

Thursday, 1 February 2024

*Te Hui o Te Kaunihera ā-Rohe o Heretaunga*  
**Hastings District Council**  
**Council Meeting**

*Kaupapataka*

# Attachments

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*Te Rā Hui:*  
Meeting date: **Thursday, 1 February 2024**

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*Te Wā:*  
Time: **1.00pm**

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*Te Wāhi:*  
Venue: **Council Chamber  
Ground Floor  
Civic Administration Building  
Lyndon Road East  
Hastings**

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| <b>6.</b> | <b>PROPOSED PLAN CHANGE 6- CATEGORY 3 LIFESTYLE SUBDIVISION PROVISIONS FOR DISPLACED OWNERS</b>  |      |
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## Proposed Plan Change 6 – Category 3 Landowner Subdivision Provisions

### Chapter 30.1 Subdivision and Land Development

Insert new Objective and Policies

|  |   |
|--|---|
| <b><u>OBJECTIVE</u></b><br><b><u>SLD07</u></b> | <i><u>To enable limited lifestyle subdivision for Cyclone Gabrielle affected landowners to provide a permanent housing option where the ability to undertake residential activity has been permanently surrendered.</u></i>   |
| <b><u>POLICY</u></b><br><b><u>SLDP22</u></b>   | <u>Allow the creation of residential lifestyle lots in the Rural and Rural Residential Zones to replace residential uses no longer available to landowners as a result of Cyclone Gabrielle and the classification of land by Hawke's Bay Regional Council as Category 3.</u> |
| <b><u>POLICY</u></b><br><b><u>SLDP23</u></b>   | <u>Limit the ability to undertake Cyclone-Gabrielle related lifestyle subdivision to the provision of permanent housing within an affected landowner's community of interest.</u>   |

#### Explanation

Cyclone Gabrielle resulted in significant damage to many properties in the Hastings District. The Hawke's Bay Regional Council subsequently carried out a classification process which saw some land identified as Category 3, meaning "Future severe weather event risk cannot be sufficiently mitigated. In some cases some current land uses may remain acceptable, while for others there is an intolerable risk of injury or death".

The Council adopted a Category 3 Voluntary Buy-Out Policy which has an overarching objective of removal of risk-to-life associated with people living on Category 3 land. As part of a voluntary buy-out agreement, landowners either sell their land or agree to no longer carry out residential activity on Category 3 land.

The special lifestyle subdivision option is specifically to provide an opportunity for those landowners whose residential property rights have been removed as a result of accepting a Voluntary Buy-Out offer to remain living close to the property from which they have been displaced, within their community, to support and enable their recovery process.

The provisions will ensure that the scale of development is appropriately limited to achieving that outcome.

Section 30.1.5 Rules

Insert new rule SLD7A

|              |  |   |
|--------------|--|---|
| <b>SLD7A</b> | <b><u>Subdivision of lifestyle sites in Rural and Rural Residential Zones to replace Category 3 residential uses</u></b>   | C |
|              | <p><u>Subdivisions to create lifestyle lots in the Rural Zone and Rural Residential Zone which comply with all relevant Subdivision Site and General Site Performance Standards and Terms specified in 30.1.7.</u></p> <p><u>Note, compliance with 30.1.6 is not required.</u></p> |   |

Insert new Rule SLD16A

|               |  |      |
|---------------|--|------|
| <b>SLD16A</b> | <b><u>Subdivision of lifestyle sites in Rural and Rural Residential Zones to replace Category 3 residential uses not meeting General Site standards and terms in 30.1.7</u></b>  | RDNN |
|               | <p><u>Subdivisions to create lifestyle lots in the Rural Zone and Rural Residential Zone which comply with 30.1.7.AA(1), (2), (3) and (5) but do not comply with 30.1.7.AA(4) or one or more General Site Performance Standards and Terms in 30.1.7 not specifically listed.</u></p> |      |

Section 30.1.7 General Site Performance Standards and Terms

Insert new performance standard 30.1.7AA

**30.1.7AA**      **SUBDIVISION OF RESIDENTIAL LIFESTYLE LOTS FOR DISPLACED  
CATEGORY 3 LANDOWNERS**

1. Any application under this rule shall be accompanied by:
  - (a) an unconditional agreement with the Council under the Category 3 Voluntary Buy-Out Policy for a property purchase or relocation offer which includes the permanent removal of the ability to use the Category 3 land for residential purposes; and
  - (b) a statement by the Category 3 landowner which confirms the new lot is intended for use by the landowner for permanent housing.
2. An application under this rule must be made within 2 years of entering the Agreement above.
3. The new lot shall not be located within an identified natural hazard area or on Category 3 Land. Coastal Environment / ONL/Wahi Taonga
4. The new lot shall be within the identified Community of Interest area of the site that is being replaced.
5. The new lot shall be a minimum of 2,500m<sup>2</sup>.

Section 30.1.8 Assessment Criteria

Insert new Assessment Criteria 27.

**27.**      **Category 3 Replacement Lifestyle Subdivision**

In addition to the General Assessment Criteria in 30.1.8.1, Council will have regard to the following matters for any subdivision associated with the creation of lifestyle lots as replacement for sites affected by the Category 3 buy- out process.

- a. Whether the proposed subdivision achieves the purpose of enabling the development of housing in the Hastings district that is necessary or desirable to provide permanent housing for people displaced by Cyclone Gabrielle.
- b. The proposed legal instrument for ensuring that the creation of the lifestyle lot is for permanent housing for displaced Category 3 landowners;

- c. Consideration of any special circumstances around the inability to meet the 2 year sunset clause provisions;
- d. Consideration of whether the proposed site can reasonably be considered to be within the “community of interest” of the Category 3 affected property to ensure that the objective of allowing people to remain in their community can be achieved.

Chapter 33.1 Definitions

Insert new definitions

**Community of Interest** means an area not further than 5 kilometres from the closest boundary of the relevant Category 3 land.

**Category 3 Land** means land which has been identified by and confirmed as Category 3 land by Hawke’s Bay Regional Council (being land affected by Cyclone Gabrielle).

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*Partially Operative Hastings District Plan*  
**Proposed Plan Change 6:  
Category 3 Landowner  
Subdivision Provisions**

**Section 32 Summary Evaluation  
Report**

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**Prepared  
by:**

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**Hastings District Council**

**Reviewed  
by:**

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**Date:  
File Ref:  
Status:**

Draft



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## 1 Introduction

### 1.1 Purpose of this Report

This report presents the summary evaluation of proposed Plan Change 6 to the Partially Operative Hastings District Plan in accordance with Section 32 of the Resource Management Act 1991 (RMA).

Proposed Plan Change 6 is part of the Cyclone Gabrielle recovery programme and aims to provide assistance to those landowners whose properties have been identified as Category 3 as a result of the flood.

This report is required to accompany proposed Plan Change 6 at the time of public notification under Schedule 1 of the RMA.

### 1.2 Outline of Proposed Plan Change 6 to the Partially Operative Hastings District Plan

On 14<sup>th</sup> February 2023 Cyclone Gabrielle followed a path down the east coast of the north island resulting in devastating flooding for the Tairāwhiti and Hawke's Bay regions. There were a significant number of people forced from their homes and as a result the Government's three risk categories were to be applied to flood and landslide affected properties. The three categories were:

- a. Low Risk – Repair to previous state is all that is required to manage future severe weather event risk. This means that once any flood protection near the property is repaired, the home can be rebuilt at the same site.
- b. Managed Risk – Community or property-level interventions will manage future severe weather event risk. This could include the raising of nearby stop banks, improving drainage or raising the property.
- c. High Risk – Areas in the high risk category are not safe to live in because of the unacceptable risk of future flooding and loss of life. Homes in these areas should not be rebuilt on their current sites.

In the months since the cyclone, Hawke's Bay Regional Council has identified which communities are safe to return to and which ones are unable to have measures put in place to mitigate against future flooding and risk to life.

Those properties where residential activity has been assessed as having an unacceptable risk-to-life have been labelled Category 3. There are four main areas of the district affected by such categorization, being Tangoio and Esk Valley and parts of the Dartmoor and Rissington valleys and a small area of Pakowhai.

The plan change has been informed by a survey distributed to affected Category 3 land owners which aimed to ascertain the level of need for permanent housing and the likelihood of them utilising the provisions if they were to be put in place. The response has been positive with 62 percent of respondents saying that they still had no permanent housing solution nearly a year down the track. In addition, there were also some respondents who had found permanent housing elsewhere but would return to the community if there were given a pathway through the proposed plan change.

Of the 62 percent of people who did not have a permanent housing solution 76% of them signaled that they would be likely to utilise the provisions proposed under the Proposed Plan change.

The Proposed Plan Change amends the provisions of the Subdivision section of the District Plan (Sections 30.1), to ensure that the opportunity is provided to affected landowners to remain in their community and also allow them to live in close proximity































































