent every time a dwelling was to be constructed on a Settlement Zoned property less than 1000m<sup>2</sup>, this would be inefficient. To improve interpretation of this standard, I also recommend accepting the relief sought by the NCC Policy Team to amend 'unserviced' to 'other' to capture those properties which are only partially serviced. Accordingly, I recommend the following amendments to SUB-S3: Minimum Lot Sizes – Rural as follows:

SUB-S3: Minimum allotment sizes - rural	
Settlement Zone	<del>800</del> <b>1000</b> m <sup>2</sup> fully serviced sites 1500 m <sup>2</sup> <del>unserviced</del> <b>other</b> sites

298. Finally, I turn to the submission points 192.1, 194.1, 120.2, and 248.2 seeking changes to the Rural Lifestyle Zone minimum lot size in bespoke locations, effectively spot rezoning for properties along Villers Street and Rogers Road, Bayview and 135 Ballantyne Road, Poraiti. I recommend rejecting these requests, as the sites are currently unserviced and lack sufficient information regarding future servicing plans. While some submitters have expressed willingness to provide community wastewater *facilities*, this should be considered through the resource consent process based on the development's feasibility. It would be poor planning to approve reduced lot sizes without adequate information to ensure the long-term viability of these properties. Moreover, the surrounding environment in all instances are zoned Rural Lifestyle therefore the question on retention of rural character comes into play and the submitters have not offered any mitigation to their relief.

### 8.1.3 Section 32AA

#### Provisions (Policy, Rule, Method) Most Appropriate Way to Achieve the Objectives

Proposed amendment to the notified PDP is to remove the averaging requirement from standard SUB-S3: Minimum allotment sizes – rural as follows:

#### SUB-S3: Minimum allotment sizes - rural

Rural Lifestyle Zone, Mission Rural Residential Precinct	<del>5,000 m<sup>2</sup> minimum allotment size with a minimum average allotment size of 1.5 ha. The minimum average allotment size must be calculated using the parent allotment in existence as at 11 November 2000. This parent allotment will be the base for any further proposed subdivision.</del>	<b>Activity Status where standards are not met:</b> Non-complying
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This amendment would impact approximately 345 properties throughout Napier enabling these to be subdivided, largely within the Taradale Hills, Poraiti, Bayview and Esk Hills areas. A further 70 properties would be afforded the opportunity to subdivide to a greater density. The way the Esk Hills have been developed is that they are subject to a number of private easements, land use covenants, neighborhood societies and private roads. These limitations on development are outside of a Councils control therefore it is unlikely that removing the averaging requirement would realize greater subdivision potential in this area.

Under the notified provisions, applicants and the consenting officers report difficulty in determining compliance with this standard as the parent allotment to be considered is 24+ years old and in many cases has been subject to a series of subdivisions. Where a parent allotment does exceed 24 years in age, the minimum lot size must be 3ha.

The notified provisions mirror those of the ODP. Over the life of the ODP there has been a series of interpretations through the consenting arm of Council. As a result, the rural lifestyle zone contains 193 allotments between 3000m<sup>2</sup> and 7500m<sup>2</sup>. Note that this excludes properties from Bayview as they were previously zoned Settlement and afforded a smaller lot size.

Submissions on the PDP include the following comments:

- The averaging requirement results in properties too large for rural lifestyle living but too small for productive purposes,
- That Council should maximise the use of existing zoned land for future developments, instead of further urban sprawl on to productive land,
- There are surrounding properties within the Rural Lifestyle zone that are small and fit for purpose, consistency across lot sizes would assist community in remaining at their property without excess land to care for,
- The rural lifestyle environment is less prone to coastal hazards and flooding.

Appendix E includes a memorandum from Napier City Council Development Engineering Team and the Transportation Engineer confirming that the proposed change does not give rise to any concerns in servicing and access.

I consider the removal of the averaging requirement from the Rural Lifestyle zone and resulting in a flat minimum lot size of 5000m<sup>2</sup> to be consistent with both the purpose of subdivision and the rural lifestyle chapter for the following reasons:

- A 5000m<sup>2</sup> minimum lot size generally reflects the established characteristics and amenity values of the Rural Lifestyle environment as there are a range of similar sized properties (addressing SUB-I1)
- The bulk of the Rural Lifestyle zoned land is free from mapped significant landscapes and highly productive land. Where these natural resources are mapped, additional consideration

is required under further rules for example SUB-R6 and R7 for subdivision within SNA and Special Character Landscapes (addressing SUB-I2 and RLZ-I4).

- The Rural Lifestyle zone is largely separated from highly productive land. The Poriati and Taradale Hills areas are not adjacent to Rural General or Rural Productive Zones, except at the southernmost border, where Springfield Road separates them. The land to the west, located within the Hastings District, is zoned Rural but is not classified as highly productive, as shown in Map. However, in the Esk Hills/ Bayview area, the Rural Productive zone is adjacent to the Rural Lifestyle zone. To mitigate potential reverse sensitivity effects, I recommend adding a provision to *SUB-S8: Building Platforms* that requires building platforms to be located at least 30 meters from any highly productive land on adjacent properties. This aligns with RPROZ-S3: Setback from Highly Productive Land for residential dwellings within the Rural Productive Zone (addressing SUB-I7, RLZ-I3 and RLZ-I5)
- A 5000m<sup>2</sup> lot is able to be adequately serviced onsite, it exceeds the minimum required area for wastewater disposal as controlled by the HBRP and generally is sufficiently sized to accommodate stormwater disposal consistent with the ECoP. The local roads are generally of adequate standard to service additional demand without major upgrades (addressing SUB-I3 and RLZ-I2).

- The Rural Lifestyle zone is generally elevated above the risk of mapped coastal hazard and flooding. However, there is mapped risk of instability on areas within the zone. Generally, this hazard would need to be resolved at subdivision stage by demonstrating a stable building platform as per standard SUB-S8 (addressing SUB-I3).
- There are very few other environments throughout Napier where the choice of lifestyle living would be appropriate. The Rural Lifestyle zone largely borders established urban areas therefore will remain being generally well serviced without expanding too far for urban centers.

<b>Benefits</b>	<b>Costs</b>
<p><u>Environmental:</u></p> <ul style="list-style-type: none"> <li>• Relaxing the minimum lot size for the rural lifestyle zone will assist in reducing pressure on the productive land resource for the location of residential activities.</li> <li>• Subdivisions on the urban fringe can act as green buffers between dense urban centers and rural or natural areas, helping to preserve open spaces and mitigate the visual impact of expanding urban environments.</li> </ul>	<p><u>Environmental:</u></p> <ul style="list-style-type: none"> <li>• Increased subdivision opportunities in the rural lifestyle zone may lead to the fragmentation of the rural landscape, reducing the natural, open, and undeveloped feel of rural areas. This can alter the rural aesthetic, diminishing the sense of space, tranquillity, and connection to nature that these zones are valued for, and existing residents may prioritise.</li> <li>• There will be increased demand on natural resources to service these properties, as each site will require ground-based disposal for both stormwater and wastewater. In large storm events that exceed attenuation standards, rainwater runoff may rise, potentially affecting water quality in the surrounding environment.</li> </ul>

<p><u>Economic:</u></p> <ul style="list-style-type: none"> <li>Property owners will be afforded greater subdivision opportunities.</li> <li>Relaxed minimum lot sizes in the rural lifestyle environment enables a more productive use of land that might otherwise remain underutilized or unproductive by transforming it into valuable residential properties. This shift can maximize the economic potential of rural land, especially in areas where agricultural productivity is limited.</li> <li>Rural lifestyle buildings will need to be positioned no closer than 30m from HPL on adjacent properties to retain the wider productive capacity.</li> </ul>	<p><u>Economic:</u></p> <ul style="list-style-type: none"> <li>Long term, there may be increased roading maintenance costs. Unlike urban areas where density is greater, these costs will be spread over fewer landowners or alternatively the general rate payer which may disproportionately benefit some.</li> </ul>
<p><u>Social:</u></p> <ul style="list-style-type: none"> <li>Expanding subdivision opportunities in Rural Lifestyle Zones will facilitate the creation of additional housing, contributing to overall housing supply. While rural lifestyle properties may not fall within the affordable housing range, they play an important role in the housing continuum. By enabling households to move up into these larger properties, it frees up more affordable housing elsewhere, creating a natural progression that helps address housing availability across various segments of the market.</li> </ul>	<p><u>Social:</u></p> <ul style="list-style-type: none"> <li>As rural lifestyle zones become more populated, there may be a loss of close-knit, farming-centered communities. New residents may have different lifestyles and expectations from long-standing rural communities, leading to a shift in social dynamics and potential tension between newcomers and long-term residents.</li> <li>Commuting times and sole occupancy car usage may increase as rural lifestyle development increases. Its highly unlikely that these areas will be serviced via public transport and schooling, work and services will remain in the urban centers.</li> </ul>
<p><u>Cultural:</u> N/A</p>	<p><u>Cultural:</u> N/A</p>
<p><b>Risk of acting or not acting if there is insufficient information. – s 32(2)(c)</b></p>	
<p>The information available is considered sufficient to inform this aspect of the review.</p>	
<p><b>Efficiency – s 32(1)(b)(ii)</b></p>	
<p>The proposed relaxation of the minimum lot size for the RLZ entails a lower level of regulatory stringency particularly where considering the age of the parent lot and prior subdivisions to determine the averaging requirement, and the amendment is more enabling to development.</p> <p>It would benefit both plan users and plan administrators as it offers a clear direction on the minimum size.</p> <p>The removal of the averaging requirement for the RLZ remains consistent with the purpose of the zone and will continue to appropriately manage the issues identified by the subdivision chapter.</p> <p>Overall, the benefits of the proposal are anticipated to outweigh the costs.</p>	

<b>Effectiveness – s 32(1)(b)(ii)</b>	
<p>The preferred option is considered to be the most efficient means of addressing the issues and objectives within the plan, as it will:</p> <ul style="list-style-type: none"> <li>• Enable an efficient use of existing lifestyle zoned land for residential purposes.</li> <li>• Minimize the pressure of residential activities on the rural productive zone,</li> <li>• Offer rural lifestyle housing choice,</li> <li>• Continue to maintain the rural character,</li> <li>• Offers housing options with lower mapped risk of coastal hazard and flooding</li> </ul>	
<b>Alternative Options – s32(1)(b)(i)</b>	
Option 1: Status Quo, retention of the averaging requirement	<p>This option is not considered appropriate for the following reasons:</p> <ul style="list-style-type: none"> <li>• It is administratively difficult to implement, adding additional costs and uncertainty to plan users and regulators.</li> <li>• There will be continued pressure on other rural zones to seek the rural lifestyle activities, this is less preferable due to conflict with productive activities.</li> <li>• It may result in a poor use of otherwise underutilized land.</li> </ul>
Option 2: Relaxing the minimum lot size further for example between 1000m <sup>2</sup> - 3000m <sup>2</sup>	<p>This option is not considered appropriate for the following reasons:</p> <ul style="list-style-type: none"> <li>• The RLZ is generally hilly, it may result in challenges to onsite management of stormwater and wastewater which intern will apply pressure to the receiving environment or to council to provide unplanned infrastructure to service these environments.</li> <li>• The reduction in density for the RLZ would be greater than anticipated for the character of the existing environment. Engagement with existing residents would be required to substantially reduce the minimum lot size under the existing 5000m<sup>2</sup>.</li> </ul>
<b>Overall evaluation</b>	
<p>In summary, reducing the minimum lot size to 5,000m<sup>2</sup> offers a balanced approach to supporting residential development while protecting rural character, managing infrastructure costs, and safeguarding natural and productive land resources. It will provide for the effective implementation of the objectives of the PDP and the benefits outweigh the costs overall.</p>	

## 8.2 Issue #2 – Highly Productive Soils

### 8.2.1 Matters raised by submitters

#### Objectives

299. NZFFL (165.19) seek an amendment to SUB-O2: Impact of the built environment on landscapes, biodiversity, water quality, and other key environmental matters, to improve clarity regarding the reference to productive soils as meeting the definition of Highly Productive Soils in the National Policy Statement for Highly Productive Land verses the soils referred to in the Hawkes Bay Regional Council's Regional Resource Management Plan as Versatile Soils. The following relief is sought:

**SUB-O2: Impact of the built environment on landscapes, biodiversity, water quality, and other key environmental matters**

Land is subdivided in a way to create development that:

- a. responds positively to the site's physical characteristics and context;
  - b. protects, maintains, or enhances natural features, landscapes, indigenous biodiversity, waterbodies, significant trees, ~~productive soils~~ **highly productive land and versatile land**, reserves, public open space, and historic heritage, and
  - c. achieves the maintenance and enhancement of water quality by incorporating low impact design principles.
300. NZAAA (73.9), Helicopters Hawkes Bay (134.9), Tony Michelle (73.9) and supported by Horticulture New Zealand (FS42.73.9) and NZHA (FS 327.73.9) support *SUB-O6: Subdivision in rural zones* as notified.
301. Angela McFlynn (189.9) as supported by Alison Francis (FS 251.189.9) seeks an amendment to *SUB-O6: Subdivision in rural zones* as they consider that some of the rural zones are not wholly intended nor suitable for productive rural farming activities. Accordingly, seek to amend the objective as follows:

**SUB-O6: Subdivision in rural zones**

- a. protects highly productive land **within the Rural Production Zone**;
  - b. ensures rural lifestyle subdivision is contained within the Rural Lifestyle Zone and avoided within the highly productive land in the Rural **Production** ~~Productive~~-Zone, and avoids reverse sensitivity effects between rural activities carried **out in the Rural Production Zone** and sensitive activities, and
  - c. avoids reverse sensitivity effects between rural activities and sensitive activities.
302. Horticulture New Zealand (257.37) supports the intent of SUB-O6 but seeks an amendment to clarify what activities are being protected in the zone as 'rural activities' are not defined. The submitter seeks the following relief:

**SUB-O6: Subdivision in rural zones**

- a. protects highly productive land;
- b. ensures rural lifestyle subdivision is contained within the Rural Lifestyle Zone and avoided within the highly productive land in the Rural **Production** ~~Productive~~-Zone, and avoids reverse sensitivity effects between rural activities carried and sensitive activities, and
- c. avoids reverse sensitivity effects between ~~rural activities~~ **primary production activities and rural industry** and sensitive activities.

#### Policies

303. NZAAA (73.10), Helicopters Hawkes Bay (134.10) and as supported by Horticulture

New Zealand (FS 42.73.10) and NZHA (FS 327.73.10) seek an amendment to SUB-P19: Highly productive land to better recognise the protection for primary production and ancillary activities. The following relief is sought:

**SUB-P19: Highly productive land**

Ensure subdivision avoids, if possible, or otherwise mitigates any actual loss or potential cumulative loss of the availability or productive of highly productive land by:

- a. providing for the amalgamation of smaller holdings on highly productive land.
- b. avoiding subdivision for the purpose of rural lifestyle.
- c. allowing subdivision in accordance with Section 3.8 of the National Policy Statement for Highly Productive Land 2022.
- d. providing for subdivision where:
  - i. highly productive land is subject to permanent or long-term constraints in accordance with Section 3.10 of the National Policy Statement for Highly Productive Land 2022;
  - ii. it avoids any significant loss of productive capacity;
  - iii. it avoids the fragmentation of large or geographically cohesive area of highly productive land, and
  - iv. the environmental, social, cultural, and economic benefits outweigh the long-term environmental, social, cultural, and economic costs associated with the loss of highly productive land, taking into account both tangible and intangible values.
- e. **Enable primary production and ancillary activities**

304. NZFFL seek an amendment to SUB-P19 as the submitter considers that it is more efficient to refer to the relevant sections of the NPS-HPL without further explanation. The following relief is sought:

**SUB-P19: Highly productive land**

Ensure subdivision avoids, if possible, or otherwise mitigates any actual loss or potential cumulative loss of the availability or productive of highly productive land by:

- a. providing for the amalgamation of smaller holdings on highly productive land.
- b. avoiding subdivision for the purpose of rural lifestyle.
- c. allowing subdivision in accordance with Section 3.8 of the National Policy Statement for Highly Productive Land 2022.
- d. providing for subdivision **only** where **the matters in clause 3.10(1) applies and the matters in clause 3.10(2) and 3 of the National Policy Statement for Highly Productive Land 2022 are satisfied.**
  - i. ~~highly productive land is subject to permanent or long-term constraints in accordance with Section 3.10 of the National Policy Statement for Highly Productive Land 2022;~~
  - ii. ~~it avoids any significant loss of productive capacity;~~
  - iii. ~~it avoids the fragmentation of large or geographically cohesive area of highly productive land, and~~
  - iv. ~~the environmental, social, cultural, and economic benefits outweigh the long-term environmental, social, cultural, and economic costs associated with the loss of highly productive land, taking into account both tangible and intangible values.~~

305. Horticulture New Zealand (FS 50.165.22) generally supported NZFFL however, seeks that the notified drafting is retained as the submitter is of the opinion it is clearer.

306. Horticulture New Zealand (257.39) supported by HBRC (FS 18.257.39) seeks an amendment to SUB-P19 to more accurately reflect the NPS-HPL. HBRC supports this relief and expands that relevant provisions in the NPS-HPL should be referenced but not repeated in the District Plan. The reference to section 3.8 of the NPS-HPL is more accurately given effect by Horticulture NZ's proposed wording. The following relief is sought:

**SUB-P19: Highly productive land**

Ensure subdivision avoids, if possible, or otherwise mitigates any actual loss or potential cumulative loss of the availability or productive of highly productive land by:

- a. providing for the amalgamation of smaller holdings on highly productive land.
- b. avoiding subdivision for the purpose of rural lifestyle.
- c. ~~Allowing~~ **avoiding** subdivision in accordance with **unless** Section 3.8 of the National Policy Statement for Highly Productive Land 2022 **is met**.
- d. ~~providing for subdivision where:~~
  - i. ~~highly productive land is subject to permanent or long-term constraints in accordance with Section 3.10 of the National Policy Statement for Highly Productive Land 2022;~~
  - ii. ~~it avoids any significant loss of productive capacity;~~
  - iii. ~~it avoids the fragmentation of large or geographically cohesive area of highly productive land, and~~
  - iv. ~~the environmental, social, cultural, and economic benefits outweigh the long-term environmental, social, cultural, and economic costs associated with the loss of highly productive land, taking into account both tangible and intangible values.~~

307. Angela McFlynn (189.13) considers that the creation of lifestyle properties within highly productive land where the balance is amalgamated with neighbouring land is an effective means of increasing the size (and therefore the overall productive capacity) of landholdings. Therefore seeks an amendment to SUB-P19 as follows:

**SUB-P19: Highly productive land**

Ensure subdivision avoids, if possible, or otherwise mitigates any actual loss or potential cumulative loss of the availability or productive of highly productive land by:

- a. providing for the amalgamation of smaller holdings on highly productive land.
- b. ~~avoiding subdivision for the purpose of rural lifestyle.~~
- c. allowing subdivision in accordance with Section 3.8 of the National Policy Statement for Highly Productive Land 2022.
- d. providing for subdivision where:
  - i. highly productive land is subject to permanent or long-term constraints in accordance with Section 3.10 of the National Policy Statement for Highly Productive Land 2022;
  - ii. it avoids any significant loss of productive capacity;
  - iii. it avoids the fragmentation of large or geographically cohesive area of highly productive land, and
  - iv. the environmental, social, cultural, and economic benefits outweigh the long-term environmental, social, cultural, and economic costs associated with the loss of highly productive land, taking into account both tangible and intangible values.

308. NZFFL (165.23) and Horticulture New Zealand (257.40) support *SUB-P20: Small lots in rural production zone* as notified. Angela McFlynn (189.14) opposes this policy and seeks it is deleted on the basis that lifestyle subdivision where the balance land is amalgamated with neighbouring land is an effective means of increasing the size (and therefore the overall productive capacity) of landholdings. The creation of lifestyle sites around existing dwellings through boundary relocations should therefore be encouraged for small landholdings comprising highly productive land.



Rules

309. NZFFL (165.24) support SUB-R8: Subdivision of lifestyle sites within the Productive Rural Zone with amalgamation as notified.

310. Dooney Brothers Partnership (169.16) and Angela McFlynn (189.17) seek an amendment to SUB-R8 to remove matter '1. Subdivision is not on highly productive land' as they consider that lifestyle subdivision where the balance land is amalgamated with neighbouring land is an effective means of increasing the size (and therefore overall productive capacity) of landholdings. The submitters consider that boundary relocations of this nature should therefore be encouraged for small landholdings comprising highly productive land. The following relief is sought:

<b>SUB-R8: Subdivision of lifestyle sites within the Productive Rural Zone with amalgamation</b>	
<p><b>SUB-R8A</b></p> <p><b>Activity Status:</b> Discretionary</p> <p><b>Where:</b></p> <ol style="list-style-type: none"> <li>1. <del>Subdivision is not on highly productive land;</del></li> <li>2. Compliance with standards SUB-S6 - SUB-S18;</li> <li>3. allotment size of the lifestyle site is within the range of 2,500 m<sup>2</sup> - 5,000 m<sup>2</sup> and contains an existing dwelling;</li> <li>4. Subdivision results in the amalgamation of the balance area with an adjoining site, so that no additional records of title are created by the subdivision;</li> <li>5. The amalgamated balance of new sites created exceeds 4 ha, and</li> <li>6. A consent notice is registered on the record of title confirming there will be no further subdivision of the lifestyle allotment created.</li> </ol>	<p><b>SUB-R8B</b></p> <p><b>Activity Status where activity conditions are not met:</b> Non-complying</p>

311. Horticulture New Zealand (257.42) support SUB-R12: Subdivision on highly productive land as notified.

312. The Surveying Company (131.3) seek an amendment to SUB-R12 to enable Council to receive and consider alternative assessments of land use capability ("LUC") by relevant experts where particular soils may have been incorrectly mapped in type and extent as LUC 1-3 - Highly Productive Land but are in fact not. The HBRC (FS 16.131.3) oppose this relief indicating that it is appropriate to use the HPL mapping tool for plan-making, but at the consent level, the assessment may include site-specific analysis for highly productive land.

313. NZFFL (165.25) seek an amendment to SUB-R12 to include versatile soils, consistent with the HBRP terminology.

314. Angela McFlynn (189.18) opposes SUB-R12 as they consider it is inappropriate to prevent all subdivision of highly productive land. This submitter seeks the provision is deleted in its entirety. HBRC (FS 17.189.18) oppose this relief on the basis that the FDS currently in development has taken into account HPL and where development is appropriate (or inappropriate), instead it would be beneficial to avoid changes to the HPL until the outcomes of that process are clear.

## Standards

315. NZFFL (165.26) and supported by Horticulture New Zealand (257.43) support the minimum lot size of 4ha within the rural production zone pursuant to SUB-S3. The latter submitter has identified a reference error insofar as the notified standard references 'Rural Productive Zone' where it should be 'Rural Production Zone'.

## 8.2.2 Assessment

### Objectives

316. I concur with the relief sought by NZFFL insofar as creating consistency between the NPS-HPL and the PDP. I have reservations regarding alignment with the HBRP as this document pre-dates the NPS-HPL and is underway for review. Accordingly, I recommend accepting in part and amending SUB-O2 as follows:

**SUB-O2: Impact of the built environment on landscapes, biodiversity, water quality, and other key environmental matters**

Land is subdivided in a way to create development that:

- a. responds positively to the site's physical characteristics and context;
- b. protects, maintains, or enhances natural features, landscapes, indigenous biodiversity, waterbodies, significant trees, ~~productive soils~~ **highly productive land**, reserves, public open space, and historic heritage, and
- c. achieves the maintenance and enhancement of water quality by incorporating low impact design principles.

317. General support was received for SUB-O6, minor amendments were sought to clarify where highly productive land should be protected. I recommend accepting the relief sought by Ms. Mc Flynn and Ms. Francis to improve plan clarity. Though there are pockets of mapped HPL land in the rural lifestyle zone, these areas are fragmented from large productive land parcels, and it is not the intent to protect these small pockets in the RLZ.
318. I recommend accepting in part the relief sought by Horticulture New Zealand insofar as clarification on the Rural Production zone name. I do not consider that 'rural activities' requires a definition nor an expansion into 'primary production activities and rural industry'. It is my opinion that the purpose of provision (c) in avoiding reverse sensitivity effects from 'rural activities' is intended to be broad and could include other rural activities that may not be strictly production based.

### Policies

319. I recommend accepting the relief sought by NZAAA, Helicopters Hawkes Bay, and supported by Horticulture New Zealand and NZHA on SUB-P19 for the purpose of introducing additional protections of primary production and ancillary activities. I consider the inclusion of 'e. enabling primary production and ancillary activities' to be conducive to the overall intent of the policy direction and ultimately enables appropriate subdivision for HPL for productive purposes.
320. The relief sought by Horticulture New Zealand (257.39) and supported by HBRC to better reflect the NPS-HPL in SUB-P19 is reasonable. I concur with the position raised by HBRC insofar as there is no need to repeat provisions of higher order documents. I recommend accepting the relief. Consequently, I recommend rejecting the relief sought by NZFFL.

321. I consider the creation of new lifestyle properties on HPL to be an inappropriate use of this finite natural resource. However, I acknowledge the point raised by Ms. McFlynn, I agree that in cases where existing properties with residential activities are involved, reducing property boundaries and amalgamating the remaining land with a larger productive holding would be a positive outcome, for example through rule SUB-R8. This approach supports the long-term use and preservation of HPL and is consistent with the subdivision pathway offered by amendments to SUB-R12 below. Accordingly, I recommend accepting in part and recommend the following amendment:

**SUB-P19: Highly productive land**

Ensure subdivision avoids, if possible, or otherwise mitigates any actual loss or potential cumulative loss of the availability or productive of highly productive land by:

- a. providing for the amalgamation of smaller holdings on highly productive land.
- b. avoiding subdivision for the purpose of **creating new** rural lifestyle **properties**.
- c. allowing subdivision in accordance with Section 3.8 of the National Policy Statement for Highly Productive Land 2022.
- d. providing for subdivision where:
  - i. highly productive land is subject to permanent or long-term constraints in accordance with Section 3.10 of the National Policy Statement for Highly Productive Land 2022;
  - ii. it avoids any significant loss of productive capacity;
  - iii. it avoids the fragmentation of large or geographically cohesive area of highly productive land, and
  - iv. the environmental, social, cultural, and economic benefits outweigh the long-term environmental, social, cultural, and economic costs associated with the loss of highly productive land, taking into account both tangible and intangible values.

322. I agree with submitters NZFFL and Horticulture New Zealand that small lots in the Rural Production Zone should be avoided, however, I concur with the sentiment which Ms McFlynn raises insofar as lifestyle subdivision where the balance land is amalgamated with neighbouring land is an effective means of increasing the size (and therefore the overall productive capacity) of landholdings. However, I recommend rejecting Ms McFlynn's relief and instead recommend the following amendment to avoid the creation of *new* allotments, but enable the modification to existing lifestyle properties to become smaller:

**SUB-P20: Small lots in rural production zone**

Land fragmentation and/or the creation of **new** allotments for residential and rural lifestyle activities are to be avoided.

Rules

323. I recommend accepting the relief sought by the Dooney Brothers Partnership and Ms McFlynn in relation to SUB-R8. The larger proportion of the rural production zone is contained within the mapped highly productive land under the NPS-HPL, as such there would be very few opportunities to utilise this consenting pathway if it excluded HPL. I concur with the submitters that there is overall net benefit to the productive land resource by enabling the amalgamation of two smaller productive allotments together whilst removing the existing residential activity from the productive land holding. SUB-R8 requires that no new lots are created therefore it would be unlikely to increase the residential development potential throughout the rural production zone as only one residential unit is permitted per site greater than 2500m<sup>2</sup> (RPROZ-R5). I consider that reverse sensitivity effects can be adequately managed by the existing setback standards set by SUB-S30 which requires a 30m setback between residential activities and highly productive land.

324. Turning to SUB-R12, various relief was sought by submitters ranging through support, amend and oppose. On balance, I consider there to be a more efficient method of avoiding inappropriate subdivision of HPL which includes deleting rule SUB-R12 and instead plan users would rely on provision SUB-R1B which applies a non-complying activity status to any subdivision in the rural production zone that fails to achieve the minimum lot size. The minimum lot size of 4ha in the rural production zone has only received submissions in support.

325. Leaning into the submission by The Surveying Company seeking an avenue of offering alternative technical advice for productive soils which they consider to be incorrectly mapped and the opposition raised by HBRC, on balance I consider this pathway to exist beyond the PDP on the merits of each individual application and it would be inappropriate to introduce an 'out' from the mapped information. Accordingly, I recommend rejecting this relief and noting the further submission from HBRC.

### Standards

326. Minimum lot sizes in the rural production zone have been supported therefore beyond challenge. I recommend accepting the minor relief sought to SUB-S3 for the amendment from 'Rural Productive Zone' to 'Rural Production Zone'.

## 8.3 Issue #3 – Reverse Sensitivity

### 8.3.1 Matters raised by submitters

327. NZFFL (165.16) seeks amendment to *SUB-I2: The impacts of subdivision on natural resources (landscapes, water quality, biodiversity, and highly productive land)* to recognise that reverse sensitivity effects can occur both within and between zones.

328. NZFFL (165.17) supported by KiwiRail (FS 267.165.17) seek an amendment to SUB-I7: Issues of reverse sensitivity on adjacent land uses to demonstrate that different activities can co-exist without concern and provide clarity the conflict arises where activities have different amenity requirements. NZFFL expands, that they consider the definition of 'reverse sensitivity' too narrow and only applies in circumstances where activities are established and more sensitive activities establish later, noting that the NPS-HPL directs priority be given to land based primary production on HPL regardless of when it is established. The submitter does not consider that 'reverse sensitivity would apply in this instance. The following relief is sought:

#### **SUB-I7: Issues of reverse sensitivity and/or sensitivity of on adjacent uses**

There is potential for conflict when ~~different~~ land uses **with differing amenity requirements** are located ~~adjacent in close proximity~~ to each other. Subdivision typically intensified land use activities in specific locations, which has the potential to create reverse sensitivity effects on established land uses or the potential of **primary production on** highly productive land. A different level of amenity can be experienced when subdivision created the ability for new sensitive issues (particularly residential and lifestyle activities) to establish **adjacent in close proximity** to existing rural, commercial, or industrial zones and/or activities, **or the range of existing or new activities promoted by their zones.** The expectation of the new activities is for a level of amenity that is not necessarily compatible with the amenity of the existing, **or promoted** environment and can impact on the ability of existing **and/or promoted new** activities to continue their ~~daily~~ operations.

**Where appropriate, subdivision for sensitive activities in environments with incompatible levels of amenity should be avoided.** Mitigation measures such as **noise insulation requirements for sensitive uses**, planting buffers and site layout should be considered and incorporated at the time of subdivision where the potential for reverse sensitivity exists.

329. Horticulture New Zealand (257.35) seeks an amendment to SUB-I7 to include mitigation methods of setbacks. The following relief is sought:

**SUB-I7: Issues of reverse sensitivity on adjacent land uses**

....

Mitigation measures such as planting buffers and site layout **and setbacks** should be considered and incorporated at the time of subdivision where the potential for reverse sensitivity exists.

**Objectives**

330. Horticulture New Zealand (257.36) supports *SUB-O1: Compatible land use* as notified.

331. NZFFL (165.18) seeks an amendment to SUB-O1 on the basis that they consider 'reverse sensitivity' too narrow and only applies in circumstances where activities are established, and more sensitive activities establish later. Considers this inconsistent with the NPSHPL. The submitter seeks the following relief:

**SUB-O1: Compatible land use**

Subdivision delivers quality community environments and patterns of development that ensure the objectives, policies and rules of the relevant zone of the District Plan are able to be met and potential ~~reverse sensitivity effects~~ **amenity conflicts between land uses** are avoided or mitigated.

332. Kiwirail (FS 267.165.18) oppose the relief sought by NZFFL as 'reverse sensitivity' effects is a commonly used term in District Plans across the country. Changes in terminology could affect the interpretation of provisions. KiwiRail supports the intent of the submitter to address reverse sensitivity effects between new residential development and primary production.

333. NZFFL (165.20) seeks an amendment to SUB-O6: Subdivision in rural zones Subdivision of rural land, reflect their same position above in that they consider 'reverse sensitivity' too narrow. The submitter seeks the following relief:

**SUB-O6: Subdivision in rural zones**

Subdivision of rural land:

- a. protects highly productive land;
- b. ensures rural lifestyle subdivision is contained within the Rural Lifestyle Zone and avoided within the highly productive land in the Rural Productive Zone, and
- c. avoids ~~reverse sensitivity effects~~ **conflicts of uses by prioritising between-rural activities and primary production activities over non-rural or non-primary production and sensitive activities.**

334. Horticulture New Zealand (FS 50.165.20) support the relief by NZFFL as rural production activities need to be protected and supported from reverse sensitivity effects at rural/urban interface.

**Policies**

335. Horticulture New Zealand (257.38) supports SUB-P1: Compatible land use as notified.

336. NZFFL (165.21) considers the definition of 'reverse sensitivity' is narrow and only applies in circumstances where activities are established and more sensitive activities established later.

#### Rules

337. Horticulture New Zealand (257.41) seeks an amendment of SUB-R1A to include an additional provision applying a restricted discretionary status to all subdivision within the Rural Production Zone as in the opinion of the submitter, a controlled activity status does not enable affected parties to be involved in the process which may adversely affect their operations.

#### Standards

338. NZFFL (165.27) supports SUB-S8: Building platforms where it seeks to avoid on HPL however, seeks an amendment requiring setbacks from zone interfaces and 300m from an existing or consented frost fan.

#### Assessment Criteria

339. NZFFL (165.28) seek an amendment to AUB-AC1: *General, applies to all subdivision* to ensure reverse sensitivity issues are addressed with a wider scope. The submitter considers that criteria could take a stronger approach than merely to 'consider' these effects and rather seeks to implement in a manner that avoids or mitigates sensitivity effects. Transpower (FS 407.165.28) seeks to amend the relief sought insofar as retaining the defined term 'reverse sensitivity'.
340. Horticulture New Zealand (257.44) seeks to amend SUB-AC1 (aa) as they consider it should apply to all primary production activities, not just land based production activities.
341. NZFFL (165.29) seek an amendment to AC4: Subdivision not meeting building platform standard (SUB-S8) to acknowledge mitigation opportunities during subdivision to minimize reverse sensitivity issues. They position that subdivision offers a chance to anticipate and address conflicts, particularly at zone boundaries, such as between residential uses and the operational needs of land-based primary production. The following relief is sought:

#### **SUB-AC4: Subdivision not meeting building platform standard (SUB-S8)**

##### *Reverse sensitivity*

- ii. The potential for reverse sensitivity issues where building platforms are proposed to be located within close proximity to an existing or consented network utility.
- iii. **The potential for subsequent anticipated activities to be sensitive to existing or anticipated land based primary production activities.**
- iv. **The need for noise insulation for sensitive activities where building platforms are within 300m from an existing and/or consented frost fan.**

#### **8.3.2 Assessment**

342. NZFFL seek an array of amendments to the subdivision chapter to widen the scope of what is considered 'reverse sensitivity', to recognize that these reverse sensitivity effects occur both within and between zones, and to prioritize the establishment of productive activities within the RPROZ regardless of when it is established. The submitter explains that the NPS-HPL directs priority be given to land based primary production on HPL regardless of when it is established. I don't consider the NPS-HPL to be so blatant in its direction however, I concur that the HPL should be protected for the purpose of productive activities and the establishment of conflicting activities within this environment could constrain the productive soil resource. Though I also note that there are responsibilities on all sides of the situation

including plans to limit conflicting activities, producers of high noise/ odour/ activity to manage appropriately, and receivers to mitigate residual effects.

343. As the submitter has sought similar relief based on the same rationale, I have grouped the submissions together. The submitter seeks amendments to the following provisions:
- SUB-I2: The impacts of subdivision on natural resources
  - SUB-I7: Issues of reverse sensitivity on adjacent land uses
  - SUB-O1: Compatible land use
  - SUB-O6: Subdivision in rural zones
  - SUB-P1: Compatible land
  - SUB-S8: Building platforms
  - SUB-AC1: General, applies to all subdivision
  - SUB-AC4: Subdivision not meeting building platform standard (SUB-S8)
344. Taking a broad look at the layout of zones across Napier, the Rural Production zone is generally buffered from residential zones and rural lifestyle environments from the state highway, open space zones, and the airport zone. There are very few opportunities for conflicting activities to arise. There are pockets of potential conflict, specifically at the Esk Hills/ Bayview area interface and Jervoistown between the Settlement Zone and Rural Production interface. The opportunity to densify these environments via subdivision is limited.
345. Subdivision for rural lifestyle living is discouraged in the RPROZ zone and establishment of residential activities on highly productive land is a restricted discretionary activity (RPROZ-R5B). Accordingly, there is low scope for the establishment of incompatible activities establishing on the RPROZ.
346. On balance, I concur with other submitters relief (Kiwirail and Transpower) that 'reverse sensitivity' is an established planning practice phrase and being as its defined in the plan, I consider the scope sufficient to protect the HPL resource from conflicting activities.
347. I recommend rejecting the relief sought by NZFFL on SUB-O6(c), which calls for specific language prioritising primary production activities over non-rural and non-primary production uses. While I agree with the submitter's view that the Rural Production Zone is intended to support productive activities, I believe the policy, as currently drafted, already achieves this objective by addressing reverse sensitivity effects and safeguarding highly productive land. Therefore, further specification is unnecessary.

## Rules

348. Turning to the relief sought by Horticulture New Zealand seeking a restricted discretionary activity status for subdivision within the Rural Production Zone to enable affected parties to be involved in the process. I recommend rejecting this relief for the following reasons:
- i. To retain the controlled subdivision standard applications will need to comply with the minimum lot size of 4ha, which has only received submissions in support,
  - ii. Assuming the non-compatible nature of new activities in the introduction of rural residential activities the PDP has the following controls in place, building platforms must be demonstrated to be compliant with setbacks (6m from side and rear boundaries) and must be acoustically managed if within 300m of an established or consented noise producing rural productive activity i.e. frost fan, note that this is a new recommendation to the PDP expanded in paragraph 347 below.

- iii. All residential buildings require a restricted discretionary activity resource consent.
- iv. I consider it appropriate to retain a controlled activity status for subdivision in the Rural Production Zone as it provides plan users certainty of the outcome for compliant subdivision in this environment and the surrounding policy framework directs this subdivision to be of non-residential nature.

### Standards

349. To assist in managing conflict between zones, I concur with the relief sought by NZFFL on SUB-S8 to require a 300m setback from an existing or consented frost fan. I recommend accepting in part and instead amending this provision to read 'high noise producing' activity to encompass other noise emitters in the RPROZ. Where subdivision proposals are unable to provide a building platform outside of this setback, the application will be elevated to a restricted discretionary status as assessment criteria AC4 will become applicable.

### Assessment Criteria

350. I recommend accepting in part the relief sought by NZFFL regarding AC4. I agree that subdivision presents an opportunity to address reverse sensitivity effects and mitigate impacts by positioning building platforms appropriately away from existing or consented frost fans, or requiring acoustic mitigation. However, I find it overly burdensome to require building platforms to account for 'potential future activities.' This approach is speculative and subjective, providing unclear guidance for plan users and potentially leading to inefficiencies in the planning process. Accordingly, I recommend the following relief:

**SUB-AC4: Subdivision not meeting building platform standard (SUB-S8)**  
*Reverse sensitivity*

- i. The potential for reverse sensitivity issues where building platforms are proposed to be located within close proximity to an existing or consented network utility.
- ii. **The need for noise insulation for sensitive activities where building platforms are within 300m from an existing and/or consented high noise producing activity.**

351. I recommend accepting the relief sought by Horticulture New Zealand to amend SUB-AC1 aa) to include all primary production activities, not just land based production as this would enable the consideration of helicopters for spray, for example.



### 8.3.3 Summary of recommendations

#### Minimum lot sizes

352. Hearing Stream 2, Subdivision, Recommendation 37: that the relief sought by The Surveying Company (131.2), Alison Francis (139.2), the Dooney Brothers Partnership (169.10), Guy Panckhurst (210.10) and supported by Emerald Hills (FS 279.131.2 and FS 278.169.10) and Alison Francis (FS 253.131.2 and FS 252.169.10) is accepted and the relief is accepted in part by HBRC (FS 16.131.2) to remove the averaging requirement from the minimum lot size for the Rural Lifestyle Zone and Mission Rural Residential Precinct in SUB-S3 as follows:

<b>SUB-S3: Minimum allotment sizes - rural</b>		
Rural Lifestyle Zone, Mission Rural Residential Precinct	5,000 m <sup>2</sup> minimum allotment size with a minimum average allotment size of 1.5 ha. The minimum average allotment size must be calculated using the parent allotment in existence as at 11 November 2000. This parent allotment will be the base for any further proposed subdivision.	<b>Activity Status where standards are not met:</b> Non-complying

353. Hearing Stream 2, Subdivision, Recommendation 38: that the consequential amendment is included by endorsing a further provision to setback rural lifestyle building platforms from highly productive land as follows:

<b>SUB-S8: Building Platforms</b>		
<b>All zones</b>	<ol style="list-style-type: none"> <li>1. Each allotment must contain at least one stable, flood-free building platform capable of containing existing and new buildings in compliance with the permitted activity performance standards for the zone where it is located (including building setbacks applicable to that zone), and be suitable for building foundations;</li> <li>2. Details must be provided of the extent and quantum of earthworks required to create a building platform and access.</li> <li>3. The building platform must be located outside and exclusive of any:               <ol style="list-style-type: none"> <li>a) Coastal Erosion Hazard Area;</li> <li>b) significant natural area;</li> <li>c) public access corridor;</li> <li>d) archaeological site;</li> <li>e) land required for access or the disposal of stormwater or wastewater, <b>and</b></li> <li>f) highly productive land, <b>and</b></li> <li>g) <b>setback at least 30m from highly productive land on adjacent properties.</b></li> </ol> </li> </ol>	<b>Matters of discretion:</b> <ol style="list-style-type: none"> <li>1. Natural hazards and land stability;</li> <li>2. Cultural values;</li> <li>3. Heritage values;</li> <li>4. Landscape values;</li> <li>5. Ecological values;</li> <li>6. Reverse sensitivity;</li> <li>7. Earthworks;</li> <li>8. Infrastructure and connectivity, and</li> <li>9. Productive capacity.</li> </ol>

354. Hearing Stream 2, Subdivision, Recommendation 39: that the relief sought by the NCC Policy Team (196.14) is accepted and in part the relief by Jack Brownlie Investments Limited (209.4) to align the Settlement Zone minimum lot size with the Settlement Zone density requirements and increase clarity for partially unserviced sites as follows:

<b>SUB-S3: Minimum net site area - rural</b>	
Settlement Zone	<del>800</del> <b>1000</b> m <sup>2</sup> fully serviced sites 1500 m <sup>2</sup> <del>unserviced</del> <b>other</b> sites

## Highly Productive Land

355. Hearing Stream 2, Subdivision, Recommendation 40: that the relief sought from NZFFL (165.19) is accepted in part to amend SUB-O2 to create greater consistency with the NPS-HPL, as follows:

### **SUB-O2: Impact of the built environment on landscapes, biodiversity, water quality, and other key environmental matters**

Land is subdivided in a way to create development that:

- a. responds positively to the site's physical characteristics and context;
- b. protects, maintains, or enhances natural features, landscapes, indigenous biodiversity, waterbodies, significant trees, ~~productive soils~~ highly productive land, reserves, public open space, and historic heritage, and
- c. achieves the maintenance and enhancement of water quality by incorporating low impact design principles.

356. Hearing Stream 2, Subdivision, Recommendation 41: that the relief sought by Angela McFlynn (189.9) and supported by Alison Francis (FS 251.189.9) is accepted to provide greater clarity to SUB-O6 and the relief in part from Horticulture New Zealand (257.37), as follows:

### **SUB-O6: Subdivision in rural zones**

- a. protects highly productive land within the Rural Production Zone;
- b. ensures rural lifestyle subdivision is contained within the Rural Lifestyle Zone and avoided within the highly productive land in the Rural Production ~~Productive~~ Zone, and
- c. avoids reverse sensitivity effects between rural activities carried out in the Rural Production Zone and sensitive activities.

357. Hearing Stream 2, Subdivision, Recommendation 42: that the relief sought by NZAAA (73.10), Helicopters Hawkes Bay (134.10), and supported by Horticulture New Zealand (FS 42.73.10) and NZHA (FS 327.73.10) on SUB-P19 to enable primary production and ancillary activities, and the relief by Horticulture New Zealand (257.39) supported by HBRC (FS 18.257.39) is accepted to avoid duplication of higher order documents, as follows:

### **SUB-P19: Highly productive land**

Ensure subdivision avoids, if possible, or otherwise mitigates any actual loss or potential cumulative loss of the availability or productive of highly productive land by:

- a. providing for the amalgamation of smaller holdings on highly productive land.
- b. avoiding subdivision for the purpose of rural lifestyle.
- c. ~~Allowing~~ avoiding subdivision in accordance with unless Section 3.8 of the National Policy Statement for Highly Productive Land 2022 is met.
- d. ~~providing for subdivision where:~~
  - v. ~~highly productive land is subject to permanent or long term constraints in accordance with Section 3.10 of the National Policy Statement for Highly Productive Land 2022;~~
  - vi. ~~it avoids any significant loss of productive capacity;~~
  - vii. ~~it avoids the fragmentation of large or geographically cohesive area of highly productive land, and~~
  - viii. ~~the environmental, social, cultural, and economic benefits outweigh the long term environmental, social, cultural, and economic costs associated with the loss of highly productive land, taking into account both tangible and intangible values.~~
- e. Enabling primary production and ancillary activities

358. Hearing Stream 2, Subdivision, Recommendation 43: that the relief sought by Angela McFlynn (189.13) is accepted in part to enable a pathway to amalgamate productive land parcels while avoiding the creation of new lifestyle properties on highly productive land under SUB-P19 as follows:

**SUB-P19: Highly productive land**

Ensure subdivision avoids, if possible, or otherwise mitigates any actual loss or potential cumulative loss of the availability or productive of highly productive land by:

- a. providing for the amalgamation of smaller holdings on highly productive land.
- b. avoiding subdivision for the purpose of creating new rural lifestyle properties.
- c. allowing subdivision in accordance with Section 3.8 of the National Policy Statement for Highly Productive Land 2022.
- d. providing for subdivision where:
  - v. highly productive land is subject to permanent or long-term constraints in accordance with Section 3.10 of the National Policy Statement for Highly Productive Land 2022;
  - vi. it avoids any significant loss of productive capacity;
  - vii. it avoids the fragmentation of large or geographically cohesive area of highly productive land, and
  - viii. the environmental, social, cultural, and economic benefits outweigh the long-term environmental, social, cultural, and economic costs associated with the loss of highly productive land, taking into account both tangible and intangible values.

359. Hearing Stream 2, Subdivision, Recommendation 44: that the relief by NZFFL (165.23) and Horticulture New Zealand (257.40) is accepted in part and amending SUB-P20 as follows:

**SUB-P20: Small lots in rural production zone**

Land fragmentation and/or the creation of new allotments for residential and rural lifestyle activities are to be avoided.

360. Hearing Stream 2, Subdivision, Recommendation 45: that the relief sought by the Dooney Brothers Partnership (169.16) and Angela McFlynn (189.17) is accepted in respect to SUB-R8 as follows:

<b>SUB-R8: Subdivision of lifestyle sites within the Productive Rural Zone with amalgamation</b>	
<p><b>SUB-R8A</b></p> <p><b>Activity Status:</b> Discretionary</p> <p><b>Where:</b></p> <ol style="list-style-type: none"> <li><del>1. Subdivision is not on highly productive land;</del></li> <li>2. Compliance with standards SUB-S6 - SUB-S18;</li> <li>3. Net site area of the lifestyle site is within the range of 2,500 m<sup>2</sup> - 5,000 m<sup>2</sup> and contains an existing dwelling;</li> <li>4. Subdivision results in the amalgamation of the balance area with an adjoining site, so that no additional records of title are created by the subdivision;</li> <li>5. The amalgamated balance of new sites created exceeds 4 ha, and</li> <li>6. A consent notice is registered on the record of title confirming there will be no further subdivision of the lifestyle allotment created.</li> </ol>	<p><b>SUB-R8B</b></p> <p><b>Activity Status where activity conditions are not met:</b> Non-complying</p>

361. Hearing Stream 2, Subdivision, Recommendation 46: that the relief by Angela McFlynn (189.18) is accepted in part which results in the removal of SUB-R12 in its entirety. For clarity, the essence of the rule prevails in SUB-R1B which applies a non-complying activity status to undersized subdivision within the Rural Production Zone.

362. Hearing Stream 2, Subdivision, Recommendation 47: that the relief by Horticulture New Zealand (257.43) is accepted to reference the correct zone under SUB-S3 as follows:

SUB-S3: Minimum net site area – rural		
Productive-Rural <u>Production</u> Zone, Mission Rural Productive Precinct	4 ha	<b>Activity Status where standards are not met:</b> Non-complying

Reverse Sensitivity

363. Hearing Stream 2, Subdivision, Recommendation 48: that the relief sought by NZFFL (165.27) is accepted in part in respect of setbacks from existing or consented high noise producing activities pursuant to SUB-S8 as follows:

SUB-S8: Building Platforms		
<b>All zones</b>	<ol style="list-style-type: none"> <li>1. Each allotment must contain at least one stable, flood-free building platform capable of containing existing and new buildings in compliance with the permitted activity performance standards for the zone where it is located (including building setbacks applicable to that zone), and be suitable for building foundations;</li> <li>2. Details must be provided of the extent and quantum of earthworks required to create a building platform and access.</li> <li>3. The building platform must be located outside and exclusive of any:               <ol style="list-style-type: none"> <li>a) Coastal Erosion Hazard Area;</li> <li>b) significant natural area;</li> <li>c) public access corridor;</li> <li>d) archaeological site;</li> <li>e) land required for access or the disposal of stormwater or wastewater, <del>and</del></li> <li>f) highly productive land,</li> <li>g) setback at least 30m from highly productive land on adjacent properties, <u>and</u></li> <li>h) <u>setback 300m from a consented or existing high noise producing activity.</u></li> </ol> </li> </ol>	<b>Matters of discretion:</b> <ol style="list-style-type: none"> <li>2. Natural hazards and land stability;</li> <li>3. Cultural values;</li> <li>4. Heritage values;</li> <li>5. Landscape values;</li> <li>6. Ecological values;</li> <li>7. Reverse sensitivity;</li> <li>8. Earthworks;</li> <li>9. Infrastructure and connectivity, and</li> <li>10. Productive capacity.</li> </ol>

364. Hearing Stream 2, Subdivision, Recommendation 50: that the relief sought by Horticulture New Zealand (257.44) is accepted to include all primary production activities as part of SUB-AC1 as follows:

**SUB-AC1: General, applies to all subdivision (including boundary adjustments)**

...

*Management of potential reverse sensitivity effects on existing land uses*

- aa. The extent to which the subdivision design considers reverse sensitivity effects on existing or permitted activities, including avoidance of reverse sensitivity effects on ~~land based~~ primary production activities and highly productive land. Design mitigation techniques may include but are not limited to: planting, setbacks, locating non-sensitive components of land uses in the most affected areas, etc.
- bb. Effects to be mitigated may include noise, odour, spray drift, dust, vibration, and traffic.

365. Hearing Stream 2, Subdivision, Recommendation 51: the the relief sought by NZFFL (165.29) is accepted in part to amend SUB-AC4 in respect of acoustic management for non-compliance with building platform setbacks as follows:

**SUB-AC4: Subdivision not meeting building platform standard (SUB-S8)**

*Reverse sensitivity*

- i. The potential for reverse sensitivity issues where building platforms are proposed to be located within close proximity to an existing or consented network utility.
- j. The need for noise insulation for sensitive activities where building platforms are within 300m from an existing and/or consented high noise producing activity.

## 9. Submissions on Natural and Historic Values

### 9.1 Issues #1: Coastal Environment

#### 9.1.1 Matters raised by submitters

366. Forest and Bird (289.120) seek an amendment to the rule table to introduce a new rule pertaining to subdivision within the coastal environment with a minimum status of restricted discretionary. The submitter seeks to ensure that the matters of discretion include effects on coastal values. Submissions were also received in the Coastal Environment chapter seeking similar relief (Transpower 99.76, Forest and Bird 289.138).

#### 9.1.2 Assessment

367. I agree with Forest and Bird (289.120) on the introduction of a new subdivision rule within the coastal environment. I support setting a minimum activity status of restricted discretionary to ensure the council can decline applications if effects are unmitigated. Elevating non-compliance to non-complying is appropriate to deter inappropriate coastal development. Please refer to section 9.3 for the Section 32AA evaluation. I propose the inclusion of the following new policy and rule:

SUB-PX: Subdivision of land within the coastal environment

Provide for subdivision of land within the landward extent of the coastal environment where it:

1. Consolidates existing urban areas; and
2. Does not establish new urban sprawl along the coastline.

SUB-R15: Subdivision within the Coastal Environment Overlay	
<p>SUB-R15A</p> <p>Activity Status: Restricted Discretionary</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. Any part of the subject site is contained within the Coastal Environment Overlay.</li> <li>2. Compliance with SUB-S1 – SUB-S18 is achieved.</li> </ol> <p>Matters of discretion:</p> <ol style="list-style-type: none"> <li>1. Coastal values;</li> <li>2. Natural systems;</li> <li>3. Safe, connected, and efficient transport network;</li> <li>4. Infrastructure and stormwater;</li> <li>5. Natural hazards and land stability;</li> <li>6. Heritage values;</li> <li>7. Cultural values;</li> <li>8. Landscape and topographical features;</li> <li>9. Natural features and indigenous trees and vegetation;</li> <li>10. Management of construction effects;</li> <li>11. Management of potential reverse sensitivity effects on existing land uses, and</li> <li>12. Subdivision chapter assessment criteria.</li> </ol>	<p>SUB-R15B</p> <p>Activity status where activity conditions are not met: Non-complying</p>

### 9.1.3 Section 32AA – Coastal Subdivision

368. In my assessment, the introduction of a new subdivision rule and policy to manage development within the coastal environment is more appropriate for achieving the objectives of the plan compared to the notified provisions. The rationale for this is outlined below:

- Consistency with the New Zealand Coastal Policy Statement. The proposed rule aligns with the key principles of the NZCPS, ensuring that subdivision within the coastal environment is managed to:
  - Protect natural landscapes,
  - Manage risks from natural hazards,
  - Ensure sustainable and efficient development patterns,
  - Maintain or enhance public access to the coast, and
  - Respect cultural values and protect indigenous biodiversity.
- The proposed rule supports the objectives and policies of the Hawke’s Bay Coastal Environment Plan, specifically:
  - Objective 2.1 and Policy 2.4: Preserving the natural character of the coastal environment.
  - Policy 2.3: Promoting development in already modified areas of the coastal environment.
  - Policy 2.7: Having particular regard to the avoidance of adverse effects from dynamic coastal processes.
- CE chapter generally sets the policy framework for Napier in giving effect to the higher order planning documents. The rule strengthens the implementation of the Coastal Environment chapter by ensuring that:
  - Natural coastal values are retained (CE-I1, CE-O1, CE-O4, CE-P1, CE-P5).

- Further loss of indigenous ecosystems and scenic values is avoided, and additional protection is provided (CE-I3, CE-I7, CE-O3, CE-P3, CE-P4, CE-P9).
- Climate change effects are mitigated by limiting activities sensitive to coastal areas (CE-I6, CE-P7).
- While the subdivision chapter includes provisions to limit development in sensitive environments (e.g., SUB-I2, SUB-O3), and promote consolidated urban form within existing development extents (e.g., SUB-I3, SUB-O1, SUB-O3, SUB-P1), there is an opportunity to enhance this framework by providing more specific direction on where subdivision may be appropriate within the coastal environment. The inclusion of the proposed policy will strengthen this position.
- The subdivision rule should maintain consistency with the underlying zone provisions to ensure coherence across different neighbourhoods. The coastal environment overlay should function as an additional layer of consideration that complements the base zoning provisions, rather than replacing them. This approach ensures that coastal-specific protections apply without conflicting with the existing urban fabric.

## 9.2 Issues #2: Historic Heritage

### 9.2.1 Matters raised by submitters

369. Heritage NZ (273.149) as supported by Kāinga Ora (FS 513.273.149) seeks an additional policy to explicitly identify requirements for the subdivision of land containing a scheduled building or Site of Significance to Māori (SOSM), other than for the purpose of creating Conservation Lots. The submitter considers that this amendment would assist in achieving Objective SUB-O8 and the Policy would help support a new recommended rule, which allows for more effective control over subdivision in these areas.

370. Heritage NZ (273.153 and 273.150) seeks an additional rule managing subdivision containing a scheduled heritage item as the submitter considers that SUB-R1 as a controlled activity is insufficient as it does not enable decision makers to decline a consent should subdivision have adverse effects on existing heritage values. The following rule has been proposed by the submitter:

SUB-RX

Subdivision of a site containing a historic heritage item included in SCHED3.

Activity Status: Restricted Discretionary

Matters of discretion:

- effect of subdivision on heritage or cultural values
- whether sufficient land is provided around the scheduled heritage item
- any measures proposed to reduce or mitigate potential effects.
- Any positive effects arising from subdivision



## 9.2.2 Assessment

371. I concur with the submitter Heritage NZ (273.149), as supported by Kāinga Ora (FS 513.273.149), and agree that an additional policy explicitly identifying requirements for the subdivision of land containing a scheduled building or SOSM, excluding Conservation Lots, would enhance the protection of historic heritage. However, I consider it inappropriate to include direction on SOSM at this time as the chapter variation is currently being drafted. As part of the SOSM variation this policy may be reconsidered. This amendment would directly support achieving SUB-O8, which focuses on safeguarding historic and cultural heritage during subdivision processes. I consider the policy should be in addition to SUB-P18 as it provides greater direction to site-by-site considerations. The inclusion of such a policy would provide clarity for decision-makers and applicants, ensuring that heritage considerations are integral to the subdivision process.
372. Furthermore, I support the submitter's recommendation to introduce a new rule, as outlined in Heritage NZ (273.153 and 273.150), managing subdivision involving scheduled heritage items. The proposed rule with a restricted discretionary activity status is appropriate, as it allows for a more nuanced consideration of the potential effects on heritage values, and the ability for council to decline in the event that adverse effects cannot be managed. The current controlled activity status under SUB-R1 may not provide sufficient control, as consent must be granted. The proposed matters of discretion, including the effect of subdivision on heritage or cultural values, the sufficiency of land provided around the scheduled item, and any mitigation or positive effects, provide a comprehensive framework for assessing subdivision proposals. The Section 32AA evaluation is included in section 9.6 below.
373. These considerations will ensure that heritage items are protected while allowing for subdivision where appropriate measures are in place. Accordingly, I recommend including both the new policy and the new rule to strengthen the plan's ability to manage subdivision involving historic heritage effectively.

## 9.2.3 Section 32AA Evaluation

374. In my assessment, the introduction of a new subdivision rule to manage subdivision containing heritage items is more appropriate for achieving the objectives of the plan compared to the notified provisions. The rationale for this is outlined below:
- The introduction of a new subdivision rule to manage subdivision on properties containing listed heritage items is consistent with the subdivision approach for sites within the special character landscape (SUB-R7), site subject to outstanding natural character features (SUB-R10), within a significant natural area (SUB-R6) (rule to be included as part of the ECO variation), sites containing SOSM (SUB-R9) (rule to be included as part of the SOSM variation), and sites located within the coastal environment (a recommended new rule).
  - The PDP as notified contains a gap in subdivision insofar as there is no specific control or direction in the rules or standards to manage sites containing a mapped heritage item.
  - A restricted discretionary activity is more appropriate instead of a controlled activity as the management of heritage values is not always linear, one version of control doesn't work across all heritage items. Moreover, where the effects from subdivision on the heritage item cannot be managed appropriately it enables the decision maker to either or both publicly notify or decline the consent.
  - The inclusion of the new rule is consistent with the thrust of the protections for historic heritage, as outline in the Section 42 report as part of Hearing Stream 1.

- The proposed amendments are consistent with the overall direction of the Plan as notified. They enhance, rather than undermine, the intent of the notified provisions by providing clearer guidance on the management of identified heritage items at subdivision stage.

### 9.3 Issue #3 – General Matters

#### 9.3.1 Matters raised by submitters

##### Issues

375. Forest and Bird (289.107) support SUB-I2: The impacts of subdivision on natural resources as notified.

##### Objectives

376. NCC Parks and Reserves Team (222.8), Heritage NZ (273.143) and Forest and Bird (289.108) support SUB-O2: Impact of the built environment on landscapes, biodiversity, water quality, and other key environmental matters as notified.
377. Heritage NZ (273.144) support SUB-O4: Cultural values as notified.
378. Heritage NZ (273.145) seeks an amendment to SUB-O8: Historic heritage overlays and precincts to include sites containing historic heritage buildings and structures, not just heritage overlays and precincts. Kāinga Ora (FS 513.273.145) opposes this relief and instead supports the provision as notified.

##### Policies

379. Forest and Bird (289.109) as supported by Heritage NZ (FS 53.289.109) seeks an amendment to SUB-P1: Compatible land uses to include the need to protect, maintain and enhance natural environmental values, and to climate change resilience.
380. Forest and Bird (289.111) as supported by DoC (FS 399.289.111) seeks an amendment to SUB-P3: Subdivision design integrates with the environment to strengthen guidance on low impact design, ecological corridors, and indigenous biodiversity. The following amendments are sought:
- protects, maintains, and enhances natural ecosystems, **ecological corridors**, waterbodies, and indigenous vegetation **and biodiversity**, including the retention of mature trees and vegetation ~~where possible~~;
  - incorporates sufficient space for onsite stormwater attenuation and disposal including the use of water-sensitive **and low-impact** design solutions **and green infrastructure**, constructed in a way that mitigates the adverse effects of the quantity and quality of stormwater being discharged from sites;
  - ...
  - includes indigenous landscaping **and planting** to enhance biodiversity, reduce rate of stormwater run-off, assist with the removal of contaminants, and to soften the built form.
381. NCC Urban Design Team (FS 544.289.11) supports the relief by Forest and Bird of SUB-P3 however, considers the placement of building platforms also guides for low-impact and management of visual prominence.
382. Forest and Bird (289.113) considers SUB-P6: Protection and maintenance of landscapes in identified landscape overlay areas should be broadened to include direction that in some instances buildings may not be appropriate at all.

383. Heritage NZ (273.146) supports SUB-P14: Incorporating cultural values as notified.
384. Forest and Bird (289.117) made comment on SUB-P16: Protecting significant natural areas seeking to ensure that the provisions (objectives, policies and rules) of the ECO chapter manage subdivision in or near SNAs in order to protect those areas.
385. Heritage NZ (273.147) supports SUB-P17: Conservation sites as notified.
386. Forest and Bird (289.118) oppose SUB-P17, expressing concern that 'Conservation sites' are not defined in the plan. The submitter assumes that such areas should be protected from development and not permitted for construction. The submitter continues, subdivision of areas of biodiversity can result in loss or fragmentation.
387. Heritage NZ (273.147) supports SUB-P18: Historic heritage overlays and precincts, however, seeks amendment to update the reference from SUB-O3 to SUB-O8.
388. Kāinga Ora (FS 513.273.148) opposes the relief sought by HERITAGE NZ and expands that they oppose the policy entirely. Instead the submitter considers the policy should be re-worded to enable subdivision where it ensures the protection of the historic heritage building or structure even where it is not consistent with the established pattern of development.

#### Rules

389. Forest and Bird (289.121) supported by DoC (FS 399.289.121) oppose SUB-R1: Subdivision, instead considers the matters of control should include natural environmental values relating to indigenous ecosystems and biodiversity.
390. Forest and Bird (289.122) supported by DoC (FS 399.289.122) oppose SUB-R3: Subdivision of land for the purpose of public works, network utilities, reserves, or access, instead considers the matters of control should include natural environmental values relating to indigenous ecosystems and biodiversity.
391. Heritage NZ (273.151) supports SUB-R4: Subdivision to create conservation lots for the protection of scheduled heritage items, archaeological sites, and/or sites of significance to Māori as notified.
392. The Surveying Company (131.4) seeks an amendment to SUB-R4 to either include conservation lots for the protection of indigenous biodiversity or draft an additional rule that facilitates this outcome.
393. Tawanui (247.7) and Mana Ahuriri (263.8) oppose SUB-R4 as the submitters consider there is no substantive rationale for the inclusion of a discretionary activity consenting category against an activity which fails to meet all the relevant standards.
394. Forest and Bird (289.123) seek an amendment to SUB-R6 to require subdivision of land within or containing an SNA non-complying.
395. Forest and Bird (289.124 and 289.125) as supported by DoC (FS 399.289.124 and FS 399.289.125) seek an amendment to SUB-R7: Subdivision of land within or containing a special character landscape, to require the matters of discretion to include coastal values and reference to habitats for indigenous fauna, as these are not limited to indigenous vegetation and trees.

396. Heritage NZ (273.152) supports SUB-R9: Subdivision of land containing site of significance to Māori as notified.
397. Forest and Bird (289.126) support SUB-R10: Subdivision of land within an outstanding natural feature and/or special character features as notified.

#### Assessment Matters

398. Heritage NZ (273.154) supports AC1: General, applies to all subdivision as notified.
399. DoC (253.51) oppose AC4: Subdivision not meeting building platform standard (SUB-S8) and instead seek that ecological values are listed as a matter of discretion.

### 9.3.2 Assessment

400. Only submissions in support have been received for SUB-I2, SUB-O2, SUB-O4, SUB-P14. However, submitters (Tawanui and Mana Ahuriri) oppose all issues, objectives and policies therefore these provisions are still up for challenge.
401. I recommend rejecting the relief sought by Heritage NZ and instead accepting the relief in the further submission by Kāinga Ora in response to SUB-O8. I consider that this provision is intended to guide at a higher level than site specific. The inclusion of the additional policy in paragraph 369 above gives direction for the subdivision of sites including listed heritage items.

#### Policies

402. I recommend accepting in part the relief sought by Forest and Bird, supported by Heritage NZ, to amend SUB-P1 by incorporating references to natural environmental values and climate change resilience. However, I consider it unnecessary to specifically mention locating subdivisions away from floodplains. Instead, I propose a broader reference to ensuring subdivision design is resilient to climate change, as this encompasses a wider range of potential impacts beyond a single event, such as flooding.
403. I recommend accepting the relief by Forest and Bird as supported by DoC on SUB-P3. I consider the amendments to accurately give effect to the intent of development across Napier insofar as encouraging ecological corridors, low-impact design, and planting. I recommend accepting the relief in part by NCC Urban Design Team as I consider the direction to manage building platforms for the purpose of visual prominence is already provided for in SUB-P4 therefore duplication is unnecessary.
404. I recommend accepting in part the relief sought by Forest and Bird regarding SUB-P6. This provision specifically addresses outstanding natural features, special character features and landscapes. As currently drafted, the provision directs the avoidance of bulk and location activities in these sensitive areas. The addition of the phrase "recognising that in the coastal environment, buildings may not be appropriate at all" enhances the provision, reinforcing its objective to protect these natural features and landscapes. However, I consider it unnecessary to reference "ecologically sensitive" locations, as this would dilute the policy's focus by conflating two goals. Instead, retaining the emphasis on "visually prominent" areas is more appropriate for managing coastal outstanding natural features and landscapes.
405. I recommend rejecting the relief sought by Forest and Bird in opposition to SUB-P17 and instead supporting the position of Heritage NZ. While I acknowledge Forest and Bird's concern that 'conservation sites' are not explicitly defined in the plan, I do not consider a definition to be necessary. SUB-R4, the relevant rule for subdivision for conservation lots, clearly outlines the requirements: 1) the creation of a separate record of title exclusively for

the protection of scheduled heritage items, archaeological sites, and/or sites of significance to Māori, and 2) protection of the item or area in perpetuity through a legally binding mechanism registered on the title. Currently, the rule does not extend to the protection of mapped indigenous biodiversity, as such areas are not included in the notified PDP. However, future modifications to this rule may arise as part of the ECO variation process.

406. I recommend accepting the relief sought by Heritage NZ regarding SUB-P18 and updating the reference from SUB-O3 to SUB-O8. In doing so, I recommend rejecting the relief sought by Kāinga Ora. It would be inappropriate to dismiss the significance of listed heritage buildings and structures solely because they do not align with the surrounding pattern of development. Heritage items hold intrinsic value that often go beyond their immediate environment, and their protection is essential to preserving historical integrity. Their contrast with contemporary surroundings adds interest to urban landscapes and it's important to ensure these assets are safeguarded for future generations.
407. I recommend rejecting the relief sought by Forest and Bird as supported by DoC to amend SUB-R1 and SUB-R3 to include additional matters of control. I consider it unnecessary to include consideration for the protection of SNA for two reasons; firstly SNA's are yet to be mapped, these will be confirmed as part of the ECO variation and secondly, any subdivision subject to an SNA is not subject to SUB-R1 and is instead covered by SUB-R6 (is currently a placeholder rule, and will be notified as part of the ECO variation).
408. I recommend rejecting the relief sought by The Surveying Company at this time insofar as including an additional rule to enable conservation lots for the protection of indigenous biodiversity. I note in the submitter's relief, they recognise that an equivalent rule may be notified within the ECO chapter variation.
409. In response to the relief sought by Tawanui and Mana Ahuriri on SUB-R4, it appears that the submitters challenge the elevation of activity status from controlled to non-complying (as opposed to discretionary). I recommend rejecting this relief. The conservation lot pathway is specifically designed to safeguard historic heritage, archaeological sites, and sites of significance to Māori. Where standards are not met, stricter scrutiny is essential to assess intent, effects, and alignment with higher-order planning. Each standard is critical for ongoing protection, offering clear guidance for plan users on the appropriate mechanisms for site conservation.
410. As SUB-R6 has not been drafted at this time and will be notified as part of the ECO chapter variation I recommend noting the relief by Forest and Bird. No resolution can be provided at this time.
411. I recommend accepting the relief in part by Forest and Bird as supported by DoC to amend SUB-R7, I concur that it is appropriate to include an additional assessment matter on the coastal values. I recommend amending matter of discretion (8) as follows:

9. Protection, maintenance, and/or enhancement of natural features, indigenous **flora and fauna** ~~trees, and vegetation;~~

412. Only submissions in support were received for SUB-R9 and SUB-R10, accordingly the rules are beyond challenge.

#### Assessment Criteria

413. I recommend rejecting the relief sought by DoC in relation to including ecological values as part of AC4 as it is already listed as a matter. The details of these values will be included as part of the ECO chapter variation.

### 9.3.3 Recommendations

414. Hearing Stream 2, Subdivision, Recommendation 52: that the relief sought by Forest and Bird (289.120) is accepted to incorporate a specific rule for subdivision in the coastal environment with a minimum activity threshold of restricted discretionary. The following wording is proposed:

<b><u>SUB-R15: Subdivision within the Coastal Environment Overlay</u></b>	
<p><b><u>SUB-R15A</u></b></p> <p><b><u>Activity Status: Restricted Discretionary</u></b></p> <p><b><u>Where:</u></b></p> <ol style="list-style-type: none"> <li>1. <b><u>Any part of the subject site is contained within the Coastal Environment Overlay.</u></b></li> <li>2. <b><u>Compliance with SUB-S1 – SUB-S18 does apply.</u></b></li> </ol> <p><b><u>Matters of discretion:</u></b></p> <ol style="list-style-type: none"> <li>1. <b><u>Coastal values;</u></b></li> <li>2. <b><u>Natural systems;</u></b></li> <li>3. <b><u>Safe, connected, and efficient transport network;</u></b></li> <li>4. <b><u>Infrastructure and stormwater;</u></b></li> <li>5. <b><u>Natural hazards and land stability;</u></b></li> <li>6. <b><u>Heritage values;</u></b></li> <li>7. <b><u>Cultural values;</u></b></li> <li>8. <b><u>Landscape and topographical features;</u></b></li> <li>9. <b><u>Natural features and indigenous trees and vegetation;</u></b></li> <li>10. <b><u>Management of construction effects;</u></b></li> <li>11. <b><u>Management of potential reverse sensitivity effects on existing land uses, and</u></b></li> <li>12. <b><u>Subdivision chapter assessment criteria.</u></b></li> </ol>	<p><b><u>SUB-R15B</u></b></p> <p><b><u>Activity status where activity conditions are not met: Non-complying</u></b></p>

415. Hearing Stream 2, Subdivision, Recommendation 53: As a consequential change to recommendation 53, I recommend incorporating an additional policy as follows:

**SUB-PX: Subdivision of land within the coastal environment**

**Provide for subdivision of land within the landward extent of the coastal environment where it:**

1. **Consolidates existing urban areas; and**
2. **Does not establish new urban sprawl along the coastline.**

416. Hearing Stream 2, Subdivision, Recommendation 54: that the relief is accepted in part by Heritage NZ (273.149) as supported by Kāinga Ora (FS 513.273.149) to include an additional policy to recognise where subdivision of scheduled heritage items or SOSM may be appropriate. The following policy is recommended:

**SUB-PX: Subdivision of land containing scheduled heritage items**

**Only allow subdivision of sites containing scheduled heritage items where it can be demonstrated that the values of the scheduled item can be maintained and there is sufficient land provided around the scheduled place to protect associated heritage values.**

417. Hearing Stream 2, Subdivision, Recommendation 55: that the relief sought by Heritage NZ (273.153 and 273.150) is accepted to incorporate a rule controlling subdivision of sites subject to identified historic heritage items. The following additional rule is proposed:

<b><u>SUB-RX – Subdivision of a site containing a historic heritage item included in SCHED3</u></b>	
<p><b><u>SUB-RXA</u></b></p> <p><b><u>Activity Status: Restricted Discretionary</u></b></p> <p><b><u>Where:</u></b></p> <ol style="list-style-type: none"> <li>1. <b><u>Any part of the subject site is subject to SCHED3</u></b></li> <li>2. <b><u>Compliance with SUB-S1 – SUB-S18 does apply.</u></b></li> </ol> <p><b><u>Matters of discretion:</u></b></p> <ol style="list-style-type: none"> <li>1. <b><u>effect of subdivision on heritage or cultural values</u></b></li> <li>2. <b><u>whether sufficient land is provided around the scheduled heritage item</u></b></li> <li>3. <b><u>any measures proposed to reduce or mitigate potential effects.</u></b></li> <li>4. <b><u>Any positive effects arising from subdivision</u></b></li> </ol>	<p><b><u>SUB-RXB</u></b></p> <p><b><u>Activity status where activity conditions are not met: Non-complying</u></b></p>

418. Hearing Stream 2, Subdivision, Recommendation 56: that the relief sought by Forest and Bird (289.109) supported by Heritage NZ (FS 53.289.109) is accepted in part to amend SUB-P1 by incorporating references to natural environmental values and climate change resilience. The following is proposed:

**SUB-P1: Compatible land use**

Ensure subdivision supports the objectives, policies, and rules of the District Plan through subdivision that:

- a) reflects patterns of development that are compatible with and reinforce the role, function, and predominant character of the zone;
- b) adheres to allotment size and layout in each zone to sufficiently accommodate intended land uses while retaining reasonable amenity;
- c) provides for intensification of the urban area where it can be supported by existing infrastructure and contributes to the viability and vibrancy of urban centres;
- d) incorporates setbacks, landscaping, or layout design to avoid or mitigate the effects of reverse sensitivity on existing, lawfully-established activities on adjoining properties, and
- e) provides for minor boundary adjustments which enable a more efficient and effective use of land.
- f) **enables natural environmental values to be protected, maintained and enhanced, and**
- g) **reflects the need to ensure that new development will be resilient to climate change.**

419. Hearing Stream 2, Subdivision, Recommendation 57: that the relief by Forest and Bird (289.111) as supported by DoC (FS 399.289.111) and in part the relief by the NCC Urban Design Team (FS 544.289.111) on SUB-P3 is accepted as follows:

**SUB-P3: Subdivision design integrates with the environment**

- a. protects, maintains, and enhances natural ecosystems, ecological corridors, waterbodies, and indigenous vegetation and biodiversity, including the retention of mature trees and vegetation where possible;
- b. incorporates sufficient space for onsite stormwater attenuation and disposal including the use of water-sensitive and low-impact design solutions and green infrastructure, constructed in a way that mitigates the adverse effects of the quantity and quality of stormwater being discharged from sites;
- ...
- d. includes indigenous landscaping and planting to enhance biodiversity, reduce rate of stormwater run-off, assist with the removal of contaminants, and to soften the built form.

420. Hearing Stream 2, Subdivision, Recommendation 58: that the relief sought by Forest and Bird (289.113) is accepted in part regarding SUB-P6 as follows:

**SUB-P6: Protection and maintenance of landscapes in identified landscape overlay areas**

Within outstanding natural features and special character features and landscapes, land is subdivided in a way that avoids the need to place buildings, earthworks, and features in visually prominent locations, recognising that in the coastal environment, buildings may not be appropriate at all.

421. Hearing Stream 2, Subdivision, Recommendation 59: that the relief sought by Heritage NZ (273.147) is accepted regarding SUB-P18 and updating the reference from SUB-O3 to SUB-O8 as follows:

**SUB-P18: Historic heritage overlays and precincts**

Require subdivision in historic heritage overlays and precincts to be consistent with the establishment pattern of development in the area as described in the SCHED4 - Historic Heritage Overlay and Precinct Schedule.

*Relates to SUB-O~~3~~8*



422. Hearing Stream 2, Subdivision, Recommendation 60: I recommend accepting the relief in part by Forest and Bird (289.124 and 289.125) as supported by DoC (FS 399.289.124 and FS 399.289.125) to amend SUB-R7 to include an additional assessment matter on the coastal values as follows:

<b>SUB-R7: Subdivision of land within or containing a special character landscape</b>	
<p>SUB-R7A</p> <p>Activity Status: Restricted Discretionary</p> <p>Where:</p> <p>ii. Compliance with standards SUB-S1 - SUB-S18.</p> <p>Note: This rule does not apply when the subdivision is for the purpose of conservation allotments in accordance with SUB-R4.</p> <p>Matters of discretion are:</p> <ol style="list-style-type: none"> <li>1. Visual impacts;</li> <li>2. Landscape values and topographical features;</li> <li>3. Cultural values;</li> <li>4. Purpose of the relevant zone, precinct, and development area and associated objectives and policies;</li> <li>5. Safe, connected, and efficient transport network;</li> <li>6. Infrastructure and stormwater;</li> <li>7. Natural hazards, including liquefaction, land stability, and coastal hazards;</li> <li>8. Protection, maintenance, and/or enhancement of natural features, indigenous <span style="color: red;">flora and fauna</span> trees, and <del>vegetation</del>;</li> <li>9. Management of potential reverse sensitivity effects on existing land uses;</li> <li>10. Financial contributions, and</li> <li>11. Subdivision chapter assessment criteria.</li> </ol>	<p>SUB-R7B</p> <p>Activity Status where activity conditions are not met: Discretionary</p>

## 10. Consequential Changes

423. The Fuel Companies (215.91) made a submission on the Hazardous substances chapter (HAZS) seeking relief to manage intensification of residential activities within the 'Significant Hazardous Facility Risk Management' (SHFR) overlay (Figure 2 below) which provides a risk-based map related to the storage of fuel at or about 2 Bull Street. Though there is no specific scope through the submissions on the PDP, changes made in the HAZS may have consequential impacts on subdivision.

424. The Fuel Companies generally seeks that residential subdivision are avoided within the SHFR, particularly as a non-complying land use consent would then be required under the HAZS chapter to construct a new dwelling. However, commercial or industrial activities may be suitable as these activities may be less sensitive to the fuel storage combustion.

425. Two options could be considered to manage intensification within the subdivision chapter; 1) introduce a new rule setting a high threshold for residential subdivision i.e. non-complying, or 2) retain the plan as drafted.

426. In my opinion, the latter is the most appropriate solution in terms of management of duplication and plan efficiency. For a subdivision activity to be afforded the controlled activity pathway under SUB-R1A it must either be around an existing group of dwellings with no vacant lots to be create or be demonstrated that 'it is practicable to construct on every allotment within the proposed subdivision'. No new dwellings could be built within the SHFR overlay without first obtaining a non-complying land use consent, therefore there is little risk that developers would build first then subdivide to effectively navigate the subdivision process. As the goal presented by the Fuel Companies is to avoid residential intensification in the SHFR, I consider the PDP as notified effectively manages this risk.

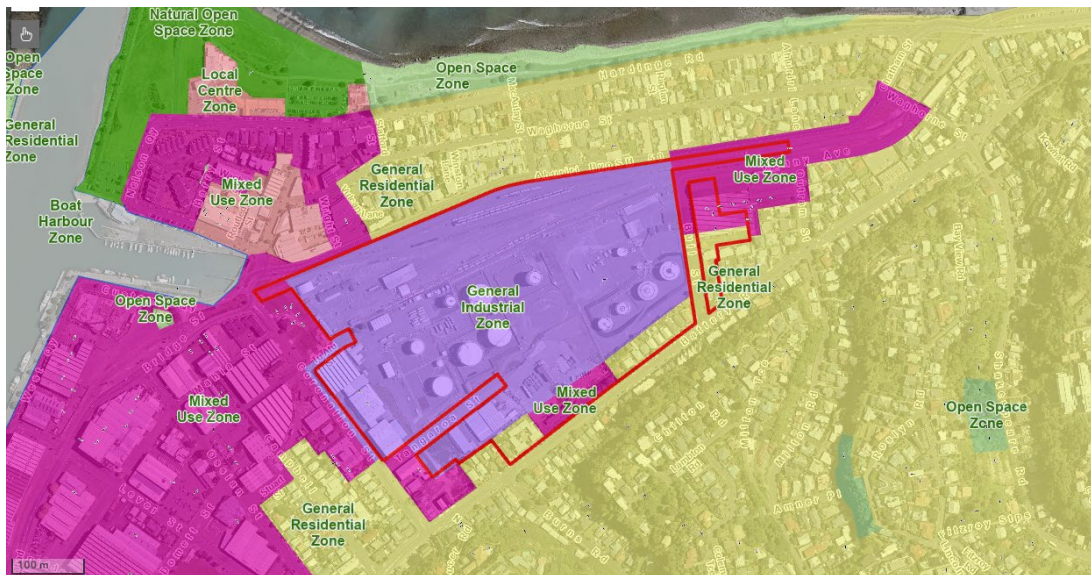


Figure 1 – Significant Hazardous Facility Risk Management overlay shown by red line

## 11. Point incorrectly allocated to Subdivision

427. Submission points 136.1, 164.1 have been incorrectly allocated to the Subdivision chapter when the submission points should have allocated to rezoning requests. These submissions will be considered as part of the rezoning requests s42A report and applicable hearing in 2025.

428. Marist Holdings (Greenmeadows) Limited provided a number of submissions on the subdivision chapter however, as the major of the submissions refer to the sought Mission Church Road Residential Precinct, along with further submissions, these are better managed in the re-zoning requests chapter.

## 12. Minor and Inconsequential Amendments Summary

429. Pursuant to Schedule 1, Clause 16(2) of the RMA, a local authority may make an amendment, without using the process in this schedule, to its proposed plan to alter any information, where such an alteration is of minor effect, or may correct any minor errors.

430. Any minor and inconsequential amendments relevant to the <relevant zones> will be listed in the appropriate sections of this S42A report.

431. The recommended amendments are set out in the 'track changes' versions of the applicable chapters, which are provided at **Appendix A**.

## 13. Conclusion

432. As discussed further within Parts 2 to 10 of this S42A Report, a wide range of submissions and further submissions have been received with respect to the subdivision provisions within the PDP. Submissions have been analysed, with my recommendations set out at Appendix A and B.
433. Having considered all the submissions and reviewed all relevant statutory and non-statutory documents, I recommend that the PDP should be amended as set out in Appendix A of this report.
434. For the reasons set out in the S32AA evaluations included throughout this report, I consider that the proposed objectives and provisions, with the recommended amendments, will be the most appropriate means to:
- Achieve the purpose of the Resource Management Act 1991 (“RMA”) where it is necessary to revert to Part 2 and otherwise give effect to higher order planning documents, in respect to the proposed objectives, and
  - Achieve the relevant objectives of the Proposed Plan, in respect to the proposed provisions.

### *Recommendations:*

435. I recommend that:
- The Independent Hearings Panel accept, accept in part, or reject submissions (and associated further submissions) as outlined in **Appendix B** of this report; and
  - The PDP is amended in accordance with the changes recommended in **Appendix A** of this report.

## SUB - Subdivision

### Introduction

Well-designed subdivisions and neighbourhoods are an integral part of providing for high quality growth to support sustainable outcomes for Napier city. Subdivision is the process of dividing land or a building into one or more additional allotments or titles. It includes changing the underlying ownership structure or changing the location of an existing boundary. Good subdivision design includes consideration of:

- a diversity of allotment sizes to enable mixed housing typologies;
- good connectivity to surrounding neighbourhoods;
- existing characteristics, amenity, and intrinsic values of the area;
- use of low impact design principles for managing stormwater;
- the orientation of streets and buildings to maximise solar benefits, and
- access to reserves, public open spaces, and community facilities.

Subdivision applications will need to demonstrate consistency with the Napier Subdivision Design Guide, the objectives, policies, rules, and standards of this chapter and relevant zone, any structure plans, and all relevant district-wide matters. Guidance on 'low impact' stormwater design is provided in Council's Code of Practice for Land Development and Subdivision Infrastructure and minimum expectations mandated through the Stormwater chapter.

The Strategic Direction chapter outlines the Council's long-term strategy for urban growth in accordance with national direction under the National Policy Statement on Urban Development 2020.

### Issues

#### **SUB-I1: Subdivision design should reflect the characteristics and amenity values of the locality in which it is located**

Subdivision of land should be designed in a manner that is appropriate to the scale, density, and type of development anticipated by the objectives and policies of the relevant zone or precinct, including any identified characteristics of the neighbourhood.

#### **SUB-I2: The impacts of subdivision on natural resources (landscapes, water quality, biodiversity, and highly productive land)**

While the process of subdivision itself does not directly affect the environment, it establishes the legal framework within which land use occurs and generally intensifies development and, therefore, has a causal link with the adverse effects of land use and development. It is, therefore, vital that these effects are addressed early at subdivision stage through the provision of adequate infrastructure services and a subdivision design that achieves quality and sustainable development.

Part 2 of the RMA requires that Council manages the use, development, and protection of natural and physical resources to promote sustainable development. Natural resources including water, soil, landscapes, significant indigenous vegetation, and highly productive land need to be protected from inappropriate subdivision. In accordance with RMA requirements, Council has identified landscapes within the district and created a policy framework to manage subdivision and development within them. Council also promotes low-impact solutions for managing stormwater in order to meet the RMA's requirements for safeguarding the life-supporting capacity of water into which the stormwater is discharged. The design of subdivisions needs to consider these important matters and respond accordingly.

**Commented [CM1]:** Tawanui (247.3), Kāinga Ora (FS 509.247.3), and Mana Ahuriri (263.4)

**SUB-I3: Land uses enabled by subdivision require appropriate infrastructure to support development and confirmation that the site will not be subject to inappropriate levels of risk from natural hazards**

Subdivision needs to consider the land uses that will follow and the infrastructure required to service the intended development. Subdivision typically involves the creation of smaller more intensively used sites, which places additional demand on infrastructure servicing. If infrastructure servicing is not managed appropriately, development may contribute towards degradation of the environment, adversely impact amenity values, and potentially threaten the health and safety of communities.

Subdivision needs to align with infrastructure capacity, which means, within urban areas, development must connect to council-provided reticulated services where available in a manner that does not adversely affect the services themselves or the environment. Subdivisions within rural areas need to consider and plan for onsite solutions to all servicing needs, and these are best considered at the time of subdivision to ensure they are provided in an effective and efficient manner.

The location and design of subdivision and the intended resulting development also need to avoid or mitigate the potential building damage and dangers to the health and safety of people from the effects of natural hazards.

**SUB-I4: Poorly designed subdivision layouts**

Quality urban design is concerned not just with appearances and built form but with the environmental, economic, and social consequences of design. It is a multi-faceted approach that includes both the process of decision-making as well as the outcomes of good subdivision design.

Poorly designed layouts can result in subdivisions that:

1. lack character;
2. have poor relationships with the underlying topography and physical characteristics of the site;
3. are uniform in appearance;
4. do not provide for connectivity;
5. do not consider adjacent land uses in adjoining zones;
6. do not address long-term resilience in relation to natural hazard risks, and
7. do not consider developing and enhancing community benefits, public spaces, and social cohesion.

**SUB-I5: The need to ensure public access to the coast, estuary, and rivers**

People expect to have reasonable access to the city's coastal environment, estuary, and waterbodies. The RMA requires that Council recognises and provides for the maintenance and enhancement of public access to the coastal marine area (including estuaries), lakes, and rivers as a matter of national importance. The New Zealand Coastal Policy Statement 2010 also identifies a specific requirement to provide access to and along the coastal environment. The Council, therefore, has a legal responsibility in protecting access to the coast and other waterbodies. The Council also has an important role in ensuring that the district's shared pathway networks connect neighbourhoods, open spaces and other public areas with these important features.

The RMA allows Council to require an esplanade reserve when land is subdivided into allotments of less than 4 hectares. Esplanade reserves provide important public access along the coast and other waterbodies within Napier and the Council has, therefore, identified where it will exercise the right to acquire esplanade reserves in the Public Access chapter.

Esplanade reserves are classified as reserves under the Reserves Act 1977, and land ownership is transferred to Council at the time of subdivision for the benefit of the whole community, with Council maintaining and managing the reserve in perpetuity.

**SUB-I6: The need to recognise and provide for the relationship of Māori and their cultural lands, water, sites, and wāhi taonga**

Land use activities that follow from subdivision provide an opportunity to recognise Māori cultural values associated with areas of significance. Recognising and providing for the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga are matters of national importance in section 6 of the Resource Management Act. Where appropriate in areas of significance to Māori, the design of subdivisions and development should incorporate mana whenua values through such things as place names, public art, native plantings, and signage.

**SUB-I7: Issues of reverse sensitivity on adjacent land uses**

There is a potential for conflict when different land uses are located adjacent to each other. Subdivision typically intensifies land use activities in specific locations, which has the potential to create reverse sensitivity effects on established land uses or the productive potential of highly productive land. A different level of amenity can be experienced when subdivision creates the ability for new sensitive activities (particularly residential and lifestyle activities) to establish adjacent to existing rural, commercial, or industrial zones and/or activities. The expectation of the new activities is for a level of amenity that is not necessarily compatible with the amenity of the existing environment and can impact on the ability of existing activities to continue their daily operations. Mitigation measures such as planting buffers and site layout should be considered and incorporated at the time of subdivision where the potential for reverse sensitivity exists.

**SUB-I8: The need to ensure heritage values of historic heritage overlays and precincts are protected**

Sites within historic heritage overlays and precincts typically have a distinctive subdivision pattern that contributes to their overall heritage values. If not managed, subdivision of sites within these areas may adversely affect their heritage values.

**Objectives**

**Note:** The objectives and policies contained in other chapters, including (but not necessarily limited to) zone chapters and district-wide chapters, including the Transport chapter [Network Utilities Chapter \(as it relates to subdivision within the National Grid Subdivision Corridor\)](#), Public Access chapter, the Natural Hazards chapter, and the Hazardous Substances and Contaminated Land chapter, are relevant in addition to those below.

Commented [CM2]: Transpower (99.60)

**SUB-O1: Compatible land use**

Subdivision delivers quality community environments and patterns of development that ensure the objectives, policies, and rules of the relevant zone of the District Plan are able to be met and potential reverse sensitivity effects are avoided or mitigated.

*Relates to SUB-I1, SUB-I3, SUB-I4, SUB-I5, SUB-I6, SUB-I7*

**SUB-O2: Impact of the built environment on landscapes, biodiversity, water quality, and other key environmental matters**

Land is subdivided in a way to create development that:

- a. responds positively to the site's physical characteristics and context;

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- b. protects, maintains, or enhances natural features, landscapes, indigenous biodiversity, waterbodies, significant trees, ~~productive soils~~ **highly productive land**, reserves, public open space, and historic heritage, and
- c. achieves the maintenance and enhancement of water quality by incorporating low impact design principles.

**Commented [CM3]:** NZFFL (165.19)

*Relates to SUB-11, SUB-12, SUB-13, SUB-14, SUB-15, SUB-16*

**SUB-03: Infrastructure, transport, and connectivity**

- a. subdivision has a layout that is:
  - i. safe, efficient, convenient, accessible, enhances connectivity and encourages active transport modes, and
  - ii. resilient and integrates with existing communities and provides for the long-term needs of its residents.
- b. infrastructure supporting subdivision and development is planned and provided for in an integrated and comprehensive manner at the time of subdivision.
- c. land is vested at the time of subdivision to provide for high-quality reserves, esplanade reserves, roads, stormwater, access and other purposes for the benefit of the wider community.
- d. **Subdivision does not compromise the operation, maintenance, upgrade and development of subdivision** protects the operation and access to established network utilities and regionally significant infrastructure while mitigating reserve sensitivity effects.

**Commented [CM4]:** Transpower (99.61)

*Relates to SUB-11, SUB-13, SUB-14, SUB-17*

**SUB-04: Cultural values**

Subdivision design recognises and incorporates mana whenua cultural values associated with specific sites, places, and areas of significance where appropriate.

*Relates to SUB-16*

**SUB-05: Natural hazards**

New subdivision reduces, or does not increase, the risks from natural hazards to people, property, and infrastructure.

*Relates to SUB-12, SUB-13*

**SUB-06: Subdivision in rural zones**

Subdivision of rural land:

- a. protects highly productive land **within the Rural Production Zone**;
- b. ensures rural lifestyle subdivision is contained within the Rural Lifestyle Zone and avoided within the highly productive land in the Rural ~~Productive~~ **Production Zone**, and
- c. avoids reverse sensitivity effects between rural activities **carried out in the Rural Production Zone** and sensitive activities.

**Commented [CM5]:** Angela McFlynn (189.9) Alison Francis (FS 251.189.9) Horticulture New Zealand (257.37)

*Relates to SUB-11, SUB-12, SUB-17*

**SUB-07: Rural subdivision amenity**

Subdivision maintains or enhances the natural features and landscapes that contribute to the character and amenity values of rural areas.

*Relates to SUB-11, SUB-12*

**SUB-O8: Historic heritage overlays and precincts**

Subdivision occurs in a manner that recognises and provides for the protection of historic heritage.

*Relates to SUB-18*

**Policies**

**SUB-P1: Compatible land use**

Ensure subdivision supports the objectives, policies, and rules of the District Plan through subdivision that:

- a. reflects patterns of development that are compatible with and reinforce the role, function, and predominant character of the zone;
- b. adheres to allotment size and layout in each zone to sufficiently accommodate intended land uses while retaining reasonable amenity;
- c. provides for intensification of the urban area where it can be supported by existing infrastructure and contributes to the viability and vibrancy of urban centres;
- d. incorporates setbacks, landscaping, or layout design to avoid or mitigate the effects of reverse sensitivity on existing, lawfully-established activities on adjoining properties, ~~and~~
- e. provides for minor boundary adjustments which enable a more efficient and effective use of land; ~~and~~
- f. ~~enables natural environmental values to be protected, maintained and enhanced, and~~
- g. ~~reflects the need to ensure that new development will be resilient to climate change.~~

**Commented [CM6]:** Forest and Bird (289.109)  
Heritage NZ (FS 53.289.109)

*Relates to SUB-01*

**SUB-P2: Quality living environments**

Subdivisions are designed to create quality living environments through:

- a. the provision of adequate amounts of easily accessible quality public and private open space and reserves;
- b. creating sites of varying sizes to provide for a range of housing typologies;
- c. aligning roads and sites for maximum sunlight access where topography and parent site shape allows. Roads should have a north-south axis where possible;
- d. implementing CPTED (Crime Prevention Through Environmental Design) principles;
- e. aligning sites to the road to maximise opportunities for buildings fronting the road and reducing the reliance on rear lots;
- f. providing publicly accessible connections between blocks, where practicable, and
- g. integrating into existing communities by avoiding gated developments.

*Relates to SUB-01, SUB-03, SUB-04*

**SUB-P3: Subdivision design integrates with the environment**

Ensure subdivision design:

- a. protects, maintains, and enhances natural ecosystems ~~ecological corridors~~, waterbodies, and indigenous vegetation ~~and biodiversity~~, including the retention of mature trees and vegetation ~~where possible~~;
- b. incorporates sufficient space for onsite stormwater attenuation and disposal including the use of water-sensitive water-sensitive ~~and low-impact~~ design solutions ~~and green~~



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- infrastructure, constructed in a way that mitigates the adverse effects of the quantity and quality of stormwater being discharged from sites;
- c. assists in achieving the objectives of a stormwater catchment management plan and/or any applicable network discharge consent that exists for a catchment, and
  - d. includes indigenous landscaping and planting to enhance biodiversity, reduce rate of stormwater run-off, assist with the removal of contaminants, and to soften the built form.

*Relates to SUB-02, SUB-03*

### **SUB-P4: Subdivision design is sympathetic to the landscape**

Ensure that subdivision design, in both rural and urban areas, responds to the natural landscape by:

- a. locating building platforms and associated infrastructure away from visually prominent areas, and
- b. locating and designing roads, access, building platforms, and infrastructure so that earthworks are minimised and the visual effects associated with them are mitigated.

*Relates to SUB-01, SUB-02*

### **SUB-P5: Open space and reserves**

To provide sufficient accessible, functional, and connected open space to meet the present and likely future recreational, conservation, and visual amenity needs of the city, including by requiring at subdivision the opportunity for Council to:

- a. ensure reserves are vested, where appropriate, to serve the needs of residents in the area;
- b. acquire land for reserves to be vested in Council in land or the equivalent through financial contributions at the time of subdivision;
- c. enable Council to exercise its discretion in the decision to accept land to be vested as reserve or pay an equivalent financial contribution;
- d. ensure the land to be vested in Council for reserves is an appropriate size, shape, and design to ensure quality community outcomes, and
- e. for subdivision adjoining existing public open space, for Council to consider expanding that space with the vesting of additional reserve area, and to require open-style permeable fencing in accordance with the rules of the underlying zone.

*Relates to SUB-01, SUB-03*

### **SUB-P6: Protection and maintenance of landscapes in identified landscape overlay areas**

Within outstanding natural features and special character features and landscapes, land is subdivided in a way that avoids the need to place buildings, earthworks, and features in visually prominent locations **recognising that in the coastal environment, buildings may not be appropriate at all.**

*Relates to SUB-01, SUB-02, SUB-07*

### **SUB-P7: Providing for connectivity**

Manage the design and location of subdivision to optimise connectivity, including through:

- a. providing a connected roading network, including minimising the use of cul-de-sacs in urban areas where practicable;
- b. establishing safe cycleways and walkways and enhancing the safety of existing cycle and pedestrian routes;

**Commented [CM7]:** Forest and Bird (289.111) DoC (FS 399.289.111) NCC Urban Design Team (FS 544.289.111)

**Commented [CM8]:** Forest and Bird (289.113)

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- c. implementing CPTED principles;
- d. supporting initiatives to increase accessibility to, and use of, public transport;
- e. ensuring that infrastructure associated with active transport and public transport modes is safe, convenient, and accessible to all sectors of the community;
- f. designing intersections to facilitate safe and efficient crossing for all vehicles, cyclists, and pedestrians, and
- g. provide for the efficient evacuation of people inland or to higher ground from sites located in tsunami inundation areas.

*Relates to SUB-03*

**SUB-P8: Access and egress**

Manage the number, location, and design of access and egress points to support all of the following:

- a. safety and amenity for pedestrians and cyclists to and from the site and along the street frontage;
- b. visibility of vehicles, pedestrians, and cyclists when exiting the site;
- c. efficient access to the site to minimise queuing within the integrated transportation network;
- d. safe and efficient operation of intersections, and
- e. encourage shared vehicle access by way of rear lanes in urban areas, where appropriate, to avoid the proliferation of vehicle crossings.
- f. Safe and efficient emergency access and egress.

**Commented [CM9]:** FENZ (288.48)

*Relates to SUB-03*

**SUB-P9: Integrated provision of infrastructure in urban environments**

Require subdivision to provide servicing that meets the requirements of the Code of Practice for Land Development and Subdivision Infrastructure and that:

- a. is coordinated, integrated, and compatible with the existing infrastructure network.
- b. enables the existing network to be expanded or extended to adjacent land in the future where that land is zoned or identified through a future urban development strategy for urban development, and especially through the avoidance of allotments created primarily for the purpose of preventing connectivity to adjacent sites (spite strips).
- c. ~~enables~~ connects electricity and telecommunications services to be reticulated ~~to~~ for each site, and undergrounded in residential and commercial zones where practicable.
- d. connects sites capable of containing a building, in areas where service connections to the public network are available and capacity exists, to the following networks:
  - i. wastewater;
  - ii. stormwater, and
  - iii. ~~potable~~ water supply (for both potable and firefighting).

**Commented [CM10]:** Telecommunications Companies (184.2, 151.62), Guy Panckhurst (210.6)

**Commented [CM11]:** Telecommunications Companies (184.2, 151.62), Guy Panckhurst (210.6)

**Commented [CM12]:** FENZ (288.49)

unless it is demonstrated that an alternative means of servicing can be provided meeting legislative and acceptable environmental outcomes.

*Relates to SUB-03*

**SUB-P10: Road reserves**

Require subdivision to provide sufficient road reserves to accommodate the needs of:

- a. different types of transport modes;

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- b. network utilities including provision around low-impact design for road-generated stormwater, and
- c. lighting, street furniture, domestic rubbish disposal and landscaping in a way that will not create future safety, amenity, and/or maintenance issues.

*Relates to SUB-03*

**SUB-P11: Esplanade reserves and public access**

Unless otherwise specified, require esplanade reserves and easement access when subdividing land adjoining the coast, waterbodies, and identified public access corridors.

*Relates to SUB-02, SUB-03*

**SUB-P12: Provision of infrastructure in rural areas**

Require subdivision to provide servicing that meets the requirements of the Code of Practice for Land Development and Subdivision Infrastructure and that:

- a. Require sites capable of containing a building, in areas where no reticulated water supply, stormwater, or wastewater network is available, to be of a size and shape that provides for:
  - i. the treatment and disposal of stormwater in a way that does not lead to significant adverse offsite effects including degraded water quality, erosion, land instability, and/or creation or exacerbation of flooding.
  - ii. the management of wastewater via:
    - 1. an appropriate on-site wastewater treatment system, or
    - 2. approval to connect to a private wastewater network.
  - iii. the storage of potable water and firefighting water supply.
  - iv. The use of low-impact design solutions and green infrastructure where possible.
- b. Manage the design and location of subdivision to avoid the close proximity of multiple access points on rural roads and state highways.
- c. Enables electricity and telecommunications services to be reticulated to each site.

**Commented [CM13]:** Telecommunications Companies (184.2, 151.62), Guy Panckhurst (210.6)

**Commented [CM14]:** FENZ (288.50)

**Commented [CM15]:** Forest and Bird (289.15)

**Commented [CM16]:** Waka Kotahi (277.65)

**Commented [CM17]:** Telecommunications Companies (184.2, 151.62), Guy Panckhurst (210.6)

*Relates to SUB-03, SUB-07*

**SUB-P13: Network utilities**

Provide for the creation of allotments of various sizes and dimensions for the purposes of a network utility, network utility structure, public work, reserve, or access.

*Relates to SUB-03*

**SUB-P14: Incorporating cultural values**

On land identified as significant to mana whenua, ensure the kaitiaki status is recognised and provided for through subdivision design that takes into account and reflects identified mana whenua values.

*Relates to SUB-04*

**SUB-P15: Natural hazards**

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Subdivisions either avoid natural hazards or are designed to mitigate risks from natural hazards by:

- a. demonstrating appropriate mitigation measures proportionate to the risks associated with the hazards;
- b. providing for subdivision on land where liquefaction risk has been identified and can be appropriately managed;
- c. maintaining the function of overland flow paths to safely convey flood waters while taking into account the likely long-term effects of climate change;
- d. improving accessibility for residents in an emergency event by minimising cul-de-sacs, terminating rights of way, and avoiding gated communities, and
- e. ensuring that any measures used to manage the risks of natural hazards avoid any further adverse environmental effects.

*Relates to SUB-05*

### SUB-P16: Protecting significant natural areas

*The provisions relating to Ecosystems and Indigenous Biodiversity have not been included in the Proposed District Plan and will be released at a later date as a variation.*

*Relates to SUB-01, SUB-02, SUB-04*

### SUB-P17: Conservation sites

Provide for subdivision of land to create conservation sites for the protection of heritage and/or cultural features.

*Relates to SUB-01, SUB-02, SUB-04*

### SUB-P18: Historic heritage overlays and precincts

Require subdivision in historic heritage overlays and precincts to be consistent with the establishment pattern of development in the area as described in the SCHED4 - Historic Heritage Overlay and Precinct Schedule.

*Relates to SUB-03*

### SUB-P19: Highly productive land

Ensure subdivision avoids, if possible, or otherwise mitigates any actual loss or potential cumulative loss of the availability or productive of highly productive land by:

- a. providing for the amalgamation of smaller holdings on highly productive land.
- b. avoiding subdivision for the purpose of **creating new** rural lifestyle **properties**.
- c. **allowing avoiding** subdivision **unless in accordance with** Section 3.8 of the National Policy Statement for Highly Productive Land 2022 **is met**.
- d. ~~providing for subdivision where:~~
  - i. ~~highly productive land is subject to permanent or long-term constraints in accordance with Section 3.10 of the National Policy Statement for Highly Productive Land 2022;~~
  - ii. ~~it avoids any significant loss of productive capacity;~~
  - iii. ~~it avoids the fragmentation of large or geographically cohesive area of highly productive land, and~~
  - iv. ~~the environmental, social, cultural, and economic benefits outweigh the long-term environmental, social, cultural, and economic costs associated with the loss of highly productive land, taking into account both tangible and intangible values.~~
- e. **Enabling primary production and ancillary activities.**

Commented [CM18]: Heritage NZ (273.147)

Commented [CM19]: Angela McFlynn (189.13)

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Relates to SUB-O6

**SUB-P20: Small lots in rural production zone**

Land fragmentation and/or the creation of new allotments for residential and rural lifestyle activities are to be avoided.

Relates to SUB-O6

**SUB-PX: Subdivision of land within the coastal environment**

Provide for subdivision of land within the landward extent of the coastal environment where it:

1. Consolidates existing urban areas; and
2. Does not establish new urban sprawl along the coastline.

**SUB-PX: Subdivision of land containing scheduled heritage items**

Only allow subdivision of sites containing scheduled heritage items where it can be demonstrated that the values of the scheduled item can be maintained and there is sufficient land provided around the scheduled place to protect associated heritage values.

**Commented [CM20]:** NZAAA (73.10), Helicopters Hawkes Bay (134.10), Horticulture New Zealand (FS 42.73.10) and NZHA (FS 327.73.10) Horticulture New Zealand (257.39) HBRC (FS 18.257.39)

**Commented [CM21]:** NZFFL (165.23) and Horticulture New Zealand (257.40)

**Commented [CM22]:** Forest and Bird (289.120) consequential change

**Commented [CM23]:** Heritage NZ (273.149) Kāinga Ora (FS 513.273.149)

**SUB - Subdivision - Rules Table**

SUB-R1: Subdivision	
<p><b>SUB-R1A</b></p> <p><b>Activity Status:</b> Controlled</p> <p><b>Where:</b></p> <ol style="list-style-type: none"> <li>1. Compliance with standards SUB-S1 - SUB-S18.</li> </ol> <p><b>Matters of control are:</b></p> <ol style="list-style-type: none"> <li>4. <u>Purpose and objectives and policies of the relevant zone, precinct, and development area;</u></li> <li>1. Adherence to any relevant structure plan;</li> <li>2. Safe, connected, and efficient transport network;</li> <li>3. Infrastructure and stormwater;</li> <li>4. Natural hazards, including liquefaction, land stability and coastal hazards;</li> <li>5. Heritage values;</li> <li>6. Cultural values;</li> <li>7. Landscape and topographical features;</li> <li>8. Indigenous trees and vegetation;</li> <li>9. <u>Reserve and open space requirements;</u></li> <li>10. Management of construction effects;</li> <li>11. Management of potential reverse sensitivity effects on existing land uses;</li> <li>12. Financial contributions, and</li> </ol>	<p><b>SUB-R1B</b></p> <p><b>Activity Status where activity conditions are not met:</b></p> <p>Non-compliance with SUB-S6 - SUB-S17: Restricted Discretionary</p> <p>Non-compliance with SUB-S1 - SUB-S5 and SUB-S18: Refer to Subdivision Standards Table.</p> <p><b>Matters of discretion are:</b></p> <ol style="list-style-type: none"> <li>1. The matters identified in the standards not complied with (SUB-S6 - SUB-S17), and</li> <li>2. The matters of control listed in SUB-R1A apply in addition to the above.</li> </ol>

**Commented [CM24]:** Emerald Hills (128.8, 128.9, 128.35, 128.38, 128.39, FS 292.196.77, FS 290.247.10, FS 290.247.16, FS 290.247.17, FS 289.263.9), Napier City Council Policy Team (196.77), Tawanui (247.8, 247.9, 247.10, 247.17), Mana Ahuriri (263.9, 263.10, 263.11, 263.17)

**Commented [CM25]:** Consequential change of Emerald Hills Joint Venture Limited (128.12, 128.37 and FS 289.263.18), Mana Ahuriri Holdings Limited Partnership (263.15, 263.18) Tawanui Developments Limited (247.14), Kainga Ora (FS 509.247.14), and Angela McFlynn (189.21)

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13. Subdivision chapter assessment criteria.	
<b>SUB-R2: Boundary adjustment</b>	
<p><b>SUB-R2A</b></p> <p><b>Activity Status:</b> Controlled</p> <p><b>Where:</b></p> <ol style="list-style-type: none"> <li>1. Subdivision involves two or more adjacent sites (which are not separated by any road, rail, river, stream, or watercourse);</li> <li>2. No new site is created, and no existing site area is changed by more than 10% of its original area;</li> <li>3. No existing complying lot is rendered non-complying, and no dwelling is severed from its existing site;</li> <li>4. The adjustment does not result in non-compliance or increase any existing non-compliance with any other rules or standards, and</li> <li>5. Boundary alterations do not prevent any existing allotment's legal and physical access to a road or limit or interfere with any servicing requirements of any of the sites.</li> </ol> <p><u>Note: any boundary adjustment greater than 10% change of original area but remaining compliant with minimum net site area shall be considered under SUB-R1A</u></p> <p><b>Matters of control are:</b></p> <ol style="list-style-type: none"> <li>1. <del>Purpose and objectives and policies of the relevant zone, precinct, and development area;</del></li> <li>1. Safe, connected, and efficient transport network;</li> <li>2. Infrastructure and stormwater;</li> <li>3. Natural hazards and land stability;</li> <li>4. Heritage values;</li> <li>5. Cultural values;</li> <li>6. Landscape and topographical features;</li> <li>7. Natural features and indigenous trees and vegetation;</li> <li>8. Management of construction effects;</li> <li>9. Management of potential reverse sensitivity effects on existing land uses, and</li> <li>10. Subdivision chapter assessment criteria.</li> </ol>	<p><b>SUB-R2B</b></p> <p><b>Activity Status where activity conditions are not met:</b> Discretionary</p>
<b>SUB-R3: Subdivision of land for the purpose of public works, network utilities, reserves, or access</b>	
<p><b>SUB-R3A</b></p> <p><b>Activity Status:</b> Controlled</p>	<p><b>SUB-R3B</b></p>

**Commented [CM26]:** NCC Policy Team (196.75) Emerald Hills (FS 292.196.75)

**Commented [CM27]:** Emerald Hills (128.8, 128.9, 128.35, 128.38, 128.39, FS 292.196.77, FS 290.247.10, FS 290.247.16, FS 290.247.17, FS 289.263.9), Napier City Council Policy Team (196.77), Tawanui (247.8, 247.9, 247.10, 247.17), Mana Ahuriri (263.9, 263.10, 263.11, 263.17)

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<p><b>Where:</b></p> <ol style="list-style-type: none"> <li>1. Compliance with standards SUB-S6, <u>SUB-S7</u>, <u>SUB-S9, SUB-S10 and SUB-S12</u>, SUB-S18, and</li> <li>2. Compliance with SUB-S1 - SUB-S5, <u>SUB-S8 and SUB-S11</u> (minimum allotment sizes <u>net site area, building platform and shape factor</u>) does not apply.</li> </ol> <p><b>Matters of control are:</b></p> <ol style="list-style-type: none"> <li>1. The size, design, and layout of allotments for the purpose of public works, network utilities, or reserves;</li> <li>2. Safe, legal, and physical access to and from the allotments;</li> <li>3. Infrastructure and stormwater in accordance with the Code of Practice for Land Development and Subdivision Infrastructure;</li> <li>4. Natural hazards, including liquefaction, land stability, and coastal hazards;</li> <li>5. Protection, maintenance, and enhancement of natural features and landforms, indigenous trees and vegetation, heritage values, and cultural values;</li> <li>6. Financial contributions, and</li> <li>7. Subdivision chapter assessment criteria.</li> </ol>	<p><b>Activity Status where activity conditions are not met:</b> Restricted Discretionary</p> <p><b>Matters of discretion are:</b></p> <ol style="list-style-type: none"> <li>1. The matters of control listed for SUB-R3A, and</li> <li>2. The matters identified in the standards not complied with (SUB-S6 - SUB-S18).</li> </ol> <p><b>Notification:</b> Any application under this rule is precluded from public and limited notification.</p>
<p><b>SUB-R4: Subdivision to create conservation lots for the protection of scheduled heritage items, archaeological sites, and/or sites of significance to Māori</b></p>	
<p><b>SUB-R4A</b></p> <p><b>Activity Status:</b> Controlled</p> <p><b>Where:</b></p> <ol style="list-style-type: none"> <li>1. The subdivision creates a separate record of title exclusively for protection of scheduled heritage items, archaeological sites, and/or sites of significance to Māori;</li> <li>2. The item or area is protected in perpetuity by way of a legal mechanism registered on the record of title;</li> <li>3. Compliance with SUB-S1 - SUB-S17 does not apply for the record of title created;</li> <li>4. The subdivision does not prevent any existing allotment's legal and physical access to a road or limit or interfere with any servicing requirements of the parent record of title, and</li> <li>5. The record of title created includes a legal and physical means of access for ongoing maintenance of the item and, where appropriate, includes enabling public access.</li> </ol>	<p><b>SUB-R4B</b></p> <p><b>Activity Status where activity conditions are not met:</b> Non-complying</p>

**Commented [CM28]:** Guy Panckhurst (210.8)

**Commented [CM29]:** Waka Kotahi (277.69) and Unison (FS 358.277.69)

**APPENDIX A – Recommended Amendments to Plan Provisions**

<p><b>Matters of control are:</b></p> <ol style="list-style-type: none"> <li>Heritage values;</li> <li>Cultural values;</li> <li>Safe, connected, and efficient transport network;</li> <li>Infrastructure servicing and access, and</li> <li>Vesting of the reserve.</li> </ol>		
<p><b>SUB-R5: Cross lease title to freehold subdivision</b></p>		
<p><b>SUB-R5A</b></p> <p><b>Activity Status:</b> Controlled</p> <p><b>Where:</b></p> <ol style="list-style-type: none"> <li>Subdivision is to create freehold titles from existing cross lease titles;</li> <li>Compliance with SUB-S1 - SUB-S5 (minimum allotment sizes <u>net site area</u>) does not apply,</li> <li><u>Compliance with SUB-S6 – SUB-S12 and SUB-S14 – SUB-S19 does not apply</u> and</li> <li>Compliance with <del>SUB-S6 – SUB-S18</del> <u>SUB-S13</u> does apply.</li> </ol> <p><b>Matters of control are:</b></p> <ol style="list-style-type: none"> <li><u>Compliance with the Engineering Code of Practice</u></li> <li><del>Purpose and objectives and policies of the relevant zone, precinct, and development area;</del></li> <li><del>Safe, connected, and efficient transport network;</del></li> <li><del>Infrastructure and stormwater;</del></li> <li><del>Natural hazards and land stability;</del></li> <li><del>Heritage values;</del></li> <li><del>Cultural values;</del></li> <li><del>Landscape and topographical features;</del></li> <li><del>Natural features and indigenous trees and vegetation;</del></li> <li><del>Management of construction effects;</del></li> <li><del>Management of potential reverse sensitivity effects on existing land uses, and</del></li> <li><del>Subdivision chapter assessment criteria.</del></li> </ol>	<p><b>SUB-R5B</b></p> <p><b>Activity Status where activity conditions are not met:</b> Restricted discretionary</p> <p><b>Matters of discretion are:</b></p> <ol style="list-style-type: none"> <li>The matters of control listed for SUB-R5A, and</li> <li>The matters identified in the standards not complied with (SUB-S6 - SUB-S18).</li> </ol>	
<p><b>SUB-R6: Subdivision on land within or containing a significant natural area</b></p>		
<p>The provisions relating to Ecosystems and Indigenous Biodiversity have not been included in the Proposed District Plan and will be released at a later date as a variation.</p>		
<p><b>SUB-R7: Subdivision of land within or containing a special character landscape</b></p>		

**Commented [CM30]:** Guy Panckhurst (210.8)

**Commented [CM31]:** Angela McFlynn (189.16), Guy Panckhurst (210.1)

**Commented [CM32]:** Angela McFlynn (189.16), Guy Panckhurst (210.1)



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<p><b>SUB-R7A</b></p> <p><b>Activity Status:</b> Restricted Discretionary</p> <p><b>Where:</b></p> <ol style="list-style-type: none"> <li>1. Compliance with standards SUB-S1 - SUB-S18.</li> </ol> <p><b>Note:</b> This rule does not apply when the subdivision is for the purpose of conservation allotments in accordance with SUB-R4.</p> <p><b>Matters of discretion are:</b></p> <ol style="list-style-type: none"> <li>1. Visual impacts;</li> <li>2. Landscape values and topographical features;</li> <li>3. Cultural values;</li> <li>4. <del>Purpose of the relevant zone, precinct, and development area and associated objectives and policies;</del></li> <li>4. Safe, connected, and efficient transport network;</li> <li>5. Infrastructure and stormwater;</li> <li>6. Natural hazards, including liquefaction, land stability, and coastal hazards;</li> <li>7. Protection, maintenance, and/or enhancement of natural features, indigenous <b>flora and fauna trees, and vegetation;</b></li> <li>8. Management of potential reverse sensitivity effects on existing land uses;</li> <li>9. Financial contributions, and</li> <li>10. Subdivision chapter assessment criteria.</li> </ol>	<p><b>SUB-R7B</b></p> <p><b>Activity Status where activity conditions are not met:</b> Discretionary</p>
<p><b>SUB-R8: Subdivision of lifestyle sites within the Productive Rural Zone with amalgamation</b></p>	
<p><b>SUB-R8A</b></p> <p><b>Activity Status:</b> Discretionary</p> <p><b>Where:</b></p> <ol style="list-style-type: none"> <li>1. <del>Subdivision is not on highly productive land;</del></li> <li>1. Compliance with standards SUB-S6 - SUB-S18;</li> <li>2. Allotment size of the lifestyle site is within the range of 2,500 m<sup>2</sup> - 5,000 m<sup>2</sup> and contains an existing dwelling;</li> <li>3. Subdivision results in the amalgamation of the balance area with an adjoining site, so that no additional records of title are created by the subdivision;</li> <li>4. The amalgamated balance of new sites created exceeds 4 ha, and</li> </ol>	<p><b>SUB-R8B</b></p> <p><b>Activity Status where activity conditions are not met:</b> Non-complying</p>

**Commented [CM33]:** Emerald Hills (128.8, 128.9, 128.35, 128.38, 128.39, FS 292.196.77, FS 290.247.10, FS 290.247.16, FS 290.247.17, FS 289.263.9), Napier City Council Policy Team (196.77), Tawanui (247.8, 247.9, 247.10, 247.17), Mana Ahuriri (263.9, 263.10, 263.11, 263.17)

**Commented [CM34]:** Forest and Bird (289.124 and 289.125) DoC (FS 399.289.124 and FS 399.289.125)

**Commented [CM35]:** Dooney Brothers Partnership (169.16) and Angela McFlynn (189.17)

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<p><b>5.</b> A consent notice is registered on the record of title confirming there will be no further subdivision of the lifestyle allotment created.</p>	
<p><b>SUB-R9: Subdivision of land containing site of significance to Māori</b></p>	
<p>The provisions relating to Sites of Significance to Māori have not been included in the Proposed District Plan and will be released at a later date as a variation.</p>	
<p><b>SUB-R10: Subdivision of land within an outstanding natural feature and/or special character features</b></p>	
<p><b>Activity Status:</b> Non-complying</p> <p><b>Note:</b> This rule does not apply when the subdivision is for the purpose of conservation lots in accordance with SUB-R4 or for a boundary adjustment under SUB-R2.</p>	<p>NA</p>
<p><b>SUB-R11: Activities infringing standard SUB-S18: Esplanade reserves</b></p>	
<p><b>Activity Status:</b> Non-complying</p> <p><b>Note:</b> The activity status for the relevant activity and the associated matters of control/discretion (where applicable) apply in addition to this rule.</p>	<p>NA</p>
<p><b>SUB-R12: Subdivision on highly productive land</b></p>	
<p><b>Activity Status:</b> Non-complying</p>	<p>NA</p>
<p><b>SUB-R13: Any subdivision not captured by rules R1-R14</b></p>	
<p><b>Activity Status:</b> Non-complying</p>	<p>NA</p>
<p><b>SUB-R14: Subdivision to create allotments for residential development within a Coastal Hazard Zone</b></p>	
<p>The provisions relating to Natural Hazards have not been included in the Proposed District Plan and will be released at a later date as a variation.</p>	
<p><b>SUB-R15: Subdivision within the Coastal Environment Overlay</b></p>	
<p><b>SUB-R15A</b></p> <p><b>Activity Status:</b> Restricted Discretionary</p> <p><b>Where:</b></p> <ol style="list-style-type: none"> <li>Any part of the subject site is contained within the Coastal Environment Overlay.</li> <li>Compliance with SUB-S1 – SUB-S18 does apply.</li> </ol> <p><b>Matters of discretion:</b></p> <ol style="list-style-type: none"> <li>Coastal values;</li> <li>Natural systems;</li> <li>Safe, connected, and efficient transport network;</li> </ol>	<p><b>SUB-R15B</b></p> <p><b>Activity status where activity conditions are not met: Non-complying</b></p>

Commented [CM36]: Angela McFlynn (189.18)

Commented [CM37]: Forest and Bird (289.120)

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<ul style="list-style-type: none"> <li>4. <u>Infrastructure and stormwater;</u></li> <li>5. <u>Natural hazards and land stability;</u></li> <li>6. <u>Heritage values;</u></li> <li>7. <u>Cultural values;</u></li> <li>8. <u>Landscape and topographical features;</u></li> <li>9. <u>Natural features and indigenous trees and vegetation;</u></li> <li>10. <u>Management of construction effects;</u></li> <li>11. <u>Management of potential reverse sensitivity effects on existing land uses, and</u></li> <li>12. <u>Subdivision chapter assessment criteria.</u></li> </ul>	
<p><b>SUB-R16 - Subdivision of a site containing a historic heritage item included in SCHED3</b></p>	
<p><u>SUB-R16A</u></p> <p><u>Activity Status: Restricted Discretionary</u></p> <p><u>Where:</u></p> <ul style="list-style-type: none"> <li>1. <u>Any part of the subject site is subject to SCHED3</u></li> <li>2. <u>Compliance with SUB-S1 – SUB-S18 does apply.</u></li> </ul> <p><u>Matters of discretion:</u></p> <ul style="list-style-type: none"> <li>1. <u>effect of subdivision on heritage or cultural values</u></li> <li>2. <u>whether sufficient land is provided around the scheduled heritage item</u></li> <li>3. <u>any measures proposed to reduce or mitigate potential effects.</u></li> <li>4. <u>Any positive effects arising from subdivision</u></li> </ul>	<p><u>SUB-R16B</u></p> <p><u>Activity status where activity conditions are not met: Non-complying</u></p>

**Commented [CM38]:** Heritage NZ (273.153 and 273.150)

**SUB - Subdivision - Standards Table**

<p><b>SUB-S1: Minimum allotment sizes <u>net site area</u> - residential</b></p>		
<p>General Residential Zone, Medium Density Residential Zone, High Density Residential Zone, precincts or overlays not otherwise provided for elsewhere.</p>	<p>1. There is no minimum <u>allotment sizes net site area</u> for the following:</p> <ul style="list-style-type: none"> <li>a. any allotment with an existing <u>primary residential unit</u>, if:                             <ul style="list-style-type: none"> <li>i. either the subdivision does not increase the degree of any non-compliance with the District Plan or land use consent has been granted, <u>or</u></li> <li>ii. <u>a land use consent for zone infringements has</u></li> </ul> </li> </ul>	<p><b>Activity Status where standards are not met:</b> Non-complying</p>

**Commented [CM39]:** Guy Panckhurst (210.8)

**Commented [CM40]:** Guy Panckhurst (210.8)

**Commented [CM41]:** NCC Policy Team (196.59)

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	<p><u>been applied for concurrently</u> and</p> <p>iii. no vacant allotments are created.</p> <p>b. any allotment with no existing residential unit, where a subdivision application is accompanied by a land use application that will be determined concurrently, <u>or has previously been granted</u>, if the applicant for the resource consent can demonstrate that:</p> <p>i. it is practicable to construct on every allotment within the proposed subdivision a residential unit that complies with the standards of the relevant zone, or land use consent is concurrently sought for the infringement to the relevant standard(s), and</p> <p>ii. no vacant allotments are created.</p> <p>2. A minimum allotment size <u>net site area</u> of 350 m<sup>2</sup> applies to any subdivision that creates new vacant allotments.</p>	
Large Lot Residential	1,000 m <sup>2</sup> minimum allotment size <u>net site area</u> with a minimum average allotment size of 3,000 m <sup>2</sup> .	<b>Activity Status where standards are not met:</b> Non-complying
Napier Hill/Mataruahou Amenity Precinct, Marewa Post-War Historic	500 m <sup>2</sup>	<b>Activity Status where standards are not met:</b> Discretionary

**Commented [CM42]:** NCC Policy Team (196.21)  
Kāinga Ora (FS 496.196.21)

**Commented [CM43]:** Guy Panckhurst (210.8)

**Commented [CM44]:** Guy Panckhurst (210.8)

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Heritage Overlay, Marewa State Housing Historic Heritage Overlay, Te Awa Bungalow Historic Heritage Overlay, Napier South Historic Heritage Overlay		
Harbour Reserve Historic Heritage Overlay, Tram Shelter Historic Heritage Overlay	150 m <sup>2</sup>	<b>Activity Status where standards are not met:</b> Non-complying
Coronation Street Historic Heritage Overlay	300 m <sup>2</sup>	<b>Activity Status where standards are not met:</b> Non-complying
<b>SUB-S2: Minimum allotment sizes <del>net site area</del> - commercial and industrial</b>		
All commercial zones and industrial zones, precincts, and overlays not otherwise provided for elsewhere	No minimum	<b>Activity Status where standards are not met:</b> NA
Large Format Retail Zone	2,500 m <sup>2</sup>	<b>Activity Status where standards are not met:</b> Discretionary
Pandora Specific Control Area	Front and corner sites: 1,000 m <sup>2</sup> Rear sites: 2,000 m <sup>2</sup>	<b>Activity Status where standards are not met:</b> Non-complying
<b>SUB-S3: Minimum allotment sizes <del>net site area</del> - rural</b>		

Commented [CM45]: Guy Panckhurst (210.8)

Commented [CM46]: Guy Panckhurst (210.8)

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Rural Lifestyle Zone, Mission Rural Residential Precinct	5,000 m <sup>2</sup> minimum allotment sizes <b>net site area</b> with a minimum average allotment size of 1.5 ha. The minimum average allotment size must be calculated using the parent allotment in existence as at 11 November 2000. This parent allotment will be the base for any further proposed subdivision.	<b>Activity Status where standards are not met:</b> Non-complying
Productive Rural Production Zone, Mission Productive Rural Precinct	4 ha	<b>Activity Status where standards are not met:</b> Non-complying
Rural Special Control Area	50 ha	<b>Activity Status where standards are not met:</b> Non-complying
Settlement Zone	800-1000 m <sup>2</sup> fully serviced sites 1500 m <sup>2</sup> unserviced <b>other sites</b>	<b>Activity Status where standards are not met:</b> Non-complying
Open Space Zones	No minimum	<b>Activity Status where standards are not met:</b> NA
Jervoistown Precinct	2,500 m <sup>2</sup>	<b>Activity Status where standards are not met:</b> Prohibited
<b>SUB-S4: Minimum allotment sizes <b>net site area</b> - special purpose zones</b>		
Special purpose zones: Airport, Tertiary Education, Port, Māori Purpose Zone, Boat Harbour	No minimum	<b>Activity Status where standards are not met:</b> N/A
Special purpose zones: Te Whanganui-a-Orotū (Ahuriri Estuary)	100 ha	<b>Activity Status where standards are not met:</b> Non-complying

**Commented [CM47]:** Guy Panckhurst (210.8)

**Commented [CM48]:** The Surveying Company (131.2), Alison Francis (139.2), the Dooney Brothers Partnership (169.10), Guy Panckhurst (210.10) and supported by Emerald Hills (FS 279.131.2 and FS 278.169.10) and Alison Francis (FS 253.131.2 and FS 252.169.10) HBRC (FS 16.131.2)

**Commented [CM49]:** Horticulture New Zealand (257.43)

**Commented [CM50]:** NCC Policy Team (196.14) Jack Brownlie Investments Limited (209.4)

**Commented [CM51]:** Guy Panckhurst (210.8)

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- Stormwater and Ecology		
<b>SUB-S5: Minimum allotment sizes <u>net site area</u> - development areas</b>		
Mission Development Area	No minimum (550 houses required)	<b>Activity Status where standards are not met:</b> NA
Te Awa Development Area, Parklands Development Area, <u>Park Island Wharerangi Road Development Area</u>	No minimum	<b>Activity Status where standards are not met:</b> NA
Jervoistown Development Area	2,500 m <sup>2</sup>	<b>Activity Status where standards are not met:</b> Prohibited
<b>SUB-S6: Number of allotments</b>		
<b>All general residential, commercial and industrial zones, precincts, and control areas</b>	The number of new allotments created must not exceed three allotments.	<b>Matters of discretion:</b> <ol style="list-style-type: none"> <li>1. Street layout;</li> <li>2. Reserve and open space requirements;</li> <li>3. Purpose of the relevant zone, precinct, and development area;</li> <li>4. Adherence to any relevant structure plan;</li> <li>5. Safe, connected, and efficient transport network;</li> <li>6. Infrastructure and stormwater;</li> <li>7. Natural hazards, including liquefaction, land stability, and coastal hazards;</li> <li>8. Heritage values;</li> <li>9. Cultural values;</li> <li>10. Landscape and topographical features;</li> <li>11. Indigenous trees, mature trees and vegetation;</li> <li>12. Management of construction effects;</li> <li>13. Management of potential reverse sensitivity effects on existing land uses;</li> <li>14. Financial contributions;</li> <li>15. Compliance with the Code of Practice for Land Development</li> </ol>

Commented [CM52]: Guy Panckhurst (210.8)

Commented [CM53]: Mana Ahuriri (263.14)

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		and Subdivision Infrastructure, and 16. Consistency with the Subdivision Design Guide.
<b>Rural zones, precincts, and control areas</b>	The number of new allotments created must not exceed six allotments.	<b>Matters of discretion:</b> 1. Street layout; 2. Reserve and open space requirements; 3. Purpose of the relevant zone, precinct, and development area; 4. Adherence to any relevant structure plan; 5. Safe, connected, and efficient transport network; 6. Infrastructure and stormwater; 7. Natural hazards, including liquefaction, land stability, and coastal hazards; 8. Heritage values; 9. Cultural values; 10. Landscape and topographical features; 11. Street layout; 12. Context mapping; 13. Connectivity; 14. Open space requirements; 15. Consistency with the Subdivision Design Guide, and 16. Compliance with the Engineering Code of Practice.
<b>SUB-S7: Development areas</b>		
<b>Te Awa Development Area, Wharerangi Road Development Area, Mission Development Area</b>	1. Subdivisions within development areas must demonstrate compliance with all provisions of the relevant development area.	Refer to the provisions of the relevant Development Area
<b>SUB-S8: Building platform</b>		
<b>All zones</b>	1. Each allotment must contain at least one <del>stable, flood-free building platform</del> <u>suitable building platform that is stable, flood-free building platform</u> ; a. <u>Free from mapped overland flow paths</u>	<b>Matters of discretion:</b> 1. Natural hazards and land stability; 2. Cultural values; 3. Heritage values; 4. Landscape values; 5. Ecological values; 6. Reverse sensitivity;



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	<p>b. <u>Free from inundation to a 1% AEP event.</u></p> <p>c. capable of containing existing and new buildings in compliance with the permitted activity performance standards for the zone where it is located (including building setbacks applicable to that zone), and,</p> <p>d. be suitable for building foundations;</p> <p>2. Details must be provided of the extent and quantum of earthworks required to create a building platform and access.</p> <p>3. The building platform must be located outside and exclusive of any:</p> <ul style="list-style-type: none"> <li>a. Coastal Erosion Hazard Area;</li> <li>b. significant natural area;</li> <li>c. public access corridor;</li> <li>d. archaeological site;</li> <li>e. land required for access or the disposal of stormwater or wastewater, and</li> <li>f. highly productive land <u>and</u></li> <li>g. <u>setback at least 30m from highly productive land on adjacent properties.</u></li> </ul>	<p>7. Earthworks;</p> <p>8. Infrastructure and connectivity, and</p> <p>9. Productive capacity.</p>
<p><b>SUB-S9: Building platforms within the National Grid Subdivision Corridor</b></p>		
<p><b>All zones</b></p>	<p>1. 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 located entirely outside of the National Grid Yard, other than where the allotments</p>	<p><b>Matters of discretion:</b></p> <ul style="list-style-type: none"> <li>1. Ability to comply with relevant zone rules and standards;</li> <li>2. Infrastructure and connectivity, and</li> <li>3. National Grid Subdivision Corridor.</li> </ul>

**Commented [CM54]:** Guy Panckhurst (210.12), HBRC (19.210.12) and Alison Francis (250.210.12)

**Commented [CM55]:** Consequential amendment to The Surveying Company (131.2), Alison Francis (139.2), the Dooney Brothers Partnership (169.10), Guy Panckhurst (210.10) and supported by Emerald Hills (FS 279.131.2 and FS 278.169.10) and Alison Francis (FS 253.131.2 and FS 252.169.10) and in part the relief by HBRC (FS 16.131.2)

**Commented [CM56R55]:** NZFFL (165.27)

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	<p>are for roads, access ways, or network utilities.</p> <p>2. The layout of allotments of any enabling earthworks must ensure that physical access is maintained to any National Grid support structures located on the allotments, including any balance area.</p>	
<b>SUB-S10: Building platforms within proximity of the gas transmission network</b>		
<b>All zones</b>	<p>1. 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 20 m from the gas transmission Pipeline and 30 m from above-ground equipment forming part of the Gas Transmission Network.</p> <p>2. The layout of allotments and any enabling earthworks must ensure that physical access is maintained to the gas transmission network where it is located on the allotments, including any balance area.</p>	<p><b>Matters of discretion:</b></p> <p>1. Ability to comply with relevant zone rules and standards, and</p> <p>2. Infrastructure and connectivity.</p>
<b>SUB-S11: Shape factor</b>		
<b>All zones</b>	<p>1. All vacant sites must be able to contain a rectangle of 8 m by 15 m.</p>	<p><b>Matters of discretion:</b></p> <p>1. Ability to comply with relevant zone rules and standards for permitted activities, and</p> <p>2. Infrastructure and connectivity.</p>
<b>SUB-S12: Transport, access, and connectivity</b>		
<b>All zones</b>	<p>1. All new allotments must have vehicular access to an existing, legal road that complies with the relevant provisions of the Transport chapter for vehicle access and manoeuvrability.</p>	<p><b>Matters of discretion:</b></p> <p>1. The safety of vehicles, pedestrians, and cyclists;</p> <p>2. Connectivity with adjoining land uses and roading networks;</p>

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		<ol style="list-style-type: none"> <li>3. The effects of traffic generation, and</li> <li>4. Active street frontages.</li> <li>5. <u>the extent to which emergency vehicle can enter and exit safely.</u></li> </ol>
<b>SUB-S13: Stormwater treatment and disposal</b>		
<b>All zones</b>	<ol style="list-style-type: none"> <li>1. For allotments capable of containing a building, each allotment must be designed to manage the treatment, containment, and disposal of stormwater from all impervious or potentially impervious surfaces in accordance with the Code of Practice for Land Development and Subdivision Infrastructure.</li> <li>2. The means for treatment, containment, and disposal of stormwater must incorporate low impact design principles in accordance with the Code of Practice for Land Development and Subdivision Infrastructure. This will include the use of swale drains, rain gardens, rain tanks, detention tanks, re-use systems, and other methods to minimise stormwater run-off.</li> <li>3. Where the means of stormwater disposal is to ground, that area of disposal must not be subject to instability, slippage, or inundation or be used for the disposal of wastewater.</li> </ol>	<p><b>Matters of discretion:</b></p> <ol style="list-style-type: none"> <li>1. Infrastructure servicing;</li> <li>2. Public health and safety;</li> <li>3. Compliance with the Code of Practice for Land Development and Subdivision Infrastructure, and</li> <li>4. Environmental benefits (including ecological benefits of the proposed design for stormwater treatment and disposal).</li> </ol>
<b>SUB-S14: Water supply</b>		
<b>All zones</b>	<ol style="list-style-type: none"> <li>1. All new allotments created that require water must be connected to a public reticulated water supply where a supply is available.</li> <li>2. At the time of subdivision, sufficient land for water tobies must be set aside.</li> <li>3. Where a new lot will not be connected to a public reticulated water supply or</li> </ol>	<p><b>Matters of discretion:</b></p> <ol style="list-style-type: none"> <li>1. The adequate and safe supply of water to service sites;</li> <li>2. Infrastructure servicing;</li> <li>3. Public health and safety, and</li> <li>4. Compliance with the Code of Practice for Land Development and Subdivision Infrastructure.</li> </ol>

Commented [CM57]: FENZ (288.53)

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	<p>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 (including firefighting water supply).</p>	<p>5. <u>The capacity of firefighting water supply.</u></p>
<p><b>SUB-S15: Wastewater</b></p>		
<p><b>All zones</b></p>	<ol style="list-style-type: none"> <li>1. All new allotments created must be connected to a public reticulated wastewater disposal system where a supply is available.</li> <li>2. Where the new allotment will not be connected to a public reticulated wastewater system or where an additional level of service is required that exceeds the level of service provided by the reticulated systems, the subdivider must demonstrate how an alternative and satisfactory method of wastewater disposal can be provided for each site.</li> </ol>	<p><b>Matters of discretion:</b></p> <ol style="list-style-type: none"> <li>1. Infrastructure servicing;</li> <li>2. Public health and safety, and</li> <li>3. Compliance with the Code of Practice for Land Development and Subdivision Infrastructure.</li> </ol>
<p><b>SUB-S16: Utility services</b></p>		
<p><b>All zones</b></p>	<ol style="list-style-type: none"> <li>1. <u>Each allotment in an urban environment must connect to an electrical network.</u></li> <li>2. <u>Each allotment in a rural environment must make provisions for an electrical connection.</u></li> <li>3. <u>All allotments must be provided with a telecommunication connection, either hard-wired infrastructure or wireless technology.</u></li> <li>4. Each allotment must be designed and located so that provision is made for <u>existing</u> power lines, gas distribution pipes (where available) and telecommunication lines.</li> <li>5. With the exception of industrial and rural zones, all utility services must be laid underground.</li> <li>6. At the time of subdivision, sufficient land for telecommunications, transformers and any associated ancillary services must be set aside.</li> </ol>	<p><b>Matters of discretion:</b></p> <ol style="list-style-type: none"> <li>1. The ability of the site to be adequately serviced by network utilities, and</li> <li>2. Public health and safety.</li> </ol>

Commented [CM58]: FENZ (288.53)

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	<p><b>7.</b> All necessary easements for the protection of network utility services must be duly granted and reserved</p>	
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**Commented [CM59]:** Telecommunications Companies (151.66 and 184.3), Guy Panckhurst (210.3)

**SUB-S17: Indicative public access route**

<p><b>All Zones</b></p>	<p>1. When land is subdivided containing an indicative public access route, Council will require:</p> <ul style="list-style-type: none"> <li>a. the provision of an easement or vesting of land to secure ongoing public access along the proposed walkway;</li> <li>b. the minimum width of the easement or land vested in a. above must be 10 m;</li> <li>c. the provision of an easement, covenant, or other legally enforceable requirement on the land title restricting buildings from locating within the public access corridor, and</li> <li>d. the provision of a legal mechanism to protect council access to the easement or vested land under a. above to provide for maintenance and development of the indicative public access routes.</li> </ul>	<p><b>Matters of discretion:</b></p> <ul style="list-style-type: none"> <li>1. The extent to which key feature public access corridors are compromised;</li> <li>2. Safety, attractiveness, and connectivity of streets, public access ways, and public open spaces;</li> <li>3. Public health and safety, and</li> <li>4. Ecological, landscape, and cultural values.</li> </ul>
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**SUB-S18: Esplanade reserves**

<p><b>All Zones, (excluding Marine Industrial Zone, Port Zone and Mission Development Area)</b></p> <p><i>Purpose: to ensure public access and environmental</i></p>	<p>1. A 20-metre-wide esplanade must be vested in Council where a subdivision of land creates any allotment(s) (including any balance allotment) of less than 4 ha that adjoins the coastal marine area and waterbodies including;</p> <ul style="list-style-type: none"> <li>a. Te Whanganui-a-Orotū (Ahuriri Estuary);</li> <li>b. Waiohinanga (Esk River);</li> <li>c. Tūtaekurī River;</li> <li>d. Taipo Stream, and</li> </ul>	<p><b>Activity Status where standards are not met:</b> Non-complying</p>
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<p><i>protection along riparian and coastal margins.</i></p>	<p>e. Petane Stream (limited to the esplanade reserve area identified in the Planning Maps).</p> <p>2. The esplanade reserves for Taipo Stream must be 6 m or 20 m as shown on the planning maps and in Appendix 6.</p>	
<p><b>Marine Industrial Zone, Port Zone</b></p> <p><i>Purpose: to consider the safety of the public where uncontrolled public access is undesirable.</i></p>	<p>1. No esplanade reserve requirement.</p>	<p>NA</p>
<p><b>Mission Development Area</b></p> <p><i>Purpose: to consider the safety of the public when restricting access through a working vineyard.</i></p>	<p>1. There is no esplanade reserve requirement for Taipo Stream where it traverses the Mission Special Character Zone, except in the following circumstances:</p> <p>a. a 20 m esplanade reserve must be vested in Council for land comprised in either <del>Lot 1 DP 27138 held in Certificate of Title W3/453 W1/63</del> <b>Lot 1 DP 559656 held in Record of Title 985828</b> and/or Part Lot 2 DP25932 held in Certificate of Title HBW1/63 (as at <del>12 September 2018</del> <b>14 October 2024</b>) that falls within the Productive Rural, Landscape &amp; Visitor, and/or Rural Residential (fronting Church Road) Precincts where sites of less than 4 ha are created wholly or partly within 100 m of Taipo Stream.</p> <p>b. no esplanade reserve will be required for sites created through subdivision within the Residential Precinct and the Rural Residential Precinct, which adjoins the Residential Precinct.</p>	<p><b>Activity Status where standards are not met:</b> Non-complying</p>
<p><b>SUB-S19: Acoustic insulation requirements</b></p>		
<p><b>Port Zone</b></p>	<p>1. When land is subdivided in the Port Zone:</p>	<p>NA</p>

**Commented [CM60]:** Emerald Hills (128.15), Marist Holdings (Greenmedows) Limited (FS 27.128.16)

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	<p>a. A consent notice issued under section 221 of the Act must be entered into specifying that any new noise-sensitive space within any new or altered noise-sensitive activity within the Port Noise Overlay must be designed and/or insulated, or screened by suitable barriers on the property so that the internal noise levels in those rooms do not exceed 40 dB L<sub>dn</sub> (5-day).</p>	
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**Assessment criteria**

In assessing all applications for subdivision, Council will have regard to the following assessment criteria. The assessment criteria are to be considered as matters of control for the assessment of controlled activity subdivisions and matters of discretion for all restricted discretionary activity subdivisions.

The assessment criteria for subdivisions in development areas (and the precincts within development areas) apply in addition to the criteria below unless otherwise stated.

**SUB-AC1: General, applies to all subdivision (including boundary adjustments)**

*Purpose of the relevant zone, precinct, or development area*

- a. Whether compliance with the rules of the zone, precinct and/or development area in which subdivision is taking place is able to be met and whether the subdivision is consistent with all relevant objectives and policies.

*Safe, connected, and efficient transport network*

- a. The extent to which the Transportation chapter standards for vehicle access and manoeuvring are able to be complied with, including TPT-S4 and TPT-S6.
- b. The extent to which the subdivision considers:
  - i. opportunities for direct connections to existing roads, pathways and cycle ways in the surrounding neighborhood;
  - ii. the future development of adjoining land;
  - iii. the safety of vehicles, pedestrians and cyclists;
  - iv. the design and construction of roads in relation to Council's Rooding Hierarchy;
  - v. the requirements of Waka Kotahi with regard to vehicle entrances onto state highways, and
  - vi. whether the subdivision and/or land development provides adequate measures to meet increases in traffic.

**Commented [CM61]:** Emerald Hills (128.8, 128.9, 128.35, 128.38, 128.39, FS 292.196.77, FS 290.247.10, FS 290.247.16, FS 290.247.17, FS 289.263.9), Napier City Council Policy Team (196.77), Tawanui (247.8, 247.9, 247.10, 247.17), Mana Ahuriri (263.9, 263.10, 263.11, 263.17)

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- c. Limiting the use of cul-de-sacs unless constrained by topography, infrastructure, or geotechnical factors. Where cul-de-sacs cannot be avoided, they should, where appropriate, provide pedestrian and cycle links to other streets and/or open spaces to ensure connectivity and accessibility.
- d. Whether connectivity is able to be achieved.

*Stormwater and infrastructure*

- f. The extent to which the subdivision infrastructure has considered low-impact design methods to effectively manage stormwater to prevent flooding, erosion, and discharge of contaminants while positively contributing to amenity, improved biodiversity, and cultural values.
- g. Compliance with the Code of Practice for Land Development and Subdivision Infrastructure.

Whether the sites created by subdivision can be sufficiently serviced by water, stormwater, wastewater, and network utilities (power lines, gas distribution pipes and telecommunication lines.) **Note:** Council will not accept public infrastructure that is located in gated communities.

- h. Whether Council is able to accept the vesting of infrastructure.
- i. When the site is not proposed to be connected to a public water supply:
  - i. the ability for the site to effectively and efficiently meet firefighting requirements, and
  - ii. the ability to show how the site will be serviced by an acceptable alternative water supply.
- j. When the site will not be connected to a public wastewater or stormwater network, sufficient space is available for onsite wastewater and stormwater attenuation and treatment, and disposal systems will not cause environmental effects on or beyond the site.

*Natural hazards*

- k. Whether the land, or any potential structure on that land, will be subject to material damage by erosion, falling debris, subsidence, slippage, or inundation from any source.
- l. Whether there are any methods/measures available to overcome or reduce the risk of any hazard(s), and whether these methods/measures may have any significant adverse effects on the environment.
- m. Whether techniques proposed for the remediation and/or mitigation of liquefaction and/or lateral spread hazards are appropriate, including but not limited to:
  - i. provision for ground-strengthening, foundation design, provision of resilient services, and the ability of these to be incorporated into the subdivision consent as conditions or consent notices;
  - ii. setbacks in relation to any waterbody or whether any ground strengthening geoen지니어ing solutions are identified to address any potential for lateral spread, and
  - iii. the extent to which the layout of the subdivision in relation to the liquefaction and/or lateral spread hazards are appropriate, including the proposed location of earthworks, roads, access, servicing, and building platforms.
- n. In assessing the above matters, the Council will have regard to the following:
  - i. any information held on the Council's Natural Hazard Database and the Hawke's Bay Hazards Map Portal;



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- ii. the objectives, policies, and rules of the Natural Hazards chapter of the District Plan  
*(Note: The provisions relating to Natural Hazards have not been included in the Proposed District Plan and will be released at a later date as a variation. Please refer to the Natural Hazards provisions (including maps) in the Operative District Plan);*
- iii. information by suitably qualified professionals whose investigations are supplied with subdivision consent applications, and
- iv. the provision of any consent notice in terms of Section 221 of the Act for subdivision in hazard areas.

### Heritage values

- o. Whether the proposed subdivision and/or land development has the potential to adversely affect heritage and/or archaeological sites.
- p. The extent to which the site layout will compromise the character of the heritage or amenity precinct as described in the character statements in SCHED4 - Historic Heritage Overlay and Precinct Schedule.

### Cultural values

- q. Whether the design of the development recognises and respects cultural values to reflect the whakapapa, ancestral names, history, and stories of the area.

### Landscape and topographical features

- r. The extent to which the subdivision design works with the natural topography and landscape features of a site.
- s. Whether the impact of the scale and intensity of the subdivision and/or land development is compatible with the landscape and topographical features.
- t. The effects of property access, road reserves, and drainage reserves on the site as they impact on landscape amenity values.
- u. For subdivisions within landscape overlays, the extent to which the subdivision design mitigates potential effects on the landscape values identified in Schedule 2.

### Natural features and indigenous trees and vegetation

- v. The extent to which subdivision design retains any natural features of the sites, including indigenous and mature trees and vegetation.
- w. The extent to which the subdivision design includes native plantings for the purpose of enhancing biodiversity.
- x. Whether the proposed subdivision and/or land development will have any effects on ecosystems, including flora and fauna and their habitats.
- y. For areas of indigenous vegetation, whether an assessment and classification under the National Policy Statement for Indigenous Biodiversity 2023, Appendix 1, is required.

### Management of construction effects

- z. The extent to which construction effects will need to be managed through a construction management plan, having regard to the following:
  - i. traffic movements during construction phase;
  - ii. noise management;
  - iii. hours of operation, and
  - iv. erosion and sediment control measures.

### Management of potential reverse sensitivity effects on existing land uses

- aa. The extent to which the subdivision design considers reverse sensitivity effects on existing or permitted activities, including avoidance of reverse sensitivity effects on **land**

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based primary production activities and highly productive land. Design mitigation techniques may include but are not limited to: planting, setbacks, locating non-sensitive components of land uses in the most affected areas, etc.

bb. Effects to be mitigated may include noise, odour, spray drift, dust, vibration, and traffic.

*Management of cumulative effects*

cc. The extent to which the subdivision avoids potential cumulative loss of the availability or productive capacity of highly productive land.

*Financial contributions and bonds*

dd. The payment of financial contributions to enable the integrated management of infrastructure to service development and to ensure fair and reasonable costs are met by the developer.

ee. Bonds, covenants, or both, to ensure performance or compliance with any conditions imposed.

ff. Works or services to ensure the protection, restoration, or enhancement of any natural or physical resource, including (but not limited to) planting or replanting, earthworks, or any other works or services necessary to ensure the avoidance, remediation, or mitigation of adverse environmental effects.

gg. Administrative charges to be paid to the Council in respect of processing applications, administration, monitoring, and supervision of resource consents, and the carrying out of Council's functions under Section 35 of the Act.

*Recreation, open space, and reserve requirements for residential subdivision*

hh. For subdivisions outside of structure plan areas, the extent to which public open space meets the following:

conserving existing areas of natural or cultural value;

i. integration with green infrastructure and sustainability concepts;

ii. is conveniently located, sized, and situated to strengthen existing green networks;

iii. is well connected to existing walkways and cycleways;

iv. is accessible from public land to ensure a sense of public ownership;

v. are safe, welcoming, and provides for a range of activities and users, and

vi. is able to be gazetted under the Reserves Act 1977.

ii. Whether land for reserves is vested in Council calculated at 75 m<sup>2</sup> per allotment or the equivalent through financial contributions.

jj. For subdivisions that adjoin existing council reserves, whether Council has considered options for adding land to that reserve before taking financial contributions.

kk. For subdivision adjoining public open space, whether open-style permeable fencing is provided in accordance with the rules of the underlying zones.

ll. For subdivision within structure plan areas, the extent to which public open space adheres to the location, size, shape and any additional criteria of the relevant structure plan reserve requirements.

*Subdivision Design Guide*

mm. The extent to which the subdivision design demonstrates consistency with the Napier subdivision design guide

**SUB-AC2: Subdivision of three sites or more in residential, rural, commercial, and industrial zones (Number of allotments created SUB-S6)**

*Purpose of the relevant zone, precinct, or development area*

**Commented [CM62]:** Horticulture New Zealand (257.44)

**Commented [CM63]:** Consequential change of Emerald Hills Joint Venture Limited (128.12, 128.37 and FS 289.263.18), Mana Ahuriri Holdings Limited Partnership (263.15, 263.18) Tawanui Developments Limited (247.14), Kainga Ora (FS 509.247.14), and Angela McFlynn (189.21)

**Commented [CM64]:** Consequential change of Emerald Hills Joint Venture Limited (128.12, 128.37 and FS 289.263.18), Mana Ahuriri Holdings Limited Partnership (263.15, 263.18) Tawanui Developments Limited (247.14), Kainga Ora (FS 509.247.14), and Angela McFlynn (189.21)

**Commented [CM65]:** Emerald Hills Joint Venture Limited (128.12, 128.37 and FS 289.263.18), Mana Ahuriri Holdings Limited Partnership (263.15, 263.18) Tawanui Developments Limited (247.14), Kainga Ora (FS 509.247.14), and Angela McFlynn (189.21)

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- a. ~~The extent to which the design of the subdivision considers the objectives of the relevant zone, precinct or development area as well as the amenity values of the nearby locality/community.~~

### *Street and road layouts*

- 
- b. ~~The extent to which the subdivision layout:~~
  - i. ~~retains the natural topography and landscape features of a site;~~
  - ii. ~~maintains a north to south axis as much as natural features allow;~~
  - iii. ~~achieves connectivity within and between neighbourhoods;~~
  - iv. ~~provides allotments of varying shapes and sizes, and~~
  - v. ~~minimises narrow allotments, rear lots, and/or rights of way.~~

### *Active frontages and landscaping*

- 
- c. ~~The extent to which overall subdivision design and sites are situated to create opportunities for a positive interaction between the pedestrian environment and private property.~~
- d. ~~The extent to which landscaping is provided and its contribution to streetscape enhancement.~~

### *Recreation, open space, and reserve requirements for residential subdivision*

- 
- e. ~~For subdivisions outside of structure plan areas, the extent to which public open space meets the following:~~
  - i. ~~conserving existing areas of natural or cultural value;~~
  - ii. ~~integration with green infrastructure and sustainability concepts;~~
  - iii. ~~is conveniently located, sized, and situated to strengthen existing green networks;~~
  - iv. ~~is well connected to existing walkways and cycleways;~~
  - v. ~~is accessible from public land to ensure a sense of public ownership;~~
  - vi. ~~are safe, welcoming, and provides for a range of activities and users, and~~
  - vii. ~~is able to be gazetted under the Reserves Act 1977.~~
- f. ~~Whether land for reserves is vested in Council calculated at 75 m<sup>2</sup> per allotment or the equivalent through financial contributions.~~
- g. ~~For subdivisions that adjoin existing council reserves, whether Council has considered options for adding land to that reserve before taking financial contributions.~~
- h. ~~For subdivision adjoining public open space, whether open style permeable fencing is provided in accordance with the rules of the underlying zones.~~
- i. ~~For subdivision within structure plan areas, the extent to which public open space adheres to the location, size, shape and any additional criteria of the relevant structure plan reserve requirements.~~

### *Subdivision Design Guide*

- 
- j. ~~The extent to which the subdivision design demonstrates consistency with the Napier subdivision design guide~~

## **SUB-AC3: Subdivision to create conservation lots (SUB-R4),**

### *Public access*

- a. Whether the subdivision has created opportunity for public access where appropriate.

### *Conservation values*

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- b. The extent to which the subdivision provides for the protection and maintenance of the identified values
- c. The outcome of any recommendations made by a relevant expert
- d. The outcome of any consultation undertaken with the Regional Council, iwi, or any other organisation, including any recommendations made by those parties.

**SUB-AC4: Subdivision not meeting building platform standard (SUB-S8)**

*Natural hazards and land stability*

Council will have regard to the following:

- a. Consideration of whether development should be restricted to certain parts of the site.
- b. Where a parcel of land may be subject to inundation, whether there is a need to establish minimum floor heights for buildings in order to mitigate potential damage.

*Cultural and heritage values*

- c. Where the building platform is located within a site of significance to Māori or adjacent to an archaeological site, the extent to which adverse effects on cultural and heritage values identified in the Cultural Values chapter are able to be managed.

*Landscape values*

- d. Where the building platform is located within a landscape overlay, the extent to which the building platform is likely to have an adverse impact on key intrinsic values identified in the relevant landscape overlay (general visibility, interruption of ridgeline, and earthworks, etc.).

*Ecological values*

*Reverse sensitivity*

- i. The potential for reverse sensitivity issues where building platforms are proposed to be located within close proximity to an existing or consented network utility.
- j. **The need for noise insulation for sensitive activities where building platforms are within 300m from an existing and/or consented high noise producing activity.**

**Commented [CM66]:** NZFFL (165.29)

**SUB-AC5: Subdivision not meeting sShape factor (SUB-S11)**

**Commented [CM67]:** Angela McFlynn (189.26)

*Relevant zone rules and standards*

- a. Whether the applicant provides a concept plan demonstrating how sites created are able to accommodate development in accordance with the relevant district wide and zone provisions.

*Infrastructure and connectivity*

- b. The extent to which the site would prevent connectivity with adjoining sites, in particular transport, cycling, pedestrian, and infrastructure servicing.

**SUB-AC6: Subdivision not meeting indicative public access route (SUB-S17)**

**Commented [CM68]:** Angela McFlynn (189.27) and Emerald Hills (285.189.27)

- a. Whether there are alternative practicable options for alignment of the public access route and the measures to protect these.
- b. The extent to which future development will ensure there are no impediments to maintaining ongoing public access along the indicative public access route.

**SUB-AC7: Utility services - high voltage lines**

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- a. Whether the proposed subdivision and/or land development has the potential to adversely affect the efficient use and operation of overhead high-voltage transmission lines and the potential for site development to place human health and safety at risk from such lines.

This will include consideration of the degree to which the subdivision design, including the location of roads and reserves, landscaping, and any earthworks, recognises and provides for existing electricity lines so that reasonable access to, and appropriate separation from, the lines is maintained.

**SUB-AC8: All infringements to standards (SUB-S1 – SUB-S18)**

~~The Council must be satisfied that:~~

- ~~a. Granting consent for non-compliance with any standards is not contrary to the relevant objectives and policies of the Plan.~~
- ~~b. Compliance with the Code of Practice for Land Development and Subdivision Infrastructure and bylaws is able to be achieved.~~

~~The Council will have regard to:~~

- ~~c. Inherent site considerations such as unusual size, shape, topography, substratum, vegetation, or flood susceptibility.~~
- ~~d. Any additional special or unusual characteristic of the site that is relevant to the standards.~~
- ~~e. The purpose of the standard, including whether an infringement will more effectively achieve the purpose having regard to the specific site characteristics.~~
- ~~f. Where more than one standard will be infringed, the cumulative effects of all infringements considered together.~~

**SUB-AC9: National Grid Subdivision Corridor**

- a. The extent to which the subdivision design allows for the ongoing efficient operation, maintenance, upgrading, and development of the National Grid, including the ability for continued reasonable access for inspections, maintenance, and upgrading.
- b. The extent to which the design and construction of the subdivision allows for activities to be set back from the National Grid, **including the ability to provide a complying building platform outside of the National Grid Yard.**
- c. The risk of electrical hazards affecting public or individual safety and the risk of property damage.
- d. The nature and location of any vegetation to be planted in the vicinity of the National Grid and how such landscaping will impact on the operation, maintenance, upgrade, and development (including access) of the National Grid.
- e. The extent to which the subdivision design and consequential development will minimise the potential reverse sensitivity and amenity and nuisance effects of the National Grid asset.
- f. **The extent to which the design and construction of any subdivision allows for earthworks, buildings and structures to comply with the safe separate distance from electrical networks.**

**Commented [CM69]:** Mana Ahuriri (263.19), Tawanui (247.18), Kāinga Ora (FS 509.247.18)

**Commented [CM70]:** Transpower (99.71)

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### Definitions

<u>Urban Environment</u>	<u>means any site contained within the following zones:</u> <ul style="list-style-type: none"><li>- <u>General Residential</u></li><li>- <u>Large Lot Residential</u></li><li>- <u>Medium Density Residential</u></li><li>- <u>High Density Residential</u></li><li>- <u>Mixed Use</u></li><li>- <u>Neighbourhood Commercial</u></li><li>- <u>Local Centre</u></li><li>- <u>Large Format Retail</u></li><li>- <u>Town Centre</u></li><li>- <u>City Centre</u></li><li>- <u>Light Industrial</u></li><li>- <u>General Industrial</u></li><li>- <u>Sport and Active Recreation</u></li><li>- <u>Tertiary Education</u></li><li>- <u>Stadium</u></li><li>- <u>Port</u></li><li>- <u>Māori Purpose</u></li><li>- <u>Marine Industrial</u></li><li>- <u>Boat Harbour</u></li><li>- <u>Airport Zone</u></li><li>- <u>Te Whanganui-a-Orotū (Ahuriri Estuary) Ecology and Stormwater</u></li><li>- <u>Wastewater treatment</u></li><li>- <u>Open Space</u></li></ul>
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**Commented [CM1]:** Telecommunications Companies (151.66 and 184.3) and Guy Panckhurst (210.3)

<u>Rural Environment</u>	<u>means any site contained within the following zones:</u> <ul style="list-style-type: none"><li>- <u>Rural Lifestyle</u></li><li>- <u>Rural Production</u></li><li>- <u>Settlement Zone</u></li><li>- <u>Natural Open Space Zone</u></li></ul>
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**Commented [CM2]:** Telecommunications Companies (151.66 and 184.3) and Guy Panckhurst (210.3)

## Appendix B – Summary of Recommended Responses to Submissions and Further Submissions

Section / Sub-section / Provision	Submitter Name	Submission number / Point Number	Position	Summary of Submission	Relief Summary	Link to Submission (click to open)	Officer's Recommendation
SUB - Subdivision /Issues /SUB-11: Subdivision design should reflect the characteristics and amenity values of the locality in which it is located	Richard Brown	1.1	Amend	Considers there is inconsistency between RLZ-R3A (2500m2) and SUB-S3 (5000m2, with 1.5ha average), and that average lot size should be removed and that Council should maximise the use of existing lots for future developments.	Seeks to clarify inconsistency between net site area in Rule RLZ-R3A and minimum allotment size in Standard SUB-S3 [Inferred relief requested]	Open Submission	Accept In Part
SUB - Subdivision /Policies /SUB-P19: Highly productive land	NZ Agricultural Aviation Association (NZAAA)	73.10	Amend	The submitter considers that SUB-P19: Highly productive land should be amended to better recognise protection for primary production and ancillary activities.	Amend SUB-P19: Highly productive land as follows: Ensure subdivision avoids, if possible, or otherwise mitigates any actual loss or potential cumulative loss of the availability or productive of highly productive land by: ... <u>e. enabling primary production and ancillary activities</u>	Open Submission	Accept
SUB - Subdivision /Policies /SUB-P7: Providing for connectivity	Peter Grant on behalf of Napier Positive Ageing Strategy Advisory Group	78.21	Amend	Enabling connectivity to multiple escape routes is important for residents, particularly older residents who may have less mobility, in the event of an emergency evacuation. Development of subdivisions and land needs to build in evacuation routes where dead-end cul-de-sacs and associated pedestrian/cycle routes /alleyways are not the only option available.	Amend for Development of subdivisions and land to build in evacuation routes where dead- end cul-de-sacs and associated pedestrian/cycle routes /alleyways are not the only option available to residents, especially those with limited mobility, for evacuation	Open Submission	Accept
SUB - Subdivision /Assessment criteria /SUB-AC1: General, applies to all subdivision (including boundary adjustments)	Peter Grant on behalf of Napier Positive Ageing Strategy Advisory Group	78.22	Amend	Enabling connectivity to multiple escape routes is important for residents, particularly older residents who may have less mobility, in the event of an emergency evacuation. Development of subdivisions and land needs to build in evacuation routes where dead-end cul-de-sacs and associated pedestrian/cycle routes /alleyways are not the only option available.	Amend for development of subdivisions and land to build in evacuation routes where dead- end cul-de-sacs and associated pedestrian/cycle routes /alleyways are not the only option available to residents, especially those with limited mobility, for evacuation.	Open Submission	Accept
SUB - Subdivision /Issues /SUB-17: Issues of reverse sensitivity on adjacent land uses	Transpower New Zealand Limited	99.59	Amend	On the basis of Policy NU-P4 and the amendments sought through this submission, Transpower supports the retention of the issue.	Should NU-P4 not be amended as sought in this submission, Transpower seeks amendment to the issue to give effect to the NPSET and reflect the amendments sought to NU-P4.	Open Submission	Noted
SUB - Subdivision /Issues /SUB-17: Issues of reverse sensitivity on adjacent land uses	Kāinga Ora – Homes and Communities	FS 373.99.59	Oppose	Kāinga Ora oppose the alternative relief sought by NU-R13B and the additional standards that will impact alterations and additions that increase building height or footprint in the National Grid Yard and where effects could otherwise be mitigated.	Disallowed.		Noted
SUB - Subdivision /Objectives /	Transpower New Zealand Limited	99.60	Amend	While Transpower supports the intent of the note, amendment is required to provide reference to objectives and policies in the Network Utilities chapter. While the rule for managing subdivision in the National Grid Subdivision Corridor is contained within the Subdivision chapter, the applicable policy framework is contained in the Network Utilities chapter. This cross referencing needs to be made clear for plan users.	Amend the text as follows: Note: The objectives and policies contained in other chapters, including (but not necessarily limited to) zone chapters and district-wide chapters, including the Transport chapter, <u>Network Utilities Chapter (as it relates to subdivision within the National Grid Subdivision Corridor)</u> , Public Access chapter, the Natural Hazards chapter, and the Hazardous Substances and Contaminated Land chapter, are relevant in addition to those below.	Open Submission	Accept

## Appendix B – Summary of Recommended Responses to Submissions and Further Submissions

Section / Sub-section / Provision	Submitter Name	Submission number / Point Number	Position	Summary of Submission	Relief Summary	Link to Submission (click to open)	Officer's Recommendation
SUB - Subdivision /Objectives /SUB-O3: Infrastructure, transport, and connectivity	Transpower New Zealand Limited	99.61	Amend	<p>Considers that the management of reverse sensitivity effects in the context of ensuring that the operation, maintenance, upgrading, and development of the electricity transmission network is not compromised is achieved partly through regulating subdivision. The wording of clause (d) does not currently read clearly and does not include the full suite of activities associated with the National Grid that require protection under Policy 10 of the NPSET. Further, insofar as it relates to the National Grid, clause d does not give effect to Policy 10 because it only requires mitigation rather than avoidance of reverse sensitivity effects.</p> <p>On the basis of Policy NU-P4 and the amendments sought to it through this submission, Transpower supports the retention of SUB-O3 as NU-P4 is the more relevant policy.</p>	<p>Should NU-P4 not be amended as sought in this submission, Transpower seeks amendment to the objective to give effect to the NPSET and reflect the amendments sought to NU-P4 as follows:</p> <p>SUB-O3: Infrastructure, transport, and connectivity</p> <p>a. subdivision has a layout that is:</p> <ul style="list-style-type: none"> <li>i. safe, efficient, convenient, accessible, enhances connectivity and encourages active transport modes, and</li> <li>ii. resilient and integrates with existing communities and provides for the long-term needs of its residents.</li> </ul> <p>b. infrastructure supporting subdivision and development is planned and provided for in an integrated and comprehensive manner at the time of subdivision.</p> <p>c. land is vested at the time of subdivision to provide for high-quality reserves, esplanade reserves, roads, stormwater, access and other purposes for the benefit of the wider community.</p> <p>d. subdivision does not compromise the operation, maintenance, upgrade and development of, <del>protects the operation</del> and access to, established network utilities and regionally significant infrastructure while mitigating reserve sensitivity effects.</p>	Open Submission	Accept
SUB - Subdivision /Policies /SUB-P1: Compatible land use	Kāinga Ora – Homes and Communities	FS 373.99.62	Oppose	In line with comments on NU-P4 submission, Kāinga Ora oppose additions and subsequent changes.	Disallowed.		Noted
SUB - Subdivision / - Rules Table/ SUB-R3: Subdivision of land for the purpose of public works, network utilities, reserves, or access	Transpower New Zealand Limited	99.64	Amend	<p>As sought in the submission, Transpower seeks a stand alone National Grid Subdivision Corridors rule (refer new rule SUB-RXX - made as a general submission point). The reasoning is provided in the submission point. If accepted, this would mean the reference to SUB-S9 can be removed from the rule. Should the relief for a new submission point not be accepted, Transpower seeks amendment to SUB-R3 (and R3A and R3B) to amend the activity for subdivision in the National Grid Subdivisions Corridor to restricted discretionary, defaulting to non complying where the standards are not met.</p>	<p>Seeks a stand alone National Grid Subdivision Corridors rule (refer new rule SUB-RXX - made as a general submission point). If accepted, this would mean the reference to SUB-S9 can be removed from the rule. Should the relief for a new submission point not be accepted, Transpower seeks amendment to SUB-R3 (and R3A and R3B) to amend the activity for subdivision in the National Grid Subdivisions Corridor to restricted discretionary, defaulting to non complying where the standards are not met.</p>	Open Submission	Accept



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SUB - Subdivision - Rules Table	Transpower New Zealand Limited	99.65	Amend	<p>Considers that inappropriate subdivision and use of land within the National Grid Corridor is a potential issue that can be managed through a corridor management approach. The disconnect between the policy framework for subdivision within the National Grid Corridor (NU-P4) sits within the Network Utilities chapter while the rules for subdivision sit within the Subdivision chapter. This disconnection is potentially confusing to plan users and Transpower seeks a specific subdivision rule within the Network Utilities Chapter. Should this not be granted, Transpower seeks amendment to SUB-R9 and all the rules which reference the standard. As proposed the PDP Subdivision Chapter provides for the subdivision provisions relating to the National Grid Subdivision Corridor provided as a standard within SUB-S9, which is then referenced in each of the relevant rules. While Transpower supports a specific standard relating to subdivision within the National Grid Subdivision Corridor, Transpower seeks a stand-alone rule and a specific standard and activity status that appropriately manages subdivision within proximity of the National Grid.</p> <p>Considers that subdivision within the National Grid Subdivision Corridor should be a restricted discretionary activity where the newly created lots comply with the standards SUB-S9. Transpower is opposed to the controlled activity status as the resource consent could not be declined and would not provide the ability for Transpower to be involved in the subdivision design process or ensure the subdivision does not compromise the ability to operate, maintain and upgrade the line, including the provision of access. Where the subdivision application is unable to demonstrate that this can be achieved, a non-complying activity status would apply to the subdivision (as proposed in the notified rules).</p> <p>Seeks a restricted discretionary activity status for subdivision that demonstrates a building platform outside the National Grid Yard, and where vehicle access to support structures is maintained,</p> <p>as this provides an appropriate incentive to design subdivision layouts that avoid building sites within the National Grid Yard. Subdivision is considered the most effective point at which to ensure future reverse sensitivity effects, maintenance access issues, and adverse effects of transmission lines (including amenity issues) on potential activities, are avoided, through designing layouts to properly accommodate transmission corridors.</p> <p>The provision of a restricted discretionary activity status would be consistent with that secured across multiple district plan reviews across New Zealand. A default non-complying activity status is supported on the basis it is considered the most effective means of giving effect to the NPSET objective of managing the adverse effects of the network and managing the adverse effects of other activities on the network. In particular, a non-complying activity status:</p> <p>(a) Most appropriately recognises and provides for the effective operation, maintenance, upgrading and development of the network, as required by NPSET Policy 2;</p> <p>(b) Is the best method to manage other activities to ensure the operation, maintenance, upgrading, and development of the network is not compromised, as required by Policy 10.</p> <p>(c) Recognises the policy directive within Policy 11 to identify an appropriate buffer corridor within which it can be expected that sensitive activities will generally not be provided for.</p> <p>Transpower seeks a specific subdivision rule within the Network Utilities Chapter. Should this not be granted,</p> <p>Transpower seeks amendment to rules which reference the standard SUB-S9, to change the activity from controlled to restricted discretionary. The default non-complying activity is supported.</p>	<p>Seeks a specific subdivision rule within the Network Utilities Chapter as follows, which refers to SUB-S9. Should this not be granted, Transpower seeks amendment to rules which reference the standard SUB-S9, to change the activity from controlled to restricted discretionary:</p> <p><u>SUB-RXX Subdivision within the National Grid Subdivision Corridor</u></p> <p><u>All Zones and Overlays Areas</u></p> <p><u>1. Activity Status: Restricted Discretionary</u></p> <p><u>Where the following condition is met:</u></p> <p><u>a. Compliance with: SUB-S9 National Grid Subdivision Corridor.</u></p> <p><u>Matters of discretion are restricted to:</u></p> <p><u>The matters in SUB-AC9</u></p> <p><u>2. Activity status where compliance with SUB-S9 is not achieved: Non-complying</u></p> <p><u>Notification</u></p> <p><u>An application under this rule is precluded from being publicly notified in accordance with section 95A of the RMA.</u></p> <p><u>When deciding whether any person is affected in relation to this rule for the purposes of section 95E of the RMA, the Council will give specific consideration to any adverse effects on Transpower New Zealand Limited.</u></p>	Open Submission	Accept

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SUB - Subdivision - Rules Table	Kāinga Ora – Homes and Communities	FS 373.99.65	Oppose	While Kainga Ora acknowledge the importance of the National Grid and safeguarding people and property from its operation, Kāinga Ora are concerned with the implications of the new rule suggested by Transpower on residential subdivision. Kainga Ora do not agree with the non-complying activity threshold where subdivision within the National Grid Corridor does not comply with the relevant standards.	Disallowed.		Reject
SUB - Subdivision / - Rules Table/ SUB-R1: Subdivision	Transpower New Zealand Limited	99.66	Amend	Transpower seeks a stand alone National Grid Subdivision Corridors rule. The reasoning is provided in the submission point. If accepted, this would mean the reference to SUB-S9 can be removed from the rule. Should the relief sought in for a new National Grid Subdivision Corridor not be accepted, Transpower seeks amendment to SUB-R1 (and R1A and R1B) to amend the activity status for subdivision in the National Grid Subdivisions Corridor from controlled to restricted discretionary, defaulting to non complying where the standards in SUB-S9 are not met.	Transpower seeks a stand alone National Grid Subdivision Corridors rule. The reasoning is provided in the submission point. If accepted, this would mean the reference to SUB-S9 can be removed from the rule. Should the relief sought in for a new National Grid Subdivision Corridor not be accepted, Transpower seeks amendment to SUB-R1 (and R1A and R1B) to amend the activity status for subdivision in the National Grid Subdivisions Corridor from controlled to restricted discretionary, defaulting to non complying where the standards in SUB-S9 are not met.	Open Submission	Accept
SUB - Subdivision / - Rules Table/ SUB-R1: Subdivision	Kāinga Ora – Homes and Communities	FS 373.99.66	Oppose	While Kainga Ora acknowledges the importance of the National Grid and safeguarding people and property from its operation, Kāinga Ora are concerned with the implications of the new rule suggested by Transpower on residential subdivision. Kainga Ora do not agree with the non-complying activity threshold where subdivision within the National Grid Corridor does not comply with the relevant standards.	Disallowed.		Reject
SUB - Subdivision / - Rules Table/SUB-R5: Cross lease title to freehold subdivision	Transpower New Zealand Limited	99.67	Amend	Transpower seeks a stand alone National Grid Subdivision Corridors rule. The reasoning is provided in the submission point. If accepted, this would mean the reference to SUB-S9 can be removed from the rule. Should the relief sought for a new National Grid Subdivision Corridor not be accepted, Transpower seeks amendment to SUB-R1 (and R1A and R1B) to amend the activity status for subdivision in the National Grid Subdivisions Corridor from controlled to restricted discretionary, defaulting to non complying where the standards in SUB-S9 are not met.	Transpower seeks a stand alone National Grid Subdivision Corridors rule. The reasoning is provided in the submission point. If accepted, this would mean the reference to SUB-S9 can be removed from the rule. Should the relief sought for a new National Grid Subdivision Corridor not be accepted, Transpower seeks amendment to SUB-R1 (and R1A and R1B) to amend the activity status for subdivision in the National Grid Subdivisions Corridor from controlled to restricted discretionary, defaulting to non complying where the standards in SUB-S9 are not met.	Open Submission	Accept
SUB - Subdivision / - Rules Table/SUB-R5: Cross lease title to freehold subdivision	Kāinga Ora – Homes and Communities	FS 373.99.67	Oppose	While Kainga Ora acknowledges the importance of the National Grid and safeguarding people and property from its operation, Kāinga Ora are concerned with the implications of the new rule suggested by Transpower on residential subdivision. Kainga Ora do not agree with the non-complying activity threshold where subdivision within the National Grid Corridor does not comply with the relevant standards. Kainga Ora consider that additional restrictions on the conversion from a cross lease to a freehold subdivision will present additional and unnecessary complexity in the consenting process.	Disallowed.		Reject
SUB - Subdivision / - Rules Table/SUB-R7: Subdivision of land within or containing a special character landscape	Transpower New Zealand Limited	99.68	Amend	Transpower seeks a stand alone National Grid Subdivision Corridors rule. The reasoning is provided in the submission point. If accepted, this would mean the reference to SUB-S9 can be removed from the rule. Should the relief sought for a new National Grid Subdivision Corridor not be accepted, Transpower seeks amendment to SUB-R1 (and R1A and R1B) to amend the activity status for subdivision in the National Grid Subdivisions Corridor from controlled to restricted discretionary, defaulting to non complying where the standards in SUB-S9 are not met.	Transpower seeks a stand alone National Grid Subdivision Corridors rule. The reasoning is provided in the submission point. If accepted, this would mean the reference to SUB-S9 can be removed from the rule. Should the relief sought for a new National Grid Subdivision Corridor not be accepted, Transpower seeks amendment to SUB-R1 (and R1A and R1B) to amend the activity status for subdivision in the National Grid Subdivisions Corridor from controlled to restricted discretionary, defaulting to non complying where the standards in SUB-S9 are not met.	Open Submission	Accept In Part

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SUB - Subdivision / - Rules Table/SUB-R8: Subdivision of lifestyle sites within the Productive Rural Zone with amalgamation	Transpower New Zealand Limited	99.69	Amend	Transpower seeks a stand alone National Grid Subdivision Corridors rule. The reasoning is provided in the submission point. If accepted, this would mean the reference to SUB-S9 can be removed from the rule. Should the relief sought for a new National Grid Subdivision Corridor not be accepted, Transpower seeks amendment to SUB-R1 (and R1A and R1B) to amend the activity status for subdivision in the National Grid Subdivisions Corridor from controlled to restricted discretionary, defaulting to non complying where the standards in SUB-S9 are not met.	Transpower seeks a stand alone National Grid Subdivision Corridors rule. The reasoning is provided in the submission point. If accepted, this would mean the reference to SUB-S9 can be removed from the rule. Should the relief sought for a new National Grid Subdivision Corridor not be accepted, Transpower seeks amendment to SUB-R1 (and R1A and R1B) to amend the activity status for subdivision in the National Grid Subdivisions Corridor from controlled to restricted discretionary, defaulting to non complying where the standards in SUB-S9 are not met.	Open Submission	Accept In Part
SUB - Subdivision / - Standards Table/SUB-S9: Building platforms within the National Grid Subdivision Corridor	Kāinga Ora – Homes and Communities	FS 373.99.70	Oppose	Kāinga Ora considers that the provisions relating to subdivision within the National Grid are best placed in the subdivision chapter rather than the Network Utilities chapter for ease of interpretation and application.	Disallowed.		Accept
SUB - Subdivision /Assessment criteria /SUB-AC9: National Grid Subdivision Corridor	Transpower New Zealand Limited	99.71	Amend	Notwithstanding its other submission points seeking the relocation of all the National Grid subdivision provisions within the NU Chapter, Transpower supports the provision of assessment matters as they clearly articulate the issues associated with subdivision within the National Grid Subdivision Corridor. In order to further inform any assessment associated with a resource consent application, two additional assessment matters are sought.	Retain the matters within SUB-AC9 but amend as follows: SUB-AC9: National Grid Subdivision Corridor a. The extent to which the subdivision design allows for the ongoing efficient operation, maintenance, upgrading, and development of the National Grid, including the ability for continued reasonable access for inspections, maintenance, and upgrading. b. The extent to which the design and construction of the subdivision allows for activities to be set back from the National Grid, <u>including the ability to provide a complying building platform outside of the National Grid Yard.</u> c. The risk of electrical hazards affecting public or individual safety and the risk of property damage. d. The nature and location of any vegetation to be planted in the vicinity of the National Grid and how such landscaping will impact on the operation, maintenance, upgrade, and development (including access) of the National Grid. e. The extent to which the subdivision design and consequential development will minimise the potential reverse sensitivity and amenity and nuisance effects of the National Grid asset. <u>f. The extent to which the design and construction of any subdivision allows for earthworks, buildings and structures to comply with the safe separate distance requirements in the New Zealand Electrical Code of Practice for Electrical Safe Distances 34:2001.</u> g. The outcome of any technical advice provided by Transpower.	Open Submission	Accept in part
SUB - Subdivision /Assessment criteria /SUB-AC7: Utility services - high voltage lines	Transpower New Zealand Limited	99.85	Oppose	Opposes Assessment Criteria SUB-AC7 relating to Utility services - high voltage lines. The PDP does not define or explain what network utility constitutes 'high voltage lines' and the term is not used anywhere else in the PDP. On the basis SUB-AC7 applies to the National Grid, Transpower does not consider the criteria necessary as subdivision within the National Grid Subdivision Corridor is addressed under SUB-AC9. The duplication of the assessment criteria is potentially confusing to plan users and is neither efficient or effective.	Seeks SUB-AC7 to be deleted. On the basis SUB-AC7 applies to the National Grid, Transpower does not consider the criteria necessary as subdivision within the National Grid Subdivision Corridor is addressed under SUB-AC9. The duplication of the assessment criteria is potentially confusing to plan users and is neither efficient or effective.	Open Submission	Accept
SUB - Subdivision /Objectives /SUB-O1: Compatible land use	Kāinga Ora – Homes and Communities	FS 373.99.86	Oppose	In line with comments on NU-P4 submission, Kāinga Ora oppose additions and subsequent changes.	Disallowed.		Reject

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SUB - Subdivision - Standards Table/SUB-S3: Minimum allotment sizes - rural	Cameron Lloyd Kerry Beard Peter Oliver	120.2	Amend	Considers that SUB-S3 (Minimum allotment sizes - rural) minimum allotment size should be reduced from 5000m2 to 1000m2 for Nos. 549, 553, 555, 565, 567 Main North Road, Bay View as these properties are larger than surrounding residential properties that they have been grouped together with such as Rogers Road that does not have Rural character and has average 1000m2 lot sizes; have or can build their own sewage treatment systems; and without needed intensification for housing shortages will result in the inefficient use of land that is too small for agricultural economic purposes.	Amend SUB-S3 (Minimum allotment sizes - rural) as follows: SUB-S3: Minimum allotment sizes - rural <u>Rural Lifestyle Zone 1,000 m2 minimum allotment size.</u> Rural Lifestyle Zone, <del>Mission Rural Residential Precinct</del> 5,000 m2 minimum allotment size with a minimum average allotment size of 1.5 ha. The minimum average allotment size must be calculated using the parent allotment in existence as at 11 November 2000. This parent allotment will be the base for any further proposed subdivision. Or else seeks that areas labelled RLZ in Bay View are included in a new zone under SUB-S3 with a smaller minimum lot size (e.g. Jervoistown Precinct). (Inferred relief requested)	Open Submission	Reject
SUB - Subdivision - Standards Table/SUB-S3: Minimum allotment sizes - rural	Horticulture New Zealand	FS 45.120.2	Oppose	Allowing smaller minimum lot sizes in Rural areas will result in intensification at the rural/urban boundary resulting in more reverse sensitivity issues.	Disallowed.  Retain as notified		Accept in Part
SUB - Subdivision - Standards Table/SUB-S3: Minimum allotment sizes - rural	Emerald Hills Joint Venture Limited	FS 287.120.2	Support	Support while also applying a 1,000m2 minimum lot size control to the Mission Rural Residential Precinct consistent with the EHJV submission.	Allowed.  The Mission Rural Residential Precinct provide for future development opportunities close to the city.		Reject
SUB - Subdivision - Standards Table/SUB-S3: Minimum allotment sizes - rural	Robyn Sinden	124.2	Amend	Considers that 100 Churchill Drive which is zoned as RLZ (Rural Lifestyle Zone), TEZ (Tertiary Education Zone) and Special Character Landscapes - Taradale Hills (SCL:01) Natural Environmental Values Overlay in the PDP is an inefficient use of the land given its 1.5 ha minimum average lot size Standard (SUB-S3: minimum allotment sizes - rural) and proximity to the urban environment. Rezoning instead with a lesser subdivision site size would avoid urban sprawl in accordance with HPUDS and NPS-UD. (The reasons are stated in detail in the full submission)	Amend SUB-S3: Minimum allotment sizes - rural as follows: Rural Lifestyle Zone, Mission Rural Residential Precinct ( <u>not connecting to reticulated water and wastewater</u> ) 5,000 m2 minimum allotment size with a minimum average allotment size of 1.5 ha. The minimum average allotment size must be calculated using the parent allotment in existence as at 11 November 2000. This parent allotment will be the base for any further proposed subdivision. Activity Status where standards are not met: Non-complying <u>Rural Lifestyle Zone (connecting to reticulated water and wastewater) 3,000 m2 minimum allotment size.</u> Activity Status where standards are not met: Non-complying	Open Submission	Reject
SUB - Subdivision - Standards Table/SUB-S3: Minimum allotment sizes - rural	Richard Brown	FS 1.124.2	Amend	I wish to support this submission and indeed any other where the proposed average lot size of 1.5 hectares, effectively does not allow anyone with a property of under 3 hectares to subdivide. I have no issue with plot sizes of either .5 or .3 of a hectare, as this would still allow significant sized parcels of land to be used for residential purposes and also retain the characteristics of the land.	Allowed.		Reject
SUB - Subdivision - Standards Table/SUB-S3: Minimum allotment sizes - rural	Alison Francis	FS 254.124.2	Support	Bay Planning supports the submission by R. Sinden, as it appears that the properties referred to in the subdivision are unique given their connection to the Council's reticulated sewer and water networks. We consider it could be appropriate to reduce the minimum lot size to 3,000m <sup>2</sup> for these sites (identified as being in the vicinity of Churchill Drive, Tironui Drive and Cato Road) as it will provide for rural residential development in close proximity to the urban area, out of the natural hazards that are found on the flat.	Allow in part.  We support the proposal to amend SUB-S3, however, it should be stated in this amendment exactly which properties this provision relates to, ie, this is not a blanket change to SUB-S3 across the entire Rural Residential Zone.		Accept In Part
SUB - Subdivision - Standards Table/SUB-S3: Minimum allotment sizes - rural	Emerald Hills Joint Venture Limited	FS 286.124.2	Support	Support while also applying a 1,000m2 minimum lot size control to the Mission Rural Residential Precinct consistent with the EHJV submission.	Allowed.  The Mission Rural Residential Precinct provide for future development opportunities close to the city.		Reject

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SUB - Subdivision - Rules Table /	Emerald Hills Joint Venture Limited	128.7	Amend	Considers it is not clear from either the "How the plan works" section or the Subdivision activity table that precinct specific subdivision provisions override the district-wide provisions in the subdivision chapter.	Seeks to clarify that rules pertaining to subdivision in the Precinct Rule Tables apply over rules applying to subdivision in the SUB Rules Table.	Open Submission	Accept in part
SUB - Subdivision/Rules Table/SUB-R1: Subdivision	Emerald Hills Joint Venture Limited	128.8	Amend	The purpose and objectives and policies of a zone, precinct, and development area are not matters that should be re-traversed in the assessment of a Controlled Activity. This is too broad to be a matter of control.	Remove (1) from the matters of control.	Open Submission	Accept
SUB - Subdivision - Rules Table/SUB-R1: Subdivision	Emerald Hills Joint Venture Limited	128.9	Amend	Matters of control for which conditions of consent may be imposed should be more specific so as to not become a de facto discretionary activity. The current list of matters of control introduce unnecessary complexity and uncertainty to subdivision as a controlled activity, increasing costs of regulation.	Amend the matters of control to be more specific.	Open Submission	Accept
SUB - Subdivision - Standards Table/ SUB-S3: Minimum allotment sizes - rural	Emerald Hills Joint Venture Limited	128.11	Oppose	The Mission Rural Residential Precinct presents opportunity for a greater intensity of development. This will provide for additional housing choice in the city by enabling sites that still retain an open character but have less maintenance requirements. In addition to a smaller minimum lot size, assessment criteria can be relied on to ensure servicing is achieved for all sites to be created.	Amend the minimum lot size for the Mission Rural Residential Precinct to 1,000m2 with no average control. Subsequent changes may be required to Assessment Criteria.	Open Submission	Reject
SUB - Subdivision - Standards Table/ SUB-S3: Minimum allotment sizes - rural	Hawke's Bay Regional Council	FS 15.128.11	Oppose	Mission Rural Residential Precinct and Rural Lifestyle zoning minimum allotment size standards should be sufficient to enable on-site wastewater treatment where it is not possible to connect to a reticulated wastewater system. Regional Rule 37 (Permitted activity for new sewage system) of the Hawke's Bay Regional Resource Management Plan sets permitted activity performance standards. When applied on the ground, much larger sites than the minimum site size specified (of 2500m2) are often needed. For example, sites that are sloping, poorly drained or near waterways or wetlands add complexity to meeting the other standards specified.	Disallowed.		Accept
SUB - Subdivision - Standards Table/ SUB-S3: Minimum allotment sizes - rural	Marist Holdings (Greenmeadows) Ltd	FS 27.128.11	Amend	A lower minimum lot size will provide for greater flexibility in development, however 1,000m2 is too small for a Rural Residential Precinct.	Allow in part.  Accept submission point 128.11 in part, with a larger minimum lot size of say 5,000m2 with no average site size requirement.		Accept
SUB - Subdivision - Standards Table/ SUB-S6: Number of allotments	Emerald Hills Joint Venture Limited	128.12	Oppose	Outcome sought is unclear. Regardless of the number of new allotments, the relevant assessment criteria apply. This introduces an additional layer of complexity for subdivision applications that does not appear to be justified.	Clarify the purpose of the Standard / does it apply to the Mission Precincts and/or delete standard.	Open Submission	Accept in part
SUB - Subdivision - Standards Table/SUB-S7: Development areas	Emerald Hills Joint Venture Limited	128.13	Oppose	There are no provisions in DEV3, while subdivision within the Development Area is regulated by PREC2 and PREC7 in any case. This is unnecessary duplication.	Delete standard.	Open Submission	Reject
SUB - Subdivision - Standards Table/SUB-S13: Stormwater treatment and disposal	Emerald Hills Joint Venture Limited	128.14	Oppose	A low impact stormwater solution has already been developed for the Mission Development Area.	Exclude the Mission Development Area from the Standard as in SUB-S18.	Open Submission	Reject
SUB - Subdivision - Standards Table/SUB-S17: Indicative public access route	Emerald Hills Joint Venture Limited	128.15	Oppose	Pathways are already provided for within the existing planning framework pertaining to the Mission Development Area.	Exclude the Mission Development Area from the Standard as in SUB-S17.	Open Submission	Reject

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SUB - Subdivision - Standards Table/SUB-S18: Esplanade reserves	Emerald Hills Joint Venture Limited	128.16	Amend	Unclear as to the implications of the Mission Development Area esplanade reserve requirements on the properties concerned.	Update according to new lot and zone/precinct references.	Open Submission	Accept
SUB - Subdivision - Standards Table/SUB-S18: Esplanade reserves	Marist Holdings (Greenmeadows) Ltd	FS 27.128.16	Support	Updating is required due to a subdivision altering the applicable legal descriptions, with the Mission Estate now being Lot 1 DP 559656. Mary Knoll remains Pt Lot 2 DP 25932.	Allowed.  Accept submission point 128.16 by updating the legal descriptions as requested.		Accept
SUB - Subdivision /Assessment criteria /	Emerald Hills Joint Venture Limited	128.34	Oppose	The planning framework for the Mission Development Area was developed through a specific Plan Change process which produced a specific assessment criteria to guide development. It is not necessary to introduce additional matters.	Exclude consideration of the subdivision within the Mission development Area from SUB assessment criteria.	Open Submission	Reject
SUB - Subdivision /Assessment criteria /	Marist Holdings (Greenmeadows) Ltd	FS 27.128.34	Support	The assessment criteria in the Mission Development Area Chapter is more specific and therefore more appropriate than the general assessment criteria in the Subdivision Chapter.	Allowed.  Accept submission point 128.34.		Reject
SUB - Subdivision /Assessment criteria /SUB-AC1: General, applies to all subdivision (including boundary adjustments)	Emerald Hills Joint Venture Limited	128.35	Oppose	Oppose SUB-AC1(a) - Compliance or otherwise with rules is the reason for an activity needing to be assessed against an assessment criteria and should not be re traversed. Similarly, whether a subdivision is consistent with all objectives and policies is a section 104(1)(a) matter and does not need to be re-traversed in an assessment criteria. Further, 'consistent with' is not the test in any case.	Delete (a).	Open Submission	Accept
SUB - Subdivision /Assessment criteria /SUB-AC2: Subdivision of three sites or more in residential, rural, commercial, and industrial zones (Number of allotments created SUB-S6)	Emerald Hills Joint Venture Limited	128.36	Oppose	SUB-AC2(d) - Cul-de-sac options are enjoyed by the community and should not be limited to the circumstances stated.	Amend to allow flexibility based onsite specific characteristics, and not be so prohibitive.	Open Submission	Reject
SUB - Subdivision /Assessment criteria /SUB-AC2: Subdivision of three sites or more in residential, rural, commercial, and industrial zones (Number of allotments created SUB-S6)	Emerald Hills Joint Venture Limited	128.37	Oppose	Oppose SUB-AC2(h) - There is insufficient guidance to the community as to how this assessment criteria would be implemented.	Clarify the circumstances where vesting of infrastructure would not be accepted.	Open Submission	Accept in part
SUB - Subdivision /Assessment criteria /SUB-AC2: Subdivision of three sites or more in residential, rural, commercial, and industrial zones (Number of allotments created SUB-S6)	Emerald Hills Joint Venture Limited	128.38	Oppose	Oppose SUB-AC2(n)(ii) - Objectives and Policies should not be included as part of an assessment criteria. Further, none are proposed for consideration as part of this process.	Delete or amend to be more specific as to the matters to be considered.	Open Submission	Accept
SUB - Subdivision /Assessment criteria /SUB-AC2: Subdivision of three sites or more in residential, rural, commercial, and industrial zones (Number of allotments created SUB-S6)	Emerald Hills Joint Venture Limited	128.39	Oppose	Oppose SUB-AC2(a) - Objectives and Policies should not be included as part of an assessment criteria. Further, none are proposed for consideration as part of this process.	Delete (a).	Open Submission	Accept

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SUB - Subdivision - Standards Table/SUB-S1: Minimum allotment sizes - residential	The Surveying Company H.B. Ltd	131.1	Amend	Considers the SUB-S1: Minimum allotment sizes - residential LLRZ (Large Lot Residential Zone) Standard of a minimum average allotment size of 3,000m <sup>2</sup> are inappropriate and should be replaced with a minimum lot size in a residential area.	Amend SUB-S1: Minimum allotment sizes - residential as follows: Large Lot Residential 1,000 m <sup>2</sup> minimum <u>net</u> allotment size <del>with a minimum average allotment size of 3,000 m<sup>2</sup>.</del> Activity Status where standards are not met: Non-complying	Open Submission	Reject
SUB - Subdivision - Standards Table/SUB-S1: Minimum allotment sizes - residential	Darryl Wayne Hook	FS 8.131.1	Support	<p>THAT PART OF SUBMISSION 131 I SUPPORT.</p> <p>I support the relief sought relating to the removal of reference to the calculation of the average allotment size of the parent lot as at 11 November 2000 in the Rural Lifestyle zones.</p> <p>Additionally the indication that the regulation of either a 2500 sqm or 5000 sqm minimum lot size for subdivisional purposes will simplify the overall requirement.</p> <p>I seek that part of the submission be allowed.</p> <p>That part of the very extensive submission relating specifically to the removal of the requirement relating to the calculation of the average allotment size of the parent lot as at 11 November 2000 be permitted and simple area based minimum subdivision requirement of either 2400 sqm or 5000 sqm be implemented.</p>	<p>Allowed.</p> <p>REASONS FOR MY SUPPORT OF THE RELIEF REQUEST:</p> <p>A simple blanket minimum lot size (either 2500 sqm or 5000 sqm) relating to those parts of the residential rural lifestyle zone that include the less productive hill country areas to the West of the city would simplify the requirement for subdivision approval and would serve to comply with the Government's desire to support infill development of the large amount of rural lifestyle land currently showing very little economic activity.</p> <p>I understand the pressure this could place on rural infrastructure and roading and to that end would suggest a minimum average lot size of 0.5ha as at the date of the subdivision. In reality most rural residential dwellers are just looking for a component of privacy and do not require any more than 0.5ha to achieve this requirement.</p>		Accept
SUB - Subdivision - Standards Table/SUB-S1: Minimum allotment sizes - residential	Napier City Council (Urban Design Team Leader)	FS 547.131.1	Oppose	<p>Oppose all submission, support the PDP as drafted. These mechanisms are in place to ensure all proposed development outside of the minimum can be properly assessed to achieve quality outcomes.</p> <p>The objective of this further submission is to ensure that the design outcomes of Napier align with our city's intended character over the next ten years, and to facilitate a cohesive transition towards medium density development in suitable locations. The further submission aims to reinforce high quality design standards, fostering an attractive urban landscape both within sites and across neighbourhoods.</p> <p>It is noted that the extent of proposed medium density development is ambitious, and as such it is advocated that caution be exercised when considering medium density development. It is recommended that this be undertaken in areas close to the city centre (i.e. built form reflects and supports the increase in height, scale and density.)</p>	Disallowed.		Accept
SUB - Subdivision - Standards Table/SUB-S3: Minimum allotment sizes - rural	The Surveying Company H.B. Ltd	131.2	Amend	Considers reference to the parent lot in existence as at 11 November 2000 in the RLZ (Rural Lifestyle Zone) of the SUB-S3: Minimum allotment sizes - rural Standard as irrelevant and results in a non-complying activity through what appears to be a provision that has been simply rolled over from the Operative Plan.	<p>Amend SUB-S3: Minimum allotment sizes - rural as follows:</p> <p><u>Rural Lifestyle Zone</u> 5,000 m<sup>2</sup> minimum <u>net</u> allotment size.</p> <p><u>Activity Status where standards are not met: Non-complying</u></p> <p><u>Rural Lifestyle Zone, Mission Rural Residential Precinct</u> 5,000 m<sup>2</sup> minimum allotment size with a minimum average allotment size of 1.5 ha. The minimum average allotment size must be calculated using the parent allotment in existence as at 11 November 2000. This parent allotment will be the base for any further proposed subdivision.</p> <p>Activity Status where standards are not met: Non-complying</p>	Open Submission	Accept

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SUB - Subdivision - Standards Table/SUB-S3: Minimum allotment sizes - rural	Hawke's Bay Regional Council	FS 16.131.2	Oppose	Mission Rural Residential Precinct and Rural Lifestyle zoning minimum allotment size standards should be sufficient to enable on-site wastewater treatment where it is not possible to connect to a reticulated wastewater system. Regional Rule 37 (Permitted activity for new sewage system) of the Hawke's Bay Regional Resource Management Plan sets permitted activity performance standards. When applied on the ground, much larger sites than the minimum site size specified (of 2500m <sup>2</sup> ) are often needed. For example, sites that are sloping, poorly drained or near waterways or wetlands add complexity to meeting the other standards specified.	Disallowed.		Accept in part
SUB - Subdivision - Standards Table/SUB-S3: Minimum allotment sizes - rural	Alison Francis	FS 253.131.2	Amend	<p>Bay Planning supports in part submission point 131.2 by The Surveying Company. In our submission (139.2) we state that the requirement to go back to an arbitrary date of 11 November 2000 to base the parent lot yield does not make any sense, and many of the possible subdivision opportunities on these lots in this zone will have been used up already, preventing further, appropriate, rural residential growth. We agree with The Surveying Company that this requirement to go back in time more than 20 years ago be removed.</p> <p>Further, we note:</p> <p><i>Further, the requirement to maintain a 1.5ha balance lot is unsubstantiated. Councils have gradually reduced the size of what an appropriate "lifestyle lot" is (for example, Hastings District Council reduced their minimum lifestyle lot size from 6ha to 2500m<sup>2</sup> in their most recent District Plan review). We contend that 1.5ha is too big to be used effectively as a lifestyle lot, and far too small to be used for a productive lot. We understand the desire to retain a rural aspect to these communities, but would welcome further discussion on the appropriateness of keeping the minimum average allotment at 1.5ha and consider that 8,000m<sup>2</sup> - 1ha might be more appropriate.</i></p>	<p>Allow in part.</p> <p>Bay Planning supports in part the submission by The Surveying Company to remove the requirement to go back to 11 November 2001, however, we do consider that a balance lot is still appropriate to maintain the rural/residential balance. Therefore, we suggest amending SUB-S3 to read:</p> <p><i>Rural Lifestyle Zone, Mission Rural Residential Precinct</i></p> <p><i>"5,000m<sup>2</sup> minimum allotment size with a minimum average allotment size of 1.5ha"</i></p>		Accept in part
SUB - Subdivision - Standards Table/SUB-S3: Minimum allotment sizes - rural	Emerald Hills Joint Venture Limited	FS 279.131.2	Support	Support while also applying a 1,000m <sup>2</sup> minimum lot size control to the Mission Rural Residential Precinct consistent with the EHJV submission.	<p>Allowed.</p> <p>The Mission Rural Residential Precinct provides for future development opportunities close to the city.</p>		Reject
SUB - Subdivision - Rules Table/SUB-R12: Subdivision on highly productive land	The Surveying Company H.B. Ltd	131.3	Amend	Seeks SUB-R12 and such further other amendments under the NPS-HPL as considered appropriate and necessary to address their concerns to enable Council to receive and consider alternative assessments of land use capability ("LUC") by relevant experts where particular soils may have been incorrectly mapped in type and extent as LUC 1-3 - Highly Productive Land but are in fact not, so as to ensure the efficient use of land.	Amend SUB-R12 to enable the applicant to put forward an expert assessment as to whether the land qualifies as "highly productive land" (Inferred)	Open Submission	Reject
SUB - Subdivision - Rules Table/SUB-R12: Subdivision on highly productive land	Hawke's Bay Regional Council	FS 16.131.3	Oppose	Recent caselaw, Blue Grass Ltd and others v Dunedin City Council NZEnvC83 (2024), indicates that it is appropriate to use the HPL mapping tool for plan-making, but at the consent level, the assessment may include site-specific analysis for highly productive land.	Disallowed.		Noted



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SUB - Subdivision - Rules Table/SUB-R4: Subdivision to create conservation lots for the protection of scheduled heritage items, archaeological sites, and/or sites of significance to Māori	The Surveying Company H.B. Ltd	131.4	Amend	The submitter considers that they fully support the purpose of SUB-R4: Subdivision to create conservation lots for the protection of scheduled heritage items, archaeological sites, and / or sites of significance to Māori. However, by way of contrast there is no equivalent Rule in the PDP that provides for the creation of a Conservation Lot in conjunction with the protection of an area of significant indigenous and / or significant habitats of indigenous flora or fauna. The submitter postulates that this may be because the assessment of indigenous areas and habitats of indigenous flora and fauna has been delayed as one of 3 future variations of the PDP review process given the NPSIB came into effect on 4 August 2023 and there has been insufficient time to carry out the additional work in the PDP to comply with its provisions. This is as much as stated in SUB-R6: Subdivision on land within or containing a significant natural area.	Amend SUB-R6 such that indigenous biodiversity is dealt with in its own Rule in order to give effect to the NPSIB and create Conservation Lot incentives.	Open Submission	Reject
SUB - Subdivision - Standards Table/SUB-S2: Minimum allotment sizes - commercial and industrial	The Surveying Company H.B. Ltd	131.5	Amend	Considers the rationale behind SUB-S2: Minimum allotment sizes - commercial and industrial Standard of 2500m2 for the Large Format Retail Zone ("LFRZ") in the PDP versus 1000m2 in the Operative Plan is not clearly understood and is unduly restrictive.	Amend SUB-S2: Minimum allotment sizes - commercial and industrial LFRZ with transitional provisions (e.g. referencing the allotment being in existence as at XX [Month] [Year]) to avoid the activity defaulting to Discretionary Activity status given the significant size change from that existing. (Inferred relief requested)	Open Submission	Reject
SUB - Subdivision - Standards Table/SUB-S2: Minimum allotment sizes - commercial and industrial	Napier City Council (Urban Design Team Leader)	FS 547.131.5	Oppose	Oppose all submissions, support the PDP as drafted. These mechanisms are in place to ensure all proposed development outside of the minimum can be properly assessed to achieve quality outcomes.  The objective of this further submission is to ensure that the design outcomes of Napier align with our city's intended character over the next ten years, and to facilitate a cohesive transition towards medium density development in suitable locations. The further submission aims to reinforce high quality design standards, fostering an attractive urban landscape both within sites and across neighbourhoods.  It is noted that the extent of proposed medium density development is ambitious, and as such it is advocated that caution be exercised when considering medium density development. It is recommended that this be undertaken in areas close to the city centre (i.e. built form reflects and supports the increase in height, scale and density.)	Disallowed.		Accept
SUB - Subdivision /Policies /SUB-P19: Highly productive land	Helicopters Hawke's Bay	134.10	Amend	The submitter considers that SUB-P19: Highly productive land should be amended to better recognise protection for primary production and ancillary activities.	Amend SUB-P19: Highly productive land to add as follows: Ensure subdivision avoids, if possible, or otherwise mitigates any actual loss or potential cumulative loss of the availability or productive of highly productive land by: e. <u>enabling primary production and ancillary activities.</u>	Open Submission	Accept
SUB - Subdivision / /	Jeff Reid	136.1	Oppose	<b>**recommended for rezoning**</b> Opposes the zoning of Large Lot Residential Zone ("LLRZ") for Kent Terrace, Lakeview Terrace, Ridgeway Terrace. The area should be zoned General Residential Zone ("GRZ") instead. (Refer to original submission for full reasons).	Rezoned Kent Terrace, Lakeview Terrace, Ridgeway Terrace from LLRZ to GRZ.	Open Submission	Move to rezoning requests
SUB - Subdivision - Standards Table/SUB-S1: Minimum allotment sizes - residential	Jeff Reid	136.2	Oppose	Considers that if the LLRZ is still considered appropriate then the SUB - Subdivision Standards Table LLRZ average lot size 3000m2 requirement should be removed and the minimum lot size of 1000m2 should remain to achieve larger than average residential lot sizes in accordance with the majority of sites fronting Kent Terrace in this zone. (Refer to original submission for full reasons)	Seeks that SUB-S1: Minimum allotment sizes - residential section is amended as follows: Large Lot Residential 1,000 m2 minimum allotment size <del>with a minimum average allotment size of 3,000 m2.</del> <b>Activity Status where standards are not met:</b> Non-complying	Open Submission	Reject

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SUB - Subdivision - Standards Table/SUB-S1: Minimum allotment sizes - residential	Napier City Council (Urban Design Team Leader)	FS 548.136.2	Oppose	<p>Oppose all submissions, support the PDP as drafted. These mechanisms are in place to ensure all proposed development outside of the minimum can be properly assessed to achieve quality outcomes.</p> <p>The objective of this further submission is to ensure that the design outcomes of Napier align with our city's intended character over the next ten years, and to facilitate a cohesive transition towards medium density development in suitable locations. The further submission aims to reinforce high quality design standards, fostering an attractive urban landscape both within sites and across neighbourhoods.</p> <p>It is noted that the extent of proposed medium density development is ambitious, and as such it is advocated that caution be exercised when considering medium density development. It is recommended that this be undertaken in areas close to the city centre (i.e. built form reflects and supports the increase in height, scale and density.)</p>	Disallowed.		Accept
SUB - Subdivision - Standards Table/SUB-S3: Minimum allotment sizes - rural	Alison Francis	139.2	Amend	<p>Considers references to the parent lot in existence as at 11 November 2000 and to the minimum average allotment size of 1.5 ha in the RLZ (Rural Lifestyle Zone) of the SUB-S3: Minimum allotment sizes - rural Standard as irrelevant given the areas are already heavily developed and it is unlikely that they will be able to meet the parent lot in existence date. Limiting the amount of subdivision potential in these zones will not help to meet longer term growth. They also consider that 1.5ha is too big to be used effectively as a lifestyle lot and too small to be used for a productive lot.</p>	Amend the subdivision provisions for the Rural Lifestyle Zone to 5,000m <sup>2</sup> minimum allotment size.	Open Submission	Accept
SUB - Subdivision - Standards Table/SUB-S1: Minimum allotment sizes - residential	TW Property	142.49	Amend	<p>Supports the removal of minimum lot sizes for subdivision of an approved (or concurrent) resource consent for multiple residential units. Minimum lot sizes should apply to vacant lot subdivisions only. Subdivision of approved or concurrent land use consents should not require revisiting internal non-compliances with development standards, providing that subdivision boundaries are consistent with nominal boundaries that we request be shown on the land use consent plans. Assessing technical infringements where there is no material impact on the approved design or effects on the environment (including onsite and neighbouring property amenity), adds cost and time to subdivision consenting processes without adding any value in terms of outcomes.</p> <p>Opposes a non-complying activity status for residential subdivisions which do not comply with minimum allotment sizes. Considers that the notified rule framework seems overly restrictive for enabling smaller houses on smaller lots of 250m<sup>2</sup> – 350m<sup>2</sup> which are not considered to be inconsistent with the residential environment. Notes that assessing activities as a non-complying activity increases reporting costs and risk for developers.</p>	Retain provisions enabling no minimum lot size where subdivision gives effect to an approved or concurrent land use consent for multiple residential units. Amend the activity status for residential subdivisions which do not comply with minimum lot size to be a Discretionary Activity	Open Submission	Reject
SUB - Subdivision - Standards Table/SUB-S1: Minimum allotment sizes - residential	Kāinga Ora – Homes and Communities	FS 397.142.49	Support	<p>Kāinga Ora opposes the current non-complying activity status for subdivisions where the standards are not met for the minimum allotment sizes in the residential environments. Kāinga Ora considers that a restricted discretionary status would be more appropriate to enable such outcomes to be considered on a case-by-case basis.</p>	Allowed.		Reject
SUB - Subdivision - Standards Table/SUB-S13: Stormwater treatment and disposal	TW Property	142.50	Amend	<p>Considers that the 'treatment' of stormwater could mean multiple things and is open to interpretation. Also considers that this standard is not consistent with the new stormwater rules within the SW chapter and does not support this standard as it has been notified.</p>	Amend Rule to provide greater clarity around what it is trying to achieve and to obtain consistency of stormwater requirements throughout the Plan.	Open Submission	Reject

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SUB - Subdivision - Standards Table/ SUB-S13: Stormwater treatment and disposal	Kāinga Ora – Homes and Communities	FS 397.142.50	Support	Kāinga Ora supports the relief sought around clarifying the expectations for stormwater treatment to ensure it is consistent with other stormwater requirements in the Plan.	Allowed.		Reject
SUB - Subdivision /Objectives /SUB-O5: Natural hazards	Sera Chambers	150.112	Amend	considers that this information appears to support future greenfield development in the hills of Napier rather than intensification in low-lying areas of Napier, including Onekawa and Pirimai. It would be prudent of NCC to make any decisions on the medium-density residential zone without taking this current information into account.	seeks to amend to ensure that decisions on the medium-density residential zone do not take this current information into account.	Open Submission	Reject
SUB - Subdivision /Objectives /SUB-O5: Natural hazards	Sera Chambers	FS 517.150.112	Support	Agree with the submitter. Seeks to amend to ensure that decisions on the Medium Density Residential Zone (MRZ) takes this information into account, supporting greenfield development in the hills of Napier rather than intensification of low-lying areas of Napier, including Onekawa and Pirimai.  Seeks to exclude Onekawa and Pirimai from the Medium Density Residential Zone (MRZ) and supports all submitters via further submissions that seek to exclude Medium Density Residential Zone (MRZ) from their streets and suburbs within Napier.  Refer full submission 150 from Sera Chambers.	Allowed.		Reject
SUB - Subdivision /Objectives /SUB-O5: Natural hazards	Sera Chambers	FS 549.150.112	Support	Agree with submitter. Seeks to amend to ensure that decisions on the Medium Density Residential Zone (MRZ) takes this information into account, supporting greenfield development in the hills of Napier rather than intensification of low-lying areas of Napier, including Onekawa and Pirimai.  Seeks to exclude Onekawa and Pirimai from the Medium Density Residential Zone (MRZ) and supports all submitters via further submission that seek to exclude Medium Density Residential Zone (MRZ) from their streets and suburbs within Napier.  Refer full submission 150 from Sera Chambers.	Allowed.		Reject
SUB - Subdivision /Objectives /SUB-O5: Natural hazards	Sera Chambers	FS 580.150.112  Late further submission.	Support	Please note that the following Submission Points were not amended in the Further Submissions as requested so I am noting here for reference and clarity: 150.93, 150.95, 150.112 - Relief Summary – seeks to amend to ensure that the decisions on the medium density residential zone take this current information into account. Refer full summary document 150 for details.	Allowed.		Reject
SUB - Subdivision /Issues /SUB-14: Poorly designed subdivision layouts	Sera Chambers	150.113	Amend	considers that a further point should be added to the list of impacts of poorly designed layouts.	seeks to amend to add: <u>8. are not premised on the enjoyment of existing adjoining property owner rights as a guiding principle.</u>	Open Submission	Reject

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SUB - Subdivision /Policies /SUB-P12: Provision of infrastructure in rural areas	Chorus New Zealand Limited, Connexa Limited, Aotearoa Tower Group (trading as FortySouth), One New Zealand Group Limited and Spark New Zealand Trading Limited	151.62	Amend	Considers that it is unclear whether this submission applies in addition to SUB-P9. . If SUB-P9 is only for urban areas, then requirements for new allotments in rural areas to be able to connect to telecommunications networks should be included.	Amend the policy as follows: a. Require sites capable of containing a building, in areas where no reticulated water supply, stormwater, or wastewater network is available, to be of a size and shape that provides for: i. the treatment and disposal of stormwater in a way that does not lead to significant adverse offsite effects including degraded water quality, erosion, land instability, and/or creation or exacerbation of flooding. ii. the management of wastewater via: I. an appropriate on-site wastewater treatment system, or II. approval to connect to a private wastewater network. the storage of potable water. b. Manage the design and location of subdivision to avoid the close proximity of multiple access points on rural roads. <u>c. Provide for connectivity to telecommunications networks</u> Relates to SUB-O3, SUB-O7	Open Submission	Accept in part
SUB - Subdivision /Policies /SUB-P13: Network utilities	Chorus New Zealand Limited, Connexa Limited, Aotearoa Tower Group (trading as FortySouth), One New Zealand Group Limited and Spark New Zealand Trading Limited	151.63	Support	Supports as the policy is appropriate	Retain the policy as notified	Open Submission	Accept
SUB - Subdivision - Rules Table/SUB-R1: Subdivision	Chorus New Zealand Limited, Connexa Limited, Aotearoa Tower Group (trading as FortySouth), One New Zealand Group Limited and Spark New Zealand Trading Limited	151.64	Support	Supports controlled activity status for subdivision, with infrastructure as a matter of control	Retain the rule as notified.	Open Submission	Accept

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SUB - Subdivision - Rules Table/SUB-R3: Subdivision of land for the purpose of public works, network utilities, reserves, or access	Chorus New Zealand Limited, Connexa Limited, Aotearoa Tower Group (trading as FortySouth), One New Zealand Group Limited and Spark New Zealand Trading Limited	151.65	Support	Supports not requiring subdivision for network utilities to meet certain standards that are not necessarily relevant	Retain the rule as notified	Open Submission	Accept in part
SUB - Subdivision - Standards Table /SUB-S16: Utility services	Chorus New Zealand Limited, Connexa Limited, Aotearoa Tower Group (trading as FortySouth), One New Zealand Group Limited and Spark New Zealand Trading Limited	151.66	Amend	Supports standard however considers that telecommunications connections do not necessarily have to be physical and this should be recognised in the standard. The ability to connect to a telecommunication network should be confirmed by a telecommunication company.	Amend the standard as follows: <b>All zones</b> 1. Each allotment must be designed and located so that provision is made for power lines, gas distribution pipes (where available) and the ability to connect to a telecommunication network <del>lines</del> . 2. With the exception of industrial and rural zones, all utility services must be laid underground. 3. At the time of subdivision, sufficient land for telecommunications, transformers and any associated ancillary services must be set aside. 4. All necessary easements for the protection of network utility services must be duly granted and reserved <b>Matters of discretion:</b> The ability of the site to be adequately serviced by network utilities, and Public health and safety.	Open Submission	Accept
SUB - Subdivision //	Keith Peacock	164.1	Oppose	Opposes Large Lot Residential Zoning of Kent Terrace, Lakeview Terrace, Ridgeway Terrace and considers it should be zoned General Residential. The first matter of this submission is whether a specific individual zoning for the Kent terrace and surrounds is needed. Notes that this is the only Large Lot Residential Zone in the city and encompasses only a small area in Taradale. Considers that there is no need for this additional zone and the area should be zoned General Residential. Kent Terrace and the surrounding hills are fundamental residential in nature given the scale and intensity of development in this area over the last 1 years. Also notes that rezoning would see consistency of zoning and character with the balance of Kent Terrace and adjoining Cumberland Rise. Considers that the sites are fully serviced by Councils 3-Waters infrastructure and it is considered that the most effective use of the land resource and services network is to see a reduction in the average lot size restrictions of the proposed zone. The most effective way to achieve this is zoning the area General Residential. It will allow for higher density in part and reduce pressure on urban sprawl and development over the Heretaunga Plains Soil resource and align with HPUDES and specific infill development targets set out in this strategy. Considers that the 'special zone' is proposed as a means to maintain status quo. It is argued that there is no need for this special zone in the pending Proposed District Plan as the area is now developed in a nature similar to other parts of Taradale which are simply zoned General Residential (Churchill Drive, Cumberland Rise, etc) .The decision to maintain a larger lot sizes does not match other council decisions to see higher density in existing and proposed residential areas including the recent Mission development plan change. Considers that traditionally larger lot residential zones are generally a requirement for non-reticulated sites, such as Jervois Town. which is not the case with this area. Notes the importance of having resilient housing options needs to be taken into account and that this area of the Taradale Hills provides for resilient housing elevated above any flood risk, and is not situated on liquefiable land. Considers that zoning this land General Residential also aligns with the Mission Hills Development Zoning located in similar topography.	Amend zoning for Kent Terrace, Lakeview Terrace and Ridgeway Terrace Large Lot Residential Zone to a General Residential Zone. Refer to original submission for attached map.	Open Submission	Reallocated to rezoning requests

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SUB - Subdivision - Standards Table/SUB-S1: Minimum allotment sizes - residential	Keith Peacock	164.2	Oppose	<p>Opposes Average Lot Size. Considers that if Large Lot Residential Zoning is necessary, changes should be made. Considers that Kent Terrace and the surrounding hills are fundamental residential in nature given the scale and intensity of development in this area over the last 10 years. Notes the sites are fully serviced by Councils 3-Waters infrastructure and it is considered that the most effective use of the land resource and services network is to see a reduction in the average lot size restrictions of the proposed zone. The most effective way to achieve this is zoning the area General Residential. By removing the average lot size requirement it will allow for increased density in part and reduce pressure on urban sprawl and development over the Heretaunga Plains Soil resource and align with HPUDS and specific infill development targets set out in this strategy. The decision to maintain a larger lot sizes does not match other council decisions to see higher density in existing and proposed residential areas including the recent Mission development plan change. Traditionally larger lot residential zones are generally a requirement for non-reticulated sites, such as Jervois Town which is not the case with this area. Considers that a minimum lot size of 1000m2 still achieves, for the most part, larger than average residential lot sizes and this matches the majority of sites fronting the Kent Terrace in this zone. Site topography will still dictate lot sizes. The land use rules and standards will ensure the bulk and location of proposed dwellings will still maintain the separation of dwellings and maintain 'open nature' of the area. The average lot size in this zone is already well below the 3,000m2 average that the zone is trying to achieve through this rule. Therefore the rule does not even reflect the reality of the 'existing environment' and is trying to achieve a lower density than existing. Notes the importance of having resilient housing options needs to be taken into account and this area of the Taradale Hills provides for resilient housing elevated above any flood risk, and is not situated on liquefiable land. Considers that zoning this land General Residential also aligns with the Mission Hills Development Zoning located in similar topography. Considers that there is an opportunity here to see additional development in this area of Napier in a sustainable manner, and there is real need to use our existing land and services resource efficiently and effectively. A bespoke zone for this area is not considered necessary, but if councils considers it is, we ask that the average lot size is removed as to still allow for the effective development of the remaining larger lots to help provide housing for a growing city.</p>	Remove the proposed 3,000m2 average lot size requirement and the minimum lot size of 1000m2 remain to achieve the larger lot size envisaged by the zoning.	Open Submission	Reallocated to rezoning requests
SUB - Subdivision /Issues /SUB-I2: The impacts of subdivision on natural resources (landscapes, water quality, biodiversity, and highly productive land)	New Zealand Frost Fans Limited	165.16	Amend	<p>Considers that the issue should identify that effects can occur in adverse effects both within and between zones. This recognises that not all effects are 'in-situ'.</p>	<p>Amend SUB-I2 as follows or alternative and any consequential relief required to address the matters raised in the submission:</p> <p>SUB-I2 The impacts of subdivision on natural resources (landscapes, water quality, biodiversity, and highly productive land)</p> <p>While the process of subdivision itself does not directly affect the environment, it establishes the legal framework within which land use occurs and generally intensifies development and, therefore, has a causal link with the adverse effects of land use and development <u>both within and between zones</u>. It is, therefore, vital that these effects are addressed early at subdivision stage through the provision of adequate infrastructure services and a subdivision design that achieves quality and sustainable development.</p>	Open Submission	Accept

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SUB - Subdivision /Issues /SUB-17: Issues of reverse sensitivity on adjacent land uses	New Zealand Frost Fans Limited	165.17	Amend	Considers that the issue is generally appropriate, but some points of clarification are required to complete the issues it is describing as many different activities can co-exist without concern. However, it is where activities that have different amenity requirements that conflict where concern arises. Some of these activities have localised effects and others have broader effects that go beyond adjoining or adjacent sites. Also considers the definition of 'reverse sensitivity' is narrow and only applies in circumstances where activities are established and more sensitive activities establish later. Notes that the National Policy Statement for Highly Productive Land directs priority to be given to land based primary production on Highly Productive Land, regardless of when it is established. Also notes objectives and policies of the PNDP supports primary production on Versatile Soils and the Rural Production Zone generally. Where sensitive activities are established and there is a change from one land based primary production activity to another the term 'reverse sensitivity' does not apply. Considers that the effects of land based primary production should be prioritised and sensitivity issues managed.	Amend SUB-17 as follows or alternative and any consequential relief required to address the matters raised in the submission:  SUB-17: Issues of reverse sensitivity <del>and/or sensitivity of on adjacent</del> uses.  There is potential for conflict when <del>different</del> land uses <u>with differing amenity requirements</u> are located <del>adjacent</del> <u>in close proximity</u> to each other. Subdivision typically intensified land use activities in specific locations, which has the potential to create reverse sensitivity effects on established land uses or the potential of <u>primary production</u> on highly productive land. A different level of amenity can be experienced when subdivision created the ability for new sensitive issues (particularly residential and lifestyle activities) to establish <del>adjacent</del> <u>in close proximity</u> to existing rural, commercial, or industrial zones and/or activities, <u>or the range of existing or new activities promoted by their zones</u> . The expectation of the new activities is for a level of amenity that is not necessarily compatible with the amenity of the existing, <u>or promoted</u> environment and can impact on the ability of existing <u>and/or promoted</u> new activities to continue their <del>daily</del> operations.  <u>Where appropriate, subdivision for sensitive activities in environments with incompatible levels of amenity should be avoided.</u> Mitigation measures such as <u>noise insulation requirements for sensitive uses</u> , planting buffers and site layout should be considered and incorporated at the time of subdivision where the potential for reverse sensitivity exists.	Open Submission	Accept in part
SUB - Subdivision /Issues /SUB-17: Issues of reverse sensitivity on adjacent land uses	KiwiRail Holdings Limited	FS 267.165.17	Support	KiwiRail supports reference to noise insulation as a type of mitigation measure, that could address reverse sensitivity.	Allowed.  Accept submission		Accept in part
SUB - Subdivision /Objectives /SUB-O1: Compatible land use	New Zealand Frost Fans Limited	165.18	Amend	Considers the definition of 'reverse sensitivity' is narrow and only applies in circumstances where activities are established and more sensitive activities establish later. Notes that the National Policy Statement for Highly Productive Land directs priority to be given to land based primary production on Highly Productive Land, regardless of when it is established. Also notes objectives and policies of the PNDP supports primary production on Versatile Soils and the Rural Production Zone generally. Where sensitive activities are established and there is a change from one land based primary production activity to another the term 'reverse sensitivity' does not apply.  Considers that the effects of land based primary production should be prioritised and sensitivity issues managed. Considers that the term 'conflicts of uses' describes the situation more appropriately. Other policies can determine which activities and circumstances apply when determining priority and management actions.	Amend SUB-O1: Compatible land use as follows or alternative and any consequential relief required to address the matters raised in the submission: SUB-O1: Compatible land use Subdivision delivers quality community environments and patterns of development that ensure the objectives, policies and rules of the relevant zone of the District Plan are able to be met and potential <del>reverse sensitivity effects</del> <u>amenity conflicts between land uses</u> are avoided or mitigated.	Open Submission	Reject
SUB - Subdivision /Objectives /SUB-O1: Compatible land use	KiwiRail Holdings Limited	FS 267.165.18	Oppose	KiwiRail supports the intent of the submitter to address reverse sensitivity effects between new residential development and primary production. KiwiRail has no objection to the inclusion of provisions which address this issue.  KiwiRail objects to the removal of references to reverse sensitivity effects as this is a commonly used term in District Plans across the country. Changes in terminology could affect the interpretation of provisions.	Disallowed.  Retain references to reverse sensitivity in objectives and policies.		Accept

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SUB - Subdivision /Objectives /SUB-O2: Impact of the built environment on landscapes, biodiversity, water quality, and other key environmental matters	New Zealand Frost Fans Limited	165.19	Amend	Considers that the objective should be amended to provide clarity regarding the reference to productive soils as meeting the definition of Highly Productive Soils in the National Policy Statement for Highly Productive Land versus the soils referred to in the Hawkes Bay Regional Council's Regional Resource Management Plan as Versatile Soils	Amend SUB-O2 Impact of the built environment on landscapes, biodiversity, water quality, and other key environmental matters as follows or alternative and any consequential relief required to address the matters raised in the submission: SUB-O2 Impact of the built environment on landscapes, biodiversity, water quality, and other key environmental matters Land is subdivided in a way to create development that: a. Responds positively to the site's physical characteristics and context; b. Protects, maintains or enhances natural features, landscapes, indigenous biodiversity, waterbodies, significant trees, <del>productive soils</del> <u>Highly Productive Land and Versatile land</u> , reserves, public open space, and historic heritage, and c. Achieves the maintenance and enhancement of water quality by incorporating low impact design principles.	Open Submission	Accept in part
SUB - Subdivision /Objectives /SUB-O6: Subdivision in rural zones Subdivision of rural land.	New Zealand Frost Fans Limited	165.20	Amend	Considers the definition of 'reverse sensitivity' is narrow and only applies in circumstances where activities are established and more sensitive activities establish later. Notes that the National Policy Statement for Highly Productive Land directs priority to be given to land based primary production on Highly Productive Land, regardless of when it is established. Also notes objectives and policies of the PNDP supports primary production on Versatile Soils and the Rural Production Zone generally. Where sensitive activities are established and there is a change from one land based primary production activity to another the term 'reverse sensitivity' does not apply. Considers that the effects of land based primary production should be prioritised and sensitivity issues managed. Considers that the term 'conflicts of uses' describes the situation more appropriately. Other policies can determine which activities and circumstances apply when determining priority and management actions.	Amend SUB-O6: Subdivision in rural zones matters as follows or alternative and any consequential relief required to address the matters raised in the submission: SUB-O6: Subdivision in rural zones Subdivision of rural land: a. protects highly productive land; b. ensures rural lifestyle subdivision is contained within the Rural Lifestyle Zone and avoided within the highly productive land in the Rural Productive Zone, and c. avoids <del>reverse sensitivity effects</del> <u>conflicts of uses by prioritising between rural activities and primary production activities over non-rural or non-primary production</u> and sensitive activities.	Open Submission	Reject
SUB - Subdivision /Objectives /SUB-O6: Subdivision in rural zones Subdivision of rural land.	Horticulture New Zealand	FS 50.165.20	Support	Rural production activities needs to be protected and supported from reverse sensitivity effects at rural/urban interface.	Allowed  Support relief requested.		Accept
SUB - Subdivision /Policies /SUB-P1: Compatible land use	New Zealand Frost Fans Limited	165.21	Amend	Considers the definition of 'reverse sensitivity' is narrow and only applies in circumstances where activities are established and more sensitive activities established later. Notes that the National Policy Statement for Highly Productive Land directs priority to be given to land based primary production on Highly Productive Land, regardless of when it is established. Also notes objectives and policies of the PNDP supports primary production on Versatile Soils and the Rural Production Zone generally. Where sensitive activities are established and there is a change from one land based primary production activity to another the term 'reverse sensitivity' does not apply. Considers that the effects of land based primary production should be prioritised and sensitivity issues managed. Considers that the term 'conflicts of uses' describes the situation more appropriately. Other policies can determine which activities and circumstances apply when determining priority and management actions.	Amend SUB-P1: Compatible land use as follows or alternative and any consequential relief required to address the matters raised in the submission: SUB-P1: Compatible land use Ensure subdivision supports the objectives, policies and rules of the District Plan through subdivision that: a. reflects patterns of development that are compatible with and reinforce the roles, function and predominant character of the zone; b. adheres to allotment size and layout in each zone to sufficiently accommodate intended land uses while retaining reasonable amenity; c. provides for intensification of the urban area where is can be supported by existing infrastructure and contributed to the viability and vibrancy or urban centres; d. incorporates setbacks, landscaping, or layout design to avoid or mitigate the effects of <del>reverse sensitivity</del> <u>conflicts of amenity requirements on existing, lawfully established activities on adjoining properties</u> between sensitive activities and activities that meet the character and amenity requirements of the zone, including <u>along zone interfaces</u> , and e. provides for minor boundary adjustments which enable a more efficient and effective use of land.	Open Submission	Accept in part



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SUB - Subdivision /Policies /SUB-P19: Highly productive land	New Zealand Frost Fans Limited	165.22	Amend	Considers the policy is inconsistent in the manner it addresses significant parts of it though it largely gives effect to the relevant matters in the National Policy Statement for Highly Productive Land. Considers that it is more efficient to refer to the relevant sections and where they are of substantial size and complexity.	Amend SUB-P19: Highly productive land as follows or alternative and any consequential relief required to address the matters raised in the submission: SUB-P19: Highly productive land Ensure subdivision avoids, if possible, or otherwise mitigates any actual loss or potential cumulative loss of the availability or productive <u>capacity</u> of highly productive land and versatile land by: a. providing for the amalgamation of smaller holdings on highly productive land. b. Avoiding subdivision for the purpose of rural lifestyle. c. Allowing subdivision in accordance with Section 3.8 of the National Policy Statement for Highly Productive Land 2022. d. Providing for subdivision <u>only</u> where <u>the matters in clause 3.10(1) applies and the matters in clause 3.10(2) and 3 of the National Policy Statement for Highly Productive Land 2022 are satisfied.:</u> i. <del>Highly productive land is subject to permanent or long term constraints in accordance with Section 3.10 of the National Policy Statement for Highly Productive Land.</del> ii. <del>It avoids any significant loss of productive capacity;</del> iii. <del>It avoids the fragmentation of large or geographically cohesive area of highly productive land, and</del> iv. <del>The environmental, social, cultural and economic benefits outweigh the long term environmental, social, cultural and economic costs associated with the loss of highly productive land, taking into account both tangible and intangible values.</del>	Open Submission	Reject
SUB - Subdivision /Policies /SUB-P19: Highly productive land	Horticulture New Zealand	FS 50.165.22	Amend	Amendment sought is sufficient however notified version is clear	Allow in part.  Retain as notified  But we can understand the submitters point around being clear and consistent with the NPSHPL		Accept
SUB - Subdivision /Policies /SUB-P20: Small lots in rural production zone	New Zealand Frost Fans Limited	165.23	Support	Supports the policy as it appropriately manages small lots in the Rural Production Zone and assists in giving effect to the National Policy Statement for Highly Productive Land.	Retain SUB-P20: Small lots in rural production zone as notified	Open Submission	Accept in part
SUB - Subdivision - Rules Table/SUB-R8: Subdivision of lifestyle sites within the Productive Rural Zone with amalgamation	New Zealand Frost Fans Limited	165.24	Support	Supports the SUB-R8: Subdivision of lifestyle sites within the Productive Rural Zone with amalgamation rule as it appropriately manages small lots in the Rural Production Zone and assists in giving effect to the National Policy Statement for Highly Productive Land.	Retain SUB- R8 Subdivision of lifestyle sites within the Productive Rural Zone with amalgamation as notified	Open Submission	Accept in part
SUB - Subdivision - Rules Table/SUB-R12: Subdivision on highly productive land	New Zealand Frost Fans Limited	165.25	Amend	Supports the SUB-R12 rule generally, but considers that it should include the versatile soils identified by the Hawkes Bay Regional Council in the Regional Policy Statement definition to more appropriately give effect to the National Policy Statement for Highly Productive Land.	Amend SUB-R12 Subdivision of highly productive land as follows or alternative and any consequential relief required to address the matters raised in the submission: SUB-R12 Subdivision of highly productive land <u>and versatile land</u> Activity Status: Non- complying	Open Submission	Reject

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SUB - Subdivision - Standards Table/SUB-S8: Building platform	New Zealand Frost Fans Limited	165.27	Amend	Supports standard in general particularly where it seeks to avoid location of building platforms on Highly Productive Land. Considers that subdivision provides an opportunity to consider and anticipate reverse sensitivity effects and conflicts of uses, particularly along zone interfaces such as conflicts between sensitive uses such as residential uses and the amenity requirements for land based primary production. Considers provisions could provide more detail certain matters to consider and in terms of requirements to avoid or otherwise mitigate conflicts of uses. Considers that this would more appropriately give effect to the National Policy Statement for Highly Productive Land.	Amend SUB-S8: Building platform as follows or alternative and any consequential relief required to address the matters raised in the submission: SUB-S8: Building platform .....3. the building platform must be located outside and exclusive of any: ..... <u>x. area within 30 metres of a zone boundary with the Rural Production Zone.</u> <u>xx. the area within 300m of an existing and/or consented frost fan.</u>  Matters of discretion... <u>6. Design, construction and location requirements to avoid or appropriately mitigate reverse sensitivity and/or conflicts of uses.</u>	Open Submission	Accept in part
SUB - Subdivision /Assessment criteria /SUB-AC1: General, applies to all subdivision (including boundary adjustments)	New Zealand Frost Fans Limited	165.28	Amend	Generally supports the assessment criteria, but requires amendment to ensure that sensitivity effects are included and not solely the narrow matters that relate to reverse sensitivity. Considers that criteria could take a stronger approach than merely to 'consider' these effects and rather seeks to implement in a manner that avoids or mitigates sensitivity effects. Also considers that the Versatile Land is recommended to be included on the basis that they will likely result in similar activities to Highly Versatile Land.	Amend SUB-AC1: General, applies to all subdivision (including boundary adjustments) as follows or alternative and any consequential relief required to address the matters raised in the submission: SUB-AC1: General, applies to all subdivision (including boundary adjustments) ..... Management of potential <del>reverse</del> sensitivity effects on existing <u>and promoted</u> land uses aa. the extent to which the subdivision design <del>considers</del> <u>implements measures to avoid or mitigate</u> <del>reverse</del> sensitivity effects on existing or permitted uses, including avoidance of <del>reverse</del> sensitivity effects <del>on</del> <u>to</u> land based primary production activities and, <u>on</u> highly productive land <u>and versatile land</u> . Design mitigation techniques may include but are not limited to, planting, setbacks, locating non-sensitive components of land in the most affected areas etc. ab. Effects to be <u>avoided or</u> mitigated may include, noise, odour, spray drift, dust, vibration and traffic. ....	Open Submission	Accept in part
SUB - Subdivision /Assessment criteria /SUB-AC1: General, applies to all subdivision (including boundary adjustments)	Transpower New Zealand Limited	FS 407.165.28	Amend	While Transpower is not opposed to the intent of the relief sought, it has concerns with the deletion of the word 'reverse' as it changes the intent of the wording and the defined term 'reverse sensitivity'.	Allow in part.  That part of the submission (relating to deletion of the word "reverse" be disallowed.		Accept in part
SUB - Subdivision /Assessment criteria /SUB-AC4: Subdivision not meeting building platform standard (SUB-S8)	New Zealand Frost Fans Limited	165.29	Amend	Generally supports the assessment criteria particularly where it seeks to avoid location of building platforms on Highly Productive Land. Considers that subdivision provides an opportunity to consider and anticipate reverse sensitivity effects and conflicts of uses, particularly along zone interfaces such as conflicts between sensitive uses such as residential uses and the amenity requirements for land based primary production. Considers that the provisions would benefit from more detail on certain matters to consider and in terms of requirements for reverse sensitivity, including for frost fans in close proximity.	Amend SUB-AC4: Subdivision not meeting building platform standard (SUB-S8) as follows or alternative and any consequential relief required to address the matters raised in the submission: SUB-AC4: Subdivision not meeting building platform standard (SUB-S8) Reverse sensitivity i. The potential for reverse sensitivity issues where building platforms are proposed to be located within close proximity to an existing or consented network utility. <u>x. The potential for subsequent anticipated activities to be sensitive to existing or anticipated land based primary production activities.</u> <u>xx. The need for noise insulation for sensitive activities where building platforms are within 300m from an existing and/or consented frost fan.</u>	Open Submission	Accept in part
SUB - Subdivision - Standards Table/SUB-S1: Minimum allotment sizes - residential	Kāinga Ora – Homes and Communities	FS 488.168.76	Oppose	Kāinga Ora opposes the current non-complying activity status for subdivisions where the standards are not met for the minimum allotment sizes in the residential environments. Kāinga Ora considers that a restricted discretionary status would be more appropriate to enable such outcomes to be considered on a case-by-case basis.	Disallowed.		Reject

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SUB - Subdivision - Standards Table/SUB-S3: Minimum allotment sizes - rural Rural Lifestyle Zone, Mission Rural Residential Precinct	Dooney Brothers Partnership	169.10	Amend	Considers that requiring that subdivision achieves a minimum average allotment size of 1.5 ha based on the parent allotment in existence as at 11 November 2000 adds unnecessary complexity when determining subdivision potential, and is inconsistent with both the pattern of subdivision consents granted by Council under the Operative District Plan, and the expected character within a rural residential area.	Amend as follows: <b>SUB-S3: Minimum allotment sizes - rural</b> Rural Lifestyle Zone, Mission Rural Residential Precinct 5,000 m2 minimum allotment size <del>with a minimum average allotment size of 1.5 ha. The minimum average allotment size must be calculated using the parent allotment in existence as at 11 November 2000. This parent allotment will be the base for any further proposed subdivision.</del> Activity Status where standards are not met: Non-complying .....	Open Submission	Accept
SUB - Subdivision - Standards Table/SUB-S3: Minimum allotment sizes - rural Rural Lifestyle Zone, Mission Rural Residential Precinct	Alison Francis	FS 252.169.10	Amend	Bay Planning supports in part the submission point 169.10 from the Dooney Brothers Partnership. As put forward in our submission (139.2):  <i>Further, the requirement to maintain a 1.5ha balance lot is unsubstantiated. Councils have gradually reduced the size of what an appropriate "lifestyle lot" is (for example, Hastings District Council reduced their minimum lifestyle lot size from 6ha to 2500m<sup>2</sup> in their most recent District Plan review). We contend that 1.5ha is too big to be used effectively as a lifestyle lot, and far too small to be used for a productive lot. We understand the desire to retain a rural aspect to these communities, but would welcome further discussion on the appropriateness of keeping the minimum average allotment at 1.5ha and consider that 8,000m<sup>2</sup> - 1ha might be more appropriate.</i>	Allow in part  Bay Planning supports in part the change to SUB-S3 and request the following change:  Rural Lifestyle Zone, Mission Rural Residential Precinct  "5,000m <sup>2</sup> minimum allotment size with a minimum average allotment size of 1ha"		Accept
SUB - Subdivision - Standards Table/SUB-S3: Minimum allotment sizes - rural Rural Lifestyle Zone, Mission Rural Residential Precinct	Emerald Hills Joint Venture Limited	FS 278.169.10	Support	Support while also applying a 1,000m2 minimum lot size control to the Mission Rural Residential Precinct consistent with the EHJV submission.	Allowed.  The Mission Rural Residential Precinct provide for future development opportunities close to the city.		Reject
SUB - Subdivision - Rules Table/SUB-R8: Subdivision of lifestyle sites within the Productive Rural Zone with amalgamation	Dooney Brothers Partnership	169.16	Amend	Considers that lifestyle subdivision where the balance land is amalgamated with neighbouring land is an effective means of increasing the size (and therefore overall productive capacity) of landholdings. Considers that boundary relocations of this nature should therefore be encouraged for small landholdings comprising highly productive land.	<b>Amend to:</b> <b>Where:</b> <del>1. Subdivision is not on highly productive land;</del> 2. Compliance with standards SUB-S6 - SUB-S18; 3. Allotment size of the lifestyle site is within the range of 2,500 m2 - 5,000 m2 and contains an existing dwelling; 4. Subdivision results in the amalgamation of the balance area with an adjoining site, so that no additional records of title are created by the subdivision; 5. The amalgamated balance of new sites created exceeds 4 ha, and 6. A consent notice is registered on the record of title confirming there will be no further subdivision of the lifestyle allotment created. <b>SUB-R8B</b> Activity Status where activity conditions are not met: Non-complying	Open Submission	Accept

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SUB - Subdivision /Policies /SUB-P9: Integrated provision of infrastructure	Spark New Zealand Trading Limited, Connexa Limited (Connexa), Aotearoa Towers Group (trading as FortySouth), One New Zealand Group Limited (One NZ) - Graeme McCarrison	184.2	Amend	Generally support SUB-P9 except that sub-clause SUB-P9c should be clear that electricity and telecommunication connections are required.	Amend SUB-P9c as follows: c. <del>enable</del> <u>connects</u> electricity and telecommunications services to be reticulated networks <del>to</del> <u>for</u> each site, and undergrounded in residential and commercial zones where practicable.	Open Submission	Accept In Part
SUB - Subdivision - Standards Table/SUB-S16: Utility services	Spark New Zealand Trading Limited, Connexa Limited (Connexa), Aotearoa Towers Group (trading as FortySouth), One New Zealand Group Limited (One NZ) - Graeme McCarrison	184.3	Amend	Considers SUB-S16 fails to recognise that telecommunications connections are inclusive of both fixed line ie fibre and wireless. Acknowledges the need for urban and rural users to have a choice of fixed line or wireless or both, and for urban and rural users to have use services where ever they are. Considers the wireless networks need to have the opportunity to design new network in new developments or grow areas of Napier.	Amend to enable telecommunication connections and requirement for verified assesment of telecommunication provision for each allotment. Refer to orginal submission for suggested wording.	Open Submission	Accept
SUB - Subdivision /Objectives /SUB-O5: Natural hazards	Angela McFlynn	189.8	Amend	Considers that this provision is inconsistent with the RMA relating to natural hazards, in particular, s6 which requires the management of "significant risk" from natural hazards.	Amend SUB-O5: Natural hazards as follows: SUB-O5: Natural hazards New subdivision reduces, or does not increase, <del>the</del> <u>any significant</u> risks from natural hazards to people, property, and infrastructure. Relates to SUB-12, SUB-13.	Open Submission	Reject
SUB - Subdivision /Objectives /SUB-O5: Natural hazards	Hawke's Bay Regional Council	FS 17.189.8	Oppose	Subdivisions should not increase the level of natural hazard risk, or potential for increased risk from subsequent development.	Disallowed.		accept
SUB - Subdivision /Objectives /SUB-O6: Subdivision in rural zones	Angela McFlynn	189.9	Amend	Considers that the rural zones include several zones that are not intended nor suitable for productive rural farming activities. The SUB-O6: Subdivision in rural zones Objective should clearly distinguish between the expected predominant use of the Rural Production Zone (RPROZ) for productive farming activities, and the expected predominant use of the other rural zones for residential / rural lifestyle activities.	Amend SUB-O6: Subdivision in rural zones as follows: SUB-O6: Subdivision in rural zones Subdivision of rural land: a. protects highly productive land <u>within the Rural Production Zone</u> ; b. ensures rural lifestyle subdivision is contained within the Rural Lifestyle Zone and avoided within the highly productive land in the Rural <u>Production</u> <del>Productive</del> Zone, and avoids reverse sensitivity effects between rural activities <u>carried out in the Rural Production Zone</u> and sensitive activities. Relates to SUB-11, SUB-12, SUB-17	Open Submission	accept

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SUB - Subdivision /Policies /SUB-P4: Subdivision design is sympathetic to the landscape	Angela McFlynn	189.10	Oppose	The submitter considers that if this SUB-P4: Subdivision design is sympathetic to the landscape Policy is to be retained, clarity is needed as to what is meant by 'visually prominent areas'. In urban areas it could be argued that any building platform close to the road is visually prominent. Requiring mitigation of any visual effects, whether positive or adverse or the degree of the effect (clause b.) suggests that all roads, access, building platforms etc. must be completely screened from view, which is clearly not practical nor desirable.	Delete SUB-P4: Subdivision design is sympathetic to the landscape in its entirety.	Open Submission	Reject
SUB - Subdivision /Policies /SUB-P4: Subdivision design is sympathetic to the landscape	Napier City Council (Urban Design Team Leader)	FS 545.189.10	Amend	Amend to provide further clarity, i.e. a definition. It's a very important matter to be considered when assessing new subdivisions, particularly in rural and semi-rural areas (ie. Mission Hills), this should be made more salient.  The objective of this further submission is to ensure that the design outcomes of Napier align with our city's intended character over the next ten years, and to facilitate a cohesive transition towards medium density development in suitable locations. The further submission aims to reinforce high quality design standards, fostering an attractive urban landscape both within sites and across neighbourhoods.  It is noted that the extent of proposed medium density development is ambitious, and as such it is advocated that caution be exercised when considering medium density development. It is recommended that this be undertaken in areas close to the city centre (i.e. built form reflects and supports the increase in height, scale and density.)	Allow in part.		Reject
SUB - Subdivision /Policies /SUB-P8: Access and egress	Angela McFlynn	189.11	Amend	The submitter considers with SUB-P8: Access and egress Policy that there is likely to be a conflict between minimising queuing on the road and incorporating shared access in urban areas with large high / medium density developments. Some guidance is requested to be provided as to which should take precedence where such conflicts arise. The Policy encourages shared vehicle access "where appropriate" but provides no guidance regarding when this might be "inappropriate".	Amend SUB-P8: Access and egress Policy to clarify how competing outcomes should be balanced and to provide certainty regarding when shared access might be considered appropriate.	Open Submission	Reject
SUB - Subdivision /Policies /SUB-P10: Road reserves	Angela McFlynn	189.12	Amend	Considers that SUB-P10: Road reserves Policy would likely only relate to greenfields subdivisions and as such should be amended accordingly.	Amend SUB-P10: Road reserves as follows: Require <u>greenfields</u> subdivision to provide sufficient road reserves to accommodate the needs of: a. different types of transport modes; b. network utilities including provision around low-impact design for road-generated stormwater, and c. lighting, street furniture, domestic rubbish disposal and landscaping in a way that will not create future safety, amenity, and/or maintenance issues. Relates to SUB-O3	Open Submission	Reject

## Appendix B – Summary of Recommended Responses to Submissions and Further Submissions

Section / Sub-section / Provision	Submitter Name	Submission number / Point Number	Position	Summary of Submission	Relief Summary	Link to Submission (click to open)	Officer's Recommendation
SUB - Subdivision /Policies /SUB-P19: Highly productive land	Angela McFlynn	189.13	Amend	Considers that Lifestyle subdivision SUB-P19: Highly productive land where the balance is amalgamated with neighbouring land is an effective means of increasing the size (and therefore the overall productive capacity) of landholdings. Boundary relocations of this nature should therefore be encouraged for small landholdings comprising highly productive land.	Amend SUB-P19: Highly productive land as follows: Ensure subdivision avoids, if possible, or otherwise mitigates any actual loss or potential cumulative loss of the availability or productive of highly productive land by: a. providing for the amalgamation of smaller holdings on highly productive land. <del>b. avoiding subdivision for the purpose of rural lifestyle.</del> c. allowing subdivision in accordance with Section 3.8 of the National Policy Statement for Highly Productive Land 2022. providing for subdivision where: i. highly productive land is subject to permanent or long-term constraints in accordance with Section 3.10 of the National Policy Statement for Highly Productive Land 2022; ii. it avoids any significant loss of productive capacity; iii. it avoids the fragmentation of large or geographically cohesive area of highly productive land, and iv. the environmental, social, cultural, and economic benefits outweigh the long-term environmental, social, cultural, and economic costs associated with the loss of highly productive land, taking into account both tangible and intangible values. Relates to SUB-O6	Open Submission	Accpet in part
SUB - Subdivision /Policies /SUB-P20: Small lots in rural production zone	Angela McFlynn	189.14	Oppose	Considers for SUB-P20: Small lots in rural production zone that lifestyle subdivision where the balance land is amalgamated with neighbouring land is an effective means of increasing the size (and therefore the overall productive capacity) of landholdings. The creation of lifestyle sites around existing dwellings through boundary relocations should therefore be encouraged for small landholdings comprising highly productive land.	Delete Policy SUB-P20: Small lots in rural production zone in its entirety as notified.	Open Submission	Reject
SUB - Subdivision - Rules Table/SUB-R2: Boundary adjustment	Angela McFlynn	189.15	Amend	Considers that this provision SUB-R2: Boundary adjustment should be extended to boundary relocations generally. The requirements that all lots remain complying, and each site retains any existing dwellings and access are sufficient to ensure that new lots are suitable for their intended / future permitted uses. Limiting the original area to 10% is considered unnecessary.	Amend SUB-R2: Boundary adjustment as follows: SUB-R2: Boundary <del>adjustment</del> relocation <b>SUB-R2A</b> <b>Activity Status:</b> Controlled <b>Where:</b> 1. Subdivision involves two or more adjacent sites (which are not separated by any road, rail, river, stream, or watercourse); 2. No new site is created, <del>and no existing site area is changed by more than 10% of its original area;</del> 3. No existing complying lot is rendered non-complying, and no dwelling is severed from its existing site; 4. The adjustment does not result in non-compliance or increase any existing non-compliance with any other rules or standards, and 5. Boundary alterations do not prevent any existing allotment's legal and physical access to a road or limit or interfere with any servicing requirements of any of the sites.	Open Submission	Reject

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SUB - Subdivision - Rules Table/SUB-R5: Cross lease title to freehold subdivision	Angela McFlynn	189.16	Amend	The submitter considers that existing cross lease titles contain existing established development. Subdivision of these properties to create freehold titles will not give rise to any change in the existing development or servicing of the land, and therefore compliance with all development standards in SUB-R5: Cross lease title to freehold subdivision should be waived.	<p>Amend SUB-R5: Cross lease title to freehold subdivision as follows:</p> <p>...</p> <p><b>Activity Status: Controlled</b></p> <p>Where:</p> <ol style="list-style-type: none"> <li>Subdivision is to create freehold titles from existing cross lease titles;</li> <li><del>Compliance with SUB S1 – SUB S5 (minimum allotment sizes) does not apply, and</del></li> <li><del>Compliance with SUB S6 – SUB S18 does apply.</del></li> </ol> <p>Matters of control are:</p> <ol style="list-style-type: none"> <li><u>The extent to which the new boundaries reflect the existing occupation of each of the existing units.</u> <ol style="list-style-type: none"> <li><del>Purpose and objectives and policies of the relevant zone, precinct, and development area;</del></li> <li><del>Safe, connected, and efficient transport network;</del></li> <li><del>Infrastructure and stormwater;</del></li> <li><del>Natural hazards and land stability;</del></li> <li><del>Heritage values;</del></li> <li><del>Cultural values;</del></li> <li><del>Landscape and topographical features;</del></li> <li><del>Natural features and indigenous trees and vegetation;</del></li> <li><del>Management of construction effects;</del></li> <li><del>Management of potential reverse sensitivity effects on existing land uses, and</del></li> <li><del>Subdivision chapter assessment criteria.</del></li> </ol> </li> </ol> <p><b>SUB-R5B</b></p> <p><del>Activity Status where activity conditions are not met: Restricted discretionary</del></p> <p><del>Matters of discretion are:</del></p> <ol style="list-style-type: none"> <li><del>The matters of control listed for SUB-R5A, and</del></li> <li><del>The matters identified in the standards not complied with (SUB S6 – SUB S18).</del></li> </ol>	Open Submission	Accept in part
SUB - Subdivision - Rules Table/SUB-R8: Subdivision of lifestyle sites within the Productive Rural Zone with amalgamation	Angela McFlynn	189.17	Amend	Considers that Lifestyle subdivision where the balance land is amalgamated with neighbouring land (SUB-R8: Subdivision of lifestyle sites within the Productive Rural Zone with amalgamation) is an effective means of increasing the size (and therefore overall productive capacity) of landholdings. Boundary relocations of this nature should therefore be encouraged for small landholdings comprising highly productive land.	<p>Amend SUB-R8: Subdivision of lifestyle sites within the Productive Rural Zone with amalgamation as follows:</p> <p>SUB-R8: Subdivision of lifestyle sites within the Productive Rural Zone with amalgamation</p> <p><b>SUB-R8A</b></p> <p><b>Activity Status:</b> Discretionary</p> <p><b>Where:</b></p> <ol style="list-style-type: none"> <li><del>Subdivision is not on highly productive land;</del></li> <li>Compliance with standards SUB-S6 - SUB S18;</li> <li>Allotment size of the lifestyle site is within the range of 2,500 m<sup>2</sup> - 5,000 m<sup>2</sup> and contains an existing dwelling;</li> <li>Subdivision results in the amalgamation of the balance area with an adjoining site, so that no additional records of title are created by the subdivision;</li> <li>The amalgamated balance of new sites created exceeds 4 ha, and</li> <li>A consent notice is registered on the record of title confirming there will be no further subdivision of the lifestyle allotment created.</li> </ol> <p><b>SUB-R8B</b></p> <p><b>Activity Status where activity conditions are not met:</b> Non-complying</p>	Open Submission	Accept
SUB - Subdivision - Rules Table/SUB-R12: Subdivision on highly productive land	Angela McFlynn	189.18	Oppose	Considers it is inappropriate to prevent all subdivision of highly productive land with SUB-R12: Subdivision on highly productive land.	Delete SUB-R12: Subdivision on highly productive land in its entirety.	Open Submission	Accept in part

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SUB - Subdivision - Rules Table/SUB-R12: Subdivision on highly productive land	Hawke's Bay Regional Council	FS 17.189.18	Oppose	The Future Development Strategy for Napier (and Hastings) is being prepared now, as required by the NPS-UD. Highly productive land is one of the factors to be accounted for in this exercise. Public consultation is planned for mid-2024 and decisions are due later in 2024. As these decisions will inform where Napier's future residential and business growth may be accommodated over the next 30+ years, it is appropriate to retain, or make any necessary change, to reflect outcomes from that process.	Disallowed.		Accept in part
SUB - Subdivision - Standards Table/SUB-S1: Minimum allotment sizes - residential	Angela McFlynn	189.19	Amend	The submitter considers that requiring that subdivision within the Large Lot Residential Zone (LLRZ) in SUB-S1: Minimum allotment sizes - residential Standards Table achieves a minimum average allotment size of 3000m <sup>2</sup> is unnecessary and will prevent the efficient use of the land resource. The most likely outcome from a rule of this nature will be the creation of multiple lots of close to 1000m <sup>2</sup> in size and a large balance site to compensate. The minimum lot size of 1000m <sup>2</sup> would be sufficient to ensure an appropriate density of development while ensuring the efficient use of the available land resource within this zone.	Amend SUB-S1: Minimum allotment sizes - residential as follows: Large Lot Residential 1,000 m2 minimum allotment size <del>with a minimum average allotment size of 3,000 m2.</del> <b>Activity Status where standards are not met:</b> Non-complying	Open Submission	Reject
SUB - Subdivision - Standards Table/SUB-S1: Minimum allotment sizes - residential	Napier City Council (Urban Design Team Leader)	FS 545.189.19	Oppose	Oppose all submission, support the PDP as drafted. These mechanisms are in place to ensure all proposed development outside of the minimum can be properly assessed to achieve quality outcomes.  The objective of this further submission is to ensure that the design outcomes of Napier align with our city's intended character over the next ten years, and to facilitate a cohesive transition towards medium density development in suitable locations. The further submission aims to reinforce high quality design standards, fostering an attractive urban landscape both within sites and across neighbourhoods.  It is noted that the extent of proposed medium density development is ambitious, and as such it is advocated that caution be exercised when considering medium density development. It is recommended that this be undertaken in areas close to the city centre (i.e. built form reflects and supports the increase in height, scale and density.)	Disallowed.		Accept
SUB - Subdivision - Standards Table/SUB-S3: Minimum allotment sizes - rural	Angela McFlynn	189.20	Amend	Considers that requiring that subdivision by way of the Standards achieves a minimum average allotment size of 1.5 ha based on the parent allotment in existence as at 11 November 2000 in SUB-S3: Minimum allotment sizes - rural adds unnecessary complexity when determining subdivision potential and is inconsistent with both the pattern of subdivision consents granted by Council under the Operative District Plan, and the expected character within a rural residential area.	Amend SUB-S3: Minimum allotment sizes - rural as follows: Rural Lifestyle Zone, Mission Rural Residential Precinct 5,000 m2 minimum allotment size with a <del>minimum average allotment size of 1.5 ha. The minimum average allotment size must be calculated using the parent allotment in existence as at 11 November 2000. This parent allotment will be the base for any further proposed subdivision.</del> <b>Activity Status where standards are not met:</b> Non-complying	Open Submission	Accept
SUB - Subdivision - Standards Table/SUB-S3: Minimum allotment sizes - rural	Hawke's Bay Regional Council	FS 17.189.20	Oppose	Mission Rural Residential Precinct and Rural Lifestyle zoning minimum allotment size standards should be sufficient to enable on-site wastewater treatment where it is not possible to connect to a reticulated wastewater system. Regional Rule 37 (Permitted activity for new sewage system) of the Hawke's Bay Regional Resource Management Plan sets permitted activity performance standards. When applied on the ground, much larger sites than the minimum site size specified (of 2500m <sup>2</sup> ) are often needed. For example, sites that are sloping, poorly drained or near waterways or wetlands add complexity to meeting the other standards specified.	Disallowed.		Noted
SUB - Subdivision - Standards Table/SUB-S3: Minimum allotment sizes - rural	Alison Francis	FS 251.189.20	Amend	Bay Planning supports in part the submission by Ms McFlynn as this echoes our submission point (reference 139.2), however we do consider that a minimum average lot size is appropriate to enable a rural/residential balance.	Allow in part.  Amend SUB-S3 to read:  Rural Lifestyle Zone, Mission Rural Residential Precinct  "5,000m <sup>2</sup> minimum allotment size with a minimum average allotment size of 1ha"		Accept in part



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SUB - Subdivision - Standards Table/SUB-S6: Number of allotments	Angela McFlynn	189.21	Amend	The submitter considers that there is a risk with SUB-S6: Number of allotments Standard that subdivisions will be undertaken in a piecemeal manner to avoid the change in activity status from Controlled to Restricted Discretionary associated with the creation of four or more sites in a residential zone or 7 or more sites in a rural zone.	Relief sought is not included.	Open Submission	Accept in part
SUB - Subdivision - Standards Table/SUB-S8: Building platform	Angela McFlynn	189.22	Amend	Considers that where vacant sites are created, particularly in rural zones, the land may contain multiple potential building platforms with the potential to require earthworks. The submitter believes it is not appropriate in these situations to require details of any earthworks that might be required to create a building platform and access and this will be determined by the design and location of the building at the time of development.	Amend SUB-S8: Building platform as follows: SUB-S8: Building platform <b>All zones</b> 1. Each allotment must contain at least one stable, flood-free building platform capable of containing existing and new buildings in compliance with the permitted activity performance standards for the zone where it is located (including building setbacks applicable to that zone), and be suitable for building foundations; <del>2. Details must be provided of the extent and quantum of earthworks required to create a building platform and access.</del> 3. The building platform must be located outside and exclusive of any: Coastal Erosion Hazard Area; significant natural area; public access corridor; archaeological site; land required for access or the disposal of stormwater or wastewater, and highly productive land.	Open Submission	Reject
SUB - Subdivision - Standards Table/SUB-S8: Building platform	Hawke's Bay Regional Council	FS 17.189.22	Oppose	The scale and location of earthworks are important in assessing the suitability of a proposed building platform. While the site may offer multiple opportunities for building platforms, at least one needs to be demonstrated to be viable.	Disallowed.		Accept
SUB - Subdivision - Standards Table/SUB-S8: Building platform	Alison Francis	FS 251.189.22	Support	Bay Planning supports Ms McFlynn's submission. In Rural Zones it is not uncommon for a number of appropriate building platforms to be identified and often the consent holder leaves it up to the future owner to decide where the building platform will be located. If this is the case (ie, multiple building platforms are possible), then we support the deletion of SUB-S8(2) as suggested by Ms McFlynn.	Allowed.  We support the submission as worded by Ms McFlynn.		Reject
SUB - Subdivision - Standards Table/SUB-S13: Stormwater treatment and disposal	Angela McFlynn	189.23	Oppose	Considers that it is not practical to require detailed stormwater design for any potential future development of a vacant site at the time of subdivision. This can be more appropriately dealt with at the time of building in accordance with the relevant zone provisions.	Delete SUB-S13: Stormwater treatment and disposal Standard in its entirety.	Open Submission	Reject
SUB - Subdivision - Standards Table/SUB-S13: Stormwater treatment and disposal	Hawke's Bay Regional Council	FS 17.189.23	Oppose	Stormwater management is an integral part of subdivision design and should be addressed comprehensively well ahead of site by site proposals.	Disallowed.		Accept
SUB - Subdivision - Standards Table/SUB-S17: Indicative public access route	Angela McFlynn	189.24	Amend	Considers the SUB-S17: Indicative public access route Standard should also provide details regarding how compensation will be determined and provided to landowners whose property rights are being affected by the requirement to provide public access through their land.	Amend SUB-S17: Indicative public access route Standard to include details as to how compensation will be provided by Council for the provision of public access easements.	Open Submission	Reject
SUB - Subdivision - Standards Table/SUB-S17: Indicative public access route	Emerald Hills Joint Venture Limited	FS 285.189.24	Support	Support to the extent that the relief sought in the original submission of EHJV is not compromised, otherwise oppose.	Allowed.  Planning requirements can often result in significant costs, especially when affecting lot layout, and public benefit vs private benefit should be considered.		Reject

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SUB - Subdivision /Assessment criteria /SUB-AC5: Shape factor (SUB-S11)	Angela McFlynn	189.26	Amend	Considers this should specify that the assessment criteria only relate to subdivisions where the shape factor standard is not met. Compliance with the shape factor standard itself should be sufficient to achieve these requirements.	Amend SUB-AC5: Shape factor (SUB-S11) as follows: SUB-AC5: <u>Subdivision not meeting</u> Shape factor <u>standard</u> (SUB-S11) Relevant zone rules and standards Whether the applicant provides a concept plan demonstrating how sites created are able to accommodate development in accordance with the relevant district wide and zone provisions. Infrastructure and connectivity The extent to which the site would prevent connectivity with adjoining sites, in particular transport, cycling, pedestrian, and infrastructure servicing.	Open Submission	Accept
SUB - Subdivision /Assessment criteria /SUB-AC6: Indicative public access route (SUB-S17)	Angela McFlynn	189.27	Amend	Considers that SUB-AC6: Indicative public access route (SUB-S17) assessment criteria should clearly state that they only apply where the relevant standard is not met.	Amend SUB-AC6: Indicative public access route (SUB-S17) as follows: SUB-AC6: <u>Subdivision not meeting</u> Indicative public access route <u>standard</u> (SUB-S17) a. Whether there are alternative practicable options for alignment of the public access route and the measures to protect these. b. The extent to which future development will ensure there are no impediments to maintaining ongoing public access along the indicative public access route.	Open Submission	Accept
SUB - Subdivision /Assessment criteria /SUB-AC6: Indicative public access route (SUB-S17)	Emerald Hills Joint Venture Limited	FS 285.189.27	Support	Support to the extent that the relief sought in the original submission of EHJV is not compromised, otherwise oppose.	Allowed.  The ability to consider options should be enabled.		Accept
SUB - Subdivision - Standards Table/SUB-S3: Minimum allotment sizes - rural	Cameron Lloyd	192.1	Amend	Wishes to Amend SUB-S3. Line 2 stating that in Rural Lifestyle relating to subdivision, the minimum lot size is 5000m2, wishes to Amend this to 1000m2. In regard to the property 17 Villers Street Bay view it currently falls under the Rural Residential Zone, in the proposed plan it is set to move to Rural Lifestyle. The property has unique history as it has moved from one title to two. Within the area the property is surrounded by residential housing. Submitter does not know the reasons why council is discouraging infill development of housing in this area. Feels the rural lifestyle character is not evident, the area has become industrial and has outgrown this designation. States that if sewage is an issue than landowners within the area are prepared to build their own treatment as all want to develop more housing in their titles. The lot size of 5000m2 is too small to be a productive form of agriculture and horticulture. With current housing shortages they expect housing infill would be more achievable. Under the proposed Rural Lifestyle Zone, they are grouped with smaller property titles yet the lot zone for the proposed zone is 5000m2. If the property on 17 Villers Road can be grouped in the Settlement Zone, then the Rural Lifestyle zone seems to lose its meaning. The point here is that if we are to be categorized as the same as areas which have higher density, then we should have the right to develop residential housing at higher density too.	Seeks to Amend SUB-S3 to make the minimum lot size for Rural Lifestyle Zones 1000m2. Or seeks that the council plans infill developments in Bay View. Details states in full in the submission.	Open Submission	Reject

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SUB - Subdivision - Standards Table/SUB-S3: Minimum allotment sizes - rural Rural	Cameron Lloyd	194.1	Amend	<p>Wishes to Amend SUB-S3. Line 2 stating that in Rural Lifestyle relating to subdivision, the minimum lot size is 5000m2, wishes to Amend this to 1000m2. In regard to the property 5 Villers Street Bay view it currently falls under the Rural Residential Zone, in the proposed plan it is set to move to Rural Lifestyle. The property has unique history as it has moved from one title to two.</p> <p>Within the area the property is surrounded by residential housing. Submitter does not know the reasons why council is discouraging infill development of housing in this area. Feels the rural lifestyle character is not evident, the area has become industrial and has outgrown this designation. States that if sewage is an issue than landowners within the area are prepared to build their own treatment as all want to develop more housing in their titles. The lot size of 5000m2 is too small to be a productive form of agriculture and horticulture.</p> <p>With current housing shortages they expect housing infill would be more achievable. Under the proposed Rural Lifestyle Zone, they are grouped with smaller property titles yet the lot zone for the proposed zone is 5000m2. If the property on 5 Villers Road can be grouped in the Settlement Zone, then the Rural Lifestyle zone seems to lose its meaning. The point here is that if we are to be categorized as the same as areas which have higher density, then we should have the right to develop residential housing at higher density too.</p>	Seeks to Amend the Rural Lifestyle Zone to make the minimum lot size or 1000m2, or for the council to plan for infill development in the Bay View area.	Open Submission	Reject
SUB - Subdivision - Standards Table/SUB-S3: Minimum allotment sizes - rural Rural	Hawke's Bay Regional Council	FS 14.194.1	Oppose	<p>Rural Lifestyle zoning minimum allotment size standards should be sufficient to enable on-site wastewater treatment where it is not possible to connect to a reticulated wastewater system.</p> <p>Regional Rule 37 (Permitted activity for new sewage system) of the Hawke's Bay Regional Resource Management Plan sets permitted activity performance standards. When applied on the ground, much larger sites than the minimum site size specified (of 2500m2) are often needed. For example, sites that are sloping, poorly drained or near waterways or wetlands add complexity to meeting the other standards specified.</p>	<p>Disallowed.</p> <p>Rural Lifestyle zoning minimum allotment size standards should be sufficient to enable on-site wastewater treatment where it is not possible to connect to a reticulated wastewater system.</p> <p>Regional Rule 37 (Permitted activity for new sewage system) of the Hawke's Bay Regional Resource Management Plan sets permitted activity performance standards. When applied on the ground, much larger sites than the minimum site size specified (of 2500m2) are often needed. For example, sites that are sloping, poorly drained or near waterways or wetlands add complexity to meeting the other standards specified.</p>		Accept in part
SUB - Subdivision - Standards Table/SUB-S3: Minimum allotment sizes - rural	Napier City Council	196.14	Amend	As currently dra ed, there is no minimum lot size for sites that are partially serviced in the Settlement Zone.	Amend standard as follows: 800m² Fully Serviced Sites 1500m² <del>un</del> serviced <u>other</u> sites	Open Submission	Accept
SUB - Subdivision - Standards Table/SUB-S1: Minimum allotment sizes - residential	Napier City Council	196.21	Amend	Standard 1 for the residential zones isn't clear or consistent on how land use standards associated with the zone are addressed e.g. if they need to be approved prior to the subdivision or concurrently. Further, the minimum lot size of 350sqm for vacant lots in the high density residential zone would encourage fragmentation rather than comprehensive site development and is therefore not the most efficient and effective minimum lot size for achieving the purpose of the zone. A minimum lot size of 1200sqm is recommended in this zone, and will encourage amalgamation and high density development rather than infill development.	Amend clauses 1(a) and (b) to enable land use consent for an infringement to non-compliance with standards to be sought either concurrently or through a prior approved land use consent. Amend clause (2) to require a minimum allotment size of 1200m² in the high density residential zone for any subdivision that creates new vacant allotments.	Open Submission	Accept in part
SUB - Subdivision - Standards Table/SUB-S1: Minimum allotment sizes - residential	Kāinga Ora – Homes and Communities	FS 496.196.21	Support	Kāinga Ora support the clauses to enable concurrent land-use and subdivision consents where the minimum lot sizes do not apply. Kāinga Ora oppose a minimum allotment size in the HRZ and instead consider that a minimum shape factor of 15m x 8m should apply - as suggested as part of the NCC submission point 196.76	Allowed.		Accept in part
SUB - Subdivision - Rules Table/SUB-S1: Minimum allotment sizes - residential	Napier City Council	196.59	Amend	The minimum lot size rule for vacant sites does not apply to sites containing an existng residential unit. However, it needs to be clarified that this exemption does not apply to minor residential units, as these are enabled based on them being ancillary to a primary residential unit on the same site. Subdividing off a minor residential unit could be either enabled under S1(2) if 350sqm, or if under, would need land use consent to "upgrade" it to a full unit complying with all other provisions. Consequential amendments are also proposed to the financial contributions chapter for clarity.	Amend 1(a) so that no minimum lot size only applies to residential units (excluding minor residential units).	Open Submission	Accept

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SUB - Subdivision - Rules Table/SUB-S1: Minimum allotment sizes - residential	Kāinga Ora – Homes and Communities	FS 496.196.59	Support	Kāinga Ora supports the clarification around minimum lot sizes only applying to vacant lot subdivision, and not where a lot is proposed around existing or proposed development (except where it concerns a minor residential unit).	Allowed.		Accept
SUB - Subdivision - Rules Table/SUB-R2: Boundary adjustment	Napier City Council	196.75	Amend	The current dra ing of this rule effectvely makes any subdivision more than 10% of an existng site area a discretionary activity, even if the minimum lot size of the zone is met. The intention of the boundary adjustment rule is to enable small adjustments to existing lots as a controlled activity even where not all standards are met. However, where the boundary adjustment is more than 10%, this could be treated as a standard controlled activity subdivision under SUB-R1 if all standards are met.	Add note to SUB-R2B statng that boundary adjustments not meetng SUB-R2A(2) may be considered under either SUB-R1A (if activity standard (1) met), or SUB-R2B.	Open Submission	accept
SUB - Subdivision - Rules Table/SUB-R2: Boundary adjustment	Emerald Hills Joint Venture Limited	FS 292.196.75	Support	Avoids unnecessary regulation.	Allowed.		accept
SUB - Subdivision - Standards Table/SUB-S11: Shape factor	Napier City Council	196.76	Amend	The purpose of the shape factor standard is to ensure sites can accommodated development that complies with the standards of the zone. However, it is not clear in the wording of the standard that the shape factor should comply with all applicable standards for the zone e.g. yard setbacks. Further, the shape factor for the high density zone should be larger to accommodate the intended typologies sought by the zone objectives.	Amend the standard as follows (or similar relief): SUB-S11: Shape factor <u>High density residential zone (HDRZ)</u> 1. All vacant sites must be able to contain a rectangle of 15m x 20m that complies with all applicable standards of the zone. <u>All other zones</u> 2. All vacant sites must be able to contain a rectangle of 8 m by 15m <u>that</u> complies with all applicable standards of the zone.	Open Submission	Defered
SUB - Subdivision - Standards Table/SUB-S11: Shape factor	Kāinga Ora – Homes and Communities	FS 496.196.76	Amend	Kāinga Ora support the concept of having a different shape factor for vacant subdivision in the HRZ but wishes to further consider the 15m x 20m standard.	Allow in part.		Defered
SUB - Subdivision /Assessment criteria /SUB-AC1: General, applies to all subdivision (including boundary adjustments)	Napier City Council	196.77	Amend	The current wording in the introducton to the assessment criteria states that the criteria become matters of control or discretion for CA and RDA activities. This is not correct in the context of the proposed District Plan – the relevant matters of control or discretion are set out in the rules and standards. Further, the assessment criteria for subdivision apply to all activities including discretionary and non-complying as they provide additional guidance on the relevant effects to be assessed.	Amend wording as follows: In assessing all applications for subdivision, Council will have regard to the following assessment criteria. <del>The assessment criteria are to be considered as matters of control for the assessment of controlled activity subdivisions and matters of discretion for all restricted-discretionary activity subdivisions.</del>	Open Submission	Accept
SUB - Subdivision /General /General	Hawke's Bay Airport Limited ("HBAL")	198.181 (Renotified Submission)	Amend	HBAL submits that the Proposed Plan should maximise the opportunity to adopt a planning framework that is wholly consistent with the recommendations set out in NZS6805, future proof the Airport from reverse sensitivity effects and manage the potential amenity and health effects on the community by:  - Include a similar framework for subdivision activities, as the facilitator of residential activity at a specified density.  While under the New Zealand Planning Standards, it is anticipated that such rules are primarily located within the Noise chapter of the Proposed Plan, HBAL submits that the above framework should also be reflected in the subdivision chapter and the respective zone provisions, particularly with respect to the density of residential development within the General Residential and Rural Lifestyle Zones.	Include a similar framework for subdivision activities, as the facilitator of residential activity at a specified density.	Open Submission	Reject

## Appendix B – Summary of Recommended Responses to Submissions and Further Submissions

Section / Sub-section / Provision	Submitter Name	Submission number / Point Number	Position	Summary of Submission	Relief Summary	Link to Submission (click to open)	Officer's Recommendation
SUB - Subdivision /General /General	Sera Chambers	FS 560.198.181	Oppose	<p>Oppose all of points listed with further notes below:</p> <p>Oppose 198.136 and applicable to reference points above – The shape files sent to NCC on 18 June 2023 and again on 13 November 2023, have not been made available to the public to view as part of this consultation process so how does the public know what they are agreeing too in terms of an Airport Business Precinct and similar requests? Hawke's Bay Airport Limited (HBAL) and Airways Corporation of New Zealand (Airways) installed new flight paths over Napier on 30 November 2023 without advising affected residents. They were implemented on 30 November 2023, and more flight paths have been implemented in 2024. This has resulted in an increase of 20+ flights over and directly beside my property a day, the majority at under 1000m, with passenger numbers projected to double by 2030 (to 1 million passengers).</p> <p>HBAL and Airways choose not to own up to their error that they approved the Airways wholly owned Aeropath system without consulting affected residents. They say that their acoustic analyst, Marshall Day, says that the noise is reasonable.</p> <p>Refer <a href="https://www.planesensewellington.com">https://www.planesensewellington.com</a> as an example of where the exact same issue has occurred – not consulting with affected residents on flight path changes and the issues that residents have been facing. Marshall Day was the acoustic specialist in this instance also, and upon reviewing the changes by actually measuring the noise in the impacted areas, found the noise impacts to be more significant than they forecasted. The website shows all of the same issues that decisions by Airways and Marshall Day have now repeated with HBAL.</p> <p>HBAL, Airways, Marshall Day, Mitchell Daysh Limited and all other entities that have contributed to the HBAL submission must be held accountable for providing a submission that is not open and transparent. Their requests for amendments, deletions or opposition likely favour their interests over the wider community or are not completely open and transparent. This includes areas where it lists making changes including not allowing certain development due to bird strikes, being exempt from trip generations and having no trip or bike provisions, creating an Airport Business Precinct, prioritising freight, requiring provision of acoustic treatment for residential activities in airport boundaries (without mitigation by the entity if they choose to change these boundaries or flight paths and with no consultation – and this includes outside of their airport boundaries and the noise and health/environmental impacts that they are generating to affected residents, especially upon take-off and landing), rolling over Appendix 7 of the Plan for their obstacle limitation surfaces for aircraft approaching and departing the airport at the expense of adjoining property owners, applying designations to areas at the expense of adjoining landowners and putting their interests first over the community - who as part stakeholders, should be considered in their decision making.</p> <p>I implore Napier City Council, who is a shareholder in HBAL, to do the right thing by their residents and to not allow any of the changes to the sections that this entity is proposing or has proposed to occur until the affects to the wider community are full reviewed. I also ask that Napier City Council put their community wellbeing first over strategic assets.</p>	<p>Disallowed.</p> <p>Opposes the submitter's submission including all changes of wording and I seek that the whole further submission be disallowed. Refer full submission from Sera Chambers 150 and further submission 549 and further submission 550 and the submission attached.</p> <p>Refer to further submission 560.</p>		Noted
SUB - Subdivision - Standards Table/SUB-S3: Minimum allotment sizes - rural	Jack Brownlie Investments Limited	209.4	Oppose	<p>Considers that the SETZ-S1: Density standard in the Settlement Zone should be consistent with the Subdivision Chapter. Please refer to the relief sought in relation to SETZ-S1.</p>	<p>Amend SUB-S3 as follows: Settlement Zone <del>800</del> 350 m2 fully serviced sites 1500m2 unserviced sites</p>	Open Submission	Reject
SUB - Subdivision - Rules Table/SUB-R5: Cross lease title to freehold subdivision	Guy Panckhurst	210.1	Amend	<p>Submitter wants to amend SUB-R5. For activity to remain a controlled activity it needs to comply with SUB-S6 to SUB- S18. In the majority of cases the cross leases involve existing buildings with defined restrictive use areas and access arrangements. Many of SUB-S6 to SUB-S18 standards are not relevant to this situation. Many of the matters of control are not relevant to this situation either.</p>	<p>Seeks to amend applicable standards and matters of control to only address issues that need assessing.</p> <p>Seeks to delete the infrastructure requirement that the water supplies need to be completely separate.</p> <p>Reasons are given in detail in the full submission.</p>	Open Submission	Accpet in part

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SUB - Subdivision - Standards Table/SUB-S12: Transport, access, and connectivity	Guy Panckhurst	210.2	Amend	It is acknowledged that all allotments should have practical vehicle access, but there are sometimes instances when it is not practical to provide a physical access because other works need to occur first, or installing a crossing may result in damage during subsequent building construction activities.	Seeks to acknowledge the situations and allow vehicle crossings to be deferred to the time of Building Consent. Refer to original submission for full reason.	Open Submission	Reject
SUB - Subdivision - Standards Table/SUB-S16: Utility services	Guy Panckhurst	210.3	Amend	Considers the wording of SUB-S16 doesn't make it clear if power/gas/telecommunications connections need to be made. Electricity connections should be made available in urban zones, questions why connections are required in rural zones? States this is an added cost that is unjustified and sometimes not required. There are alternatives other than fibre telecommunication cables for urban sites. Fibre network connection should not be a role of the council to dictate.	Seeks to clarify what utility services are required and which are to be physically installed. Seeks to remove the requirement for electricity connections on rural sites at the time of subdivision. Seeks to remove the requirement to provide telecommunications connections at the time of subdivision.	Open Submission	Accept in part
SUB - Subdivision /Policies /SUB-P9: Integrated provision of infrastructure	Guy Panckhurst	210.6	Amend	Considers that electricity should not be required rural sites. Telecommunications should not be required for rural and infill sites. Other options are available for both electricity and telecommunications.	Seeks to remove requirement electricity on rural sites and telecommunications on rural and infill sites.	Open Submission	Accept in part
SUB - Subdivision - Standards Table/SUB-S1: Minimum allotment sizes - residential	Guy Panckhurst	210.8	Amend	It is not clear what "allotment size" means, as it is not defined anywhere. Presumably it means the legal area of the allotment, since there is no mention of net site area.	Seeks to Clarify exactly what is meant by "allotment size".	Open Submission	Accept
SUB - Subdivision - Standards Table/SUB-S3: Minimum allotment sizes - rural	Guy Panckhurst	210.10	Amend	Considers the allotment size of 5000m <sup>2</sup> appropriate but the blanket 1.5ha minimum average is too large. There are many sites that could support an area of less than 1.5ha. development in the hills off the Heretaunga plains should be encouraged. there are areas already zoned as rural lifestyle that could support higher densities. there are already noncomplying applications being approved in this zone.	Seeks to have more investigation as to which areas in the rural residential zones could support higher densities, and re-zone these areas, or allow subdivision as a discretionary or restricted discretionary activity.	Open Submission	Accept
SUB - Subdivision - Standards Table/SUB-S3: Minimum allotment sizes - rural	Alison Francis	FS 250.210.10	Support	Bay Planning agrees with Mr Panckhurst that the average minimum size of 1.5ha is too large. As stated in our submission (No. 139) we have said:  Further, the requirement to maintain a 1.5ha balance lot is unsubstantiated. Councils have gradually reduced the size of what an appropriate "lifestyle lot" is (for example, Hastings District Council reduced their minimum lifestyle lot size from 6ha to 2500m <sup>2</sup> in their most recent District Plan review). We contend that 1.5ha is too big to be used effectively as a lifestyle lot, and far too small to be used for a productive lot. We understand the desire to retain a rural aspect to these communities, but would welcome further discussion on the appropriateness of keeping the minimum average allotment at 1.5ha and consider that 8,000m <sup>2</sup> - 1ha might be more appropriate	Allowed.  We request the Council re-words SUB-S3 to read:  Rural Lifestyle Zone, Mission Rural Residential Precinct  <i>"5,000m<sup>2</sup> minimum allotment size with a minimum average allotment size of 1ha."</i>		Accept
SUB - Subdivision - Standards Table/SUB-S1: Minimum allotment sizes - residential	Guy Panckhurst	210.11	Amend	Considers the minimum allotment size of 350m <sup>2</sup> under (2) provided no flexibility for two lot infill subdivision when, due to site constraints, either the lot containing the existing dwelling, or the vacant allotment cannot achieve 350m <sup>2</sup> . This standard could prevent many potential infill subdivisions from occurring. Under 1(b) (ii) there would be an issue under a staged subdivision where some vacant titles are created pending development of dwellings on the next stage. A staged subdivision development would likely not be able to comply with this standard and could compromise funding and cashflow for the next stages. Rather than 1(b)(ii) mandating no vacant allotments, why not ensure that any future building development cannot occur on the vacant allotment unless it is in accordance with the land use consent granted, which could be secured by way of Consent Notice.	Seeks to reduce minimum lot size to 300m <sup>2</sup> . Seeks to remove the minimum size for allotments containing dwellings. Seeks to allow allotments to be created under staged subdivision consents. Reasons are stated in detail in the full submission.	Open Submission	Accept in part

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SUB - Subdivision/Standards Table/SUB-S8: Building Platform	Guy Panckhurst	210.12	Amend	Considers the standard says there must be a "flood free" building platform, what exactly does this mean? There are many areas in Napier that are potentially susceptible to flooding in certain AEP storms. On new sites the potential flooding hazard is mitigated by setting floor levels that are above the flood level.	Seeks to have the wording of flood free revisited.	Open Submission	Accept
SUB - Subdivision/Standards Table/SUB-S8: Building Platform	Hawke's Bay Regional Council	FS 19.210.12	Amend	It would be efficient to have a clear definition of what constitutes a flood-free building platform.	Allow in part.		Accept
SUB - Subdivision/Standards Table/SUB-S8: Building Platform	Alison Francis	FS 250.210.12	Support	Bay Planning agrees with Mr Panckhurst on this matter. The words "flood free" are ambiguous, as there are areas where flooding is a risk, but only slightly, and sometimes this can be mitigated by setting higher FFL.	Allowed.  Remove the words "flood free" from SUB-S8(1) and potentially add in specific information about flood hazards in the list in SUB-S8(3) so that if flooding is clearly a risk, it is identified and an appropriate decision about subdivision or development is able to be made.		
SUB - Subdivision - Standards Table/SUB-S16: Utility services	Chorus New Zealand Ltd	212.1	Amend	Supports the intent of SUB-S16 to ensure network utility services are provided during subdivision however seeks to amend SUB-S16 or to create an additional standard to mandate connection to an open-access fibre network at the time of subdivision. Considers that access to high-quality broadband is crucial for work, education, and lifestyle, hence fiber connection should be treated as an essential service alongside water supply and wastewater. Failure to provide fiber during subdivision can lead to disruptive retroactive installations, increased costs, and inefficiencies. Seeks relief to ensure consistency with other subdivision standards while allowing flexibility for alternative telecommunications connections under certain circumstances.	Add standard as below: <u>SUB-SXX: Telecommunications</u> <u>1. Alternative supply of telecommunications services</u> <u>All general residential, commercial and industrial zones, precincts, and control areas</u> <u>1. All new allotments created must be connected to an open-access fibre network</u> <u>Matters of discretion:</u> <u>Alternative supply of telecommunications services</u>  <u>Rural zones, precincts, and control areas</u> <u>1. All new allotments created must have the ability to connect to a telecommunications network (fibre, mobile or wireless including satellite)</u>	Open Submission	Reject
SUB - Subdivision /Issues /SUB-15: The need to ensure public access to the coast, estuary, and rivers	Amelia Longley	222.7	Support	SUB-15 protects and provides for the development Public Access.	Retain provided the proposed additions to the Indicative Public Access Routes layer is accepted.	Open Submission	Accept
SUB - Subdivision /Objectives /SUB-O2: Impact of the built environment on landscapes, biodiversity, water quality, and other key environmental matters	Amelia Longley	222.8	Support	SUB-O2 includes provision for consideration of impacts of subdivision on public open space.	Retain SUB-O2	Open Submission	Accept in part
SUB - Subdivision /Policies /SUB-P11: Esplanade reserves and public access	Amelia Longley	222.9	Support	SUB-P11 ensures provision for identified public access.	Seeks to Retain SUB-P11.	Open Submission	Accept
SUB - Subdivision - Standards Table/SUB-S17: Indicative public access route	Amelia Longley	222.10	Support	SUB-S17 supports protection and development of public access.	Retain, provided proposed additions to Indicative Public Access Routes are accepted.	Open Submission	Accept

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SUB - Subdivision /Assessment criteria /SUB-AC6: Indicative public access route (SUB-S17)	Amelia Longley	222.11	Support	SUB-AC6 provides for development of indicative public access routes.	Retain, provided additions to Indicative Public Access routes are accepted.	Open Submission	Accept
SUB - Subdivision /Assessment criteria /SUB-AC6: Indicative public access route (SUB-S17)	Emerald Hills Joint Venture Limited	FS 284.222.11	Support	Support to the extent that the relief sought in the original submission of EHJV is not compromised, otherwise oppose.	Allowed.  Support to the extent that the relief sought in the original submission of EHJV is not compromised, otherwise oppose.		Accept
SUB - Subdivision /Objectives /SUB-O3: Infrastructure, transport, and connectivity	Ministry of Education Te Tāhuhu o Te Mātauranga ('the Ministry')	231.29	Support	The Ministry supports this objective as it requires subdivisions to provide safe, efficient and accessible connectivity and active modes of transport. The Ministry supports the uptake of students choosing active modes of travel to schools as it has health benefits and reduces traffic congestion on the road network at peak pick up and drop off time.	Retain as proposed.	Open Submission	Accept in part
SUB - Subdivision /Policies /SUB-P7: Providing for connectivity	Ministry of Education Te Tāhuhu o Te Mātauranga ('the Ministry')	231.30	Support	Supports this policy to enable well connected neighbourhoods through the active and public transport modes. The ministry supports the uptake of students choosing active modes. Supports the uptake of students choosing active modes of travel to schools as it has health benefits and reduces traffic congestion on the road network at peak pick up and drop off times.	Retain as proposed.	Open Submission	Accept
SUB - Subdivision /Policies /SUB-P7: Providing for connectivity	Napier City Council (Urban Design Team Leader)	FS 546.231.30	Support	Support, this has the dual benefit of enhancing connectivity and wayfinding overall. Greatly improves ability to navigate neighbourhoods on alternative modes of transport (bicycle, scooter, on foot)  The objective of this further submission is to ensure that the design outcomes of Napier align with our city's intended character over the next ten years, and to facilitate a cohesive transition towards medium density development in suitable locations. The further submission aims to reinforce high quality design standards, fostering an attractive urban landscape both within sites and across neighbourhoods.  It is noted that the extent of proposed medium density development is ambitious, and as such it is advocated that caution be exercised when considering medium density development. It is recommended that this be undertaken in areas close to the city centre (i.e. built form reflects and supports the increase in height, scale and density.)	Allowed.		Accept
SUB - Subdivision - Standards Table /	Marist Holdings (Greenmeadows) Ltd	235.3	Amend	Amendments are sought to Subdivision Standards SUB-S5 and SUB-S18 as a consequence of the requested new Mission Church Road Residential Precinct. The specific reasons are set out in the S32 Report attached to this submission (a summary of which can be found in submission point 235.2). The specific amendments to be made to each standard and the reasons for these requested changes can be found in submission points 235.16 and 235.17.	Amendments to SUB-S5 and SUB-S18 as set out in the attached document SUB - Subdivision - MHGL Submission.pdf, the details of which can be found in submission points 235.16 and 235.17.	Open Submission	Reallocated to rezoning requests
SUB - Subdivision - Standards Table/SUB-S5: Minimum allotment sizes - development areas	Marist Holdings (Greenmeadows) Ltd	235.16	Amend	Amendments are sought to Subdivision Standards SUB-S5 as a consequence of the requested new Mission Church Road Residential Precinct. The reasons given for requesting changes are summarised in submission point 235.2.	Amend SUB-S5 Minimum allotments sizes - Development Areas as follows: <b>SUB-S5 Minimum allotments sizes - Development areas</b> Mission Development Area No minimum (550 houses required <u>in the Mission Residential Precinct</u> ) Activity status where standards are not met: N/A	Open Submission	Reallocated to rezoning requests



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SUB - Subdivision - Standards Table/SUB-S5: Minimum allotment sizes - development areas	Patricia Kruger	FS 7.235.16	Oppose	<p>My family and I currently live at 2 Dules Walk, Knightsbridge, opposite the future Mission Rural Residential Precinct. I have no issue with the area's development, and I am looking forward to the Artisanal Village being planned. Part of the concerns I have is the lot sizes that are proposed for this development area. (...the concept plan resulting in 48 residential units, on lots with an approximate area of 350m<sup>2</sup> each, suiting a double-storey housing typology to ensure a smaller building footprint on each lot while still achieving adequate floor areas... Mitchell Daysh).</p> <p>I would propose and appreciate it if the developer could look at developing bigger lot sizes to match the immediate neighbouring streets. My concern is that the proposed high-density development will not fit in with the special character of the neighbourhood, which is bigger lot sizes with single-storey family homes. I further believe that the high-density development will harm the value of my property and cause a loss to my investment. I agree that there is a shortage of homes but would appreciate quality growth compared to quantity growth that could negatively impact the neighbourhood. This same sentiment was expressed by the community of Havelock North regarding the Brookvale Road development (Hawke's Bay TODAY, 01/05/2024) where they feel that the design is not in keeping with the design of the neighbouring streets</p>	<p>Disallowed.</p> <p>I would appreciate larger lots with single-storey family homes on it.</p>		Reallocated to rezoning requests
SUB - Subdivision - Standards Table/SUB-S18: Esplanade reserves	Marist Holdings (Greenmeadows) Ltd	235.17	Amend	<p>Amendments are sought to Subdivision Standards SUB-S18 as a consequence of the requested new Mission Church Road Residential Precinct. The specific reasons are set out in the S32 Report and are summarised in submission point 235.2..</p>	<p>Amend SUB-S18 Esplanade Reserves as follows:</p> <p><b>Mission Development Area</b>            Purpose: to consider the safety of the public when restricting access through a working vineyard.</p> <p>1. There is no esplanade reserve requirement for the Taipo Stream where it traverses <del>the Mission Special Character Zone</del> <u>land within the Mission Development Area</u> except in the following circumstances:</p> <p>a. a 20m esplanade reserve must be vested in Council for land comprised in (either Lot 1 DP 27138 held in Certificate of Title W3/453 W1/63 and/or Part Lot 2 DP25932 held in Certificate of Title HBW1/63 (as at 12 September 2018) which falls within the <u>Mission Productive Rural</u>, and/or <u>Mission Landscape &amp; Visitor</u>, and/or <u>Mission Church Road Rural Residential (fronting Church Road)</u> Precincts where sites of less than 4ha are created wholly or partly within 100m of the Taipo Stream.</p> <p>b. No esplanade reserve will be required for sites created through subdivision within the <u>Mission Residential Precinct</u> and the <u>Rural Residential Precinct</u> <del>which adjoins the Residential Precinct.</del></p>	Open Submission	Reallocated to rezoning requests
SUB - Subdivision /Objectives /SUB-O3: Infrastructure, transport, and connectivity	Unison Networks ("Unison")	240.11	Amend	<p>Considers that it is unclear what 'established network utilities' refers to. If the intent is to reference only existing, established network utilities, including existing electricity distribution, this should be clarified. Considers it necessary for the PDP to be future focussed and subdivisions should be required to confirm there is sufficient network capacity available for utility services that will serve the development. seeks for the objective to be amended to recognise that it is necessary for subdivision to be supported by development infrastructure and additional infrastructure for both existing and anticipated future activities.</p>	<p>Amend the objective as follows:</p> <p>SUB-O3: Infrastructure, transport, and connectivity</p> <p>a. subdivision has a layout that is:</p> <p>i. safe, efficient, convenient, accessible, enhances connectivity and encourages active transport modes, and</p> <p>ii. resilient and integrates with existing communities and provides for the long-term needs of its residents.</p> <p>b. infrastructure supporting subdivision and development is planned and provided for in an integrated and comprehensive manner at the time of subdivision.</p> <p>c. land is vested at the time of subdivision to provide for high-quality reserves, esplanade reserves, roads, stormwater, access and other purposes for the benefit of the wider community.</p> <p>d. subdivision protects the operation and access to established <u>and planned</u> network utilities and regionally significant infrastructure while mitigating reserve sensitivity effects.</p>	Open Submission	Reject

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SUB - Subdivision /Objectives /SUB-O3: Infrastructure, transport, and connectivity	Kāinga Ora – Homes and Communities	FS 508.240.11	Oppose	While Kāinga Ora recognise the importance of network utilities in delivering a well-functioning environment, Kāinga Ora is concerned with the implication that consideration around planned network utilities could have on residential subdivision. Kāinga Ora considers that this would create a greater sense of uncertainty in the consenting process.	Disallowed.		Accept
SUB - Subdivision /Policies /SUB-P9: Integrated provision of infrastructure	Unison Networks ("Unison")	240.12	Amend	Considers that it is unclear what 'established network utilities' refers to. If the intent is to reference only existing, established network utilities, including existing electricity distribution, this should be clarified. Considers it necessary for the PDP to be future focussed and subdivisions should be required to confirm there is sufficient network capacity available for utility services that will serve the development. Seeks for the policy to be amended to recognise that it is necessary for subdivision to be supported by development infrastructure and additional infrastructure for both existing and anticipated future activities.	Amend the policy as follows: Require subdivision to provide servicing that meets the requirements of the Code of Practice for Land Development and Subdivision Infrastructure and that: a. is coordinated, integrated, and compatible with the existing <u>and planned</u> infrastructure network. b. enables the existing network to be expanded or extended to adjacent land in the future where that land is zoned or identified through a future urban development strategy for urban development, and especially through the avoidance of allotments created primarily for the purpose of preventing connectivity to adjacent sites (spite strips). c. enables electricity and telecommunications services to be reticulated to each site, and undergrounded in residential and commercial zones where practicable. d. <u>provide utility reserves where necessary to position new infrastructure to service large lot subdivision.</u> e. connects sites capable of containing a building, in areas where service connections to the public network are available and capacity exists, to the following networks: i. wastewater; ii. stormwater, and iii. potable water. unless it is demonstrated that an alternative means of servicing can be provided meeting legislative and acceptable environmental outcomes.	Open Submission	Accept
SUB - Subdivision /Policies /SUB-P9: Integrated provision of infrastructure	Kāinga Ora – Homes and Communities	FS 508.240.12	Oppose	While Kāinga Ora recognise the importance of network utilities in delivering a well-functioning environment, Kāinga Ora is concerned with the implication that consideration around planned network utilities could have on residential subdivision. Kāinga Ora considers that this would create a greater sense of uncertainty in the consenting process. However, Kāinga Ora acknowledge the importance in having utility reserves to serve large lot subdivisions.	Disallowed.		Reject
SUB - Subdivision - Standards Table/SUB-S16: Utility services	Unison Networks ("Unison")	240.13	Amend	Supports the standard requiring the provision for utility services within a subdivision but considers the standard needs to be amended to include measurable criteria. Seeks more specific details about the size or location of land for utility services in a subdivision be stated in the standard. Submitter is concerned with large subdivisions that do not set aside utility reserves and is also concerned with subdivisions that rely on provision for utility services in road reserve, the approval of which is outside the submitters control.	Amend the standard to include measurable criteria for the size and location of land for utility services.	Open Submission	Reject
SUB - Subdivision - Standards Table/SUB-S16: Utility services	Kāinga Ora – Homes and Communities	FS 508.240.13	Oppose	While the importance of utility services is indisputable, Kāinga Ora do not support the inclusion of additional criteria and standards to set out requirements for the size and location of land for utilities. Kāinga Ora consider such provisions would be too onerous and add to the complexity in developing land for housing.	Disallowed.		Accept

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SUB - Subdivision - Standards Table /General	Unison Networks ("Unison")	240.14	Amend	Considers that the electricity distribution network is critical to the economic and social well-being of Napier residents, and therefore it is imperative developments encroaching nationally within recognised electrical safety standards should trigger the need for resource consent. Seeks the inclusion of a standard that specifically requires a setback from the electricity distribution network, as is proposed under SUB-S9 for the National Grid and SUB-S10 for the gas transmission network.	Include a new standard: <u>SUB-Sxx – Building platforms within proximity of the electricity distribution network:</u> <u>1. The subdivision of land in any zone containing the electricity distribution 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 10 m from the underground electricity distribution network and 20 m from above-ground equipment forming part of the electricity distribution network.</u> <u>2. The layout of allotments and any enabling earthworks must ensure that physical access is maintained to the electricity distribution network support structures where it is located on the allotments, including any balance area.</u> <u>Matters of discretion:</u> <u>1. Ability to comply with relevant zone rules and standards.</u> <u>2. Infrastructure and connectivity.</u> Consequential amendments to relevant rules in the Subdivision chapter are also sought.	Open Submission	Reject
SUB - Subdivision - Standards Table /General	Kāinga Ora – Homes and Communities	FS 508.240.14	Oppose	Kāinga Ora oppose the new standard suggested by Unison given the potential impacts it could have on residential intensification and given that the effects of this standard have not been assessed in this respect.	Disallowed.		Accept
SUB - Subdivision /Issues /General	Tawanui Developments Limited	247.3	Amend	Consider amendments to this section of The Plan as it is considered that in some instances, the approach to subdivision does not align well with the provisions of Policy 6 in the National Policy Statement on Urban Development 2020; that Policy recognising the changing character in communities through ongoing urban development.	Amend the sections to clearly reflect the intent of Policy 6 of the NPS-UD 2020 in the context of subdivision.	Open Submission	Accept in part
SUB - Subdivision /Issues /General	Kāinga Ora – Homes and Communities	FS 509.247.3	Support	Kāinga Ora supports references being made to Policy 6 of the NPS-UD in the context of subdivision as it recognises and provides for the planned environment and the subsequent changes in amenity values. Kāinga Ora consider this to be vital in enabling and strengthening the opportunities for intensification.	Allowed.		Accept in part
SUB - Subdivision /Objectives /General	Tawanui Developments Limited	247.4	Oppose	Considers that there is significant repetition of issues and confusing terminology which does not assist in clarity and useability of the Plan. The effectiveness of the provisions is significantly diluted through this current structure and are considered to be too vague to provide clear guidance.	Amend to provide clarity and clear guidance on key matters and amending text to reflect appropriate management of effects as that term is defined within s.3 of The Act.	Open Submission	Reject
SUB - Subdivision /Objectives /General	Kāinga Ora – Homes and Communities	FS 509.247.4	Support	Kāinga Ora support the amendments to the objectives section to ensure use of consistent and clear terminology that ensures the clarity and useability of the Plan.	Allowed.		Reject
SUB - Subdivision - Rules Table/SUB-R2: Boundary adjustment	Tawanui Developments Limited	247.6	Oppose	Opposes the discretionary activity status of a proposed subdivision activity that fails to achieve all performance standards.	Amend the status of a proposed subdivision activity that fails to achieve all performance standards to restricted discretionary.	Open Submission	reject
SUB - Subdivision - Rules Table/SUB-R4: Subdivision to create conservation lots for the protection of scheduled heritage items, archaeological sites, and/or sites of significance to Māori	Tawanui Developments Limited	247.7	Oppose	Opposes a discretionary activity status for proposed subdivision activities that fail to achieve all performance standards.	Amend the status of a proposed subdivision activity that fails to achieve all performance standards to restricted discretionary.	Open Submission	Reject

## Appendix B – Summary of Recommended Responses to Submissions and Further Submissions

Section / Sub-section / Provision	Submitter Name	Submission number / Point Number	Position	Summary of Submission	Relief Summary	Link to Submission (click to open)	Officer's Recommendation
SUB - Subdivision - Rules Table/SUB-R1: Subdivision	Tawanui Developments Limited	247.8	Oppose	Opposes the provisions of SUB-R1A and SUB-R2A and SUB-R5 as that standard seeks reserves control over the Purpose, Objectives and Policies of the relevant Zone, Precinct and Development Area.	Amend to remove reference to (1) in SUB-R1A and SUB-R2A and SUB-R5.	Open Submission	Accept
SUB - Subdivision - Rules Table/SUB-R2: Boundary adjustment	Tawanui Developments Limited	247.9	Oppose	Opposes the provisions of SUB-R1A and SUB-R2A and SUB-R5 as that standard seeks reserves control over the Purpose, Objectives and Policies of the relevant Zone, Precinct and Development Area.	Amend to remove reference to (1) in SUB-R1A and SUB-R2A and SUB-R5.	Open Submission	Accept
SUB - Subdivision - Rules Table/SUB-R5: Cross lease title to freehold subdivision	Tawanui Developments Limited	247.10	Oppose	Opposes the provisions of SUB-R1A and SUB-R2A and SUB-R5 as that standard seeks reserves control over the Purpose, Objectives and Policies of the relevant Zone, Precinct and Development Area.	Delete reference to (1) in SUB-R1A and SUB-R2A and SUB-R5.	Open Submission	Accept
SUB - Subdivision - Standards Table/SUB-S1: Minimum allotment sizes - residential	Tawanui Developments Limited	247.11	Oppose	Opposes the non-complying category being applied to SUB-S1.	Amend SUB-S1 to provide for a restricted discretionary activity status.	Open Submission	Reject
SUB - Subdivision - Standards Table/SUB-S1: Minimum allotment sizes - residential	Napier City Council (Urban Design Team Leader)	FS 543.247.11	Oppose	<p>Oppose all submission, support the PDP as drafted. These mechanisms are in place to ensure all proposed development outside of the minimum can be properly assessed to achieve quality outcomes.</p> <p>The objective of this further submission is to ensure that the design outcomes of Napier align with our city's intended character over the next ten years, and to facilitate a cohesive transition towards medium density development in suitable locations. The further submission aims to reinforce high quality design standards, fostering an attractive urban landscape both within sites and across neighbourhoods.</p> <p>It is noted that the extent of proposed medium density development is ambitious, and as such it is advocated that caution be exercised when considering medium density development. It is recommended that this be undertaken in areas close to the city centre (i.e. built form reflects and supports the increase in height, scale and density.)</p>	Disallowed.		Accept
SUB - Subdivision - Standards Table/SUB-S1: Minimum allotment sizes - residential	Tawanui Developments Limited	247.12	Oppose	Oppose the vacant lot subdivision standard set out in SUB-S1 as it does not distinguish between the GRZ and MRZ vacant site subdivision standards. It is reasonable for a differentiation in standards for these zones as a vacant site area of 250sqm is entirely appropriate within which to design and develop a complying townhouse at a density which better reflects the intent of the MRZ outcomes in contrast to the GRZ.	Amend SUB-S1 to reflect a vacant site net site area of 250sqm for the MRZ.	Open Submission	Reject
SUB - Subdivision - Standards Table/SUB-S1: Minimum allotment sizes - residential	Kāinga Ora – Homes and Communities	FS 509.247.12	Amend	<p>Kāinga Ora agree that vacant lot subdivision needs to be clearly distinguished between the GRZ and MRZ and supports a smaller vacant net site area for both the GRZ and MRZ. In particular, Kāinga Ora have sought:</p> <ol style="list-style-type: none"> <li>1. That within the GRZ, the minimum vacant allotment size is 300m<sup>2</sup>;</li> <li>2. That within the MRZ and HRZ, a minimum shape factor of 8m x 15m is provided, with this shape factor being located outside of:</li> </ol> <ul style="list-style-type: none"> <li>• Land which may be subject to instability or is otherwise geotechnically unsuitable;</li> <li>• Network Utilities, including private and public lines.</li> </ul>	Allow in part.		Deferred

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SUB - Subdivision - Standards Table/SUB-S1: Minimum allotment sizes - residential	Napier City Council (Urban Design Team Leader)	FS 543.247.12	Oppose	<p>Oppose all submission, support the PDP as drafted. These mechanisms are in place to ensure all proposed development outside of the minimum can be properly assessed to achieve quality outcomes.</p> <p>The objective of this further submission is to ensure that the design outcomes of Napier align with our city's intended character over the next ten years, and to facilitate a cohesive transition towards medium density development in suitable locations. The further submission aims to reinforce high quality design standards, fostering an attractive urban landscape both within sites and across neighbourhoods.</p> <p>It is noted that the extent of proposed medium density development is ambitious, and as such it is advocated that caution be exercised when considering medium density development. It is recommended that this be undertaken in areas close to the city centre (i.e. built form reflects and supports the increase in height, scale and density.)</p>	Disallowed.		Deferred
SUB - Subdivision - Standards Table/SUB-S5: Minimum allotment sizes - development areas	Tawanui Developments Limited	247.13	Oppose	Consider recognising the Riverbend Road Development Area within Rule SUB-S5	Amend to include the Riverbend Road Development Area to the provisions of SUB-S5.	Open Submission	Realloacted to rezoning requests
SUB - Subdivision - Standards Table/SUB-S6: Number of allotments	Tawanui Developments Limited	247.14	Oppose	Opposes this standard as the inference of this rule is to limit the number of sites that can be created before a proposal default to a more arduous consent category.	Delete SUB-S6.	Open Submission	Accept in part
SUB - Subdivision - Standards Table/SUB-S11: Shape factor	Tawanui Developments Limited	247.15	Oppose	Opposes the introduction of a shape factor in SUB-S11 as that does not distinguish between MRZ and GRZ typologies and also conflicts with the provisions of SUB-S1 which requires a demonstration that a dwelling can be built that complies with the relevant standards.	Delete SUB-S11.	Open Submission	Reject
SUB - Subdivision - Standards Table/SUB-S11: Shape factor	Kāinga Ora – Homes and Communities	FS 509.247.15	Amend	Kāinga Ora supports a minimum shape factor for vacant lot subdivision in the MRZ and HRZ and does not consider that this standard (SUB-S11) should apply where a subdivision is sought around a land-use consent or existing / consented development. Kāinga Ora agree that the minimum shape factor should not apply in the GRZ for vacant subdivision and instead support a minimum site size.	Allow in part.		Accept in part
SUB - Subdivision /Assessment criteria /SUB-AC1: General, applies to all subdivision (including boundary adjustments)	Tawanui Developments Limited	247.16	Oppose	Opposes the provisions of SUB-AC1 as (a) reserves control over the Purpose, Objectives and Policies of the relevant Zone, Precinct and Development Area.	Amend SUB-AC1 to remove (a) and reconfigure the balance of the provisions.	Open Submission	Accept
SUB - Subdivision /Assessment criteria /SUB-AC2: Subdivision of three sites or more in residential, rural, commercial, and industrial zones (Number of allotments created SUB-S6)	Tawanui Developments Limited	247.17	Oppose	Opposes the provisions of SUB-AC2 as (a) reserves control over the Purpose, Objectives and Policies of the relevant Zone, Precinct and Development Area.	Delete SUB-AC2(a)	Open Submission	Accept
SUB - Subdivision /Assessment criteria /SUB-AC8: All infringements to standards (SUB S1 - SUB-S18)	Tawanui Developments Limited	247.18	Oppose	Opposes SUB-AC8 as it is not an appropriate provision as currently drafted as it partially applies a test in (c) that is applicable only to a non-complying activity under The Act and is onerous for a subdivision which infringes a standard in SUB-S1 -SUB-S18. It adds no substantive guidance to an assessment of an application.	Delete SUB-AC8.	Open Submission	Accept
SUB - Subdivision - Standards Table/SUB-S3: Minimum allotment sizes - rural	Darryl Wayne Hook	248.2	Oppose	Considers the rules relating to subdivision and minimum site area (2,500m <sup>2</sup> ) should apply to all properties within the Rural Lifestyle Zone. There is a rule that only permits further site as a result of subdivision at 135 Ballantyne Road which is 5.4ha in area.	Seeks that all properties within this subdivision have RLZ-R3a minimum site area of 2,500 m <sup>2</sup> .	Open Submission	Reject

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SUB - Subdivision /Assessment criteria /SUB-AC4: Subdivision not meeting building platform standard (SUB-S8)	Department of Conservation	253.51	Oppose	The assessment criteria for Subdivision not meeting building platform standard (SUB-S8) includes a heading for ecological values but does not provide any criteria.	seeks to insert ecological values in the assessment criteria.	Open Submission	Reject
SUB - Subdivision /Issues /SUB-17: Issues of reverse sensitivity on adjacent land uses	Horticulture New Zealand	257.35	Amend	HortNZ supports recognition of reverse sensitivity on adjacent land uses. This is a key issue in rural areas and primary production. Suggests amending as mitigation measures should also include setbacks.	Seeks to amend SUB-17 to include setbacks: Mitigation measures such as planting buffers, site layout <u>and setbacks</u> should be considered and incorporated at the time of subdivision where potential for reverse sensitivity exists.	Open Submission	Accept
SUB - Subdivision /Objectives /SUB-O6: Subdivision in rural zones	Horticulture New Zealand	257.37	Amend	HortNZ supports Objective 6 to protect highly productive land, avoiding Rural lifestyle in the Rural Production Zone and avoiding reverse sensitivity effects. However the objective refers to 'rural activities' which are not defined.	Seeks to amend SUB-O6 to: b) Rural Production Zone (not productive) c) Delete rural activities and replace with <u>primary production activities and rural industry</u> alternatively define rural activities as primary production activities, rural industry and activities that have a functional need to locate in the Rural Production Zone.	Open Submission	Accept in part
SUB - Subdivision /Policies /SUB-P19: Highly productive land	Horticulture New Zealand	257.39	Amend	Considers the policy needs to more accurately reflect the NPSHPL.	Seeks to amend SUB-P19 as follows: Amend c): Avoiding subdivision unless Section 3.8 of the National Policy Statement for Highly Productive Land 2022 is met. Amend d) by deleting subpoints ii, iii, and iv as these are included in Section 3.10 of the National Policy Statement for Highly Productive Land.	Open Submission	Accept
SUB - Subdivision - Rules Table/SUB-R1: Subdivision	Horticulture New Zealand	257.41	Amend	HortNZ does not support a controlled activity status for subdivision in the Rural Production Zone as it does not enable affected parties to be involved in the process which may adversely affect their operations.	Seeks to amend SUB-R1A to Restricted Discretionary in the Rural Production Zone and Discretionary where standards are not met.	Open Submission	Reject
SUB - Subdivision/Standards/SUB-S3: Minimum allotment sizes - rural	Horticulture New Zealand	257.43 (Renotified Submission)	Amend	A minimum lot size of 4ha in the Rural Production Zone is supported.	Seeks to amend Rural <del>Productive</del> Zone to Rural <u>Production</u> Zone.	Open Submission	Accept
SUB - Subdivision /Assessment criteria /SUB-AC1: General, applies to all subdivision (including boundary adjustments)	Horticulture New Zealand	257.44	Amend	Considers clause aa) should apply to all primary production activities not just land-based primary production activities.	Seeks to amend by deleting <del>land-based</del> primary production.	Open Submission	Accept
SUB - Subdivision /Issues /General	Mana Ahuriri Holdings Limited Partnership	263.4	Amend	Generally supports the proposed Introduction and the Issues framework (contained within SUB-11 – SUB-18) subject to some amendments and refinements to aid in useability, clarity, and consistency of terminology. The Submitter seeks some amendments to this section of the Plan as it is considered that in some instances, the approach to subdivision does not align well with the provisions of Policy 6 in the National Policy Statement on Urban Development 2020; that Policy recognising the changing character in communities through ongoing urban development.	Amend the sections to clearly reflect the intent of Policy 6 of the NPS-UD 2020 in the context of subdivision.	Open Submission	Accept in part
SUB - Subdivision /Objectives /General	Mana Ahuriri Holdings Limited Partnership	263.5	Oppose	Opposes objectives and policies. There is significant repetition of issues and confusing terminology which does not assist in clarity and useability of the Plan. The effectiveness of the provisions is significantly diluted through this current structure and are considered to be too vague to provide clear guidance.	Seeks amendments to provide clarity and clear guidance on key matters and amending text to reflect appropriate management of effects as that term is defined within s.3 of The Act.	Open Submission	Reject

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SUB - Subdivision /Policies /General	Mana Ahuriri Holdings Limited Partnership	263.6	Oppose	Opposes Subdivision objectives and policies. There is significant repetition of issues and confusing terminology which does not assist in clarity and useability of the Plan. The effectiveness of the provisions is significantly diluted through this current structure and are considered to be too vague to provide clear guidance.	Seeks amendments to provide clarity and clear guidance on key matters and amending text to reflect appropriate management of effects as that term is defined within s.3 of The Act.	Open Submission	Reject
SUB - Subdivision - Rules Table/SUB-R2: Boundary adjustment	Mana Ahuriri Holdings Limited Partnership	263.7	Oppose	Amendments to SUB-R2B and SUB—R4B are sought as there is no substantive rationale for the inclusion of a discretionary activity consenting category against an activity which fails to meet all the relevant standards. An amended consent category still provides Council with the ability to consider relevant matters and decline if it sees fit to do so but focuses on salient matters rather than a wide-ranging assessment. It is appropriate for a proposal to fall from Controlled to Restricted Discretionary but the default to Discretionary is not considered justified in many instances.	Amend the consent activity categories to reflect a more logical cascade of consenting status depending upon the nature of the subdivision and the standards that may not be achieved.	Open Submission	reject
SUB - Subdivision - Rules Table/SUB-R4: Subdivision to create conservation lots for the protection of scheduled heritage items, archaeological sites, and/or sites of significance to Māori	Mana Ahuriri Holdings Limited Partnership	263.8	Oppose	Amendments to SUB-R2B and SUB—R4B are sought as there is no substantive rationale for the inclusion of a discretionary activity consenting category against an activity which fails to meet all the relevant standards. The amended consent category still provides Council with the ability to consider relevant matters and decline if it sees fit to do so but focuses on salient matters rather than a wide-ranging assessment. It is appropriate for a proposal to fall from Controlled to Restricted Discretionary but the default to Discretionary is not considered justified in many instances.	Amend the consent activity categories to reflect a more logical cascade of consenting status depending upon the nature of the subdivision and the standards that may not be achieved.	Open Submission	Reject
SUB - Subdivision - Rules Table/SUB-R1: Subdivision	Mana Ahuriri Holdings Limited Partnership	263.9	Oppose	Oppose SUB-R1A, SUB-R2A and SUB-R5 as that standard seeks to reserve control over the Purpose, Objectives and Policies of the relevant Zone, Precinct and Development Area. If an activity is Controlled by the zone or other standards, it must inherently be considered to be envisaged by the Objectives and Policies and as such the need for control over that matter is considered redundant.	Remove reference to (1) in SUB-R1A, SUB-R2A and SUB-R5.	Open Submission	Accept
SUB - Subdivision - Rules Table/SUB-R2: Boundary adjustment	Mana Ahuriri Holdings Limited Partnership	263.10	Oppose	Opposes SUB-R1A, SUB-R2A and SUB-R5 as that standard seeks to reserve control over the Purpose, Objectives and Policies of the relevant Zone, Precinct and Development Area. If an activity is Controlled by the zone or other standards, it must inherently be considered to be envisaged by the Objectives and Policies and as such the need for control over that matter is considered redundant.	Remove reference to (1) in SUB-R1A, SUB-R2A and SUB-R5.	Open Submission	Accept
SUB - Subdivision - Rules Table/SUB-R5: Cross lease title to freehold subdivision	Mana Ahuriri Holdings Limited Partnership	263.11	Oppose	Opposes SUB-R1A, SUB-R2A and SUB-R5 as that standard seeks to reserve control over the Purpose, Objectives and Policies of the relevant Zone, Precinct and Development Area. If an activity is Controlled by the zone or other standards, it must inherently be considered to be envisaged by the Objectives and Policies and as such the need for control over that matter is considered redundant.	Remove reference to (1) in SUB-R1A, SUB-R2A and SUB-R5.	Open Submission	Accept
SUB - Subdivision - Standards Table/SUB-S1: Minimum allotment sizes - residential	Mana Ahuriri Holdings Limited Partnership	263.12	Oppose	Opposes the non-complying category of SUB-S1. The matters at issue are considered to be able to be managed through a Restricted Discretionary activity status. SUB-S1 is opposed. The vacant lot subdivision standard set out in SUB-S1 does not distinguish between the GRZ and MRZ vacant site subdivision standards. It is reasonable for a differentiation in standards for these zones as a vacant site area of 250sqm is entirely appropriate within which to design and develop a complying townhouse at a density which better reflects the intent of the MRZ outcomes in contrast to the GRZ.	Amend SUB-S1 to give effect to the relief sought. Amend SUB-S1 to reflect a vacant site net site area of 250sqm for the MRZ.	Open Submission	Reject

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SUB - Subdivision - Standards Table/SUB-S1: Minimum allotment sizes - residential	Napier City Council (Urban Design Team Leader)	FS 542.263.12	Oppose	<p>Oppose all submission, support the PDP as drafted. These mechanisms are in place to ensure all proposed development outside of the minimum can be properly assessed to achieve quality outcomes.</p> <p>The objective of this further submission is to ensure that the design outcomes of Napier align with our city's intended character over the next ten years, and to facilitate a cohesive transition towards medium density development in suitable locations. The further submission aims to reinforce high quality design standards, fostering an attractive urban landscape both within sites and across neighbourhoods.</p> <p>It is noted that the extent of proposed medium density development is ambitious, and as such it is advocated that caution be exercised when considering medium density development. It is recommended that this be undertaken in areas close to the city centre (i.e. built form reflects and supports the increase in height, scale and density.)</p>	Disallowed.		Accept
SUB - Subdivision - Standards Table/SUB-S2: Minimum allotment sizes - commercial and industrial	Mana Ahuriri Holdings Limited Partnership	263.13	Oppose	<p>Amend SUB-S2 as there is no resource management rationale for having no control over subdivision (by way of a minimum lot area) within Commercial and Industrial Zones but conversely imposing a minimum of 2500sqm for subdivision undertaken within the LFRZ. In all these zones, the nature of the intended land use will dictate the size of the lot required and the land use standards for the LFRZ are already well regulated through the zoning provisions.</p>	Delete the 2500sqm provision in respect of LFRZ subdivision in SUB-R2.	Open Submission	Reject
SUB - Subdivision - Standards Table/SUB-S2: Minimum allotment sizes - commercial and industrial	Napier City Council (Urban Design Team Leader)	FS 542.263.13	Oppose	<p>Oppose all submissions, support the PDP as drafted. The minimum lot sizes enable a generally good development outcome. Undersized lots lend themselves to poorer outcomes, a resource consent should be required to properly assess undersized development.</p> <p>The objective of this further submission is to ensure that the design outcomes of Napier align with our city's intended character over the next ten years, and to facilitate a cohesive transition towards medium density development in suitable locations. The further submission aims to reinforce high quality design standards, fostering an attractive urban landscape both within sites and across neighbourhoods.</p> <p>It is noted that the extent of proposed medium density development is ambitious, and as such it is advocated that caution be exercised when considering medium density development. It is recommended that this be undertaken in areas close to the city centre (i.e. built form reflects and supports the increase in height, scale and density.)</p>	Disallowed.		Accept
SUB - Subdivision - Standards Table/SUB-S5: Minimum allotment sizes - development areas	Mana Ahuriri Holdings Limited Partnership	263.14	Amend	<p>Recognition of the Wharerangi Development Area within Rule SUB-S5 is sought, as that area is not clearly identified and it is noted that SUB-S5 currently enables the Mission Development Area and Te Awa Development Area amongst others to benefit from a "no minimum" lot area approach to subdivision. The Submitter seeks an amendment to reflect the same standards be applicable to the Wharerangi Development Area identified in APP-10.</p>	Add reference to the DEV-2 (Wharerangi Development Area) into the standards in SUB-S5.	Open Submission	Accept
SUB - Subdivision - Standards Table/SUB-S6: Number of allotments	Mana Ahuriri Holdings Limited Partnership	263.15	Oppose	<p>Removal of SUB-S6 is sought, as the inference of this rule is to limit the number of sites that can be created before a proposal default to a more arduous consent category. There is no link or caveat in respect of multi-unit development subdivision or other activities which might justify the existence of the rule. In the absence of a clear rationale as to why this rule is necessary and what effect or resource management issue it purports to regulate; The Submitter seeks the deletion of these rules. If a subdivision proposal complies with all relevant standards, it is unclear as to why this rule overrides the other activity standards.</p>	Delete SUB-S6.	Open Submission	Accept in part
SUB - Subdivision - Standards Table/SUB-S11: Shape factor	Mana Ahuriri Holdings Limited Partnership	263.16	Oppose	<p>Opposes the introduction of a shape factor in SUB-S11 as that does not distinguish between MRZ and GRZ typologies and also conflicts with the provisions of SUB-S1 which requires a demonstration that a dwelling can be built that complies with the relevant standards. The imposition of a blanket shape factor renders the outcome inflexible and not reflective of higher density development.</p>	Delete SUB-S11.	Open Submission	Reject



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SUB - Subdivision /Assessment criteria /SUB-AC1: General, applies to all subdivision (including boundary adjustments)	Mana Ahuriri Holdings Limited Partnership	263.17	Oppose	Opposes SUB-AC1 as (a) reserves control over the Purpose, Objectives and Policies of the relevant Zone, Precinct and Development Area. If an activity is Controlled or Restricted Discretionary by the zone or other standards, it must inherently be considered to be envisaged by the Objectives and Policies and as such the need for the inclusion of this provision is considered redundant. There is additional terminology used in the balance of the provisions which does not correlate with resource management terminology and does not provide clarity and conciseness for users of the Plan.	Amend SUB-AC1 to remove (a) and reconfigure the balance of the provisions.	Open Submission	Accept
SUB - Subdivision /Assessment criteria /SUB-AC2: Subdivision of three sites or more in residential, rural, commercial, and industrial zones (Number of allotments created SUB-S6)	Mana Ahuriri Holdings Limited Partnership	263.18	Oppose	Seeks the deletion of SUB-AC2. This is effectively addressing the same issues as that for all other subdivisions. It is considered unnecessary and not a provision that adds to the robustness or quality of an assessment of subdivision.	Delete SUB-AC2.	Open Submission	Accept in part
SUB - Subdivision /Assessment criteria /SUB-AC8: All infringements to standards (SUB-S1 - SUB-S18)	Mana Ahuriri Holdings Limited Partnership	263.19	Oppose	SUB-AC8 is not an appropriate provision as currently drafted as it partially applies a test in (c) that is applicable only to a non-complying activity under The Act and is onerous for a subdivision which infringes a standard in SUB-S1 -SUB-S18. It adds no substantive guidance to an assessment of an application.	Delete SUB-AC8.	Open Submission	Accept
SUB - Subdivision /Objectives /SUB-O8: Historic heritage overlays and precincts	Heritage New Zealand Pouhere Taonga - Dean Raymond	273.145	Amend	Considers this Objective which requires subdivision to provide for the protection of historic heritage overlays and precincts is supported. However, the Objective wording should also be amended to extend to the subdivision of sites containing historic heritage buildings and structures.	Amend SUB-O8: Historic heritage overlays and precincts as follows: Historic Heritage overlays and precincts <u>and sites containing historic heritage items</u>	Open Submission	Reject
SUB - Subdivision /Objectives /SUB-O8: Historic heritage overlays and precincts	Kāinga Ora – Homes and Communities	FS 513.273.145	Oppose	Kāinga Ora supports the proposed wording of SUB-O8 and is concerned with the potential ramifications of extending the objective to include the subdivision of sites containing historic heritage building and structures, which could limit intensification opportunities around heritage buildings / structures.	Disallowed.		Accept
SUB - Subdivision /Policies /SUB-P18: Historic heritage overlays and precincts	Heritage New Zealand Pouhere Taonga - Dean Raymond	273.148	Amend	Considers that while the intent of SUB-P18: Historic heritage overlays and precincts is supported so there is consistency with the established pattern of development, it requires amending as the reference to objective SUB-O3 is incorrect.	Retain Policy SUB-P18: Historic heritage overlays and precincts, with the following amendment: Relates to <del>SUB-O3</del> SUB-O8	Open Submission	Accept
SUB - Subdivision /Policies /SUB-P18: Historic heritage overlays and precincts	Kāinga Ora – Homes and Communities	FS 513.273.148	Oppose	Kāinga Ora considers that the policy should be reworded to enable subdivision where it ensures the protection of the historic heritage building or structure even where it is not consistent with the established pattern of development.	Disallowed.		Reject
SUB - Subdivision /General /General	Heritage New Zealand Pouhere Taonga - Dean Raymond	273.149	Amend	Considers an additional Policy is required which explicitly identifies requirements for the subdivision of land containing a scheduled building and Site of Significance to Māori (SOSM), other than for the purpose of creating Conservation Lots. This amendment would assist in achieving Objective SUB-O8 and the Policy would help support a new recommended rule, which allows for more effective control over subdivision in these areas.	Insert New Subdivision Policy as follows: <u>Only allow subdivision of sites containing scheduled heritage items or Sites of Significance to Māori where it can be demonstrated that the values of the scheduled item can be maintained and there is sufficient land provided around the scheduled place to protect associated cultural and heritage values.</u>	Open Submission	Accept

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Section / Sub-section / Provision	Submitter Name	Submission number / Point Number	Position	Summary of Submission	Relief Summary	Link to Submission (click to open)	Officer's Recommendation
SUB - Subdivision - Rules Table /General	Heritage New Zealand Pouhere Taonga - Dean Raymond	273.153	Amend	Considers SUB - Subdivision Rule SUB-R1: Subdivision as a Controlled Activity is inappropriate as this activity status does not allow the Council to decline resource consent should subdivision have an adverse effect on existing heritage values. An amendment in the form of a new Rule is required with a Restricted Discretionary Activity status for subdivision of sites containing scheduled heritage items.	Amend SUB - Subdivision - Rules Table with a new Rule which manages subdivision on a site containing a scheduled heritage item as follows: <u>SUB-RX</u> <u>Subdivision of a site containing a historic heritage item included in SCHED3.</u> <u>Activity Status: Restricted Discretionary</u> <u>Matters of discretion:</u> <ul style="list-style-type: none"> <li>• effect of subdivision on heritage or cultural values</li> <li>• whether sufficient land is provided around the scheduled heritage item</li> <li>• any measures proposed to reduce or mitigate potential effects.</li> <li>• Any positive effects arising from subdivision</li> </ul>	Open Submission	Accept
SUB - Subdivision /Objectives /SUB-O6: Subdivision in rural zones	NZ Transport Agency Waka Kotahi (NZTA)	277.61	Amend	Supports in part O6, but considers a new point should be added to avoid reverse sensitivity effects between subdivisions in rural areas and established activities.	Add new point: <u>d. avoids reverse sensitivity effects between rural subdivision and lawfully established noise activities.</u>	Open Submission	Reject
SUB - Subdivision /Policies /SUB-P8: Access and egress	NZ Transport Agency Waka Kotahi (NZTA)	277.64	Amend	Supports P8 as it manages access and egress however request that it includes safe and efficient operation of the state highway network	Amend: <u>f) safe and efficient operation of the state highway network</u>	Open Submission	Reject
SUB - Subdivision /Policies /SUB-P12: Provision of infrastructure in rural areas	NZ Transport Agency Waka Kotahi (NZTA)	277.65	Amend	Supports in part P12 as it manages the design and location of subdivisions to avoid multiple accesses in close proximity on rural roads. Request that this be broadened to include the state highway network	Amend: Manage the design and location of subdivision to avoid the close proximity of multiple access points on rural roads <u>and state highways.</u>	Open Submission	Accept
SUB - Subdivision - Rules Table/SUB-R1: Subdivision	NZ Transport Agency Waka Kotahi (NZTA)	277.66	Support	Supports the matters of control, which allow decision-makers to consider effects on the transport network.	<u>Retain matters of control for SUB-R1A</u>	Open Submission	Accept
SUB - Subdivision - Rules Table/SUB-R1: Subdivision	NZ Transport Agency Waka Kotahi (NZTA)	277.67	Amend	Supports amendment to the activity status where activity conditions are not meet section. Seek any subdivision accessing a state highway to fall within the restricted discretionary activity status to align the policy with TPT-R2, which sets a default activity status for any new or modified access and crossing onto a state highway.	Amend: Activity Status where activity conditions are not met: Non-compliance with SUB-S6 – SUB-S17 : Restricted Discretionary <u>Any subdivision with direct access to a state highway or arterial road: Restricted Discretionary</u>	Open Submission	Reject
SUB - Subdivision - Rules Table/SUB-R1: Subdivision	Kāinga Ora – Homes and Communities	FS 514.277.67	Oppose	Kāinga Ora considers that Rule TPT-R2 already captures vehicle access onto a state highway without the need for a new and separate rule being created under the subdivision provisions, which creates unnecessary duplication.	Disallowed.		Accept
SUB - Subdivision - Rules Table/SUB-R2: Boundary adjustment	NZ Transport Agency Waka Kotahi (NZTA)	277.68	Amend	Notes this rule as currently drafted allows for boundary adjustment activities without links to relevant access standards. considers that boundary adjustment activities have the potential to increase the intensity of residential activity or land use activities, which have the potential if not properly managed to adversely affect the transport network. Support amending the rule to include assessment of SUB-S12.	Amend: Activity Status: Controlled Where: [...] <u>6. Compliance with standard SUB-S12.</u>	Open Submission	Reject
SUB - Subdivision - Rules Table/SUB-R2: Boundary adjustment	Kāinga Ora – Homes and Communities	FS 514.277.68	Oppose	Kāinga Ora opposes the additional clause being referenced in Rule SUB-R2 given that there is already provision to ensure that a boundary adjustment does not result in non-compliance or increase any existing non-compliance with any other rules or standards in the Plan. This is considered sufficient without creating additional layers and references to rules.	Disallowed.		Accept

## Appendix B – Summary of Recommended Responses to Submissions and Further Submissions

Section / Sub-section / Provision	Submitter Name	Submission number / Point Number	Position	Summary of Submission	Relief Summary	Link to Submission (click to open)	Officer's Recommendation
SUB - Subdivision - Rules Table/SUB-R3: Subdivision of land for the purpose of public works, network utilities, reserves, or access	NZ Transport Agency Waka Kotahi (NZTA)	277.69	Amend	Supports the controlled activity status for the subdivision of land for public works and network utilities but notes compliance with SUB-S6 – SUB-S18 must be achieved to meet this activity status. Request additional exemptions apply for SUB-S8 (building platforms) and SUB-S11 (shape factor), which appear to control effects for residential activities and amenity, to reflect the nature of subdivision for public works and network utilities.	Amend: Activity Status: Controlled Where: Compliance with standards SUB-S6 - SUB-S7, SUB-S9 - SUB-S10 and SUB-S12 - SUB-S18 and Compliance with SUB-S1 - SUB-S5, SUB-S8 and SUB-S11 (minimum lot sizes, building platform and shape factor) does not apply.	Open Submission	Accept
SUB - Subdivision - Standards Table/SUB-S2: Minimum allotment sizes - commercial and industrial	Kāinga Ora – Homes and Communities	285.21	Oppose	Opposes the proposed minimum lot size for vacant lot subdivision, being 350m <sup>2</sup> within SUB-S1(2).	Amend so that within the GRZ, the minimum vacant allotment size is 300m <sup>2</sup> ; that within the MRZ and HRZ, a minimum shape factor of 8m x 15m. This shape factor shall be located outside of: Land which may be subject to instability or is otherwise geotechnically unsuitable; Network Utilities, including private and public lines.	Open Submission	Reject
SUB - Subdivision - Standards Table/SUB-S2: Minimum allotment sizes - commercial and industrial	Hawke's Bay Airport Limited ("HBAL")	FS 348.285.21	Oppose	HBAL oppose this request as it will enable intensification of noise sensitive activities within the Outer Control Boundary, giving rise to potential reverse sensitivity effects on HBAL.	Disallowed.		Accept
SUB - Subdivision - Standards Table/SUB-S2: Minimum allotment sizes - commercial and industrial	Napier City Council (Urban Design Team Leader)	FS 536.285.21	Oppose	Oppose all submission, support the PDP as drafted. These mechanisms are in place to ensure all proposed development outside of the minimum can be properly assessed to achieve quality outcomes.  The objective of this further submission is to ensure that the design outcomes of Napier align with our city's intended character over the next ten years, and to facilitate a cohesive transition towards medium density development in suitable locations. The further submission aims to reinforce high quality design standards, fostering an attractive urban landscape both within sites and across neighbourhoods.  It is noted that the extent of proposed medium density development is ambitious, and as such it is advocated that caution be exercised when considering medium density development. It is recommended that this be undertaken in areas close to the city centre (i.e. built form reflects and supports the increase in height, scale and density.)	Disallowed.		Accept
SUB - Subdivision - Standards Table/SUB-S1: Minimum allotment sizes - residential	Kāinga Ora – Homes and Communities	285.25	Oppose	Opposes the proposed minimum lot size for vacant lot subdivision, being 350m <sup>2</sup> within SUB-S1(2).	Amend so that within the GRZ, the minimum vacant allotment size is 300m <sup>2</sup> ; that within the MRZ and HRZ, a minimum shape factor of 8m x 15m. This shape factor shall be located outside of: Land which may be subject to instability or is otherwise geotechnically unsuitable; Network Utilities, including private and public lines.	Open Submission	Reject
SUB - Subdivision - Standards Table/SUB-S1: Minimum allotment sizes - residential	Hawke's Bay Airport Limited ("HBAL")	FS 348.285.25	Oppose	HBAL oppose this request as it will enable intensification of noise sensitive activities within the Outer Control Boundary, giving rise to potential reverse sensitivity effects on HBAL.	Disallowed.		Accept
SUB - Subdivision - Standards Table/SUB-S13: Stormwater treatment and disposal	Son Nguyen	287.9	Amend	Consider amending standard to contain site specific information prior to design.	No specific relief has been sought.	Open Submission	Reject

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SUB - Subdivision /Policies /SUB-P8: Access and egress	Fire and Emergency New Zealand	288.48 (Late Submission)	Amend	Fire and Emergency supports SUB-P8 insofar that it seeks to manage the number, location, and design of access and egress points. It is important that safe and efficient emergency service access is also provided, whether that be by vehicle or by foot to ensure Fire and Emergency personnel can effectively access a site and/or structure in an emergency and without compromising the egress of residents escaping the site or other emergency services such as St John and Police. This relief supports the subsequent relief sought below in relation to the design and location of access including the provision of pedestrian access where no vehicle access is to be provided.	<b>Amend as follows:</b> <b>SUB-P8 Access and egress</b> Manage the number, location, and design of access and egress points to support all of the following: a) safety and amenity for pedestrians and cyclists to and from the site and along the street frontage; b) visibility of vehicles, pedestrians, and cyclists when exiting the site; c) efficient access to the site to minimise queuing within the integrated transportation network; d) safe and efficient operation of intersections, and e) encourage shared vehicle access by way of rear lanes in urban areas, where appropriate, to avoid the proliferation of vehicle crossings. f) <u>Safe and efficient emergency access and egress.</u>	Open Submission	accept
SUB - Subdivision /Policies /SUB-P8: Access and egress	Kāinga Ora – Homes and Communities	FS 516.288.48	Oppose	Kāinga Ora acknowledges that emergency services are a core component of a well-functioning environment; Kāinga Ora notes that wider vehicle crossings, appliance-friendly passing ways etc may have a cumulative effect on the streetscape and reduce the area available for housing (or its general feasibility), which needs to be fully-assessed and justified by the submitter.	Disallowed.		Reject
SUB - Subdivision /Policies /SUB-P9: Integrated provision of infrastructure	Fire and Emergency New Zealand	288.49 (Late Submission)	Amend	Fire and Emergency supports SUB-P9 insofar that it requires subdivision to provide servicing that meets the requirements of the Code of Practice for Land Development and Subdivision Infrastructure and that connects sites capable of containing a building, in areas where service connections to the public network are available and capacity exists. This includes the potable water networks unless it is demonstrated that an alternative means of servicing can be provided meeting legislative and acceptable environmental outcomes. Fire and Emergency notes that the water supply network does not just serve for potable use, and this should be clarified in the policy with reference to both potable and firefighting water supply.	<b>Amend as follows:</b> <b>SUB-P9: Integrated provision of infrastructure</b> Require subdivision to provide servicing that meets the requirements of the Code of Practice for Land Development and Subdivision Infrastructure and that: ... d) connects sites capable of containing a building, in areas where service connections to the public network are available and capacity exists, to the following networks: i. wastewater; ii. stormwater, and iii. <u>potable water supply (for both potable and firefighting use).</u>	Open Submission	accept
SUB - Subdivision /Policies /SUB-P9: Integrated provision of infrastructure	Kāinga Ora – Homes and Communities	FS 516.288.49	Oppose	Kāinga Ora acknowledges that emergency services are a core component of a well-functioning environment, however, the inclusion of standards relating to water supply specific to firefighting is opposed as such standards are covered through the building consent process.	Disallowed.		Reject
SUB - Subdivision /Policies /SUB-P12: Provision of infrastructure in rural areas	Fire and Emergency New Zealand	288.50 (Late Submission)	Amend	Fire and Emergency opposes SUB-P12 as it omits the need to require sites capable of containing a building, in areas where no reticulated water supply network is available, to be of a size and shape that provides for the storage on a firefighting water supply. An amendment to the policy is sought.	SUB-P12: Provision of infrastructure in rural areas a. Require sites capable of containing a building, in areas where no reticulated water supply, stormwater, or wastewater network is available, to be of a size and shape that provides for: ... iii. the storage of potable water <u>and a firefighting water supply.</u> ...	Open Submission	accept
SUB - Subdivision - Standards Table/SUB-S12: Transport, access, and connectivity	Fire and Emergency New Zealand	288.53 (Late Submission)	Amend	Subject to the amendments sought in the Transport chapter for vehicle access (TPT-S4) Fire and Emergency supports SUB-S12 as it requires all new allotments to have vehicular access to an existing, legal road that complies with the relevant provisions of the Transport chapter for vehicle access and manoeuvrability. Fire and Emergency requests a new specific matter of discretion be included for subdivision activities where a subdivision is not able to comply with the transport chapter, whereby consideration is given to the extent of consistency with the requirements of the Designers' guide to firefighting operations Emergency vehicle access F5-02 GD and the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008.	<b>Add a new matter of discretion as follows:</b> <b>Matters of discretion:</b> 5. The extent of consistency with the requirements of the Designers' guide to firefighting operations <u>Emergency vehicle access F5-02 GD and the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008.</u>	Open Submission	Accept in part

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SUB - Subdivision - Standards Table/SUB-S12: Transport, access, and connectivity	Kāinga Ora – Homes and Communities	FS 516.288.53	Oppose	Kāinga Ora acknowledges that emergency services are a core component of a well-functioning environment; Kāinga Ora notes that wider vehicle crossings, appliance-friendly passing pays etc may have a cumulative effect on the streetscape and reduce the area available for housing (or its general feasibility), which needs to be fully-assessed and justified by the submitter.	Disallowed.		Reject
SUB - Subdivision - Standards Table/SUB-S14: Water supply	Fire and Emergency New Zealand	288.54 (Late Submission)	Amend	<p>Fire and Emergency strongly supports SUB-S14 insofar as it requires all new lots that require water to be connected to a public reticulated water supply where a supply is available. Where a new lot 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 (including firefighting water supply).</p> <p>Fire and Emergency notes there is no specified standard provided for determining a satisfactory firefighting water supply, however, acknowledges that the Code of Practice for Land Development and Subdivision Infrastructure sets out the minimum standard for a reticulated firefighting water supply system which includes compliance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ 4509:2008. Fire and Emergency notes that this is however specific to the reticulated network and there appear to be no standards that set out how to provide a suitable and accessible alternative unreticulated firefighting water supply. This should be the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ 4509:2008.</p> <p>As such, Fire and Emergency requests an amendment to SUB-S14 requiring alternative firefighting water supplies to be provided in accordance with SNZ 4509:2008. Furthermore, it is requested an additional matter of discretion relating to the extent of non-compliance where compliance with SNZ 4509:2008 cannot be achieved. This should be a matter that is carefully considered in relation to the health, safety and wellbeing of future occupiers of the subdivision and the ability or not for Fire and Emergency to respond in a fire emergency. This will ensure that where water supply servicing cannot be met under SUB-S14, NCC will have suitable discretion as to the extent a new allotment is able to be provided with a suitable firefighting water supply.</p>	<p>Amend SUB-S14 as follows:</p> <p>SUB-S14: Water supply</p> <ol style="list-style-type: none"> <li>1. All new allotments created that require water must be connected to a public reticulated water supply where a supply is available.</li> <li>2. At the time of subdivision, sufficient land for water to be set aside.</li> <li>3. Where a new lot 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 (including firefighting water supply <u>in accordance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ 4509:2008</u>).</li> </ol> <p>Matters of discretion:</p> <p>...</p> <ol style="list-style-type: none"> <li>5. <u>The extent of compliance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ 4509:2008.</u></li> </ol>	Open Submission	Accept
SUB - Subdivision - Standards Table/SUB-S14: Water supply	Kāinga Ora – Homes and Communities	FS 516.288.54	Oppose	Kāinga Ora acknowledges that emergency services are a core component of a well-functioning environment, however, the inclusion of assessment criteria relating to water supply specific to firefighting (and in accordance with the NZ Fire Service Firefighting Water Supplies Code of Practice) is opposed as such standards/criteria are covered through the building consent process.	Disallowed.		Reject

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Section / Sub-section / Provision	Submitter Name	Submission number / Point Number	Position	Summary of Submission	Relief Summary	Link to Submission (click to open)	Officer's Recommendation
SUB - Subdivision /Assessment criteria /SUB-AC1: General, applies to all subdivision (including boundary adjustments)	Fire and Emergency New Zealand	288.55 (Late Submission)	Amend	<p>As subdivision is provided for as controlled and discretionary activities in the PDP, it is important that the assessment criteria that applies to all subdivision (as matters of control and matters of discretion) ensure that NCC can consider the operational requirements of Fire and Emergency, particularly firefighting water supply and access matters. This will provide NCC the opportunity to appropriately condition controlled activities to manage any adverse effects and condition or decline a restricted discretionary activity if non-compliances in relation to firefighting water supply and access are not adequately addressed. Fire and Emergency submit on the following matters:</p> <p>Safe, connected, and efficient transport network</p> <ul style="list-style-type: none"> <li>Subject to the acceptance of all amendments sought to chapter TPT – Transport and to SUB-S12, Fire and Emergency strongly supports SUB-AC1(b) which considers the extent to which the Transportation chapter standards for vehicle access and manoeuvring are able to be complied with, including TPT-S4 and TPT-S6.</li> </ul> <p>Stormwater and infrastructure</p> <ul style="list-style-type: none"> <li>As the Code of Practice for Land Development and Subdivision Infrastructure requires the water supply network be designed in accordance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008, Fire and Emergency supports SUB-AC1 (g) which considers compliance with the Code of Practice for Land Development and Subdivision Infrastructure.</li> <li>Fire and Emergency requests SUB-AC1(i)(i), which relates to the ability for the site to effectively and efficiently meet firefighting requirements, directly references the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008 as a means to determine the extent to which the subdivision meet firefighting requirements.</li> </ul>	<p>Amend as follows:</p> <p>SUB-AC1 General, applies to all subdivision (including boundary adjustments)</p> <p>Stormwater and infrastructure</p> <p>...</p> <p>i. When the site is not proposed to be connected to a public water supply:</p> <p>i. the ability for the site to effectively and efficiently meet firefighting requirements <u>in accordance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008</u>, and the ability to show how the site will be serviced by an acceptable alternative water supply.</p>	Open Submission	Reject
SUB - Subdivision /Assessment criteria /SUB-AC1: General, applies to all subdivision (including boundary adjustments)	Kāinga Ora – Homes and Communities	FS 516.288.55	Oppose	Kāinga Ora acknowledges that emergency services are a core component of a well-functioning environment, however, the inclusion of assessment criteria relating to water supply specific to firefighting (and in accordance with the NZ Fire Service Firefighting Water Supplies Code of Practice) is opposed as such standards/criteria are covered through the building consent process.	Disallowed.		Accept
SUB - Subdivision /Issues /SUB-I2: The impacts of subdivision on natural resources (landscapes, water quality, biodiversity, and highly productive land)	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	289.107 (Late Submission)	Support	Support	Retain	Open Submission	Accept
SUB - Subdivision /Objectives /SUB-O2: Impact of the built environment on landscapes, biodiversity, water quality, and other key environmental matters	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	289.108 (Late Submission)	Support	Strongly supports the objective of ensuring that subdivision protects, maintains and enhances natural environmental values.	Retain	Open Submission	Accept
SUB - Subdivision /Policies /SUB-P1: Compatible land use	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	289.109 (Late Submission)	Amend	Considers this policy, which refers in general terms to supporting the objectives, policies and rules of the District Plan, should also refer to the need to protect, maintain and enhance natural environmental values, and to climate change resilience.	<p>Seeks to Add:</p> <p><u>f. enables natural environmental values to be protected, maintained and enhanced.</u></p> <p><u>d.</u></p> <p><u>g. reflects the need to ensure that new development will be resilient to climate change, including locating new subdivisions away from flood plains.</u></p>	Open Submission	Accept in part

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SUB - Subdivision /Policies /SUB-P3: Subdivision design integrates with the environment	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	289.111 (Late Submission)	Amend	Considers the policy should ensure integration with ecological corridors and also refer to indigenous biodiversity. The important concepts of low impact design and green infrastructure should be used consistently throughout the plan. Additions are needed to provide guidance towards green infrastructure and low impact design and planting (it is not clear what indigenous landscaping is).	Amend as follows: a. protects, maintains, and enhances natural ecosystems, <u>ecological corridors</u> , waterbodies, and indigenous vegetation <u>and biodiversity</u> , including the retention of mature trees and vegetation <del>where possible</del> ; b. incorporates sufficient space for onsite stormwater attenuation and disposal including the use of water-sensitive <u>and low-impact</u> design solutions <u>and green infrastructure</u> , constructed in a way that mitigates the adverse effects of the quantity and quality of stormwater being discharged from sites; ... d. includes indigenous landscaping <u>and planting</u> to enhance biodiversity, reduce rate of stormwater run- off, assist with the removal of contaminants, and to soften the built form.	Open Submission	Accept
SUB - Subdivision /Policies /SUB-P3: Subdivision design integrates with the environment	Napier City Council (Urban Design Team Leader)	FS 544.289.111	Amend	Amend to note that this applies to the position and placement of building platforms, not just low impact infrastructure. Visual prominence is a key factor here also.  The objective of this further submission is to ensure that the design outcomes of Napier align with our city's intended character over the next ten years, and to facilitate a cohesive transition towards medium density development in suitable locations. The further submission aims to reinforce high quality design standards, fostering an attractive urban landscape both within sites and across neighbourhoods.  It is noted that the extent of proposed medium density development is ambitious, and as such it is advocated that caution be exercised when considering medium density development. It is recommended that this be undertaken in areas close to the city centre (i.e. built form reflects and supports the increase in height, scale and density.)	Allow in part.		Accept in part
SUB - Subdivision /Policies /SUB-P5: Open space and reserves.	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	289.112 (Late Submission)	Support	Support	Retain	Open Submission	Accept
SUB - Subdivision /Policies /SUB-P6: Protection and maintenance of landscapes in identified landscape overlay areas.	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	289.113 (Late Submission)	Amend	Considers the policy needs to be broader than 'visually prominent locations', and is too low a bar for the coastal environment.	Amend as follows: Within outstanding natural features and special character features and landscapes, land is subdivided in a way that avoids the need to place buildings, earthworks, and features in visually prominent and <u>ecologically sensitive</u> locations, <u>recognising that in the coastal environment, buildings may not be appropriate at all</u> .	Open Submission	Accept in part
SUB - Subdivision /Policies /SUB-P12: Provision of infrastructure in rural areas	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	289.115 (Late Submission)	Amend	Considers the requirement for rural subdivision to provide for self- contained servicing should also refer to low- impact design and green infrastructure.	Seeks to add the following: a. iv. The use of low-impact design solutions and green infrastructure where possible.	Open Submission	Accept
SUB - Subdivision /Policies /SUB-P16: Protecting significant natural areas.	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	289.117 (Late Submission)	Amend	The provisions relating to Ecosystems and Indigenous Biodiversity have not been included in the Proposed District Plan and will be released at a later date as a variation.	Seeks to ensure that the provisions (objectives, policies and rules) of the ECO chapter manage subdivision in or near SNAs in order to protect those areas. Alternatively, include policies and rules to that effect in the SUB chapter.	Open Submission	Noted

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SUB - Subdivision /Policies /SUB-P17: Conservation sites.	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	289.118 (Late Submission)	Oppose	Considers 'Conservation sites' are not defined in the plan. Assumes that such areas would be protected from development and not be allowed to be built on. Assumes this would not extend to areas of indigenous biodiversity. Subdivision of areas of biodiversity can result in loss or fragmentation.	Seeks to include a definition of conservation sites in the plan, that clarifies that these sites are to be protected from development. Clarify that this policy does not apply to areas of indigenous biodiversity. The plan should not provide for subdivision of important biodiversity areas.	Open Submission	Reject
SUB - Subdivision /General /General	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	289.119 (Late Submission)	Oppose	Opposes whole chapter, including Introduction, Objectives, Policies and Rules. Arising from late notification of ECO-chapter.	Seeks to add: "The <b>Ecosystems and Indigenous Biodiversity</b> chapter includes provisions which relate to subdivision. Where there is a conflict between the Subdivision chapter and the Ecosystems and Indigenous Biodiversity chapter, the provisions that place greater or additional restrictions on activities with adverse effects on the natural environment will apply".	Open Submission	Reject
SUB - Subdivision - Rules Table /General	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	289.120 (Late Submission)	Amend	Considers the rules do not appear to deal with subdivision in the coastal environment. The CE chapter objectives and policies must be given effect to in the SUB rules.	Seeks to include a new rule making subdivision in the coastal environment restricted discretionary. Ensure that the matters of discretion include effects on coastal values.	Open Submission	Accept
SUB - Subdivision - Rules Table/SUB-R1: Subdivision	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	289.121 (Late Submission)	Oppose	Considers the matters of control should include natural environmental values relating to indigenous ecosystems and biodiversity.	Seeks to Add: <u>10. Indigenous ecosystems and biodiversity, including the protection of SNAs;</u> And re number subsequent points	Open Submission	Reject
SUB - Subdivision - Rules Table/SUB-R3: Subdivision of land for the purpose of public works, network utilities, reserves, or access	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	289.122 (Late Submission)	Oppose	Considers the matters of control should include natural environmental values relating to ecosystems and indigenous biodiversity.	Seeks to Add: <u>6. Indigenous ecosystems and biodiversity, including the protection of significant natural areas;</u> And renumber subsequent points	Open Submission	Reject
SUB - Subdivision - Rules Table/SUB-R6: Subdivision on land within or containing a significant natural area	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	289.123 (Late Submission)	Amend	Seeks a rule making subdivision of land within or containing an SNA non-complying. Clarify whether conservation lots can be created.	Ensure that subdivision of land within or containing an SNA is non-complying.	Open Submission	Noted
SUB - Subdivision - Rules Table/SUB-R7: Subdivision of land within or containing a special character landscape	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	289.124 (Late Submission)	Amend	Considers the matters of discretion need to include coastal values. They should also refer to habitats for indigenous fauna, as these are not limited to indigenous vegetation and trees.	include coastal values and habitat for indigenous fauna in matters of discretion.	Open Submission	Accept in part
SUB - Subdivision - Rules Table/SUB-R7: Subdivision of land within or containing a special character landscape	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	289.125 (Late Submission)	Oppose	Considers the matters of discretion relating to natural environmental values should be clarified and expanded.	Amend as follows: 8. Protection, maintenance, and/or enhancement of natural environmental values including natural features, indigenous trees and vegetation, <u>indigenous habitats and biodiversity, and significant natural areas;</u>	Open Submission	Accept in part





LocalMaps Print

**LEGEND**

Parcel Land Use Capability

**Land Use Capability**

- 1 - Land with virtually no limitations for arable use and suitable for cultivated crops, pasture or forestry
- 2 - Land with slight limitations for arable use and suitable for cultivated crops, pasture or forestry

- 3 - Land with moderate limitations for arable use, but suitable for cultivated crops, pasture or forestry
- 4 - Land with moderate limitations for arable use, but suitable for occasional cropping, pasture or forestry
- 5 - High producing land unsuitable for arable use, but only slight limitations for pastoral or forestry use

- 6 - Non-arable land with moderate limitations for use under perennial vegetation such as pasture or forest
- 7 - Non-arable land with severe limitations to use under perennial vegetation such as pasture or forest

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Date: 10/29/2024  
 Scale: 1:92,306 @ A4  
 Reference Systems:  
 NZTM | NZVD2016



Appendix D – Esk Valley and Bayview Zoning with HPL Map

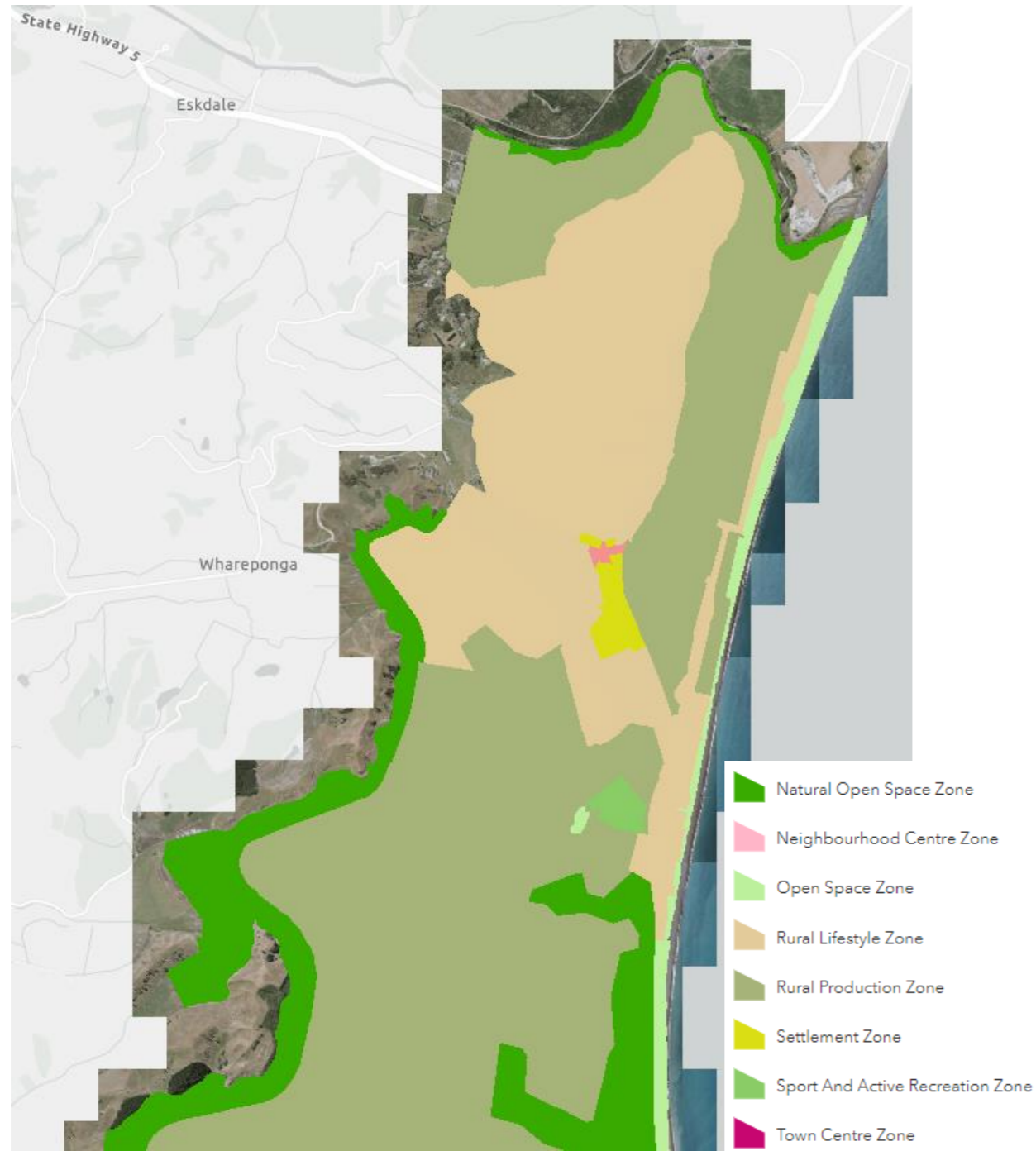


Figure 1: Proposed District Plan Zoning

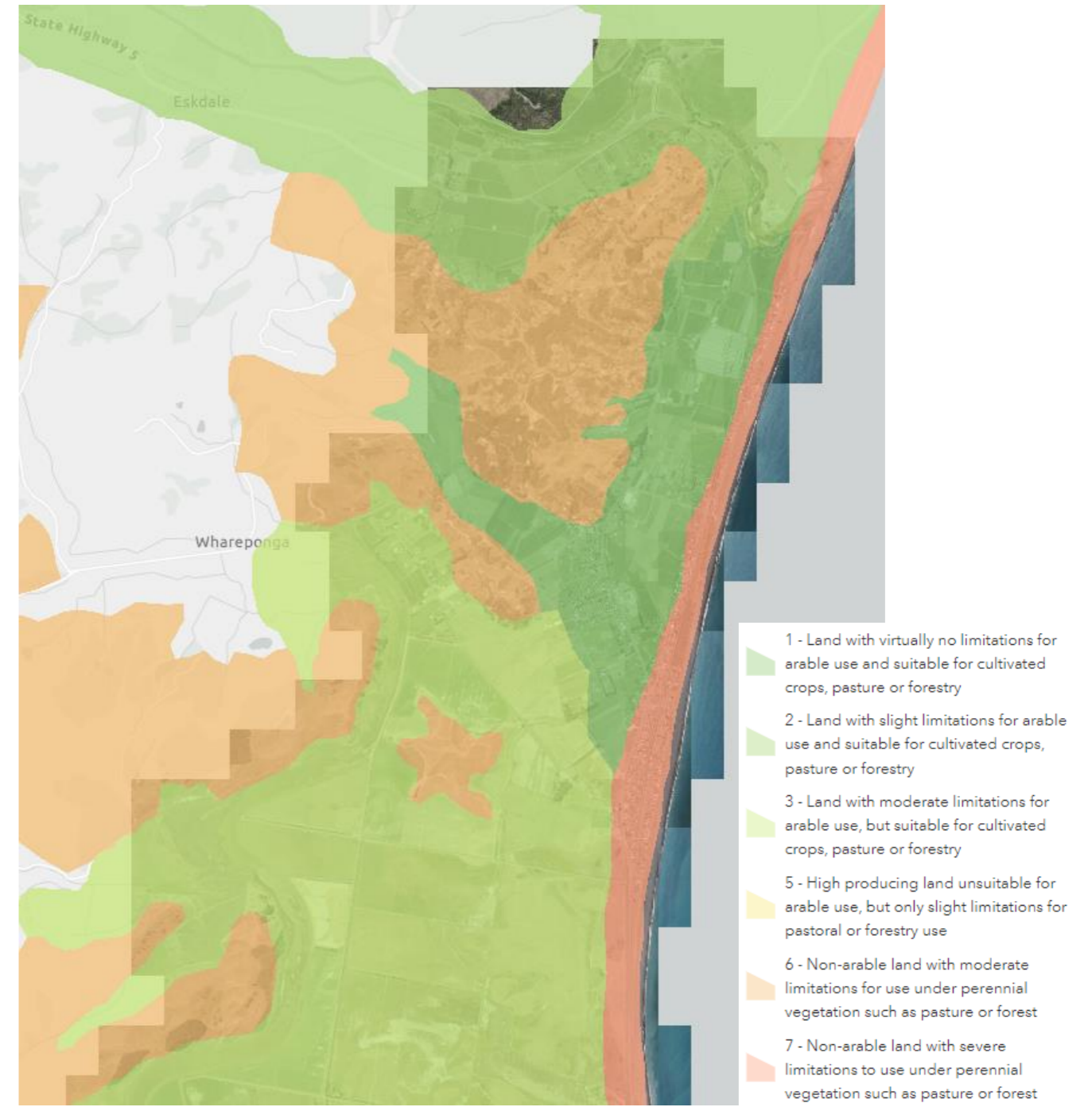


Figure 2: Land Use Capability Maps  
(Source: [LUC Tool | Hawke's Bay Regional Council](#))

**Memo**

To:	Connie Mills, Strategic Planning Lead		
Date:	24 October 2024	File Ref:	N/A
Subject:	PROPOSED DISTRICT PLAN – MINIMUM LOT SIZE IN RURAL LIFESTYLE ZONE		

The following memo provides feedback on the questions raised to Development Engineering in response to the City Development Team investigating the implications of removing the averaging requirement from subdivision rules within the proposed Rural Lifestyle Zone.

It is our understanding that the following rule has been proposed:

SUB-S3: Minimum allotment sizes - rural		
Rural Lifestyle Zone, Mission Rural Residential Precinct	5,000 m <sup>2</sup> <del>minimum allotment size with a minimum average allotment size of 1.5 ha. The minimum average allotment size must be calculated using the parent allotment in existence as at 11 November 2000. This parent allotment will be the base for any further proposed subdivision.</del>	<b>Activity Status where standards are not met:</b> Non-complying

It is our understanding that the following properties in orange and purple identified in Attachment A may be impacted by this amendment. It is understood that approximately 345 properties largely within the Taradale Hills, Poraiti, Bayview and Esk Hills areas may benefit from these amendments. A further 70 may be afforded greater development opportunities.

The following question has been asked:

*Can these environments be appropriately serviced on site?*

We believe these environments can be effectively serviced onsite with a minimum lot size of 5000m<sup>2</sup>, without the need for an averaging requirement. Our assessment is based on the following factors:

- **Stormwater Management:** Stormwater runoff can be controlled and attenuated onsite to match pre-development flow rates through the use of various onsite detention approaches.
- **Potable Water Supply:** Adequate potable water can be sourced via rainfall collection or bore extraction, depending on site-specific conditions.
- **Wastewater Disposal:** Generally there should be sufficient land area available within the 5000 m<sup>2</sup> lot size to accommodate wastewater disposal systems that comply with the Hawkes Bay Resource Management Plan (Rule 37).
- **Earthworks Considerations:** Given the generally hilly nature of these properties, suitable earthworks will be required to establish building platforms and access driveways, and this will need to be demonstrated as feasible within the given lot size at the time of subdivision.

Since these environments are not connected to a reticulated utility network, the proposed minimum lot size of 5000m<sup>2</sup> is deemed sufficient to meet all onsite servicing requirements.

Furthermore, consideration was given to the potential traffic impacts that may result on the roading network servicing the sites. It was considered that there was generally capacity within these networks to provide for the 5,000m<sup>2</sup> lots whilst not severely impacting the level of service (LoS).

Simon Bradshaw

MANAGER INFRASTRUCTURE DEVELOPMENTS