

Thursday, 24 October 2024

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

Kaupapataka

Attachments Volume 4

(Plan Change 5 Recommendations of Hearings Committee)

Te Rā Hui:
Meeting date: **Thursday, 24 October 2024**

Te Wā:
Time: **1.00pm**

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

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10.0	PLAN CHANGE 5 - RECOMMENDATIONS OF THE HEARINGS COMMITTEE	
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30.1 SUBDIVISION AND LAND DEVELOPMENT

30.1.1 INTRODUCTION

Subdivision is the legal mechanism for changing the boundaries, shape, and area, of parcels of land. The definition of the subdivision of land under Section 218 of the Resource Management Act 1991 includes cross-leases, company lease and unit title developments, and long term leases (35 years or more). The Act distinguishes subdivision as a category of activity distinct from land use activities.

While the process of subdivision itself does not directly affect the environment, it establishes the legal framework within which land use occurs and thereby has an indirect but causal link with the adverse effects of resource use and development. Much of the potential for adverse effects, therefore, can be addressed at the subdivision stage. Subdivision is also usually the immediate precursor to further land development, and providing for adequate works and services can be achieved through conditions of subdivision consent.

The Council intends to ensure, at the time of subdivision, that the land involved is suitable for the range of activities allowed by the rules of the District Plan.

Activities, including the development and subsequent use of land, can have positive effects and a range of adverse effects on the environment. Adverse effects which the Plan seeks to manage, include:

- Damaging or destroying the natural environment and/or the quality of natural resources
- Degrading those amenity values of an area which people enjoy
- Increasing the risks posed by natural hazards
- Creating an inefficient use of finite resources
- Limiting the ability of people (including future generations) to have access to and/or make use of natural and physical resources
- Damaging or destroying the heritage values of natural and physical resources
- Adversely affecting people's health and safety

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- Degrading the natural character of the coastal environment, wetlands, lakes and rivers and their margins
- Diminishing the value of outstanding natural features and landscapes
- Degrading the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga
- Adversely affecting the integrated, safe, responsive, and sustainable operation of the roading network including the State Highway network.
- Reverse sensitivity, where new sensitive land uses could potentially lead to constraints on the carrying out of existing uses.

30.1.2 ANTICIPATED OUTCOMES

It is anticipated that the following Outcomes will be achieved:

- SLDAO1** Achievement of the Objectives and Policies of the various SMA, Zones, and District Wide Activity provisions.
- SLDAO2** The provision of sites which are of a sufficient size and shape to be able to accommodate the variety of activities allowed by the SMA, Zones, and District Wide Activity rules.
- SLDAO3** The provision of sites which are of a size and shape that enable the maintenance or enhancement of the character or amenity values of the environment including landscape values, and avoid any potential reverse sensitivity issues in the area of which they are located.
- SLDAO4** Sites which are capable of being serviced (access, water supply, waste water, stormwater).
- SLDAO5** Avoidance of subdivision on land that remains subject to natural hazards or potential natural hazards.
- SLDAO6** Avoidance of subdivision where it could accelerate or worsen the risk of natural hazards.

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- SLDAO7** Creation of sites of a size and shape suitable for current and future requirements of public works, network utilities, renewable electricity generation, or other special purposes.
- SLDAO8** Maintenance or enhancement of public health and safety.
- SLDAO9** Achieve flexibility in the size of sites that can be created and the means of achieving the servicing of sites.
- SLDAO10** Provision of a water supply of suitable quality and quantity to meet the needs of likely or potential land uses on the sites, including water for fire control and suppression.
- SLDAO11** Provision of facilities for wastewater disposal and stormwater disposal for new sites.
- SLDAO12** Safe and efficient management of vehicular traffic to and from new sites
- SLDAO13** Provision of access to new sites for pedestrians, cyclists and other non-motorised road users where there is an identified need.
- SLDAO14** Creation of Esplanade Reserves and Strips along and providing access to the District's significant waterbodies.

30.1.3 OBJECTIVES AND POLICIES

OBJECTIVE SLDO1 To enable subdivision of land that is consistent with each of the Objectives and Policies for the various SMA, Zones, Precincts, or District Wide Activities in the District Plan.

Relates to Outcome SLDAO1

ALL DISTRICT PLAN OBJECTIVES AND POLICIES Relates to objectives and policies across all the other sections of the District Plan.

OBJECTIVE SLDO2 To ensure that sites created by subdivision are physically suitable for a range of land use activities allowed by the relevant Section Rules of the District Plan.

Relates to Outcomes

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SLDAO2,
SLDAO7 and
SLDAO9

**POLICY
SLDP1** *That standards for minimum and maximum site sizes be established for each SMA/Zone in the District.*

*Relates to
Objective
SLDO2*

Explanation

The subdivision of land should create sites which are of an appropriate size to achieve the scale, density and type of development which is provided for by the Objectives, Policies and Methods for each SMA/Zone. The District Plan establishes minimum site size standards (and in some cases average or maximum site size standards), which ensure that the Objectives, Policies and Methods for the respective Zones can be achieved, while still providing certainty for landowners and sufficient flexibility for them to create sites to suit their particular needs.

**POLICY
SLDP2** *Provide for the subdivision of land to create Conservation Lots for the protection of native bush and other significant natural areas; or cultural features or buildings of recognised heritage significance.*

*Relates to
Objective
SLDO2*

Explanation

Subdivision Rules are included to provide for the creation of a separate title of a site containing a recognised heritage item, or significant areas of indigenous vegetation and/or wildlife habitat (including wetlands), and an associated house site in return for the legal and physical protection in perpetuity of the nominated vegetation or other significant feature. These rules are included in order to achieve the Objectives and Policies of the District Wide Activity; Indigenous Vegetation and Habitats of Indigenous Fauna contained in Section 20.1 of the District Plan, and to achieve the Objectives and Policies outlined in Section 18.1 of the District Plan on Heritage Items and Notable Trees.

**POLICY
SLDP3** *Allow the creation of sites of various sizes and dimensions for special purpose allotments.*

*Relates to
Objective
SLDO2*

Explanation

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Subdivision to create sites for special purposes, including public works or network utility operations or renewable electricity generation activities, should be undertaken in a manner which is flexible and reflects the likely public needs associated with them. It is therefore impractical to specify what size or dimension these sites should be because of the highly variable nature of circumstances associated with the purpose of their creation. Applications for subdivisions to create sites for special purposes will therefore be assessed to determine whether the sites will be of sufficient area and dimensions to facilitate their intended use, balanced against the inefficiency of including too much land in a special purpose site.

POLICY *Facilitate the creation of sites around existing dwellings within Stage 2 of*
SLDP4 *Area A, Area B and C of the Brookvale Structure Plan (Appendix 13B, Figure 1) area to create balance areas for these future stages where land efficiencies result.*

Explanation

These areas have been identified as suitable for future residential growth in the Heretaunga Plains Urban Development Strategy (HPUDS) and identified as a future urban growth area in the District Plan. These areas have deferred residential zonings, the uplift for which are aligned with servicing funding provision in the Long Term Plan. It has been identified that the efficient subdivision around existing dwellings and their accessory buildings might be appropriate in certain circumstances. It is impractical to specify what size or dimension these sites should be because of the highly variable nature of circumstances associated with the purpose of their creation. However any subdivisions created for this purpose should not result in an impediment to the implementation of the Brookvale Structure Plan (Appendix 13B, Figure 1), should be readily provided with infrastructure services and should not result in land being incorporated for this need, should result in tight boundaries around existing dwellings and curtilage, and balance areas should be amalgamated to create large balance areas consistent with the staging.

OBJECTIVE **Avoid subdivision in localities where there is a significant risk from**
SLDO3 **natural hazards.**

*Relates to
Outcomes
SLDAO5 and
SLDAO6*

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- POLICY SLDP4** *Ensure that land being subdivided, including any potential structure on that land, is not subject to material damage by the effects of natural hazards.*
- Relates to Objective SLDO3*
- Explanation
- Some areas within the Hastings District are unsuitable for development, or require specific measures to be undertaken to avoid the effects of natural hazards, these can include flooding, inundation, erosion, subsidence or slippage and earthquake faults (see Section 15.1 of the District Plan on Natural Hazards). Section 106 of the Resource Management Act requires that Council may refuse consent to any subdivision in these areas, or any adjacent or nearby areas that maybe affected by the activities that could take place once the subdivision has been approved, unless adequate measures are available to overcome or reduce the risk of the hazard.
- POLICY SLDP5** *Ensure that any measures used to manage the risks of natural hazards do not have significant adverse effects on the environment.*
- Relates to Objective SLDO3*
- Explanation
- In using measures to avoid, remedy or mitigate the risks of natural hazards, it is also necessary to consider the effects of the mitigation measures themselves, which can also have significant adverse environmental effects. An example of this is the filling of land which may interfere with the functioning of natural flood plains and ponding areas.
- OBJECTIVE SLDO4** **To ensure that land which is subdivided is, or can be, appropriately serviced to provide for the likely or anticipated use of the land, so as to ensure the health and safety of people and communities, and the maintenance or enhancement of amenity values.**
- Relates to Outcomes SLDAO3, SLDAO4, SLDAO8, SLDAO10, SLDAO11, SLDAO12, and SLDAO13*

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**POLICY
SLDP6**

*Relates to
Objective
SLDO4*

Require applicants for subdivision consents for sites within the Rural Residential SMA/Zone or Plains SMA/Zone (where they are located on land comprising Outstanding Natural Features and Landscapes or Significant Amenity Landscapes) and in the Rural SMA/Zone (where they are located on land comprising Outstanding Natural Features and Landscapes), and for subdivision consent applications for sites in the Te Mata or Tuki Tuki Special Character Zone, to demonstrate that the subdivision will have no significant adverse visual or landscape effects.

Explanation

In assessing subdivision consent applications for sites within:

- (i) The Rural Residential SMA/Zone or Plains SMA/Zone where they are located on land comprising Outstanding Natural Features and Landscapes or Significant Amenity Landscapes (Section 17.1 of the District Plan); or
- (ii) The Rural SMA/Zone (where they are located on land comprising Outstanding Natural Features and Landscape Areas (Section 17.1 of the District Plan); or
- (iii) The Te Mata Special Character (Section 8.4) and Tuki Tuki Special Character (Section 5.4) Zones,

The Council will require the subdivider to demonstrate that, in terms of the location of any building platforms, roads and accessways, earthworks, landscaping and planting, the development has been designed to ensure that it will not have any significant adverse visual and landscape effects.

**POLICY
SLDP7**

*Relates to
Objective
SLDO4*

Recognise the role of the Hastings District Council's Subdivision and Infrastructure Development in Hastings: Best Practice Design Guide and Engineering Code of Practice design standards as a means of compliance for the servicing of sites.

Explanation

As a means of achieving compliance with the Rules of the District Plan for subdivision and land development, the Council may refer to the design standards contained in the Hastings District Council's Subdivision

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and Infrastructure Development in Hastings: Best Practice Design Guide and/or Engineering Code of Practice and may apply them as conditions of subdivision consent.

**POLICY
SLDP8**

*Relates to
Objective
SLDO4*

Ensure provision of onsite services for water supply, wastewater disposal and stormwater disposal for sites outside of the reticulated urban areas unless the provision of reticulated services is identified as an appropriate work to mitigate adverse effects on the environment.

Explanation

The subdivision of land, particularly for rural residential and lifestyle residential purposes, could lead to environmental effects which create demand for the Council to provide sites with reticulated services for water supply, wastewater disposal and stormwater disposal. However, unless the provision of such services are proposed and identified as works in the Council's Long Term Plan or Annual Plan, and are necessary to protect the environment, the Council will not provide them to the sites in these areas. Subdividers will be required to ensure that independent provision can be made for an on-site water supply, and for the disposal of wastewater and stormwater on the site.

**POLICY
SLDP9**

*Relates to
Objective
SLDO4*

Ensure that where sites are not connected to a public water supply, wastewater disposal or stormwater disposal system, suitable provision can be made on each site for an alternative water supply or method of wastewater disposal or stormwater disposal, which can protect the health and safety of residents and can avoid any significant adverse effects on the environment.

Explanation

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

**POLICY
SLDP10**

Require the provision of safe and practicable access for pedestrians and vehicular traffic from a public road to each site.

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Relates to
Objective
SLDO4

Explanation

High vehicular ownership and use requires the consideration of vehicular access to newly created sites. Pedestrian access is also just as important to physically access new sites. This may require the upgrading of existing roads or the provision of new roads within the subdivision site to connect the subdivision to the District roading network. Vehicular and pedestrian access to sites must be practicable, safe and convenient for users, and should avoid adverse effects on the environment.

POLICY SLDP11 *Ensure that roads provided within subdivision sites are suitable for the activities likely to establish on them and are compatible with the design and construction standards of roads in the District Transport Network which the site is required to be connected to.*

Relates to
Objective
link, 13728, SLDO4

Explanation

Where new roads are required to connect a subdivision site to the District Transport Network, it is important that they are designed and constructed to be compatible with the roads they are connecting to. This is to ensure that the transport network is sustained at a level which provides safe, practicable and convenient travel for those using it, and which mitigates any potential significant adverse effects of the road and its use on the environment, including effects on adjoining activities. Subdividers will generally be required to provide roads within the subdivision site. Standards for the design and construction of the different types of roads in the Roading Hierarchy are provided in Section E of the Hastings District Council's Subdivision and Infrastructure Development in Hastings: Best Practice Design Guide (Best Practice Design Guide) and Schedule C of the Engineering Code of Practice. Subdividers are able to use these standards as a guide to comply with the Rules of the District Plan when constructing roads within subdivision sites.

POLICY SLDP12 *To ensure that subdividers and developers accommodate within the design and layout of any subdivision or development, any Structure Road or Structure Utilities identified on an approved Structure Plan within any Urban Development Area, or other areas subject to a Structure Plan (such as the Irongate and Omaha North Industrial Areas).*

Relates to
Objective
SLDO4

Explanation

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In order to ensure the orderly and efficient development of the Urban Development Areas, or other areas (such as the Irongate and Omaha North Industrial Areas) the Council will identify, where necessary, key Structure Roads and Structure Utilities. The general route and construction standards may be identified on an approved Structure Plan and subdivisions or developments will be required to make provision for them.

POLICY SLDP13 *Utilise existing unformed Legal Roads as part of subdivisions, where appropriate.*

Relates to Objective SLDO4

Explanation

The District contains a large number of legal unformed roads. The formation of these as part of the subdivision process will be required where subdividers utilise these to provide physical or legal access to sites.

POLICY SLDP14 *Ensure that earthworks associated with providing vehicle access, building platforms or services on land being subdivided will neither detract from the visual amenities of the area, nor have adverse environmental impacts, such as dust, or result in the destruction of heritage sites (include archaeological sites), cause natural hazards, or increase the risk of natural hazards occurring.*

Relates to Objective SLDO4

Explanation

Earthworks associated with providing access or services on the land being subdivided (e.g. cutting of roads or the provision of building platforms) may potentially have an adverse effect on the visual amenities of the area where the subdivision is located. They may cause adverse environmental impacts such as dust, may result in the disturbance or destruction of archaeological or other heritage sites, may accelerate or worsen the risk of natural hazards in the area, or may even exacerbate the effects of natural hazards. The Council may impose conditions on subdivision consents regarding the design, location, construction and extent of the earthworks associated with the subdivision or development of the land.

POLICY SLDP15 *Ensure that subdivision or developments do not result in adverse effects on the environment by requiring upon subdivision or development a*

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Relates to
Objective
SLDO4

means of connection to a water supply and services for the disposal of wastewater and stormwater.

Explanation

Subdivisions and developments need to be provided with adequate means of connection to a water supply and services for the disposal of wastewater and stormwater. In the urban area subdividers or developers will generally be required to connect to the Hastings District Council reticulation network and meet the requirements of the Engineering Code of Practice and, in terms of low impact design solutions for stormwater, the Subdivision and Infrastructure Development in Hastings: Best Practice Design Guide.

**POLICY
SLDP15A**

Require the establishment of the Crombie Drainage Reserve and stormwater detention area (identified in Appendix 13B, Figure 1 as Stormwater Management Areas) when land is subdivided, to support the implementation of a stormwater solution for the Brookvale Structure Plan Area.

Explanation

A Drainage Reserve will be required when land is subdivided adjoining the Crombie Drainage Reserve in the Brookvale Structure Plan area (Appendix 13B, Figure 1). This will ensure that a continuous reserve is provided for stormwater management purposes. The final width of the Drainage Reserve will be determined by the approved Stormwater Management Plan (SMP). Land required for this purpose will be vested in Council at no cost. When land is subdivided within the following parent lots: Lot 20 DP 2141, Lot 21 1785 BLK IX Te Mata SD and/or Lot 2 DP 28880 Blk IV Te Mata SD then land shall be set aside for stormwater management purposes in accordance with the approved SMP. Land required for stormwater management and detention purposes and which is not part of the Crombie Drainage Reserve shall be acquired by Council by agreement or in accordance with the Public Works Act 1981.

**OBJECTIVE
SLD05**

To ensure that reverse sensitivity effects are avoided where practicable, or mitigated where avoidance is not practicable.

**POLICY
SLDP16**

To ensure that, when assessing the subdivision of existing sites, potential reverse sensitivity effects are considered and avoided where practicable or otherwise mitigated.

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Relates to
Objective
SLDO5

Explanation

Inappropriately designed or located subdivision has potential to create reverse sensitivity effects, particularly when residential and lifestyle development encroach on ongoing rural production, horticultural or industrial activities and existing public works, network utility and renewable electricity generation sites. Such effects can severely impact on the ability of existing activities to continue their day to day operations. Recognising and preventing reverse sensitivity effects when planning for land use will provide for the continued efficient, affordable, secure and reliable operation and capacity of existing adjoining land uses.

**POLICY
SLDP17**

To promote the design of subdivision and land use development or redevelopment in a manner that enables the efficient use of land within identified National Grid Corridors without introducing sensitive activities or structures that would inhibit the operation, access, maintenance or upgrade of National Grid lines and support structures.

Relates to
Objective
SLDO4

**OBJECTIVE
SLDO6**

To create, link, maintain, and enhance, public access to and along the margins of the District's identified significant waterbodies in a manner that is compatible with the preservation of conservation values and adjoining land uses.

Relates to
Outcomes
SLDAO1 and
SLDAO14

**POLICY
SLDP18**

Require the establishment of Esplanade Reserves when land is subdivided in the Residential, Commercial and Industrial SMA/Zones of the District.

Relates to
Objective
SLDO5

Explanation

An esplanade reserve with a width of 20 metres will be taken on the creation of any site of less than 4 hectares which is created when land is subdivided in the Residential, Commercial or Industrial SMA/Zones, and where it abuts the margin of any lake over 8 hectares, any river greater than 3 metres in width, or the sea. This will ensure that, where subdivision occurs, a continuous reserve alongside waterbodies or the coast is provided. Any waiver sought will be considered on a case-by-case basis, and will be assessed in accordance with Specific Assessment Criteria.

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**POLICY
SLDP19**

Provide for the creation of esplanade areas (esplanade reserves or esplanade strips) in the Rural, Plains Production, Te Mata Special Character, and Rural Residential Zones where subdivisions adjoin the District's identified significant waterbodies.

*Relates to
Objective
SLDO5*

Explanation

Subdivision of land provides the opportunity for the Council to acquire an esplanade area where desirable, particularly to provide for the conservation of, access to and recreation opportunities afforded by, waterbodies. The Council has identified in Section 19.1, riparian areas in the Rural, Te Mata Special Character, Rural Residential and Plains SMA/Zones identified as being of natural, recreational and cultural significance. Access strips (RMA 1991 Section 23 7B) will also be established where appropriate to enable public access to the esplanade areas.

**POLICY
SLDP20**

Facilitate the provision of public access to existing esplanade reserves/strips in the District which are currently landlocked or isolated from other esplanade reserves.

*Relates to
Objective
SLDO5*

Explanation

There are a number of existing esplanade reserves/strips in the District that are landlocked and have no legal access. The Council will endeavour to facilitate access to them, where appropriate. This may include the addition of a condition on subdivision consents for the provision of access strips (RMA 1991 Section 23 7B) in order to provide access to existing esplanade reserves/strips.

30.1.4 METHODS

The Anticipated Outcomes set out in Section 30.1.2 will be achieved and the Objectives and Policies set out in Section 30.1.3 will be implemented through the following Methods:

Hastings District Plan Transportation Strategy (Section 2.5):

Appendix 69 identifies the Council's District Roading Hierarchy which identifies the status of each existing road and proposed road in the

District. Subdividers will need to comply with Design and Access Standards established for each type of road in the hierarchy.

Where a Structure Plan provides for a site specific design approach for a new urban development area, and these have been designed in accordance with the subdivision and infrastructure development best practice design guide and the Engineering Code of Practice, then these design standards will take precedence subject to overall approval by Council of the subdivision.

Section 3.1 Tangata Whenua with Mana Whenua:

The principles identified within this section, 'Mana Whenua with Tangata Whenua' should be considered with regards to any subdivision development in the District.

Natural Features and Landscapes DWA (Section 17.1):

Identifies the sites in the District that are listed as Outstanding Natural Features and Landscapes or Significant Amenity Landscapes.

Natural Hazards DWA (Section 15.1):

Identifies those areas, and sites that are subject to development control because of the risks associated with one or more natural hazards. The presence of such hazards may affect the ability to subdivide.

Wāhi Taonga DWA (Section 16.1):

Identifies the Wāhi Tapu sites that are listed. Such sites could be adversely affected by development enabled, and earthworks resulting from subdivision.

Heritage Items and Notable Trees DWA (Section 18.1):

Identifies heritage items for which a Conservation Lot Subdivision may be sought and identifies the Heritage Items that are listed. Such sites could be adversely affected by development that is enabled by, and earthworks resulting from subdivision.

Earthworks, Mineral, Aggregate and Hydrocarbon Extraction DWA
(Section 27.1):

Identifies the Policies, Rules and Standards that must be complied with as part of any subdivision that involves the establishment of access, or building platforms that require earthworks to be carried out.

Riparian Land Management and Public Access DWA (Section 19.1) and
Indigenous Vegetation and Habitats of Indigenous Fauna DWA(Section
20.1):

These Sections identify those sites of natural, biological or scientific significance and for which Conservation Lots may be sought, and those areas of the District where the Council has identified the opportunity to provide Esplanade Reserves. Any decisions about the provision of esplanade areas in the Rural, Rural Residential, Te Mata Special Character, and Plains SMA/Zones may be made following Hastings District Council consulting with Hawke's Bay Regional Council.

Transport and Parking DWA (Section 26.1):

Provides Policies and Rules relating to the provision of access to and from sites. Subdividers will be required to comply with these Standards in order to obtain subdivision consents.

Hastings District Council's Engineering Code of Practice The Hastings District Council has an Engineering Code of Practice which is updated and consulted on as part of the Annual Plan process, as and when significant changes occur to warrant an update. The Engineering Code of Practice establishes Standards for the design and construction of roading and service infrastructure, which can be used as a means of compliance with the Objectives, Policies and Rules of the District Plan.

Heretaunga Street - Havelock Road Corridor Management Plan 2011 The Heretaunga Street-Havelock Road CMP takes a long-term strategic vision for the corridor. The CMP outlines how the corridor is to be progressively developed to accommodate vehicles, public transport, bicycles, and pedestrians; and provides guidance on the development of adjacent land use and in particular traffic entry and egress to the corridor including its effect on cycling, walking and public transport facilities.

Code of Practice SNZ The New Zealand Fire Service Fire-Fighting Water Supplies Code of Practice SNZ PAS 4509:2008 applies to all a new subdivision and

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PAS 4509:2008 development in all areas, for both reticulated and non-reticulated water supplies.

Subdivision and Infrastructure Development in Hastings: Best Practice Design Guide (BPDG) This document promotes innovative and sustainable land development, subdivision and infrastructure solutions which aim to create high quality urban environments. The Guide incorporates examples and pictorial layouts from best practice within New Zealand and encourages landowners and developers to explore designs that will deliver improved living environments for our community. Guidance within this document will help landowners and developers meet the assessment criteria for land development and subdivision and rules associated with property access outlined in the District Plan.

The Guide: This document guides and encourages development design that protects and enhances the qualities of the rural landscapes within the Hastings District.

Good Practice Landscape Guidelines for Subdivision and Development in the Hastings District (2005)

Heretaunga Plains Urban Development Strategy (HPUDS) This Strategy sets out the direction for the development of the Heretaunga Plains sub-region for the period 2015-2045. The Strategy provides for limited greenfield consolidation development in identified urban locations in the District over the period 2015-2045, and encourages intensification where appropriate in existing urban areas

Resource Management (National Policy Statement on Electricity Transmission) 2010 This Policy Statement was promulgated in response to the need to operate, maintain, develop and upgrade the electricity transmission network being considered a matter of national significance. The policy guidance has been designed so local authorities can adapt rather than adopt the examples provided to suit the particular format and structure of their planning instruments, or as part of addressing the specific resource management issues of their region or district in giving effect to the NPS.

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Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2012	These Regulations provide a nationally consistent set of planning controls and soil contaminant values, and ensure that land affected by contaminants in soil is appropriately identified and assessed before it is developed - and if necessary the land is remediated or the contaminants contained to make the land safe for human use.
Natural Hazard Information	Use of information, such as the Council's natural hazard database on the GIS system, and the natural hazards historical database and ongoing consultation and information sharing with the Hawke's Bay Regional Council.
Structure Plans	Urban Development Areas (Section 2.4 Urban Strategy) or other areas such as the Irongate and Omaha North Industrial Areas may have Structure Plans developed for them. These will identify the preferred location and outcomes for key infrastructural elements required. Subdividers and Developers will need to have regard to these, and their outcomes, in the design and placement of roads and services which will be required to be constructed to approved standards. Any approved Structure Plan shall be included as an Appendix of the District Plan.
Covenants and Consent Notices	Issued under Section 221 of the Resource Management Act 1991, and registered on Certificates of Title.
Completion Certificates	Issued under Section 222 of the Resource Management Act 1991, for the completion of works e.g. works to provide or upgrade service facilities.
Heritage New Zealand Pouhere Taonga Act 2014	This Act makes it an offence to destroy or modify an archaeological site without first obtaining an 'archaeological authority'. This applies to both recorded and unrecorded archaeological sites. It is important that the planning for any planned building or development takes this issue into account and an archaeological assessment maybe required. The applicant is advised to contact Heritage New Zealand Pouhere Taonga if any activity such as earthworks, fencing or landscaping may modify,

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damage or destroy any archaeological site. An archaeological site is defined in Section 33.1 of this District Plan.

Hawke's Bay Regional Policy Statement and Plans The Hawke's Bay Regional Policy Statement (which is incorporated within the Hawke's Bay Regional Resource Management Plan) gives clear direction on the need to protect the versatile soils of the Heretaunga Plains and to have sustainable urban form, it also outlines where future greenfield development is appropriate and inappropriate. Other Regional Plans such as the Hawke's Bay Coastal Environment Plan are also relevant to consider for subdivision and development in the coastal environment.

30.1.5 RULES

The following table sets out the status of activities involving subdivision; if a subdivision (or related land use) activity is covered by more than one activity status, the stricter status applies (Controlled being the least strict, Non-Complying being the strictest in the below table):

SLD1	All SMA and Zones Subdivisions which comply with the relevant zone Subdivision Site Standards and Terms in section 30.1.6 and all relevant General Site Performance Standards and Terms specified in section 30.1.7 (except for those subdivisions specifically listed under Rule SLD8, through to and including Rule SD24a below).	C
SLD2	Special purposes: Public Works, Network Utility Operations, Renewable Electricity Generation or Reserves Subdivisions to create sites of any size for the following Special Purposes: public works, network utility operations, renewable electricity generation or reserves and access, which comply with all relevant General Site Performance Standards and Terms specified in section 30.1.7.	C
SLD3	Farm Parks: Rural Residential and Lifestyle Area Te Mata Special Character Zone Subdivisions to create residential farm parks in the Rural Residential SMA and in the lifestyle area of the Te Mata Special Character Zone which comply with all relevant Subdivision Site Standards and Terms in 30.1.6, and all relevant General Site Performance Standards and Terms specified in 30.1.7.	C
SLD4	Rural lifestyle site (around existing dwelling) Subdivisions to create a lifestyle site based around an existing dwelling in the Rural SMA (outside of the coastal environment), which complies with all relevant Subdivision Site Standards and	C

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	Terms in 30.1.6, and all relevant General Site Performance Standards and Terms specified in 30.1.7.	
SLD5	Conservation Lots: Natural areas and Heritage items Subdivisions to create <i>conservation lots</i> in association with the protection of natural areas (see RAP list Appendix 56), or the protection of Heritage Items (see Schedule 1), which comply with all relevant Subdivision Site and General Site Performance Standards and Terms specified in 30.1.6 and 30.1.7.	C
SLD6	Cross Lease to Freehold Subdivisions Subdivisions in Residential Zones to create freehold titles from existing Cross Lease titles, shall not have to comply with the requirements Minimum Site Size Requirements in section 30.1.6 or the General Site Performance Standards and Terms in 30.1.7.	C
SLD7	Subdivision around existing dwellings in residential zones (not including Cross Lease to Freehold Subdivisions) not meeting the minimum site size Subdivisions in all Residential Zones to create separate titles for existing dwellings (not including supplementary dwellings), which comply with all relevant General Site Performance Standards and Terms specified in 30.1.7., but do not meet the minimum site requirements in 30.1.6A specifically 1A, 1B, 2A, 2B, and 3A.	C
SLD7A	Comprehensive Residential Development Subdivision of a Comprehensive Residential Development in Hastings General Residential Zone, Flaxmere General Residential Zone, Havelock North General Residential Zone and the Medium Density Residential Zone-Howard Street (Appendix 80) and Brookvale (Appendix 13B) Urban development Areas that complies with all relevant Subdivision Site and General Site Performance Standards and Terms specified in 30.1.6 and 30.1.7, and is applied for concurrently with, or following the approval of a current, land use Resource Consent for comprehensive residential development.	C
SLD7B	Medium Density Residential Zone <u>All subdivision within the Medium Density Residential Zone that is applied for concurrently with or following the approval of a current land use resource consent for three or more dwellings and that comply with all relevant subdivision site and general site performance standards and terms specified in 30.1.6 and 30.1.7.</u> <u>Note: There is no requirement to revisit internal non-compliances with development standards, for subdivision of a site following an approved current land -use consent for 3 or more dwellings in the Medium Density Residential Zone, provided that the development is consistent with the Consent.</u>	C
SLD8	Rural lifestyle site (not containing an existing dwelling)	RDNN

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	Lifestyle Subdivisions within the Rural SMA/Zone and not containing existing dwellings, and outside the coastal environment, which comply with all relevant Subdivision Site and General Site Performance Standards and Terms specified in 30.1.6 and 30.1.7.	
SLD9	Lifestyle sites in the 'lifestyle area' of the Tuki Tuki and Te Mata Special Character Zones Subdivisions to create lifestyle lots in the 'lifestyle area' of the Tuki Tuki Special Character Zone and in the 'lifestyle area' of the Te Mata Special Character Zone which comply with all relevant Subdivision Site and General Site Performance Standards and Terms specified in <u>30.1.6</u> and 30.1.7.	RDNN
SLD10	Eco-Residential Lifestyle Sites in the Nature Preservation Zone: Cape Kidnappers Development Node Areas Subdivisions to create eco-residential lifestyle sites within the Cape Kidnappers Building and Infrastructure Development Node areas shown on Appendix 23: Figure 1 which comply with all the relevant Subdivision Site and General Site Performance Standards and Terms specified in <u>30.1.6</u> and 30.1.7.	RDNN
SLD11	<i>Removed as a result of Variations 1 and 2.</i>	
SLD12	Flaxmere Village Centre: Flaxmere Commercial Zone, Flaxmere Commercial Service Zone, Flaxmere Community Residential Zone Subdivisions within the Flaxmere Village Centre Zone which comply with all relevant Subdivision Site and General Site Performance Standards and Terms specified in 30.1.6 and 30.1.7.	RDNN
SLD13	Havelock North Village Centre Zone: Mixed Use Zone and Retail Zone Subdivisions within the Mixed Use and Retail Zones of the Havelock North Village Centre, to create separate titles for existing buildings that comply with all relevant Subdivision Site and General Site Performance Standards and Terms specified in 30.1.6 and 30.1.7.	RDNN
SLD14	Comprehensive Residential Development <u>not meeting General Site Standards and Terms in 30.1.6 or 30.1.7</u> Subdivision of a Comprehensive Residential Development in the Hastings SMA General Residential Zone, Flaxmere SMA General Residential Zone, Havelock North SMA General Residential Zone and the Medium Density Residential Zone Howard Street (Appendix 80) and Brookvale (Appendix 13B) Urban Development Areas that is applied for concurrently with, or following the approval of a current, land use Resource Consent for comprehensive residential development and that does not comply with one or more	RDNN

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	of the relevant Subdivision Site and General Site Performance Standards and Terms specified in 30.1.6 or in-30.1.7.	
SLD14A	Medium Density Residential Zone Subdivision in the Medium Density Residential Zone that is applied for concurrently with or following the approval of a current land use resource consent for three or more dwellings and does not comply with all relevant subdivision site and general site performance standards and terms specified in 30.1.6 and 30.1.7.	RDNN
SLD14A.B	The Bull Hill Neighbourhood of the Iona Special Character Zone Subdivision for a Comprehensive Residential Development that complies with all relevant Subdivision Site and General Site performance standards and terms specified in 30.1.6 and 30.1.7, and is applied for concurrently with, or following the approval of a land use resource consent for comprehensive residential development.	RDNN
SLD15	Residential Character Areas, City Living Zone, Flaxmere Area 1, Vacant Allotments within the Medium Density Residential Zone Subdivisions within any of the Hastings SMA Residential Character Areas, City Living Zone, Havelock North Character Residential, Toop Street Special Character Area, the Bull Hill or Iona Terraces Neighbourhoods of the Iona Special Character Zone, or the Flaxmere Residential Development Area, or subdivisions within the Medium Density Residential Zone to create one or more vacant lots, that comply with all relevant Subdivision Site and General Site Performance Standards and Terms specified in 30.1.6 and 30.1.7.	RDNN
SLD16	Te Awanga Lifestyle Overlay Area Subdivisions to create sites in the Te Awanga Lifestyle Overlay area (as identified in Planning Maps and Appendix 25A) which comply with all relevant Subdivision Site and General Performance Standards and Terms specified in 30.1.6 and 30.1.7.	RDNN
SLD17	Subdivision in all Zones (except within the Iona Plateau Neighbourhood, Iona Special Character Zone refer SLD27, but not meeting General Site standards and terms in 30.1.7 Subdivisions which comply with the relevant Subdivision Site Standards in 30.1.6, but do not comply with one or more General Site Performance Standards and Terms in 30.1.7.	RD
SLD17A	The Bull Hill Neighbourhood of the Iona Special Character Zone Subdivision for a Comprehensive Residential Development that does not comply with all relevant Subdivision Site and General Site	RD

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	performance standards and terms specified in 30.1.7, and is applied for concurrently with, or following the approval of a current land use resource consent for Comprehensive Residential Development.	
SLD18	Rural Subdivision Subdivisions within the Rural Zone, but outside the Coastal Environment (as shown indicatively in Appendix 67), subject to Table 30.1.6A(8) and Table 30.1.6B (Rural - Lifestyle Sites), which comply with all relevant subdivision site standards and terms in 30.1.6 and all General Site Performance Standards and Terms in section 30.1.7.	RD
SLD18A	Subdivision around existing dwellings in the Brookvale Structure Plan Area (Appendix 13B, Figure 1) Subdivision to create separate title and a balance area which comply with all relevant General Site Performance Standards and Terms specified in 30.1.7 (except standard 30.1.7Z) but do not meet the staging requirements of the Structure Plan (Appendix 13B, Figure 1).	RD
SLD19	Special Purposes sites not meeting General Site standards and terms in 30.1.7 Subdivisions to create sites for the following special purposes; public works, network utility operations, reserves and access, which do not comply with one or more of the General Site Performance Standards and Terms in section 30.1.7.	RD
SLD19A	The Bull Hill Neighbourhood of the Iona Special Character Zone Subdivision of a Comprehensive Residential Development that does not comply with all relevant Subdivision site performance standards in 30.1.6 and is applied for concurrently with or following the approval of a current land use resource consent for Comprehensive Residential Development	D
SLD20	Rural Lifestyle sites in ONFL5, ONFL6, SAL6, SAL7, SAL8 and/or the Coastal Environment Subdivisions of lifestyle sites (that is, subdivisions in accordance with standard 30.1.6B) in the Rural SMA/Zone, where located on land comprising ONFL5, ONFL6, SAL6, SAL7 or SAL8 (refer Appendices 43 and 44) and subdivision in the Rural or Nature Preservation Zone where: all or part of a site is located within the coastal environment (as shown on the Hastings District Planning Maps) and where that subdivision creates any additional development rights on that part of the site located within the coastal environment (as shown indicatively in Appendix 67), and which comply with all the relevant Subdivision Site and General	D

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	Site Performance Standards and Terms specified in 30.1.6 and 30.1.7.	
SLD21	Farm Parks: Rural Subdivision to create Residential Farm Parks in the Rural Zone which comply with all the relevant Subdivision Site and General Site Performance Standards and Terms specified in 30.1.6 and 30.1.7.	D
SLD22	Wāhi Taonga and Heritage Items Subdivisions of sites involving listed wāhi taonga and heritage items where a proposed boundary line bisects or separates an identified wāhi taonga (listed in Appendix 50) or heritage item (see Schedule1) into two or more different titles which comply with all the relevant Subdivision Site and General Site Performance Standards and Terms specified in 30.1.6 and 30.1.7.	D
SLD23	Plains lifestyle site and amalgamation requirements Plains lifestyle site subdivisions that do not meet one or more of the following: (i) The maximum area requirement in section 30.1.6B, and (ii) The requirement in section 30.1.6B for the amalgamated balance area to exceed 12ha, and (iii) The requirement in section 30.1.6B for the sites being amalgamated to be adjoining.	D
SLD24	Natural Area Conservation Lots not in the RAP list Appendix 56 Subdivisions to create <i>conservation lots</i> in association with the protection of natural areas that are within a contiguous area which has an actual or emerging predominance of indigenous tree species and is either; (i) over 1 Ha and with an average canopy height over 6 metres; or (ii) over 5 Ha of any height; which comply with all the relevant Subdivision Site and General Site Performance Standards and Terms specified in 30.1.6 and 30.1.7. (Excluding that the natural area is not listed as a RAP site)	D
SLD24A	Subdivision within the Brookvale Structure Plan Area (Appendix 13B, Figure1) that does not comply with 30.1.7Z(4) to (7) inclusive	D
SLD25	Non-Complying Subdivision Any subdivision (unless specifically provided for under Rules SLD1 through to and including SLD24a above) which is unable to comply with one or more of the relevant Subdivision Site Standards and Terms in <u>section 30.1.6</u> , including any unzoned land. <u>For the purpose of section 95C(8)(a) Resource Management Act 1991, Subdivisions in the Hastings, Havelock North or Flaxmere General Residential Zone not meeting General Site Performance Standard and Term 30.1.6A.1A, 30.1.6A.2A and 30.1.6A.3A and that include one or more sites with a net site area less than 300m² must be publicly notified.</u>	NC
SLD26	ONFL1 Te Mata Peak	NC

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	Any subdivision within ONFL1, within the Prohibited Building Area (Above and including the 240m contour line as shown on the Planning Maps).	
SLD27	Iona Plateau Neighbourhood Subdivision within the Iona Special Character Zone (Iona Plateau Neighbourhood) which is unable to comply with one or more of the relevant subdivision site standards and terms in Section 30.1.6 and 30.1.7.	NC

30.1.6 SUBDIVISION SITE STANDARDS AND TERMS

Note : Development Contributions are charged under the Local Government Act for subdivisions that create additional development rights; refer to Council's Development Contributions Policy: <http://www.hastingsdc.govt.nz/development-contributions>

The minimum net site area specified below in 30.1.6A and 30.1.6B shall be exclusive of all legal access strips to or over the site

30.1.6A GENERAL SITE STANDARDS (EXCEPT LIFESTYLE, FARM PARK AND CONSERVATION LOT SUBDIVISION)

Sites created by subdivision shall comply with the Standards specified for each SMA/Zone in Table 30.1.6A.

SMA/ZONE		
1.	HASTINGS	
A	General Residential	350m ²
B	General Residential (Urban Development Areas)	400m ² with a minimum average site size of 700m ²
	(1) Howard Street Urban Development Area	400m ² with a minimum average site size of 600m ² (except where Comprehensive Residential Development is proposed) <u>Comprehensive Residential Development, on land identified in Appendix 80</u> <u>250m² minimum site size,</u> <u>350m² maximum site size</u> <u>No minimum provided sites can be serviced for water, wastewater and stormwater</u>

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C	Deferred General Residential	12 hectares
D	Residential Character Area (Character Area No. in brackets):	
	(1) Beresford Street	600m ²
	(2) Railway Cottages, Southampton Street	350m ²
	(3) Fitzroy Avenue	800m ²
	(4) Duke Street/Grays Road	800m ²
	(5) York Street	800m ²
	(6) Tomoana Road	800m ²
	(7) Cornwall Road	700m ²
	(8) Nelson Street North	700m ²
	(9) Prospect Road / Knight Street	800m ²
	(10) Market Street South	800m ²
	(11) Heathcote Avenue	600m ²
	(12) Charlotte & Duchess Crescent, Caroline Road and Frederick Street	1000m ²
	(13) Willowpark Road, Railway Cottages	500m ²
E	Medium Density Residential	No minimum provided sites can be serviced for water, wastewater and stormwater
FE	Central Residential/Commercial	350m ²
	Commercial	No Minimum as long as provision can be made for all on-site servicing, access and loading requirements of the District Plan.
	Suburban Commercial	No Minimum as long as provision can be made for all on-site servicing, access and loading requirements of the District Plan.
	Commercial Service	No Minimum as long as provision can be made for all on-site servicing, access and loading requirements of the District Plan.

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	Large Format Retail	No Minimum as long as provision can be made for all on-site servicing, access and loading requirements of the District Plan.
EF	Light Industrial	Front sites: 500m ² Corner sites: 700m ² Rear sites: 1000m ²
2.	HAVELOCK NORTH	
A	General Residential	350m ²
	Comprehensive Residential Development	No minimum provided sites can be serviced for water, wastewater and stormwater
B	General Residential (Urban Development Areas)	400m ² with a minimum average site size of 700m ²
	Sites with access from Goddard Lane	700m ² minimum for sites with access from Goddard Lane
	Brookvale Urban Development Area (Appendix 13B, Figure 1)	Deferred Residential Zone -12 hectares General Residential Zone - 400m ² with a minimum average net site area of 600m ² (except opposite the Plains Zone on Thompson Road and where comprehensive residential development is proposed) Sites created opposite the Plains Production Zone on Thompson Road - 1000m ² Comprehensive Residential Development - Parent Sites: 500m² - Child sites: 250m² No minimum provided sites can be serviced for water, wastewater and stormwater
C	Havelock North Character Residential	700m ²
D	Toop Street Special Character Area	1000m ²
	Breadalbane Avenue Special Character Area	1000m ²
E	Te Mata Special Character Outside the Lifestyle Area of the Zone as identified on the Planning Maps	6 hectares

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F	Havelock North Village Centre: <ul style="list-style-type: none"> • Mixed Use Zone • Retail Zone • Havelock North Industrial Zone • Business Zone, and Scheduled sites 13, 14, 15, 16, and 17 in Appendix 26 	No Minimum as long as provision can be made for all on-site servicing, access, loading and outdoor living requirements of the District Plan. <i>Note: Refer to Restricted Discretionary Activity rule (30.1.5 SLD13) for subdivision of sites containing existing Comprehensive Developments in the Mixed Use Zone and Retail Zone.</i>
G	Iona Special Character Zone (specific areas identified are shown on the Structure Plan in Appendix 13A Figure 2):	
	i. Bull Hill Neighbourhood	Refer to Standard 30.1.6E for the minimum total section yield required. 700m ² where sites front Middle Road or adjoin or are located opposite the Havelock North Rural Residential Zone. 600m ² minimum net site area where sites adjoin the Havelock North Character Residential Zone. Otherwise a minimum net site size area of 400m ² applies.
	Commercial Node within the Bull Hill Neighbourhood	Either: <ul style="list-style-type: none"> • The creation of one site of 400m² maximum site area on one of the commercial node locations; or • The creation of one site of 250m² maximum site area on both commercial node locations. <i>Note: Commercial node locations are identified in Appendix 13 A Figure 2 Iona Structure Plan</i>
	Comprehensive Residential Development within the Bull Hill Neighbourhood	Parent Sites: A minimum net site area of 500m ² Child Sites: A minimum net site area of 250m ²

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	ii. Iona Terraces Neighbourhood	
	Area A	600m ² with an 700m ² average site size except that a maximum of three sites may be created that have a net site area of between 350m ² – 500m ²
	Area B	600m ² with an 700m ² average site size except that a maximum of five sites may be created that have a net site area of between 350m ² – 500m ² .
	Area C	600m ² with an 700m ² average site size except that a maximum of five sites may be created that have a net site area of between 350m ² – 500m ² .
	Area D	1000m ²
	iii. Iona Plateau Neighbourhood	Refer to standard 30.1.6D
3.	FLAXMERE	
A	General Residential	500m ²
	i. Comprehensive Residential Development	No minimum provided sites can be serviced for water, wastewater and stormwater
B	Flaxmere Residential Development Area - North of Village Centre (fronting Chatham Road)	500m ² , and must meet standard 9.2.5Q (road layout requirement)
C	Scheduled sites 1 and 2 in Appendix 26 Flaxmere Village Centre: • Flaxmere Commercial Zone, • Flaxmere Commercial Service Zone, and Flaxmere Community Facility sites in the Flaxmere Community Residential Zone	No Minimum as long as provision can be made for all on-site servicing, access, loading and outdoor living requirements of the District Plan.
D	Flaxmere Village Centre: (i) Residential sites in the Flaxmere Community Residential Zone in between Caernarvon Drive and the indicative road alignment passing	500m ²

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	through the Flaxmere Community Residential Zone (as delineated in Appendix 33).	
	(ii) Sites approved and established for elderly housing in the Flaxmere Community Residential Zone, and Flaxmere Commercial Service Zone (may apply for subdivision and land-use jointly, but not subdivision before land-use consent).	333m ²
4.	<u>MEDIUM DENSITY RESIDENTIAL</u>	
	<u>Subdivisions to create one or more vacant allotments</u>	250m ² -----
45.	<u>CLIVE/WHAKATU</u>	
A	• Residential	1000m ²
B	Suburban Commercial	No Minimum as long as provision can be made for all on-site servicing, access and loading requirements of the District Plan.
56.	<u>COASTAL SETTLEMENTS</u>	
A	In areas with public reticulated sewerage	500m ²
B	Tangoio - sites with connection to an approved reticulated wastewater system, where the majority of the land area is within 150m of Mean High Water Springs Mark	400m ²
	Tangoio - sites with connection to an approved reticulated wastewater system, where the majority of the land area falls further than 150m of Mean High Water Springs Mark	600m ²
C	In areas without public reticulated sewerage Suburban Commercial	1000m ² <i>Note: The Waimarama, Tangoio and Whirinaki residential and suburban commercial areas are presently not serviced by reticulated sewage disposal. Resource Consent may be required from the Hawke's Bay Regional Council for new or existing on-site effluent disposal and treatment systems. Any proposed on-</i>

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		<i>site drainage fields and reserve areas will need to be identified on a site plan prior to any building consent being issued and shall remain free of permanent structures.</i>
67.	HAUMOANA - TE AWANGA	
A	1) Haumoana - Te Awanga Residential	1000m ²
	2) Suburban Commercial	1000m ²
	3) Deferred Residential	12 hectares
	4) Te Awanga Lifestyle Overlay area as identified in Planning Maps	2000m ² but limited to no more than 7 residential lots in total in accordance with Appendix 25A 'Te Awanga Lifestyle Overlay Concept and Landscape Plan'.
		<i>Note: The Haumoana and Te Awanga residential and suburban commercial areas are presently not serviced by reticulated sewage disposal.</i> <i>Resource Consent may be required from the Hawke's Bay Regional Council for new or existing on-site effluent disposal and treatment systems. Any proposed on-site drainage fields and reserve areas will need to be identified on a site plan prior to any building consent being issued and shall remain free of permanent structures.</i>
78.	INDUSTRIAL	
A	Light Industrial	Front sites: 500m ² Corner sites: 700m ² Rear sites: 1000m ²
B	General Industrial	Front and corner sites: 1000m ² Rear sites: 2000m ²
C	General Industrial Irongate Area	5000m ² with a minimum average site size of 1 hectare
D	The following sites within the General Industrial Irongate Area: - Lot 2 DP 12192 Blk XV Heretaunga SD	5000m ²

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	- Lot 1 DP 24887 - Lot 2 DP 4144 - Lot 2 DP 19426 Int in R/W - Section 8 SO 438108	
E	Whirinaki Industrial	1000m ²
F	Tomoana Food Industry	5000m ²
89.	RURAL	
	Rural, and Nature Preservation Zone	20 hectares
910.	RURAL RESIDENTIAL	
	Rural residential	0.8 hectare with a 1 hectare average site area
4011.	PLAINS PRODUCTION	
A	Plains Production	12 hectares
B	Plains Settlement in areas with reticulated sewerage	500m ²
C	Plains Settlement in areas without reticulated sewerage (Omahu)	800m ²
	Plains Settlement in areas without reticulated sewerage (All other areas)	1000m ²
4412.	TUKI TUKI SPECIAL CHARACTER	
	Tuki Tuki Special Character Zone	3 hectares

30.1.6B LIFESTYLE LOTS

Sites created by subdivision for lifestyle lots, conservation lots or residential farm parks shall comply with the Standards specified for each SMA/Zone in Table 30.1.6B.

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TABLE 30.1.6B STANDARDS FOR LIFESTYLE SITES					
SMA/Zone	Minimum Area	Maximum Area	Minimum Balance Area	Number of Additional Sites that can be created	Application must comply with the following:
Natural Area Conservation Lots in any SMA/Zone	2,500m ² exclusive of the area being protected	5,000m ² exclusive of the area being protected	If more than 1 balance site proposed must comply with the minimum site size requirements of the SMA/zone located in, under Table 30.1.6A.	One, and where the total area of the feature to be protected is 9.0 hectares or more a 2 nd additional Lifestyle Lot may be created.	On RAP sites listed in Appendix 56: i. An area of at least 0.5 hectares shall be nominated for protection ii. The whole of the feature shall be physically and legally protected in perpetuity
Heritage Item Conservation Lots in any SMA/Zone	2500m ² for sites without reticulated wastewater disposal 400m ² for sites with reticulated wastewater connection	5000m ² in the Plains SMA, 2.5ha in the Rural SMA, otherwise no maximum	If more than 1 balance site proposed must comply with the minimum site size requirements of the SMA/zone located in, under Table 30.1.6.A	One only	On Heritage item sites listed as Category I or Category II in Schedule 1: i. Where the protected heritage item cannot, or is not intended for residential activity, a single nominated residential dwelling location shall be provided on the same site exclusive of the heritage item feature.

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					ii. The whole of the heritage item shall be physically and legally protected in perpetuity
Te Mata Special Character Areas inside the Lifestyle Area as identified on the Planning Maps	3ha	None	3ha	One or more	
Residential farm parks in the Te Mata Special Character Areas inside the Lifestyle Area as identified on the Planning Maps	2500m ²	None	92% of parent site or amalgamated sites	One or more	Farm Park standards
Plains Production	2500m ²	5000m ²	12ha	None (amalgamation is required)	Lifestyle subdivision shall only be applicable for an existing site smaller than 12ha. The site(s) being amalgamated with does not have to be less than 12 hectares, but does have to be adjoining. Any newly created

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					balance site shall not contain more than one dwelling.
3 year Rural lifestyle	4000m ² (net site)	2.5ha (net site)	20ha (net site)	One only	A site shall only be eligible to be subdivided to create a Lifestyle site under this rule once every three years, and at least three years shall have lapsed from the date the subject title was created.
Rural	4000m ² (net site)	2.5ha (net site)	6ha (net site)	None (amalgamation is required)	The subdivision shall involve the amalgamation of two or more existing sites. A maximum of one title exceeding 20 hectares in size may be involved.
Rural: (Residential Farm Parks)	2500m ²	None	92% of parent site or amalgamated sites	One or more	Farm Park standards
Rural (within the 1km radius of the Maraekakaho Hall)	0.8ha minimum with a 1ha average within the	2.5ha (net site)	1.0ha (1 balance site only) (net site)	One or more	Where a property straddles the 1km radius from the Maraekakaho

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	1km radius (net site)				Hall, any lifestyle site created in accordance with this rule must be physically located at least 50% entirely within the 1km radius.
Eco-Residential lifestyle sites in the Cape Kidnappers Building and Infrastructure Development Node areas shown on Appendix 23: Figure 1.	1.5ha minimum (net site) with a 3.0ha (net site) average	5.0ha (net site)	90% of parent site or amalgamated sites	One or more	Farm Park/Eco-Residential Lifestyle standards
Rural Residential: (Residential Farm Parks)	2500m ²	None	75% of parent site or amalgamated sites	One or more	Farm Park standards

30.1.6C EXEMPTION TO MINIMUM SITE PROVISIONS

1. General

Notwithstanding the provisions of Sections 30.1.6A and 30.1.6B, there shall be no minimum site size in any zone for the following:

- (i) Subdivisions which effect a *boundary adjustment*.
- (ii) Subdivisions to increase the area of existing non-complying sites, provided that no existing complying site is rendered non-complying. That is, the subdivision of land off an existing complying site to amalgamate with a non-complying site(s).

2. Irongate Industrial Area

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Where:

- (a) A subdivision creates a site within the General Industrial Zone (Irongate Area) which complies with 30.1.6A and a balance site in the Plains Production Zone there shall be no minimum site size for the balance site.

3. Omahu North Industrial Area

Where:

- (a) A subdivision creates a site or sites within the General Industrial Zone (Omahu North) which complies with 30.1.7R and a single site within the Plains Production Zone there shall be no minimum site size for the Plains Production Zone site¹.

Note [1]: New Residential Activities and Visitor Accommodation are defined as a Non-Complying activity where they are located within 30m of the General Industrial Zone (Omahu North). Refer to Rule PP40 (Section 6.2).

4. Residential Farm Parks in the Rural Zone and Eco-Residential lifestyle subdivision in the Cape Kidnappers Building and Infrastructure Development Node Areas of the Nature Preservation Zone (see Appendix 23: Figure 1); Rural Residential Zone and Lifestyle area of the Te Mata Special Character Zone

- (a) The minimum area of a parent site or combination of sites to be subdivided shall be no less than 60 hectares in the Rural SMA/Zone (including the Nature Preservation Zone).
- (b) The minimum area of a parent site or combination of sites to be subdivided shall be no less than 20 hectares in the Rural Residential Zone and Lifestyle area of the Te Mata Special Character Zone.
- (c) The area of the parent site shall be contained within one continuous perimeter boundary.
- (d) There shall be one common accessway or road to a single access point with a public road.
- (e) A Residential Farm Park subdivision or Eco-Residential lifestyle subdivision in the Cape Kidnappers Building and Infrastructure

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Development Node Areas of the Nature Preservation Zone as shown in Appendix 23: Figure 1, will be considered as a single proposal. No further subdivision of Residential sites or eco-residential sites or balance farm or common areas will be permitted. This requirement shall be recorded on all titles within a residential eco-residential farm park and the balance lot(s) by consent notice under Section 221 of the Resource Management Act 1991.

5. Te Awanga Downs Urban Development Area

(i) Where:

A subdivision creates a site within the Haumoana - Te Awanga Residential Zone part of the Te Awanga Downs Urban Development Area that complies with 30.1.6A and a balance site in the Haumoana - Te Awanga Deferred Residential Zone Areas A or B:

(a) There shall be no minimum site size for the balance site.

30.1.6D CREATION OF LOTS WITHIN THE IONA PLATEAU NEIGHBOURHOOD OF THE IONA SPECIAL CHARACTER ZONE

The minimum lot sizes created shall be in accordance with those identified in Appendix 13A Figure 3 'Iona Plateau Masterplan'.

30.1.6E CREATION OF LOTS WITHIN THE BULL HILL NEIGHBOURHOOD OF THE IONA SPECIAL CHARACTER ZONE

a. The first subdivision application within each of the Bull Hill Neighbourhood Blocks 1 and 2 (shown on the Iona Structure Plan Appendix 13A Figure 2) shall provide an overall subdivision concept plan for the entire area, either Block 1 or 2 as relevant.

This plan shall demonstrate how the overall development of the area will achieve the required housing density of 19 dwellings per hectare of total net land area, while also achieving variability in site size both within individual streets and over the area as a whole. The following minimum site size percentages shall be achieved:

- o A minimum of 15% of the total number of sites within the Bull Hill Neighbourhood shall be for Comprehensive Residential Development (note:

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parent sites of a minimum of 500m² showing indicative lot yields shall be provided to demonstrate achievement of the minimum 15% of the total number of sites);

- o A minimum of 15% of the total number of sites within the Bull Hill Neighbourhood shall range between 400m² — 599m²;
- o A minimum of 15% of the total number of sites within the Bull Hill Neighbourhood shall range between 600m² — 999m²;

The subdivision concept plan shall show section and road layout, section sizes, including the location of any Comprehensive Residential Development sites (identifying the parent site and the nominal anticipated housing yield from it), and the staging of the subdivision.

b. An assessment by a qualified urban design specialist shall be provided with any application for subdivision required in (a) above. This assessment shall demonstrate how the proposed subdivision design or comprehensive residential development meets general urban design principles including the 7C's of the New Zealand Urban Design Protocol:

1. Context
2. Character
3. Choice
4. Connections
5. Creativity
6. Custodianship
7. Collaboration

c. Over the total net land area of the Bull Hill Neighbourhood a minimum yield of 19 residential sections per hectare shall apply.

d. At the time of subdivision of the commercial node sites, if the option of 1 x 250sqm sites in each of the commercial node locations (shown on the Structure Plan Appendix 13A Figure 2) are created, the balance of land associated with the node adjacent to the Bull Hill Reserve shall be returned to this reserve and shall be zoned Open Space Zone.

30.1.7 GENERAL SITE PERFORMANCE STANDARDS AND TERMS

30.1.7A BUILDING PLATFORMS

Each lot in the Rural, Plains Production, Nature Preservation, Te Mata and Tuki Tuki Special Character, and Rural Residential SMA/Zones, which is capable of containing a residential dwelling, shall identify at least one stable building platform of 30 metres by 30 metres which is capable of (but is not limited to) containing a dwelling, a vehicle manoeuvring area and any accessory buildings, in compliance with the Performance Standards and

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Performance Criteria for the Zone where it is located (Including dwelling setbacks as applicable to that Zone). No part of a building platform shall be located within the National Grid Corridor. Where National Grid Corridor traverses the site, the proposed vehicular accessway to the building platform shall also be identified on the subdivision plan.

Outcome

Lots, that are appropriate for RESIDENTIAL ACTIVITY in the Rural, Plains, Te Mata and Tuki Tuki Special Character, and Rural Residential Zones, will be capable of providing at least one stable BUILDING platform, and a safe DISTANCE clear of the National Grid Corridor, so as to avoid significant adverse Effects.

30.1.7B WATER SUPPLY

Sites for any activity that will require water shall be connected to public reticulated water supply, where such a supply is available.

Where the new site 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 shall demonstrate how an alternative and satisfactory water supply can be provided to each site.

Note: It is important to note that performance standard 30.1.7B does not replace regional rules which control the taking and use of groundwater and surface water. These rules must be complied with prior to the activity proceeding.

Outcome

A water supply will be available to each lot, which can meet the potential needs of activities on the lot, while protecting the health and safety of residents and avoiding significant adverse Effects on the ENVIRONMENT and without adversely affecting any lawfully established efficient water take.

30.1.7C WASTEWATER DISPOSAL

Sites for any activity that will create wastewater shall be connected to a public reticulated wastewater disposal system, where one is available.

Where the new site will not be connected to a public reticulated sewerage system, or where an additional level of service is required that exceeds the level of service provided by the reticulated systems, the subdivider shall demonstrate how an alternative and satisfactory method of wastewater disposal can be provided for each site.

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Note: It is important to note that performance standard 30.1.7C does not replace Regional rules which control the collection, treatment and disposal of wastewater to land or water. These rules must be complied with prior to the activity proceeding.

Outcome

A means of WASTEWATER disposal will be available which is of satisfactory capacity and design to protect the health and safety of residents and to avoid significant adverse Effects on the ENVIRONMENT (e.g. water quality)

30.1.7D STORMWATER DISPOSAL

Sites for any activity that will create stormwater shall be connected to a public stormwater disposal system, where one is available, except where an additional level of service is required that exceeds the level of service available from public reticulated stormwater systems, this shall be provided by the subdivider.

Where the new site will not be connected to a public reticulated stormwater disposal system, the subdivider shall demonstrate how an alternative and satisfactory method of disposal for each site can be provided.

Note: Stormwater attenuation standards apply to land use in each of the Residential and Commercial SMA/Zones.

Note: It is important to note that performance standard 30.1.7D does not replace regional rules which control collection, treatment and disposal of stormwater to land or water. These rules must be complied with prior to the activity proceeding.

Outcome

The collection and disposal of stormwater from each lot will be provided for in a manner that avoids significant adverse Effects on the ENVIRONMENT, including the Inundation of the land being subdivided and adjoining land, as well as the contamination of water resources.

30.1.7E PROPERTY ACCESS

1. Activities shall comply with the provisions of Section 26.1 Transport and Parking, except for eco-residential lifestyle sites in the Nature Preservation Zone: Cape Kidnappers Building and Infrastructure Development Nodes shown on Appendix 23: Figure 1 where appropriate Transport and Parking requirements will be assessed and defined through Site Performance Standard 30.1.7S and the specific assessment criteria process set out in Rule 30.1.8.2(18).
2. Access to property in General Industrial Irongate Area except where the Engineering Code of Practice driver sightline requirements are greater:

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- a. The minimum separation distance between vehicle accesses shall be:
 - 15m
- b. No vehicle access located on Maraekakaho Road shall be located closer than 100m to an intersection.
- c. No vehicle access located on an Access Road or Collector Road shall be closer than 30m to Maraekakaho Road.

All other vehicle crossings shall be located in accordance with the dimensions shown in Appendix 73.

Note: Maraekakaho Road is a Limited Access Road which has certain restrictions on the number and location of access. In addition to compliance with these performance standards, landowners will also require the approval of the council in accordance with the Local Government Act 1974 in relation to any proposal new or amended access to the Limited Access Road.

Outcome

The safe operation of Maraekakaho ROAD and where it intersects with Longlands, Irongate and York Roads.

- (b) No vehicle crossing located on Maraekakaho Road shall be closer than 100m to an intersection.
3. Access to property in the General Industrial Zone (Omahu North Area):

All accessways to a property or properties located within the General Industrial zone (Omahu North) shall comply with Drawing Number C38 "Pedestrian Visibility Splay" in Appendix 73

Outcome

Safe access will be provided for vehicular traffic entering and exiting Sites

4. No part of a vehicle access to an identified building platform, will cross any part of the National Grid Corridor.

30.1.7F OUTDOOR LIVING SPACE

Any application for a General Residential Zone subdivision under Table 30.1.6A in Hastings 1 A and B, Havelock North 2 A or B, and Flaxmere 3 A shall meet the relevant outdoor living space standards in sections 7.2, 8.2 and 9.2 respectively, for any existing dwellings involved with the subdivision.

30.1.7G ELECTRICITY

In all Residential, Industrial, and Commercial Zones, sites for any activity that will require electricity shall be connected to the electricity network.

Exception:

For residential sites in the Te Awanga Downs Structure Plan Area alternative electricity solution/s shall be demonstrated sufficient to provide for the needs of residential sites - individually or collectively.

30.1.7H ESPLANADE RESERVES AND STRIPS

All Residential, Commercial and Industrial Zones

Creation of Sites less than 4 hectares

Where a site of less than 4 hectares is created on the subdivision of land which adjoin rivers over 3 metres in width, lakes over 8 hectares in area, or the sea, an esplanade reserve of 20 metres in width shall be set aside, except where:

(i) The subdivision involves only a minor boundary adjustment and no additional building sites will be created; and

(ii) The proposed subdivision activity arises solely due to land being acquired for any road designation or a site is to be created only for a network utility.

Outcome

Public access, natural, cultural or recreational values of Waterbodies in the Residential, Commercial and Industrial Zones will be protected where intensive Subdivision occurs.

Rural, Plains Production, Nature Preservation, Tuki Tuki Special Character, Te Mata Special Character and Rural Residential Zones.

An esplanade reserve or strip with a maximum width of 20 metres will be required as a condition of consent under Section 220 of the Act where the land adjoins the coast or adjoins or contains a waterbody of natural, cultural or recreational significance as identified in Appendix 54

Note: There is provision for consideration of waiver of Esplanade Areas having regard to the matters in Specific Assessment Criteria 30.1.8.2. (8)

Outcome

Esplanade Areas will be created on Subdivision in the Rural, Plains Production, Te Mata Special Character, and Rural Residential SMA/Zones where land adjoins riparian areas identified as being of natural, recreational or cultural significance.

30.1.7I GENERAL RESIDENTIAL ZONE - BROOKVALE/ARATAKI

Where any portion of the Arataki Urban Development Area is subdivided, the relevant Assessment Criteria in Section 30.1.8, and the outcomes and Performance Standards included in the Structure Plan in Appendix 13 shall apply.

Outcome

The efficient and effective development of the Arataki Urban Development Area shall occur.

30.1.7J BALANCE LOTS

Balance lots may be created by subdivisions that lie in different zones provided the balance lot complies with the minimum net site area for the zone in which it is located (subject to noted exceptions in 30.1.6C).

Outcome

Balance lots resulting from Subdivision of Sites with split zoning will be compatible with the zone in which they are located.

30.1.7K GENERAL RESIDENTIAL ZONE (TOMOANA ROAD, PAKOWHAI ROAD AND WILLIAMS STREET, HASTINGS)

- (a) The location of new roads for providing access to sites created by subdivision in the area, shall be such that no new road intersections are located on Pakowhai Road or the location of the North Eastern Connector (previously proposed as the Northern Arterial Route) as shown in Appendix 14 Figure 2.

Outcome

Direct access to the North Eastern Connector will be Controlled and its safer and efficient USE protected.

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- (b) Where a site is created on subdivision of land that adjoins the western boundary of the North Eastern Connector location and the site is within 50 metres of the North Eastern Connector location boundary (Refer Appendix 14 - Figure 2), an acoustic barrier, at a minimum height of 1.8 metres, shall be erected along the entire length of that boundary, to achieve a design noise level of 55 dB L_{Aeq} (24 hours) when assessed at a point, 12m from the boundary and 1.2m above ground level, and shall be erected prior to the Section 224 Certificate being issued.

Outcome

The Effects of higher background noise generated by traffic on the North Eastern Connector on adjoining Residential Activities will be reduced

30.1.7L GENERAL RESIDENTIAL ZONE - LYNDHURST

- (a) Where any portion of the Lyndhurst Urban Development Area is subdivided or developed for any activity other than a Permitted activity, the relevant Assessment Criteria in Section 30.1.8, and the outcomes and performance standards included in the Structure Plan in Appendix 11 shall apply.
- (b) Where subdivision occurs on a site that creates a balance lot that lies in the Deferred General Residential Zone, the balance lot need not comply with the minimum net area for the Deferred General Residential Zone.

30.1.7M ADA STREET GENERAL RESIDENTIAL ZONE (AS IDENTIFIED IN APPENDIX 21)

- (a) Where any portion of the General Residential Zone at 1242 to 1248 Ada Street is subdivided and/or developed, all development shall be in general accordance with the Concept Plan in Appendix 21.
- (b) Any sites created by subdivision and located within 30m of any Plains Production Zoned site, are required to have a restrictive covenant registered against their certificates of title(s) acknowledging the productive nature of the adjacent land and requiring the owner/occupier and subsequent owners/occupiers not to bring any proceedings or damages, negligence nuisance trespass or interference arising from the reasonable and responsible use of Plains Production zoned land so long as those practices are carried out in accordance with the relevant District Plan provisions or those of any replacement Plan.
- (c) No new buildings shall be erected within the buffer area identified as Area A on the Map in Appendix 21.

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- (d) Before the issue of a Section 224 Certificate under the Resource Management Act 1991 for any sites created by subdivision of Lot 2 DP 346234, a restrictive covenant shall be registered against the certificate of title of Lot 5 DP 402003 establishing the buffer area identified as "Area B" on the Map in Appendix 21 which shall prevent the owner and any subsequent owners from utilising that buffer area for Land Based Primary Production Activities. The covenant shall be prepared by a solicitor at the applicant's expense.

30.1.7N RURAL RESIDENTIAL ZONE (RAYMOND ROAD/PARKHILL ROAD, HAUMOANA)

Where any portion of the Raymond Road/Parkhill Road Rural Residential SMA/Zone is subdivided and/or developed the relevant Assessment Criteria in Section 30.1.8 shall apply, and all development shall be in general accordance with the Concept Plan in Appendix 22. In particular:

- a. No more than 35 sites capable of being utilised for residential purposes shall be established.
- b. Any sites created by subdivision within the Raymond & Parkhill Road Rural Residential Zone are required to have a restrictive covenant registered against the certificate of title(s) acknowledging the operation of agriculture, horticulture and viticulture on land in the vicinity and requiring the owner and subsequent owners, not to bring any proceedings for damages, negligence, nuisance, trespass or interference arising from the reasonable and responsible use of lands in the vicinity for such operations, so long as those operations are carried out in accordance with relevant District Plan provisions, or those of any replacement Plan.

Outcome

To provide for rural residential development on Sites in close proximity to productive land USE activities without reducing the ability of legitimate productive land USE activities to operate unhindered

30.1.7O RURAL RESIDENTIAL ZONE - KOPAKI BAY

Where any portion of the Kopaki Bay Rural Residential Area as identified on Figure 1 Appendix 18 is subdivided or developed for any activity other than a permitted activity, the relevant Assessment Criteria in Section 30.1.8, and the Performance Standards and Outcomes included in the Structure Plan in Appendix 18 shall apply.

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Outcome

The efficient and effective development of the Kopaki Bay Rural Residential Area will occur.

30.1.7P COASTAL RESIDENTIAL ZONE - TANGOIO

- a. Where any portion of this particular zoning is subdivided or developed as any activity other than a Permitted activity, the relevant Assessment Criteria in Section 30.1.8 and compliance with the Structure Plan in Appendix 19 shall apply.
- b. All building platforms and site accesses on any portion of this particular zone shall not be permitted at ground level of less than RL 15.2 (5.2m above mean sea level).
- c. New residential sites created shall be subject to a consent notice pursuant to section 221 of the Resource Management Act 1991 stating that floor levels of any habitable rooms on that site shall be a minimum height of RL 15.7RL (5.7m above mean sea level).

Outcomes

The efficient and effective development of the Tangoio Coastal Residential Zone will occur in a manner which has regard to its coastal landscape context.

That the Tangoio Coastal Residential Zone will be developed in a manner that ensures the flood hazard from the Te Ngaru Stream is mitigated.

- (b) All building platforms and site accesses on any portion of this particular zone shall not be permitted at ground level of less than RL 15.2 (5.2m above mean sea level).
- (c) New residential sites created shall be subject to a consent notice pursuant to section 221 of the Resource Management Act 1991 stating that floor levels of any habitable rooms on that site shall be a minimum height of RL 15.7RL (5.7m above mean sea level).

That the Tangoio Coastal Residential Zone will be developed in a manner that ensures the flood hazard from the Te Ngaru Stream is mitigated.

30.1.7Q GENERAL INDUSTRIAL IRONGATE AREA

- (a) Each site shall be provided with an on-site stormwater disposal system to service the site. A stormwater management plan shall be provided at the time of subdivision based on a conceptual development scenario for

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each lot, to demonstrate that a feasible stormwater disposal system can be achieved.

Note: All on-site stormwater discharges are regulated by the Hawke's Bay Regional Resource Management Plan and require treatment in accordance with the HBRC Waterway Design Guidelines.

Outcome

The collection and disposal of stormwater from each SITE will be provided for in a manner that avoids significant adverse Effects on the ENVIRONMENT, including the Inundation of the land being subdivided and adjoining land

- (b) Where any portion of the General Industrial Irongate Area is subdivided and/or developed the relevant Assessment Criteria in Section 30.1.8 shall apply, and all development shall be undertaken in general accordance with the Structure Plan in Appendix 16.
- (c) All sites within the Irongate Area shall demonstrate how legal and physical access can connect to the existing roading network for both the subject site and adjacent sites, in accordance with the Engineering Code of Practice

Note: Maraekakaho Road is a Limited Access Road which has certain restrictions on the number and location of access.

Outcome

All Sites within the Irongate Area shall be protected from being landlocked or restricted from undertaking Subdivision by neighbouring developments

- (d) No new site created from Section 14 SO Plan 438108, or part thereof, shall be provided with vehicular access to Maraekakaho Road.
- (e) No new site created from Lots 1 & 2 DP 367052, or part thereof, shall be provided with vehicular access to Maraekakaho Road.

Outcome

The efficient USE of the infrastructure provided in the Irongate Industrial Area

- (f) All new sites created from the following parent lots shall be served by a single vehicular access to Maraekakaho Road per parent lot:

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- Lot 2 DP 12192 Blk XV Heretaunga SD
- Lot 1 DP 24887
- Lot 2 DP 4144
- Lot 2 DP19426 Int in R/W
- Section 8 SO 438108

30.1.7R GENERAL INDUSTRIAL ZONE (OMAHU NORTH AREA)

1. The subdivision shall be in general accordance with the Structure Plan in Appendix 17.

Outcomes

To provide for efficient USE of infrastructure provided in the Omaha North Industrial Area

2. Each site shall be connected to the Council's reticulated water and wastewater networks.

Subdivision will occur in a manner that enables the efficient and effective servicing of the entire Omaha North Industrial Area.

- a. The subdivision design shall ensure that stormwater from each site created can be conveyed to the stormwater infiltration basin within the designated service corridor D161 located on the northern boundary of the Zone.
- b. A stormwater infiltration basin shall be constructed in accordance with the specifications set out in Appendix 17, Figure 2 within the designated service corridor D161. The area of the infiltration basin to be constructed shall be determined in accordance with the Appendix 17, Figure 3. For the avoidance of doubt:
 - o the area of stormwater infiltration basin stated in Column 4 has been determined for each of the 'Parent Sites' listed in Column 3
 - o the area of stormwater infiltration basin required for a new site shall be proportionate to its total area relative to the Parent Site(s) from which it has been created.

For example: A property at Omaha Road north is to be subdivided into 3 lots:

Parent Site (P01) is 13743m ² Column 3	Total S/W basin (S04) = 1151m ² Column 4
New Lot 1 = 4000m ²	Required S/W basin = 335m ²
New Lot 2 = 4000m ²	Required S/W basin = 335m ²
New Lot 3 - 5743m ²	Required S/W basin = 481m ²

The above clauses 3 (a) and (b) shall not apply to:

- those properties identified within the Omaha Road Structure Plan area in Appendix 17, Figure 1 that require an alternative stormwater disposal method to the designated stormwater infiltration basin. For the avoidance of doubt, these properties are subject to the requirements of standard 14.1.6A.6 as it applies to 'All Other Areas' below.

That the potential needs of activities on the Sites created are met in a manner that avoids significant adverse Effects on the ENVIRONMENT.

30.1.7S HAUMOANA - TE AWANGA RESIDENTIAL ZONE

1. EAST ROAD - HAUMOANA (URBAN DEVELOPMENT AREA)

1. The subdivision of land within the East Road Urban Development Area shall be substantially in accordance with the Structure Plan in Appendix 15; in particular:
 - a. Each site shall be connected to Council's reticulated water network when this network becomes available;
 - b. Where subdivision occurs in advance of the Council's reticulated water becoming available;
 - i. A suitable legal mechanism shall be implemented to ensure that this occurs.
 - ii. The subdivider shall demonstrate that a satisfactory water supply is available to service each site in advance of Council's reticulated system being available.
 - c. Each site shall provide suitable onsite wastewater and stormwater servicing.
 - d. An overall site stormwater design shall be designed in accordance with the East Road Structure Plan.
 - e. Roading and Transport connections shall be designed in accordance with the East Road Structure Plan.
 - f. Landscaping shall be designed in accordance with the East Road Structure Plan.
 - g. Where any portion of the East Road Urban Development Area is subdivided or developed for any activity other than a Permitted activity, the relevant Assessment Criteria in Section 30.1.8, and the

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outcomes and performance standards included in the Structure Plan in Appendix 15 shall apply.

Outcome

The efficient and effective development of the East ROAD Urban Development Area will occur.

Subdivision will occur in a manner that enables the efficient and effective servicing of the East ROAD Urban Development Area.

That the potential needs of activities on the Sites created are met in a manner that avoids significant adverse Effects on the ENVIRONMENT.

2. TE AWANGA LIFESTYLE OVERLAY AREA

- (a) The subdivision of land within the Te Awanga Lifestyle Overlay shall be undertaken in accordance with the Concept Plan in Appendix 25A; in particular:
- i. No more than 7 lots shall be created for residential purposes;
 - ii. The new lots shall be located substantially in accordance with the layout shown on the Landscape/Concept Plan including the location of the roadway to the rear of Lots 1-6;
 - iii. Only one vehicle entrance shall be provided to Clifton Road in general accordance with the location shown in the Concept Plan;
 - iv. Development shall be restricted to the building platforms identified in the Concept Plan via conditions subject to consent notice;
 - v. The stormwater disposal shall be comprehensively designed for the subdivision and shall accommodate overland flow from the adjacent properties and shall be stormwater neutral;
 - vi. There shall be no further subdivision to create any additional lots beyond those shown in the Concept Plan, this shall be secured by conditions subject to consent notice;
 - vii. The land identified in Appendix 25A 'Te Awanga Lifestyle Overlay Concept & Landscape Plan' as Areas A - H shall be common use areas secured by easement in favour of Lots 1- 6;
 - viii. The development shall occur in substantial accordance with the landscape details shown in the Landscape/Concept Plan. This shall be secured by conditions subject to consent notice to ensure that future plantings proceed;

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- ix. A land survey shall be undertaken to establish existing RL levels within the identified building envelopes (refer Appendix 25A, Figure 2 'Te Awanga Lifestyle Overlay Concept & Landscape Plan') prior to any earthworks occurring. This shall be secured by condition/s of subdivision consent; and
- x. The maximum height of all buildings shall be 8 metres measured from existing ground level as at 28 April 2017. This shall be secured by conditions subject to consent notice.

Outcomes

The efficient and effective development of the Te Awanga Lifestyle Overlay Area will occur in a manner that avoids and mitigates adverse Effects on neighbours.

Subdivision will occur in a manner that is sympathetic to the coastal and peri urban landscape of the area

3. TE AWANGA DOWNS URBAN DEVELOPMENT AREA

- i. The subdivision of land within the Te Awanga Downs Urban Development Area shall be generally in accordance with the Structure Plan in Appendix 15A Figure 1 and the design criteria in Appendix 15A(i).
- ii. An overall site stormwater management plan shall be designed generally in accordance with the Te Awanga Downs Structure Plan and Engineering Code of Practice and submitted with any application for subdivision within this area.
- iii. Roading and Transport connections shall be designed in general accordance with the Te Awanga Downs Structure Plan as part of any application for subdivision.
- iv. Open space and buffer areas shall be provided in accordance with the Te Awanga Downs Structure Plan, including specifically that:
 - a. a minimum 30 metre wide open space buffer area shall be provided for the length of the interface between the existing residential area and stage 2 of the new development area as shown in Appendix 15A Figure 1;
 - b. a minimum 27.5m wide open space buffer shall be provided for the length of the interface between stage 3 of the new development area and the Plains Production Zone as shown in Appendix 15A Figure 1.
- v. Wastewater services shall be provided to each lot as outlined in the Structure Plan (Appendix 15A and 15A(i)). A legal mechanism shall be implemented on the title of each lot to ensure that wastewater services are provided for in the

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manner stated.

- vi. Each site shall be connected to Council's reticulated water supply network when this becomes available.
- vii. Where subdivision occurs in advance of the Council's reticulated water supply system becoming available:
 - a. A legal mechanism shall be implemented on each title to ensure that each site shall be connected when the Council system becomes available;
 - b. The subdivider shall demonstrate that a satisfactory water supply is available to service each site in advance of Council's reticulated system being available.
- viii. Applications for subdivision within stage 1 of the Te Awanga Downs Urban Development Area as shown on the structure plan shall provide a report from a suitably qualified coastal engineer that demonstrates how the impacts of the coastal hazard zone 3 can be avoided or mitigated and provides a professional opinion that any adverse effects of coastal inundation on new residential properties in this area would be minimal.
- ix. The maximum height of any buildings with common boundaries with Lot 12 DP 13296 Blk V Clive SD (9 Tirimoana Place), Flat 2 DP 19708 on Lot 13 DP 12838 (24B Gordon Road) and Lot 27 DP 12838 (30 Gordon Road) or any subsequent titles shall be 4 metres. This shall be secured by conditions subject to consent notice.
- x. The maximum building height for the single lot to be positioned between the ends of Open Space 7 and the entry point to Deferred Residential Zone A shall be 4 metres.

30.1.7T NATURE PRESERVATION ZONE - ECO-RESIDENTIAL LIFESTYLE SUBDIVISION IN THE CAPE KIDNAPPERS BUILDING AND INFRASTRUCTURE DEVELOPMENT NODE AREAS

- 1. A Development Plan shall be supplied with any eco-residential lifestyle subdivision application for the Cape Kidnappers Building and Infrastructure Development Node areas shown on Appendix 23: Figure 1, that covers the following elements:
 - a. Lot boundaries;
 - b. Location and size of individual building platforms;
 - c. Road alignment and design

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- d. Contouring (e.g. for geotechnical and aesthetic reasons);
 - e. Services and utilities;
 - f. An overall landscape plan reflecting a cohesive landscape design and ecological framework, and including a comprehensive revegetation plan; and
 - g. Architectural and landscape guidelines.
2. A full archaeological survey undertaken by a suitably qualified independent archaeologist shall be supplied with any subdivision application, which confirms that subdivision and development associated with the proposed eco-residential lots will avoid archaeological sites.

Outcomes

That Eco-residential lifestyle Subdivision on Cape Kidnappers will be developed in a manner that ensures adverse Effects on the natural landscape and cultural landscape are avoided or mitigated

30.1.7U SUBDIVISION WITHIN THE IONA SPECIAL CHARACTER ZONE

1. Any application for subdivision shall include a Stormwater Management Plan (SMP) which demonstrates how the proposed subdivision will achieve stormwater neutrality over the Iona Special Character Zone (ISCZ) as a whole. The SMP shall address and/or have regard to:
- a. any Stormwater Management Areas required (including wetlands, detention ponds and conveyance systems identified in the Stormwater Management Plan and those identified on the Iona Structure Plan contained in Appendix 13A, Figure 2) for each pre and post development catchment draining into the Outlets shown on the Structure Plan to achieve stormwater neutrality, and define the extent to which those Stormwater Management Areas are needed as a result of development within the Iona Special Character Zone;
 - b. the timing and construction details of any stormwater management infrastructure; and
 - c. the details of all previous stormwater flood assessment reports including those prepared by Tonkin + Taylor, Middle and Iona Road Proposed Development Havelock North, Stormwater Flood Effects Assessment, October 2017, Figures 12, 14 and 19 and Figure 1 Addendum Report to Stormwater Flood Effects Assessment, March 2018 and peer reviews and modelling work undertaken by Christensen Consulting.
- For the purposes of this rule:

a) Stormwater neutrality means no increase in peak discharge in response to 2-year and 10-year ARI rainfall events as a result of the development, and peak discharge in response to a 100-year rainfall event of no more than 80% of the pre-development peak discharge, as predicted at each outlet from the development area to the receiving environment. For outlets E, I and G this is to be achieved in terms of the full catchment area(s) draining to the respective outlet. For outlet D, stormwater neutrality must be achieved on a sub-catchment basis for the 2-year and 10-year ARI rainfall events and on a full catchment basis for the 100-year ARI event.

Stormwater neutrality is to be primarily achieved by stormwater management infrastructure located within the Stormwater Management Areas (SMAs) identified in the structure plan as well as in the storage (detention) area identified upstream of the spine road. The size of the SMAs in the structure plan is indicative and the actual areas required should be confirmed in the detailed design phase through the subdivision consenting process.

b) the pre and post development catchment areas are defined as those shown on Tonkin + Taylor, Middle and Iona Road Proposed Development, Havelock North, Stormwater Flood Effects Assessment, October 2017; Figures 12,14 and 19 and Figure 1 Addendum Report to Stormwater Flood Effects Assessment, March 2018.

2. Once the first Stormwater Management Plan for the entire Iona Special Character Zone is provided and approved by Council, no further assessments will be required, but subsequent subdivisions need to demonstrate compliance with the original Stormwater Management Plan.
3. Council upon approving any subdivision shall assess the extent of land within the Stormwater Management Areas required to meet the above standard of stormwater neutrality. The areas occupied by any ponds or wetlands within those Stormwater Management Areas shall be set aside, constructed and operational before being vested in the Council, prior to them being required for stormwater management purposes.
4. Land within the Stormwater Management Areas has underlying zonings which will only apply from the date a resource consent application for a subdivision or development is approved, provided that hydrological and other evidence submitted with the application shows that the subject land is no longer required for the purposes of stormwater management, including access for maintenance and appropriate provision for public safety, to the extent determined on subdivision under 2 above.

5. A cultural effects assessment of the entire Iona Special Character Zone shall be provided with any subdivision application within the Zone where the land area exceeds 2.5ha. Once this assessment is provided, no further assessments will be required. Where a subdivision application is made prior to a cultural effects assessment of the entire Zone being provided, and where the land subject to the application involves an area of 2.5ha or less, the cultural effects assessment shall relate solely to the land area subject to the application. This assessment shall cover the following matters:

- Information on the relevant cultural values associated with the site;
- The effects on those values, and the relationship of mana whenua to them, as a result of the proposed activity; and
- Recommendations to avoid, remedy or mitigate adverse effects, including but not limited to recommended conditions of consent should the application be granted.

Outcome

The potential stormwater Effects of any proposed Subdivision will be mitigated to the extent that stormwater neutrality will be achieved.

Outcome

Subdivision proposals will acknowledge the values and relationship of mana whenua with the land

**30.1.7V SUBDIVISION WITHIN THE BULL HILL AND IONA TERRACES
NEIGHBOURHOODS OF THE IONA SPECIAL CHARACTER ZONE**

1. The subdivision of land within the Bull Hill and Iona Terraces Neighbourhoods of the Iona Special Character Zone shall be generally in accordance with the Iona Structure Plan in Appendix 13A Figure 2.
2. Access to properties on the south-eastern side of Middle Road between the intersections with Gilpin Road and the realigned Iona Road identified on the Structure Plan in Appendix 13A Figure 2 shall be made available through an internal road network off the realigned Iona Road.
3. Subdivision proposals shall retain the avenue of trees through the site from Middle Road to Iona Road as shown on the Structure Plan in Appendix 13A Figure 2.
4. Subdivision proposals shall not locate proposed streets, roads or private accessways adjacent to the boundaries of sites within the existing Stapleford Park development.
5. Subdivision proposals that include the construction of the Reynolds Road extension shall provide a plan showing the design and construction of the extension to Reynolds Road as shown on the structure plan Appendix 13A Figure 2. The plan

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shall include the continued planting of prunus species street trees in an avenue style. Tree planting shall be carried out to meet the HDC Engineering Code of Practice.

Outcome

To ensure that Subdivision and development within the Iona Special Character Zone occurs in a manner that protects and maintains the special Character features and outcomes sought for each particular neighbourhood, and that overall development seeks to create a unique setting that contributes positively to the residential AMENITY of the Zone and surrounding area.

6. All street lighting shall be deflected downwards towards the road and footpaths.
 7. That within the Iona Terraces Neighbourhood the street lighting shall be of a rural standard with lights located at the end of each cul de sac only.
 8. That the main spine road (which links to Iona Road and provides access to the Iona Terraces and Iona Plateau Neighbourhoods) is to be of a rural character with no kerbs, and a footpath on one side only. Berms are to be sloping and the spine road shall be planted with an avenue of deciduous exotic trees or informal groups of deciduous exotic trees.
 9. In the Iona Terraces Neighbourhood, all points of access are to link with the main spine road identified on the structure plan with no new access provided to the neighbourhood from Lane Road.
 10. The design and construction of the spine road adjoining the boundary of Lot 3 DP28810 shall be in accordance with the plan in Appendix 13A Figure 4.
 11. Any application for subdivision for Comprehensive Residential Development (except the initial subdivision and identification of parent sites) shall include:
 - a) an overall landscape plan for the comprehensive residential development; and
 - b) an urban design assessment of the proposed comprehensive residential development.
 12. That the indicative road within the Bull Hill Neighbourhood and shown on the Iona Structure Plan (Appendix 13A Figure 2) as a no-exit road can be extended or moved during detailed subdivision design but cannot allow vehicular access into Iona Road
- Outcome
The Iona Terraces Neighbourhood will be developed with recognition given to the adjacent rural residential Character by ensuring that the ROAD formation and the street lighting are based on the rural standards and not the normal residential standards

**30.1.7W SUBDIVISION WITHIN THE IONA PLATEAU NEIGHBOURHOOD OF
THE IONA SPECIAL CHARACTER ZONE**

1. The subdivision of land within the Iona Plateau Neighbourhood shall be in accordance with the Iona Structure Plan and Plateau Masterplan in Appendix 13A Figures 2 and 3 respectively, in particular:
 - a. Subdivision within the Iona Plateau Neighbourhood is restricted to a maximum of 20 lots created for residential purposes;
 - b. The new lots shall be configured (including size) and located in general accordance with the layout shown on the Structure Plan and Masterplan contained in Appendix 13A Figures 2 and 3 respectively;
 - c. The portion of the Spine Road located within the Iona Plateau Neighbourhood shall be located in general accordance with the Structure Plan and Masterplan contained in Appendix 13A Figures 2 and 3 respectively;
 - d. All lots are to be accessed in general accordance with the Structure Plan and Masterplan contained in Appendix 13A Figures 2 and 3 respectively with no new accesses created (including from Lane Road);
 - e. The portion of the Spine Road within the Iona Plateau Neighbourhood is to be of a rural character with no kerbs or footpaths. Berms are to be sloping and the Spine Road shall be planted with an avenue of trees or informal groups of trees. Trees are to be the same species as what is planted in the remainder of the Spine Road;
 - f. That no street lighting is to occur in the Iona Plateau Neighbourhood;
 - g. Development shall generally be restricted to the nominal 400m² building platform identified in the Masterplan contained in Appendix 13A Figure 3. (as required by Standard 8.6.7E - Identified Building Platform);
 - h. Earthworks volumes are restricted to those necessary to form the upper portion of the Spine Road and the 20 residential building platforms;
 - i. No buildings, structures or earthworks shall occur within the no build area identified on Lots 12, 13, 14 and 15 in Appendix 13A, Figures 2 and 3. A consent notice to this effect along with the recording of these no build areas on the survey plan and title to issue for these lots shall occur;
 - j. Landscape plantings shall occur generally in accordance with the landscape areas shown in the Structure Plan and Masterplan contained in Appendix

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13A, Figures 2 and 3 respectively. A consent notice shall be imposed on all titles to issue advising that these areas are to remain landscaped in perpetuity in accordance with the plan approved in (k) below;

and

- k. An overall landscape plan reflecting a cohesive landscape design and ecological framework, and including a comprehensive programme for plantings and earthworks construction and revegetation plan for the planted areas identified on the Iona Plateau Masterplan contained in Appendix 13A Figure 3 shall be provided to Council for approval. The landscape plan shall show dense plantings for the areas, include a mixture of native specimen trees and shrubs including Manuka at varying heights at planting and details of irrigation to ensure any plantings have the best opportunity to establish. It should also provide details of appropriate planting within the vegetation control area between Lots 14 and 15, which is limited to ornamental native grasses a maximum height of 0.6 metres. Planting shall occur in the growing season immediately following approval of the landscaping plan.

Outcome

The Iona Plateau Neighbourhood will be developed in accordance with the Masterplan, which gives EFFECT to the sympathetic placement of Buildings on the landscape and is complementary to the adjoining Rural Residential ENVIRONMENT.

30.1.7X SUBDIVISION WITHIN THE BREADALBANE SPECIAL CHARACTER AREA

1. Each site shall be provided with an on-site stormwater disposal system to service the site. A stormwater management plan shall be provided at the time of subdivision based on a conceptual development scenario for each lot, to demonstrate that a feasible stormwater disposal system that achieves stormwater neutrality can be achieved. Opportunities for a collective system that provides stormwater neutrality should be considered.

For the purpose of this standard, stormwater neutrality has the same meaning as in Standard 30.1.7U(1).

Note: All on-site stormwater discharges are regulated by the Hawke's Bay Regional Resource Management Plan and best practice design advice is provided in the HBRC Waterway Design Guidelines.

Outcome

The potential stormwater Effects of any proposed Subdivision will be mitigated to the extent that stormwater neutrality will be achieved.

30.1.7Y GENERAL RESIDENTIAL ZONE — HOWARD STREET URBAN DEVELOPMENT AREA

General

a) The subdivision shall be in general accordance with the Howard Street Structure Plan in Appendix 80, Figure 2 and shall not obstruct or interfere with any infrastructure links, stormwater detention areas or public reserves.

b) When any portion of the Howard Street Urban Development Area is to be subdivided, the performance standards and outcomes included in the Howard Street Structure Plan in Appendix 80 shall apply.

Outcome

The efficient and effective development of the Howard Street Urban Development Area resulting in a high level of residential AMENITY.

30.1.7Z SUBDIVISION WITHIN THE BROOKVALE URBAN DEVELOPMENT AREA (APPENDIX 13B, FIGURE 1)

1. The subdivision of land within the Brookvale Romanes Urban Development Area shall be in general accordance with the Brookvale Structure Plan, Appendix 13B.

Outcome

The efficient and effective development of the Brookvale Urban Development Area will occur in a manner that avoids and mitigates adverse Effects on the ENVIRONMENT and results in a high standard of residential amenity.

2. That subdivision proposals shall be in accordance with the staging of development as shown on the Brookvale Structure Plan diagram, Appendix 13B, Figure 1.

Outcome

Staging of development is aligned with the provision of services.

3. An archaeological assessment shall be provided with each subdivision application for land within the Brookvale Romanes Structure Plan area (Appendix 13B, Figure 1). Any recommendations of the assessment will be taken into consideration in setting consent conditions for the subdivision application if relevant.

Outcome

Subdivision proposals will acknowledge archaeological values associated with the area.

4. That a Drainage Reserve shall be provided in the location shown on the Brookvale Structure Plan (Appendix 13B, Figure 1). The final width and profile of the Crombie Drainage Reserve shall be determined by the approved Stormwater Management Plan required below. Land required for this purpose will be vested in Council at no cost.

Outcome

The drainage reserve is a fundamental part of the stormwater solution for the Brookvale Romanes Structure Plan area and must be provided in order to avoid significant adverse Effects on the ENVIRONMENT.

5. Any application for subdivision shall demonstrate compliance with a Stormwater Management Plan (SMP) which has been approved by Council and which establishes how the proposed subdivision will achieve stormwater neutrality over the Brookvale Structure Plan (Appendix 13B, Figure 1) area as a whole. The SMP and resultant stormwater solution is to meet 'the design principles of wetlands for stormwater attenuation and treatment' set out in the Hawke's Bay Regional Council, April 2009, *Hawkes Bay Waterway Guidelines - Low Impact Design* and achieve best practice from source through to discharge at the boundary so as to mitigate the effects of urban development on stormwater quality and quantity. In particular the system is to:

- a. Be in general accordance with the Brookvale Structure Plan (Appendix 13B, Figure 1) and the Crombie Drain profile attached to this Structure Plan as part of Appendix 13B, Figure 3;
- b. Attenuate stormwater in order to achieve a discharge at the boundary of the developed area that is not greater than predevelopment flow in the 2 and 10 year Annual Recurrence Interval (ARI) event and 80% of the predevelopment flow in the 100 year ARI event. This stormwater neutrality is to be achieved through a range of measures having regard to the principles of low impact design;
- c. Be designed and constructed to mitigate the adverse effects of 1 in 50 and 1 in 100 year ARI flooding events. Council's design specifications for stormwater require up to 1 in 5 year ARI rain event to be contained within a piped network and consideration for control of overland flow in a 1 in 50 year ARI rainfall event.
- d. Designed and constructed to comply with the HDC Engineering Code of Practice and District Plan;
- e. Identify any Stormwater Management Areas required including drains, detention ponds, wetlands and conveyance systems to achieve stormwater neutrality and define the extent to which the Stormwater Management Areas are needed as a result of development within the structure plan area;

Note: Land required for stormwater management and detention purposes and which is not part of the Crombie Drainage Reserve shall be acquired by Council by agreement or in accordance with the Public Works Act 1981.

f. Have regard to the existing Whakatomo Place overland flowpath and existing concrete lined open swale drain which discharges to the Crombie Drain. Consideration is to be given to the height of Brookvale Road and surrounding properties to alleviate ponding. The existing concrete lined open swale drain or approved alternative is to be accommodated within the road corridor or drainage reserve and vested in Council;

g. Consideration of the need for bulk earthworks to mitigate potential flooding effects within low lying areas of the Brookvale Structure Plan Area (Appendix 13B, Figure 1) and how this may impact on the conveyance of stormwater;

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- h. Consideration of the need for Finished Floor Levels to mitigate potential flooding effects;
- i. Provide timing and construction details of any stormwater management infrastructure; and
- j. Consider and have regard to the fact this area sits within an existing floodplain and details of all previous stormwater flood assessment reports and peer reviews.

Outcome

The potential stormwater Effects of any proposed Subdivision will be mitigated to the extent that stormwater neutrality will be achieved.

6. Council upon approving any subdivision shall assess the extent of land within the Stormwater Management Areas required to meet the above standard of stormwater neutrality. The area occupied by any drain, pond or wetland within the Stormwater Management Areas shall be set aside, constructed and operational before being vested in the Council, prior to these areas being required for stormwater management purposes.

Outcome

The stormwater management solution will be operational prior to residential development occurring.

7. Land within the Stormwater Management Area north of the Crombie Drainage Reserve has an underlying zoning which will only apply from the date a resource consent application for a subdivision or development is approved, provided that hydrological and other evidence submitted with the application shows that the subject land is no longer required for the purposes of stormwater management, including access for maintenance and appropriate provision for public safety to the extent determined on subdivision under 5 and 6 above.

Outcome

Land efficiencies will result as land not required for stormwater management purposes can be utilised for residential growth needs.

8. That the Open Space Neighbourhood Reserves shall be generally configured (including a minimum site size of 2500m²) and provided as identified on the Brookvale Structure Plan as shown in Appendix 13B, Figure 1.

Outcome

Reserves will be provided in accordance with residential staging and need and achieve positive urban design outcomes.

9. That public roads shall be located on at least two of the edges of each of the proposed Open Space Neighbourhood Reserves shown on the Structure Plan diagram in Appendix 13B, Figure 1.

10. That all sites within the Brookvale Structure Plan area (refer to Appendix 13B, Figure 1) shall demonstrate how legal and physical access is provided to the existing

roading network for both the subject site and adjacent sites, in accordance with the Engineering Code of Practice

Outcome

All Sites within the Brookvale Romanes Structure Plan Area shall be protected from being landlocked or restricted from undertaking Subdivision by neighbouring developments.

11. That all fixed road links shown on the Brookvale Structure Plan shall be constructed in the specific alignment shown on the Structure Plan diagram in Appendix 13B, Figure 1.

Outcome

Development will occur in accordance with the Structure Plan and result in good block layout to encourage positive urban design outcomes.

12. Subdivision proposals that adjoin or include the construction of the Russell Robertson Drive extension and the Romanes Drive to Davidson Road Spine Connector shall provide a plan showing the design and construction of the full length of the extension from Brookvale Road through to Thompson Road and Romanes Drive to Davidson Road (including the provision of a gentle curve within the indicative alignment) as shown on the structure plan diagram in Appendix 13B, Figure 1. In the case of the Russell Robertson Drive extension, the plan shall include the continued planting of the existing street tree species in Russell Robertson Drive in an avenue style. In the case of Romanes Drive to Davidson Road the plan shall include the species proposed within the berm areas and spacing. Tree planting shall be carried out to meet the HDC Engineering Code of Practice. Once the first plan is provided for these roads, no further plans are needed but subsequent subdivisions need to demonstrate compliance with the original plan.

Outcome

Development will occur in accordance with the Structure Plan and achieve positive urban design outcomes.

13. That the two roads adjoining the Crombie Drainage Reserve be constructed in the general location shown on the Brookvale Structure Plan diagram in Appendix 13B, Figure 1. Subdivision proposals that adjoin or include the construction of roads alongside the Crombie Drain shall provide a plan showing the design and construction of the full length of these roads. The plan shall take into account the width of the Drainage Reserve approved as part of the Stormwater Management Plan, include proposals for street tree planting (within a median strip) including trees species for approval by Council's Property and Parks Manager. Once the first plan is provided for these roads, no further plans are needed but subsequent subdivisions need to demonstrate compliance with the original plan.

Outcome

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Residential properties will not be adversely affected by light or glare from adjacent activities. The safety of Roads will be maintained by preventing glare and light spill onto them.

14. All street lighting shall be deflected downwards towards the road and footpaths.

Outcome

Residential properties will not be adversely affected by light or glare from adjacent activities. The safety of Roads will be maintained by preventing glare and light spill onto them.

15. Access to newly created lots along the Restricted Vehicle Access edge (Romanes Drive and Napier Road) shown on the Structure Plan, Appendix 13B, Figure 1 shall be made available through an internal road network.

Outcome

Vehicular access shall be provided to all Sites which is safe and efficient.

16. New lots created along the restricted access edge (Romanes Drive / Napier Road) shown on the Structure Plan Appendix 13B, Figure 1 shall be orientated so that their side boundaries adjoin Romanes Drive or Napier Road as appropriate.

Outcome

Dwellings will be constructed side on to facilitate good urban design outcomes.

17. Any application for subdivision for Comprehensive Residential Development shall include:

- a. An overall landscape plan for the Comprehensive Residential Development; and
- b. An urban design assessment of the proposed Comprehensive Residential Development.

Outcome

COMPREHENSIVE RESIDENTIAL DEVELOPMENT will develop in a manner that ensures adverse Effects on the ENVIRONMENT are avoided or mitigated.

**30.1.8 ASSESSMENT CRITERIA - CONTROLLED, RESTRICTED
DISCRETIONARY AND DISCRETIONARY ACTIVITIES**

The following identify those matters which Council may exercise its control over, or matters in respect of which Council may impose conditions.

30.1.8.1 GENERAL ASSESSMENT CRITERIA

1. Structure Plans

Council will have regard to any approved Structure Plan for an Urban Development Area (as identified in Appendices 11, 12, 13, 13A, 13B, 14 and 15 and 15A), the Irongate Industrial Area (as identified in Appendix 16), or the Omaha North Industrial Area (as identified in Appendix 17) and any other approved Structure Plan (including Appendices 18, 19, 21, 22, 23 and Appendix 80) in regard to the placement of roads, infrastructural elements, reserves and other identified amenity elements. Subdividers and/or developers will be expected to address how the outcomes proposed in any Structure Plan will be achieved by their proposals. If a road, infrastructural elements, reserves and other identified elements have already been provided by another approved subdivision or development and vested in Council, then the need to provide these will not be necessary.

2. **Subdivision Design**

There are six key elements to the design of subdivisions that the Council focuses its assessment around. These are described below. Guidance on the application of these design elements can be found in the document *Subdivision and Infrastructure Development in Hastings: Best Practice Design Guide (Best Practice Design Guide)*.

<http://www.hastingsdc.govt.nz/files/all/documents/infrastructure/engineering-cop/best-practice-design-guide.pdf>

Council will have regard to whether subdivision applications can successfully implement each of the six key elements, listed (a) to (f) as follows (and improve upon the minimum structure plan requirements for urban development areas where practical):

(a) **Connectivity**

The creation of direct connections between roads and pathways increases the number of routes and transport mode choices available. This is an important component of creating a walkable neighbourhood. By creating a dense network of interconnecting roads, travel distance and times to shops, bus stops, schools, employment and other amenities can be reduced. Poor connections (i.e. the predominance of dead end cul-de-sacs) result in greater travel costs and higher vehicle emissions. See Section D1 (Connectivity) of the above mentioned Best Practice Design Guide.

(b) **Street, Block and Site Orientation**

The layout and design of streets, the size of blocks and orientation of sites within a subdivision will influence the quality and attractiveness of the development and its surrounding area (and thus the value and demand of the development). Primarily the layout of subdivisions should integrate and

retain the existing topography and landscape features of a site. Residential streets should follow a north-south axis as much as natural features allow so that sites can be orientated east-west to maximise the amount of sunlight a dwelling will receive. Typically, a 80-100m grid block spacing creates an easily walkable neighbourhood, providing a choice of routes for pedestrians, cyclists and vehicles. Refer Section D2 (Street and Block Orientation) of the Best Practice Design Guide.

(c) Site or Lot Design

Variation in lot size and shape allows for a greater range of house types which meets the needs of a wider proportion of the community and provides interesting and attractive urban landscapes. It also means development appeal to a wider range of potential purchasers. The number of right of ways, access lots and vehicle crossings can have an impact on the character of the streetscape and safety of pedestrians and cyclists. Rear sites with no street frontage can create issues in terms of privacy as the public front or entrance to a site abuts the rear private area of neighbouring sites and therefore reduces privacy. Sites that front or overlook the street improve visibility of the pedestrian environment and the overall safety and amenity of the streetscape. Refer Section D3 (Lot Design) of the Best Practice Design Guide.

(d) Public Open Space Design

The placement and integration of public open spaces within a subdivision are one of the most important elements to the long term success of a development. Public open spaces in prominent locations can provide a high level of amenity and character that add significant value to the development and a focal point for the neighbourhood in general. Refer Section D4 (Open Space Design) of the Best Practice Design Guide.

(e) Stormwater Management

Low impact design solutions for stormwater management can reduce construction costs, long term maintenance costs and future development pressure on existing stormwater infrastructure. Low impact design promotes at source treatment of stormwater run off and involves infiltration of stormwater via swales, rain gardens and tree pits, the use of porous or pervious surfaces and in some cases the provision of rain tanks.

Low impact stormwater design can add value and a point of difference to developments and enhance local amenity and ecology. When combined with appropriate street design and landscaping and/or the development of public open space areas, it can achieve multiple outcomes for the benefit of the subdivider, the community and the environment. Refer Section D5 (Stormwater Management) of the Best Practice Design Guide.

At building stage most development will have to calculate the amount of run off resulting from the activity, which may require on-site attenuation. Implementing low impact stormwater design through subdivision can assist in more easily meeting stormwater requirements at building stage.

(f) Road/Street Design

Street design is about much more than just providing good roads for vehicles - it is also about creating quality places, liveable neighbourhoods and sustainable communities. Considering the range of functions a street provides, the time spent on planning and design maximises the potential to create great streets that function well and contribute to quality of life. Great street design can also add significant value to developments and plays an important role in establishing and maintaining a subdivision's identity and character. Refer Section E (Road Design) of the Best Practice Design Guide.

3. Property Access

Council will have regard to the following:

- (i) The design and construction of roads, with reference to the Council's District Transport Hierarchy (see Section 2.5 of the District Plan on Transportation and the Road Hierarchy Maps in the District Planning Maps and the guidelines contained in the Subdivision and Infrastructure Development in Hastings: Best Practice Design Guide).
- (ii) The provision, location and design of access for vehicles, pedestrians and cyclists.
- (iii) The design of the subdivision to accommodate the provision of roads identified as being required in the Council's District Transport network strategies.

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- (iv) The vesting of roads in the Hastings District Council.
- (v) The requirements of New Zealand Transport Agency (NZTA) and Part IV of the Government Roading Powers Act 1989 with regard to vehicle entrances onto State Highways.
- (vi) How the proposed subdivision may be related to the resubdivision or development of adjoining land and the ability for optimum development for all the land concerned to be realised.
- (vii) The ability to achieve the access separation requirements on the subject site and adjoining sites in the General Industrial Inrrogate Area and the Omaha North Area.
- (viii) In the case of subdivision not complying with Performance Standard 30.1.7Q(f):
 - Whether approval has been provided for any additional access under the Local Government Act 1974;
 - Whether the number of vehicle accesses will have an adverse effect on the safe and/or efficient operation of the road network, pedestrian safety and convenience and/or capacity for on-street parking.

4. Water Supply, Wastewater Disposal, Stormwater Disposal

Council will have regard to the following:

- (i) The location of reticulation facilities to allow suitable servicing of the sites and reasonable access for the maintenance of the facilities.
- (ii) The need for a local purpose reserve to be set aside and vested in Council as a site for any public water supply, sanitary sewage disposal or stormwater disposal facility required to be provided.
- (iii) When the site is not proposed to be connected to a public water supply, the ability for the site to effectively and efficiently meet fire fighting requirements and the ability to show how the site will be serviced by a water supply for which consent has been obtained (as a Permitted or Controlled Activity) from the Hawke's Bay Regional Council.

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- (iv) When the site is not proposed to be connected to a public wastewater system or public stormwater solution, how the site will be serviced by an on-site wastewater treatment system or stormwater treatment and disposal system that will cause no environmental contamination on or beyond the site.
- (v) The use of low impact design solutions to collect and dispose of stormwater on site.
- (vi) In the Tomoana Food Industry Zone and Te Awanga Downs Urban Development Area, where wastewater, water supply and stormwater disposal infrastructure servicing more than one site that will be privately owned and operated, the mechanisms in place for the management and maintenance of the infrastructure to ensure appropriate level of service is maintained.

5. Natural Hazards

The Council will have regard to the following assessment matters:

- (i) 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.
- (ii) 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.

In assessing the above matters, the Council will have regard to the following:

- a. Any information held on the Council's Natural Hazard Database and the Natural Hazards Historical Database
- b. The Objectives, Policies and Methods of the Natural Hazards Section of the District Plan (See Section 15.1)
- c. Information by suitably qualified professionals whose investigations are supplied with the subdivision consent applications.

6. Building Platforms

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Council will have regard to the following:

- (i) The local ground conditions and suitability of the site for a building, and whether development on the site should be restricted to parts of the site.
- (ii) 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 to them.
- (iii) The protection of any listed Wāhi taonga or heritage item.
- (iv) The potential for reverse sensitivity issues where building platforms are proposed to be located within close proximity to existing or Consented Network Utility or Renewable Electricity Generation Activities.

7. Esplanade Areas (Reserves and Strips)

Council will have regard to the following:

- (i) The creation of the esplanade area (esplanade reserve or esplanade strip) would contribute to the achievement of conservation, recreation, and access, values of the waterbody.
- (ii) The creation of the esplanade area would contribute to the effective management of risk from Natural Hazards in the District.
- (iii) Feedback from Hawke's Bay Regional Council on the strategic value of the esplanade area, and contribution toward providing compensation of the acquisition of the esplanade area.
- (iv) The most appropriate mechanism for securing the esplanade area (esplanade reserve or esplanade strip). Or an alternative means of protection and provision of access offered that is satisfactory to achieve the above assessment criteria (for example conservation covenant)

8. Access Strips

The need for the creation of an Access Strip to achieve any of the following:

- (i) To provide enhanced public access to existing esplanade reserves which are currently landlocked and which have significant natural, cultural or recreational value.

- (ii) To provide public access to areas identified in Appendices 54, and 55, Riparian Land Management and Public Access as having significant natural, cultural or recreational value and which have been set aside for esplanade purposes.

9. General

Council will have regard to the following:

- (i) The necessity for control over other aspects of works associated with the subdivision, including commencement, completion, bonding, damage liability, insurance, maintenance requirements and certification of compliance.
- (ii) Requirements for the provision of fencing adjoining public land, including pedestrian access-ways, service lanes and roads.
- (iii) The creation of easements in favour of the Council for public services.
- (iv) The design standards and guidelines in the *Hastings District Council's Subdivision and Infrastructure Development in Hastings: Best Practice Design Guide*.
- (v) The landscaping of property access on the site, road reserves and drainage reserves (e.g. tree planting).
- (vi) The design, location, extent and construction of any earthworks associated with the subdivision and development of the land. Where earthworks are proposed, assessment of the application with the relevant Earthworks, Mineral, Aggregate and Hydrocarbon Extraction assessment criteria in Section 27.1 will be required.
- (vii) Any potential cumulative effects that may occur as a result of the subdivision.
- (viii) Potential constraints to the development of the site such as the National Grid Corridor or stormwater drains, and the ability for any resulting adverse effects to be avoided, remedied or mitigated.
- (ix) The potential effects from a proposed subdivision or development of land on the safe and efficient operation of network utilities.

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- (x) The provision of electricity to the site boundary for any Urban Zone (Residential, Industrial or Commercial Zones), to be confirmed by the Electricity Network Utility/ Unison Networks Limited as a condition of consent.
- (xi) Consideration to the potential effects on the principles of the Treaty of Waitangi or any sites or taonga of significance to Māori.
- (xii) The ability for continued access to National Grid Transmission Lines for maintenance, inspection and upgrading.
- (xiii) The nature and location of any proposed vegetation to be planted in the vicinity of the National Grid Transmission Lines.
- (xiv) Any technical advice provided by the National Grid Transmission Line operator relating to safe electrical clearance distances in NZECP34:2001.

10. Subdivisions with building platforms and/or vehicle access within the National Grid Corridor and 50m of a designated National Grid Substation

Council will have regard to the following:

- (i) The extent to which the design and construction of any subdivision allows for earthworks, buildings and structures to comply with the safe separation distance requirements in the New Zealand Electrical Code of Practice for Electrical Safe Distances 34:2001.
- (ii) The ability for continued access to existing transmission lines for maintenance, inspections and upgrading.
- (iii) The extent to which potential adverse effects (including visual) are mitigated through the location of building platforms.
- (iv) The extent to which the design and construction of the subdivision allows for activities to be set back from high voltage transmission lines to ensure adverse effects on and from the National Grid Transmission Network and on public safety are appropriately avoided, remedied, or mitigated e.g. through the location of roads and reserves under the route of the line.

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- (v) The nature and location of any proposed vegetation to be planted in the vicinity of National Grid transmission lines.
- (vi) The provision for the ongoing efficient operation, maintenance and planned upgrade of National Grid transmission lines.
- (vii) The extent to which the subdivision design and consequential development will minimise the potential reverse sensitivity on and amenity and nuisance effects of the transmission asset; and
- (viii) The outcome of any Technical advice provided by the line operator.

30.1.8.2 SPECIFIC ASSESSMENT CRITERIA

1. Sites for Special Purposes

Council will have regard to the following:

- (i) Whether the site is of sufficient area and dimensions to facilitate the intended use of the site.
- (ii) A Consent Notice may be registered on the Certificate of Title to any special purpose site, pursuant to Section 221 of the Resource Management Act, requiring enforcement of a condition that, in the event that the site is no longer required for a special purpose, the site be amalgamated with an adjoining site, unless it is a fully complying site for the respective zone.

2. Te Mata and Tuki Tuki Special Character Zones

The following Performance Criteria shall apply to both Controlled and Restricted Discretionary Activities in the Te Mata and Tuki Tuki Special Character Zones:

(a) Landscape Protection

The design of the development to ensure that it will not have adverse visual or landscape effects. The following shall be taken into consideration:

- (i) The location of building platforms so they do not penetrate any ridgeline of the Te Mata foothills as viewed from Te Mata Road, when travelling along it between Fulford Road and Waimarama Road.
- (ii) The retention of existing vegetation on the site as far as practical.

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- (iii) The extent of earthworks and filling to not exceed that required for access and a building/garden platform.
- (iv) The location of access and landscaping of access on the site so as to reduce any detraction from the natural landscape quality and visual amenity of the area, including:
- (a) The ability to landscape the site to harmonise any access with the landscape quality and visual amenity of the area;
 - (b) early re-vegetation of any areas which earthworks lay bare;
 - (c) methods of ensuring successful establishment of plantings.
- (b) **Subdivision within 30 metres of the Weleda Property Boundary (Lots 2 & 3, DP 7047)**
- The need to control runoff and effluent soakage so as to avoid any contamination of the Weleda property, provided that this criteria shall not apply to that boundary adjoining the accessway for a distance of 250 metres from Te Mata Road. *(This criteria will only apply while the property is used for the purpose of growing and processing organic pharmaceuticals):*
- (c) **Site Performance Standards**
- The following criteria shall only apply to Lifestyle Lots in the Te Mata and Tuki Tuki Special Character Zone Lifestyle Area
- (i) The ability of the lifestyle lot to provide at least one designated building area that complies with the standards in 30.1.8.2 2(a) above.
 - (ii) Whether the designated building area can be located at least 30 metres from any adjoining property used for or suitable for viticulture or horticultural purposes.
3. **Conservation Lots**
- To assess the significance of the feature being protected, and whether it can be protected successfully, the following Criteria shall be used as a guide:

(a) Natural Areas

- (i) Whether the indigenous vegetation:
- (a) consists of a coherent well-developed canopy of indigenous vegetation.
 - (b) contains a significant percentage (at least 25%) of mature indigenous trees.
 - (c) consists of a range of indigenous species appropriate to that forest type.
 - (d) represents a significant or prominent landscape feature.
 - (e) may contain indigenous species threatened in the Hastings District.
 - (f) has wildlife habitat values, or provides or contributes to a habitat corridor facilitating the movement of wildlife in the local area.
 - (g) is of sufficient size and shape to maintain its intrinsic qualities.
- (ii) Area of biological or other scientific importance includes:
- (a) the habitat of rare or endangered (as defined by IUCN criteria) species.
 - (b) freshwater wetland.
 - (c) uncommon indigenous vegetation community.
 - (d) an area of recognised wildlife significance.
- (iii) The extent to which the size of the proposed conservation lot(s) might adversely affect the usability of the balance area. There shall be no

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maximum area for a conservation lot, but as a guide the area exclusive of the protected feature should be no larger than 5,000m².

- (iv) In assessing the location and appropriateness of the lot, the effect that a dwelling will have on the protected feature will be considered. Where there is likely to be an adverse effect the Council may decline consent or require that the house site or lot be located elsewhere on the property so as to avoid or mitigate such an adverse effect.
 - (v) The provision of an appropriate legal protection for the conservation lot, in perpetuity, on the title of the land. All applications shall outline how the conservation feature will be protected, including: an agreement regarding an encumbrance, bond, consent notice or covenant that must be entered into before the issue of the Section 224 Certificate under the Resource Management Act. The covenant, bond, consent notice or encumbrance will as a minimum require that the stand of native vegetation or other feature of significance be fenced with a stock proof fence where appropriate, kept free of livestock, any specified protective or enhancement measures to maintain or enhance its value or physical security, and shall include monitoring and enforcement provisions.
- (b) Heritage Items**
- (i) The ability to effectively protect the heritage item with an appropriate legal protection for the conservation lot, in perpetuity, on the title of the land.
 - (ii) Whether sufficient area is provided to enable the heritage item to be sensitively integrated into the site, or locality, particularly where the land contributes significantly to the heritage value of the item.
 - (iii) Where an additional residential building is proposed to be co-located with the heritage item, the effect of that dwelling on the protected heritage item will be considered. Where there is likely to be an adverse effect on the heritage item the Council may decline consent.

4. Sites In The Rural Residential SMA/Zone, Where Located On Land Comprising Outstanding Natural Features And Landscapes Or Significant Amenity Landscapes (Refer Section 17.1, Appendices 43 and 44)

The design of the subdivision to ensure that of itself, or as a consequence of the development it will accommodate, it will not have adverse visual or landscape effects. Reference will be made to the proposed nature and location of building platforms, roads and accessways, earthworks,

landscaping and planting. In particular, in assessing the development, regard will be had to the following:

- (i) The scale, design and location of the development is sympathetic to the visual form of rural ridgelines and spurs, and does not dominate the landscape.
- (ii) The avoidance of large scale earthworks on rural ridgelines, hill faces and spurs.
- (iii) The ability of the development to be sympathetic to the underlying landform and surrounding visual and landscape patterns.
- (iv) The design of the development to minimise cuttings across hill faces and through spurs.
- (v) Where planting is proposed, its scale, pattern and location is sympathetic to the underlying landform and the visual and landscape patterns of surrounding activities.
- (vi) Where necessary for the avoidance or mitigation of adverse effects, any proposals to ensure the successful establishment of plantings.
- (vii) The protection of any listed Wāhi taonga.

5. Sites In The Rural SMA/Zone, Where Located On Land Comprising Outstanding Natural Features And Landscapes (Refer Section 17.1 and Appendices 43 and 44)

The design of the subdivision to ensure that of itself, or as a consequence of the development it will accommodate, it will not have adverse visual or landscape effects. Reference will be made to the proposed nature and location of building platforms, roads and accessways, earthworks, landscaping and planting. In particular, the development will be assessed in terms of its ability to achieve the following:

- (i) Be of a scale, design and location that is sympathetic to the visual form of rural ridgelines and spurs, and should not dominate the landscape.
- (ii) Avoid large scale earthworks on rural ridgelines, hill faces and spurs.
- (iii) Be sympathetic to the underlying landform and surrounding visual and landscape patterns.
- (iv) Be designed to minimise cuttings across hill faces and through spurs.

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- (v) Where planting is proposed, be of a scale, pattern and location that is sympathetic to the underlying landform and the visual and landscape patterns of surrounding activities.
- (vi) Where necessary for the avoidance or mitigation of adverse effects, include proposals to ensure the successful establishment of plantings.
- (vii) Be sympathetic to the protection of the significance of any listed Wāhi taonga.

6. Lifestyle sites in the Rural Zone, where located on land comprising ONFL5, ONFL6, SAL6, SAL7 or SAL8 (refer Section 17.1 and Appendices 43 and 44) or any other site having frontage to the coastline (including sites separated from the coast only by a legal road (formed or unformed)) and subdivisions in the Rural or Nature Preservation Zone. Where: All or part of a site is located within the coastal environment (as shown on the Hastings District Planning Maps) and where that Subdivision creates any additional development rights on that part of the site located within the coastal environment (as shown indicatively in Appendix 67).

The design of the subdivision and the development it will accommodate, to ensure that of itself, or as a consequence of the development it will accommodate, it will not have adverse visual or landscape effects and will not detract from the natural character of the coastal environment. Reference will be made to the proposed nature and location of building platforms, roads and accessways, earthworks, landscaping and planting. In particular, the development will be assessed in terms of its ability to achieve the following:

- (i) Be of a scale, design and location that is sympathetic to the visual form of the coastal environment, and should not dominate the landscape.
- (ii) Avoid large scale earthworks on rural skylines, ridgelines, hill faces and spurs
- (iii) Be sympathetic to local character, to the underlying landform, and to surrounding visual and landscape patterns
- (iv) Be designed to minimise cuttings across hill faces and through spurs, and to locate boundaries so that fencing is kept away from visually exposed faces and ridges

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- (v) Where planting is proposed, be of a scale, pattern and location that is sympathetic to the underlying landform and the visual and landscape patterns of surrounding activities
- (vi) Where necessary for the avoidance or mitigation of adverse effects, include proposals to ensure the successful establishment of plantings.
- (vii) Consistency with the Hastings Coastal Environment Strategy.
- (viii) Be designed to avoid, remedy or mitigate any adverse effects on any Wāhi taonga, archaeological site, or any other area of historic or cultural significance.
- (ix) Be sympathetic to the protection of the significance of any listed Wāhi taonga.

7. Subdivisions to create sites in ONFL1 outside the Prohibited Building Area (Above and including the 240m contour line as shown on the Planning Maps), ONFL 2-8, and SAL 1-10

The location, layout and design of the subdivision so that the access, services, and building platforms do not result in cumulative adverse visual or landscape effects.

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

- (i) Minimise the impact of any planned building sites on any skyline;
- (ii) Provide for an intensity of built development in keeping with the character in the local area;
- (iii) Locate roads and private accessways away from visually exposed faces and ridges;
- (iv) Locate boundaries so that fencing is kept away from visually exposed faces and ridges;
- (v) Make provision for a form and scale of vegetation that is in keeping with the character of the local area, including in both public and private space.

8. Esplanades

Council will have regard to the following:

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- (i) The purposes for the creation of esplanade reserves and/or esplanade strips set out in Section 229 of the Resource Management Act 1991.
- (ii) Whether any reduction in size or width of an esplanade reserve/esplanade strip will adversely affect:
 - (a) The ecological characteristics of the land that contribute to the maintenance and enhancement of the natural functioning of the adjacent river, lake or sea.
 - (b) The water quality of the adjoining river, lake or sea.
 - (c) The land and water-based habitats present on or adjoining the subject land area.
 - (d) The public's ability to gain access to and along the lake, river edge or sea.
 - (e) The recreational use of the land and adjacent water.
 - (f) The natural character and visual amenity of the river, lake or sea.
 - (g) The ability of the Hastings District Council or the Hawke's Bay Regional Council to gain access to and along the margins of the river, lake or sea for maintenance purposes.
- (iii) Whether a waiver or reduction of the width of an esplanade reserve/esplanade strip will:
 - (a) Ensure the security of private property or the safety of people.
 - (b) Maintain or enhance the protection of wāhi taonga including wāhi Tapu and mahinga kai as well as the provision of access to areas of importance to Māori.
- (iv) Whether the land is within a natural hazard area or in an area where there is an identified risk from one or more natural hazards (see Section 15.1 Natural Hazards).

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- (v) Whether there is another protection mechanism such as QEII Trust Covenant, protective covenant under the Reserves or Conservation Act, or marginal strip under the Conservation Act is in place; or one is proposed to protect a similar area to that as required under 30.1.7H.

9. Sites in the Rural Residential SMA/Zone, Special Character Zones And Lifestyle Lots in the Plains and Rural SMA/Zones, Which adjoin any site used for existing horticultural or Intensive Rural Production activities

The design of the subdivision to ensure that of itself, or as a consequence of the development it will accommodate, cross boundary effects will not be unduly exacerbated. In particular, in assessing the development, regard will be had to the following:

- (i) The scale, design and location of the development is such that the number of sites and potential house sites adjoining the above activities is minimised.
- (ii) The location of house sites which will avoid any potential for cross boundary effects.
- (iii) The ability of the development to include methods which will mitigate against cross boundary effects being experienced.
- (iv) Where these are necessary to achieve the Objectives, Policies and Anticipated Environmental Outcomes for the zone, particularly those relating to the Right to Farm provisions, the offer, if made, for registration of restrictive covenants and/or consent notices against the certificate of title(s) for any site where cross boundary effects are likely to result from activities operated in compliance with the provisions of the District Plan, which cannot otherwise be adequately avoided, or mitigated by other conditions of consent.

10. Residential Farm Parks

Council will have regard to the extent to which the design and layout and management structure of the residential farm park takes into account the following:

- (i) The efficient and effective operation of the balance farm in the long term.
- (ii) The availability of appropriate mechanisms, including covenants, to secure long term administration and maintenance of common areas and servicing and to prevent further subdivision.

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- (iii) The compatibility of the proposal with the pattern of development on adjoining land and avoidance of conflict with land based activities.
- (iv) The provision of safe access to the site and within the site.
- (v) Significant landscape features and the potential for adverse visual or landscape effects. Where a site falls within an Outstanding Natural Feature or Landscape or Significant Amenity Landscape, the Assessment Criteria of Section 17.1 will be considered.
- (vi) The protection of areas of indigenous vegetation, habitats of indigenous fauna (including wetlands) and geological sites.
- (vii) The provision of satisfactory stormwater and effluent disposal systems.
- (viii) Geotechnical constraints.
- (ix) Wāhi taonga sites.
- (x) The ability of the existing transportation network to sustainably accommodate additional development.

11. Plains Lifestyle Sites

(a) Maximum area exceeded

Council will have regard to whether one or more of the following factors apply in deciding whether the use of an area of land greater than 5000m² for a lifestyle site is appropriate:

- (i) Enabling the minimum yard requirements for Plains Lifestyle Lots to be met.
- (ii) Position of topographical features such as rivers, drains, hills, terraces or roads forming physical boundaries for the lifestyle site.
- (iii) Site configuration, where due to the shape of the site before subdivision the excess land incorporated with the lifestyle site could not be effectively utilised as part of the amalgamated balance.
- (iv) Provision for the continued utilisation of existing accessory buildings, gardens and other facilities such as effluent fields, water supply points or accessways relating to the house.

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- (v) Soil quality, where the soil of the land incorporated with the lifestyle site is not identified as Class I or II (as defined in the New Zealand Land Resource Inventory Worksheets) and is of a lesser quality than the soil of the amalgamated balance.
- (vi) Provision for buffer areas (greater than the minimum yard requirements) to mitigate reverse sensitivity effects where specific site characteristics and the nature of adjoining land uses are likely to generate the potential for complaints about adjoining land based primary production activities.
- (b) Balance area smaller than 12ha**
- Council will have regard to the following in deciding whether a Plains Lifestyle Site subdivision creating an amalgamated balance area of less than 12ha is appropriate:
- (i) The amalgamated site has a greater potential for sustained independent production in accordance with the Plains SMA/Zone Policies than either of the sites involved in the amalgamation had prior to the subdivision.
- (ii) An amalgamated site of less than 6ha will not generally be considered to have any potential under (i) above unless it contains existing capital improvements for an intensive horticultural land use.
- (c) Amalgamated Sites Not Adjoining**
- Council will have regard to whether one or more of the following factors apply in deciding whether a Plains Lifestyle Site subdivision creating an amalgamation of titles not immediately adjoining, is appropriate:
- (i) The titles are only separated by a topographical feature, such as a road, railway, river or drain.
- (ii) The titles are positioned in a manner that allows them to be effectively used together for sustained independent production in accordance with Plains Production Zone Policy.
- (iii) The likelihood of a successful application being made to subdivide the titles in the future on the basis that they cannot effectively be used together is low.
- 12. Sites within the Coastal Residential Zone at Tangoio**
- Council will have regard to an overall subdivision plan specifically for the Tangoio Coastal Residential Zone that incorporates:

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- (a) A landscaping plan for the overall development that takes into account the existing coastal character of the area and utilises native coastal grasses, shrubs, and trees to screen service areas, to reduce linearity of the development, to provide for scale and to anchor buildings into the landscape, while taking into account the protection of existing view-shafts. The landscape plan is to be produced by a professional landscape architect.
- (b) Roading design to reflect coastal character i.e. consider alternatives to kerb and channel to avoid hard edges.
- (c) Sufficient provision for a reticulated wastewater system including wastewater treatment and disposal areas.
- (d) Measures to ensure the adverse effects:
 - (i) of diverted stormwater flows; and
 - (ii) stormwater runoff from the raised rezoning area on neighbouring properties are avoided, remedied or mitigated.
- (e) Measures to ensure the satisfactory:
 - (i) construction and stability;
 - (ii) future ownership and maintenance; and
 - (iii) legal protection in perpetuity; of the retaining structures required to ensure the minimum ground level of RL 15.2 in meeting standard 30.1.7P (b) is achieved.
- (f) Provision for Tangoio Beach Road to be sealed for its full length from the end of the existing seal to and within the proposed subdivision.
- (g) A sufficient water supply for drinking and fire fighting purposes that has regard to the adverse visual effects of water tanks, where any such tanks are proposed.
- (h) Measures to ensure that adverse effects associated with the undertaking, construction and maintenance of any earthworks required to raise the ground level of the development area to RL 15.2 are

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avoided, remedied or mitigated, particularly with regard to dust, silt deposition and runoff.

- (i) Measures to ensure that the proposed residential development area is protected from a 1 in 100 year return period flood from the Te Ngaru Stream in accordance with the report titled 'Tangoio Beach District Plan Change - Engineering Evidence Review and Feasibility Report' dated June 2007 by MWH and Barnett & MacMurray (Trim ref: 50488#0001).
- (j) Measures to ensure the adverse effects of reverse sensitivity are avoided or mitigated as far as practicable in relation to surrounding productive rural activities through landscape buffering and no complaints covenants.
- (k) Measures to ensure that the subdivision layout and design generally has regard to the principles of the New Zealand Urban Design Protocol and in particular by ensuring that residential buildings address public spaces and the development respects the context of the landscape and natural coastal character of the area. Also by ensuring that the boundaries of public spaces including walkway access to the beach, the beach reserve itself and road reserve are not closed off visually.

13. Subdivisions within the Rural Zone, subject to Table 30.1.6A (Rural SMA) and the 3 Year Rural Lifestyle and Rural (Residential Farm Park) Provisions in Table 30.1.6B

Council will have regard to the following:

- (a) That the location and shape of the lifestyle site enables the balance site to be farmed efficiently and effectively. Regard shall also be given to the ability to manage any potential reverse sensitivity effects generated from the lifestyle site, both within the subject site itself, the balance area of the property and with adjoining properties.
- (b) The ability to mitigate any actual or potential reverse sensitivity effects where specific site characteristics and/or the nature of surrounding or existing land uses are likely to generate the potential for complaints about lawfully established activities. In particular (but not limited to) regard shall be given to:
 - (i) The proximity of Network Utility operations and designations (Also refer to designations shown in planning maps and Appendix 66 of the Plan);
 - (ii) Any identified building platform within 1,000m of the Radio Transmitter at Opapa, State Highway 2 (Refer D1 in Appendix 66 of the Plan);

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- (iii) Railway lines and whether access to a lifestyle or a rural site is sought via a private level crossing (This requires the formal approval of the New Zealand Railways Corporation);
- (iv) Any new access, upgraded access, or additional sites accessing a State highway (*This requires the formal approval of the New Zealand Transport Agency);
- (v) Any lifestyle site proposed within 400m of an existing Intensive Rural Production activity;
- (vi) Any rural airstrip;
- (vii) Any other nearby lawfully established activity, which a residential use of a lifestyle site is likely to be sensitive, or incompatible with.
- (c) Methods to mitigate any potential reverse sensitivity effects. Landowner(s) associated with a lifestyle subdivision application may offer the use of a 'no-complaints covenant' as a condition of consent, to help mitigate potential reverse sensitivity effects. This method is only available if the landowner offers it; such covenants cannot be required.
- (d) That the location and shape of any rural site enables it to be farmed efficiently and effectively, with particular regard to boundary shape.
- (e) That the subdivision does not result in any more than 1 lifestyle site being created from the title subject to the subdivision application.
- (f) Whether the proposed lifestyle site is being created within 3 years of any prior lifestyle sites being created from the subject title, or any previous title that has become part of the subject title. If more than 1 lifestyle site is created within the 3 year period the application may be declined on this basis.
- (g) Where multiple sites greater than 20ha are being created in one subdivision or over successive applications, site configuration, shape and timing shall be given particular consideration with regard to appropriateness for land based primary production. Such subdivisions should not be undertaken with the intention of 'setting up' future lifestyle site subdivisions. If this is found to be the case the application may be declined on this basis.
- (h) Whether the design of the subdivision and the development it will accommodate, is designed to avoid, remedy or mitigate any adverse

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effects on any wāhi taonga, archaeological site or any other area of historic or cultural significance.

- (i) Lifestyle sites proposed in the Rural Zone, where located on land comprising Outstanding Natural Features and Landscapes, Significant Amenity Landscapes, Rural Character Landscapes, or Coastal Character Landscapes (refer Appendices 43, 44, 45, and 46).

The design of the subdivision to ensure that of itself, or as a consequence of the development it will accommodate, it will not have adverse visual or landscape effects. Reference will be made to the proposed nature and location of building platforms, roads and accessways, earthworks, landscaping and planting. In particular, in assessing the development, regard will be had to the following:

1. The scale, design and location of the development is sympathetic to the visual form of rural skylines, ridgelines and spurs, and does not dominate the landscape.
2. The avoidance of large scale earthworks on rural skylines, ridgelines, hill faces and spurs.
3. The ability of the development to be sympathetic to local character, to the underlying landform, and to surrounding visual and landscape patterns.
4. The design of the development to minimise cuttings across hill faces and through spurs, and to locate boundaries so that fencing is kept away from visually exposed faces and ridges.
5. Where planting is proposed, its scale, pattern and location is sympathetic to the underlying landform and the visual and landscape patterns of surrounding activities.
6. Where necessary for the avoidance or mitigation of adverse effects, any proposals to ensure the successful establishment of plantings.

14. General Industrial Zone

Irongate Area

Council will have regard to the following:

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- i. The feasibility of a conceptual on-site stormwater disposal system for each site;
- ii. The results of infiltration tests to confirm that sufficient soakage is present for a conceptual development on each proposed lot.

15. **Subdivisions within the Flaxmere Village Centre (Flaxmere Commercial Zone, Flaxmere Commercial Service Zone, and Flaxmere Community Residential Zone)**

Assessment shall consider:

(a) Connections and Roads

- (i) Ensure (that if applicable to the application) that the indicative road alignments shown in the Flaxmere Concept Plan (Appendix 33) are provided or suitable alternative multi-modal transport connections are provided. Suitable alternatives include connections that have greater positive benefits in terms of relation to other roads/paths/public transport and cycle links in a similar or close position. Cycle links or walkways need to be of sufficient width to ensure consistency with Crime Prevention by Environmental Design (CPTED) principles can be achieved.
- (ii) The creation of direct and logical connections should be maximised between roads and pathways to increase the number of route and transport mode choices available. This is an important component of creating a walkable neighbourhood. By creating a dense network of streets travel distances and times to shops, bus stops, schools, employment and other amenities can be reduced.
- (iii) Compatibility with future surrounding development should be considered to ensure a high level of connectivity.

(b) Street Block and Site Orientation

- (i) The layout and design of streets, the size of blocks and orientation of sites within a subdivision will influence the quality and attractiveness of the development and its surrounding area. Primarily the layout of subdivisions should integrate with the surroundings, including street layout and maximise connections with surrounding uses.
- (ii) Where applicable residential streets should follow a north-south axis so that sites can be orientated east-west to maximise the amount of sunlight a dwelling will receive.

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- (iii) Grid block spacing should be designed (80-100m suggested) to create an easily walkable neighbourhood, providing a choice of routes for pedestrians, cyclists and vehicles.
- (c) **Site or Lot design**
 - (i) Rear lots should be avoided, particularly for residential sites. Direct pedestrian access off the street to sites/lots ensures a continuous street frontage maximising passive surveillance, neighbourhood safety and amenity. Having only front lots also enables criteria iii) below to be met.
 - (ii) Where subdividing residential sites a variety of site/lot sizes should be created to allow for different house designs, and provide for interesting and attractive urban landscapes.
 - (iii) Fronts of sites should face fronts (across the street), and backs of sites face backs, to enhance and maintain street amenity, activity, and privacy at the rear of sites.
 - (iv) Active street frontages should be provided for and incorporated into the design, for residential, commercial and community use sites.
 - (v) The impact of car parking and accessways on the pedestrian environment should be minimised.
- (d) **Public open spaces**
 - (i) Public open space (if provided) should ensure ease of accessibility, should front a street/road, and visibility should be maintained across the whole space with CPTED principles considered.
 - (ii) Public spaces should provide a high level of amenity and character that adds value to the development and centre generally.
 - (iii) Where possible an integrated low impact approach should be taken with the collection and disposal of stormwater.
 - (iv) Public open space should connect to the larger network of open space areas and corridors where possible by cycle links and walkways.
- 16. ~~Comprehensive Residential Development Medium Density Residential Zone~~, Residential Character Subdivisions

Assessment shall be made with the corresponding land use assessment matters in the relevant SMA in Sections 7.2, 8.2 and 9.2 or in Rule ~~MRZ-R46~~ ~~MRZ-MAT1~~ for subdivisions ~~applied for concurrently with or following the approval of a current land use consent for of comprehensive residential developments three or more dwellings~~ in the Medium Density Residential Zone.

Commented [CS13]: Topic 4, Key Issue 5, Kāinga Ora (050.148)

17. Subdivisions in the Hastings, Havelock North, and Flaxmere General Residential Zones to create separate titles for existing dwellings (but not including supplementary dwellings) in accordance with [Link, 13772, Rule SLD7]

Council will have regard to the following:

- (i) Any potential effects that may cross over the proposed site boundaries
- (ii) The ability for each site to retain access to off road car parks and to an outdoor living space.

18. Subdivision resulting in the creation of new sites within 100m of the Railway Network

Council will have regard to the following:

- (a) The potential adverse effects of site development on the efficient use and operation of the railway network and the suitability of any mitigation measures relating to noise and vibration to enable the continued operation of the railway network.
- (b) Whether any consultation with KiwiRail has occurred and the outcome of that consultation.
- (c) Whether a consent notice with regard to reverse sensitivity effects on the railway network is proposed.
- (d) Whether any proposed building platform or development should be restricted to parts of the site.
- (e) Whether there are any special topographical features or ground conditions which may mitigate effects on the operation of the railway network.

19. Subdivision within Te Awanga Lifestyle Overlay area

- 1) The design of the overall development will ensure that there are no adverse visual or landscape effects taking into account the existing

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coastal character of the area and gateway location of the Overlay area in relation to Te Awanga urban area. Specific consideration will be given to the following:

- a) The location of building platforms so that subsequent development is sympathetic to local character and to surrounding visual and landscape patterns. Development in accordance with the Concept Plan (Appendix 25A) will achieve this.
 - b) The location and design of accesses to the sites to minimise visual impact on the locality and provide safe access. Development in accordance with the Concept Plan (Appendix 25A) will achieve this.
 - c) The consistency of building platforms, allotment and access layout and design and landscape planting and design with Appendix 25A 'Te Awanga Lifestyle Overlay Concept & Landscape Plan'.
- 2) The mitigation of potential surface flooding and ponding issues by:
- a) the establishment of a minimum floor height for future residential dwellings; and
 - b) the location of building platforms and design of stormwater drainage to accommodate the overland flow from adjoining properties (including care in the design of Lot 6 so as not to impede the overland flow from Lot 1 DP 11389).

Note: Prior to subdivision, a survey is required of the Te Awanga Lifestyle Overlay Area to establish the original ground level.

20. Subdivisions in the Cape Kidnappers Building and Infrastructure Development Node Areas shown on Appendix 23: Figure 1

In addition to the relevant General Assessment Criteria in 30.1.8.1, Council will have regard to:

- (a) The framework for the overall development that takes into account the existing character of the area and utilises native coastal grasses, shrubs, and trees to anchor buildings into the landscape, the need to avoid visually prominent locations (in views from public places) including avoidance of skyline ridges, the degree of fit between roads / building sites and landform, and the avoidance of visually prominent earthworking scars.

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- (b) Roading design to reflect the character of the area (e.g. consideration of alternatives to kerb and channel to avoid hard edges), and the provision of safe access to the site and within the site.
- (c) Measures to demonstrate that the consent holder will have access to sufficient funds to provide on-going financial support to the Cape Sanctuary by one or more of the following measures:
 - (i) an incorporated society, body corporate, association or other entity or organisation (whether incorporated or not) representing the residents, will provide financial support for the ecological restoration of the Cape Sanctuary and has registered an encumbrance against such of the residential and other allotments then created or has undertaken or made arrangements to do so on the first sale of each such allotment to a third party; or
 - (ii) the consent holder has secured such obligations against the land by requesting a condition requiring the consent holder to prepare a covenant that provides for financial support for the ecological restoration of the Cape Sanctuary; or
 - (iii) the consent holder has secured such obligations against the land by entering into a management agreement that provides for financial support for the ecological restoration of the Cape Sanctuary.
- (d) Measures to ensure that the subdivision layout and design generally has regard to the principles of the New Zealand Urban Design Protocol and in particular by, ensuring that residential building sites and the development respects the context of the landscape and natural coastal character of the area.
- (e) Measures to ensure appropriate architectural guidelines are set including:
 - (i) the design principles of the consent holder;
 - (ii) guidelines to architectural form, materials and quality;
 - (iii) Guidelines to curtilage design (access, garaging, landscaping);
 - (iv) The details of the design review process (including composition of review panel, information required, review process, procedure for any disputes)

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- (f) Measures to ensure the efficient and effective operation of the balance farm in the long term.
- (g) The protection of areas of indigenous vegetation, habitats of indigenous fauna (including wetlands) and geological sites, including:
 - (i) the protection and/or maintenance and enhancement of the ecological values at Cape Sanctuary through mechanisms such as QEII open space covenants;
 - (ii) mechanisms, such as consent notices, to record on the new eco-residential titles restrictions on domestic pets (i.e. cats and dogs).
- (h) The avoidance of any development on archaeological and wāhi Taonga sites
- (i) Measures to ensure the acknowledgement and maintenance of Maori cultural, archaeological, and historic heritage values.
- (j) Whether or not there is an agreement in place with tangata whenua to provide access to sites or areas with Maori cultural, archaeological, or historic heritage values.
- (k) Measures to ensure that all lighting on the site associated with the eco-residential activities is designed and sited to minimize, to the greatest degree possible, the spill of light beyond the boundaries of the site.
- (l) Measures to ensure that interior and exterior light sources (i.e. the light bulbs themselves) are not visible from beyond the site.
- (m) Measures to ensure that visibility of development associated with the proposed eco-residential lots is minimized, to the greatest extent possible, from Napier and the open coast whether through the careful siting of development and/or appropriate architectural controls on materials, colour, texture and shadows.

21. Controlled Activity subdivision within the Te Awanga Downs Urban Development Area

The following matters shall be considered:

- i. The proposed mitigation measures and the adequacy of these measures to ensure that any potential nuisance effects (such as noise, dust, odour and spray drift) that could be generated by adjoining agricultural and horticultural activities

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will not be objectionable to residents of the proposed subdivision. Consideration may be given to the imposition of conditions to ensure the mitigation of these effects including the placement of a consent notice on the titles of any sections, if appropriate in the circumstances.

- ii. The ability to mitigate any actual or potential reverse sensitivity effects where the specific site characteristics and/or the nature of surrounding or existing land uses are likely to generate the potential for complaints about lawfully established activities. Methods to mitigate reverse sensitivity effects may include 'no complaints' covenant where this is offered by the applicant.

22. Subdivision within the Te Awanga Downs Urban Development Area that does not comply with the performance standards in 30.1.7S.2

In addition to consideration of the general criteria outlined above in 30.1.8.1, applications for restricted discretionary activity subdivision within the Te Awanga Downs Urban Development Area shall also be assessed against the following criteria:

- i. The extent to which the proposed subdivision deviates from the structure plan provisions outlined in Appendix 15A and 15A(i);
- ii. Whether the proposed subdivision will achieve the outcomes sought and the general intent of the structure plan in Appendix 15A and associated documents including the design criteria outlined in Appendix 15A(i);
- iii. The extent to which fundamental aspects of the structure plan will be undermined by the layout and design of the proposed subdivision such as the location and size of the public open space areas and any reduction of the minimum 30m buffer area between the existing residential area and stage 2 of the new urban development area; and
- iv. The extent to which any reverse sensitivity buffers are reduced in size and whether other measures are proposed to compensate for this reduction to ensure that adverse effects in relation to surrounding productive rural activities are avoided or mitigated.

23. In addition to other specified subdivision matters, subdivision within the Deferred Residential Zone A of the Te Awanga Downs Urban Development Area shall specifically consider:

- i. The extent to which earthworks and re-contouring of the two lots that have common boundaries with Lot 12 DP 13296 Blk V Clive SD (9 Tirimoana Place), Flat 2 DP 19708 on Lot 13 DP 12838 (24B Gordon Road) and Lot 27 DP 12838 (30 Gordon Road) is to occur to reduce ground levels in this area.

24. Subdivision within the Iona Special Character Zone

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In addition to the General Assessment Criteria in 30.1.8.1, Council will have regard to the following matters:

- a. Whether the proposed subdivision achieves the design outcomes outlined in the Iona Structure Plan (Appendix 13A Figure 2) for each of the neighbourhood areas;
- b. Whether the proposed development within the Bull Hill Neighbourhood will ensure the retention of existing mature trees within this neighbourhood in addition to those trees identified on the Structure Plan within the existing treelined driveway;
- c. Consideration of the extent of geotechnical investigations undertaken and the level of analysis and specific design requirements arising from the investigation, including any recommendations of these investigations such as whether building platforms should be restricted in certain areas or whether specific foundation designs are required in certain locations within the Zone;
- d. Whether any bulk earthworks activities required to form the Bull Hill or Iona Terraces neighbourhoods including any recontouring of land for the purpose of the conveyance of stormwater will impact on the special landscape character features and values sought to be retained within each of these neighbourhood areas;
- e. Whether the landscaping strip along the south-eastern side of Middle Road (between its intersection with Iona and Gilpin Roads) and shown on the Structure Plan in Appendix 13A Figure 2 will sufficiently assist with addressing the amenity issues associated with rear lotting of these properties;
- f. Whether the access proposed for sections created within the restricted access area along Middle Road and shown on the structure plan Appendix 13A Figure 2, is designed to ensure each property has vehicle access from new internal roads proposed within the subdivision;
- g. Whether the stormwater management devices proposed are sufficient to mitigate the impacts of the proposed subdivision to the extent that the level of effects beyond the site boundaries will achieve stormwater neutrality;
- h. Whether private stormwater management devices (either on-site or on land retained in private ownership) are proposed in the Stormwater Management Plan prepared in accordance with 30.1.7U(1) and if so, whether legal mechanisms such as consent notices are required to ensure the devices are installed and maintained in accordance with the design and performance requirements of the Stormwater Management Plan.
- i. Whether the proposed stormwater management solutions are complementary to the streetscape and road treatments sought to be achieved as outlined in the Structure Plan and/or whether the ponds and wetland areas will contribute positively and not detract from the recreational use and enjoyment of the open space areas;
- j. Where a subdivision will ultimately direct its stormwater to a stormwater pond/wetland indicated on the Iona Structure Plan in Appendix 13A Figure 2 (or subsequently refined through a Stormwater Management Plan) that has not been constructed and vested in Council, consider the implementation of temporary measures to ensure stormwater is managed to achieve stormwater

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- neutrality and mechanisms to ensure that these subdivisions are subsequently connected to the stormwater pond/wetland once vesting has occurred;
- k. Consideration of the proposed staging of the subdivision and whether this ensures the provision of infrastructure servicing in a logical and efficient manner;
 - l. Consideration shall be given to the application of consent notices for conditions relating to the following matters:
 - o The requirement that there shall be no vehicle access from Middle Road for sites located on the south eastern side of Middle Road between the intersection with Gilpin Road and the realigned Iona Road and identified in Appendix 13A Figure 2;
 - m. Consider whether a traffic management plan is required to mitigate any adverse impacts of heavy traffic from the proposed development on the surrounding area;
 - n. Within both the Bull Hill and Iona Terraces Neighbourhoods, the design and layout aspects of subdivision proposals are important considerations in creating character and a sense of place within these new greenfield residential areas. Subdivisions are to provide a variety of lot sizes configured to accommodate different house typologies in a way that contributes to streetscape amenity and a mixed community. The following matters will be taken into account in assessing subdivision design in order to achieve variety within streets and within each of these neighbourhoods:
 - i. A balanced proportion of lot types and sizes in the Bull Hill and Iona Terraces Neighbourhoods. The table below provides guidance on what is considered a balanced proportion of lot sizes in each neighbourhood:
 - ii. The distribution of different lot sizes throughout the neighbourhood so as to avoid monotonous concentrations of uniform lot types.

Bull Hill Neighbourhood				
Site Size	250 - 399m ² (CRD)	400 - 599m ²	600 - 999m ²	1000m ² +
House type suited to:	duplex, terrace, and narrow zero-lot aligned townhouses	stand-alone two-storey townhouses	conventional family homes, one or two-storey	larger single-storey homes in very large gardens
Percentage in Zone:	A minimum of 15% across duplex, terrace and separate townhouse dwelling types	A minimum of 15%	A minimum of 15%	N/A
Iona Terraces Neighbourhood Areas A - C				
Site Size:	350 - 500m ²	600m ² - 799m ²	800-999m ²	1000m ² +

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Number/percentage in Zone:	A minimum of 8 and a maximum of 13 lots	A minimum of 15%	A minimum of 15%	A minimum of 8 lots
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iii. The arrangement of lots to contribute to streetscape and open space amenity such as

- Narrow lots shall be located on the northern side of the road;
- Wider lots shall be located on the southern side of the road;
- Larger lots should be located in key locations such as prominent corners and adjacent to reserves;
- Rear lots should be minimised. As a guide, rear lots should make up no more than 5% of the total number of lots proposed; and
- Comprehensive Residential developments incorporating smaller lots (250m²-400m²) should be located on the opposite sides of streets aligned along the edges of reserves (i.e. so that the lots face the reserve), open space areas or some amenity feature such as an avenue of mature trees or otherwise clusters of small lots shall be distributed amongst larger lots so that small lots do not dominate the streetscape. For example smaller lots located mid-block within a street separated by larger lots;

o) Within the Bull Hill Neighbourhood, whether the subdivision proposal provides an appropriate development density and whether it will contribute to meeting the required minimum of 19 dwellings per hectare (or the equivalent maximum average site size of 520m²) over the total area of the Bull Hill Neighbourhood; The following matters are relevant considerations when balancing an efficient use of land with the objectives of retaining character, amenity and landscape values:

- Where the subdivision proposal achieves an overall density of less than 19 dwellings per hectare (or the equivalent maximum average site size of 520m²), consider the following:
 - o whether such a density is necessary to ensure compatibility with the density and amenity of neighbouring zones, or to ensure the special character features of the neighbourhood and / or zone will be retained;
 - o Whether not meeting the minimum density requirement within the Bull Hill Neighbourhood will impact on the achievement of a housing yield of 390 to 400 dwellings across the Iona Special Character Zone and Breadalbane Special Character Areas or the Council's responsibilities as a medium growth area under the National Policy Statement on Urban Development Capacity 2016;
 - o Where the subdivision proposal does not meet the 700m² or 600m² minimum site sizes that provide a density buffer to surrounding lower density zones, consider the extent of the increase in density and corresponding impacts that such an increase will have on the amenity values of properties within these lower density zones, particularly those properties within the adjoining Havelock North Character Residential Zone;

- Where the subdivision proposal does not comply with the minimum site size of 400m² consider the following:
 - o Whether achieving a greater yield in this proposal assists in achieving the minimum density requirement overall (ie across the total area of the neighbourhood)
 - o Whether as a consequence of the increase in density the retention of special character is achieved in general over the Iona Special Character Zone as a whole or particular special character features are retained in other parts of the Bull Hill Neighbourhood.
- Whether the density proposed will adversely affect amenity values and/or the anticipated outcome of creating a high quality living environment within the Bull Hill Neighbourhood;
- The extent to which the increase in density (over the relevant stated maximum density requirements) reduces the open space available for site landscaping which is an important component of creating character and amenity within the neighbourhood;
- Whether the increase in proposed density will achieve the following outcomes:
 - o To provide for greater variety and a range of options in section size and house type in order to create a mixed community;
 - o To use land in an efficient manner while creating a high amenity residential neighbourhood that maintains the special character of the zone;
- For all proposals the ability of the water, wastewater, stormwater or roading infrastructure to accommodate the proposed increase in density.
- For all proposals within Blocks 1 and 2 as shown on Appendix 13A, Figure 2, whether the subdivision is consistent with an overall subdivision concept plan submitted in accordance with Rule 30.1.6E(a), in respect of yield and variation in lot size including:
 - o the appropriateness of the locations indicated for Comprehensive Residential Development and whether those locations will enable the matters in criteria (n) above, to be satisfied;
 - o the percentage of the total development area set aside for Comprehensive Residential Development and larger lot sizes in achieving the need for residential yield target but still achieving a variation in lot size and layout and in enabling criteria (n) above, to be met;
 - o that the general site size layout and street network in the Bull Hill Neighbourhood achieves the relevant Design Outcomes, Criteria and Structure Plan Map of Appendix 13A.
- p) Specifically within the Iona Terraces Neighbourhood, the design of the overall development will ensure that adverse visual or landscape effects are avoided or mitigated taking into account the existing rural residential character of the area. Specific consideration will be given to the following:

- i. The location of building platforms so that subsequent development is sympathetic to local character, topography, and to surrounding visual and landscape patterns and in particular to the adjoining rural residential zone.
- ii. The location and design of accesses to the sites to minimise visual impact on the locality and provide safe access to the main spine road, avoiding Lane Road.
- iii. A planting plan for the main spine road that reflects an avenue objective and takes into account the existing rural character of the area and gateway location to the Iona Terraces and Upper Plateau Neighbourhoods. The planting plan should take into account the ability of the road berm to accommodate roadside swales.
- iv. The provision that is made for access from the end of the cul de sacs in the Iona Terraces Neighbourhood to the Open Space Zone
- v. Roading and lighting design to reflect the transition from general residential densities to less intensive development and the adjoining rural residential zone, for example consideration of alternatives to kerb and channel.
- vi. The level of geotechnical investigation carried out and the level of analysis and specific design requirements arising from the investigation with particular reference to cut slope behaviour, and slope stability analysis to develop appropriate set back distances from the crest of slopes for building platforms.
- vii. Consideration shall be given to the application of consent notices for conditions relating to the following matters:
 - The requirement for the dwelling to be single storey (a maximum height of no more than 4m) on the lot shown within Area D of the Iona Terraces Neighbourhood on the Structure Plan Appendix 13A Figure 2.
 - q) Specifically within the Iona Plateau Neighbourhood where considering compliance with 30.1.7W the following matters are also relevant:
 - i. The level of geotechnical investigation carried out and the level of analysis and specific design requirements arising from the investigation with particular reference to cut slope behaviour, and slope stability analyses to confirm the building platforms identified on the Plateau Master Plan.
 - ii. Consideration will be given to the application of consent notices for conditions relating to the following matters:
 - Development shall be generally restricted to the nominal 400m² building platform identified in the Masterplan contained in Appendix 13A, Figure 3. The GPS co-ordinates for the centre point and nominated building area for each lot in the plateau neighbourhood is to be identified and recorded on the survey plan and title to issue;
 - The prevention of further subdivision to create any additional lots beyond those shown on the Masterplan in Appendix 13A, Figure 3;
 - The maximum building height on Lots 1, 2, 13, 14, 15 and 20 as identified as single storey on the Masterplan in Appendix 13A, Figure 3;
 - The planting is to proceed and remain in perpetuity, as per the approved landscape plan based on the areas shown in the Masterplan contained in Appendix 13A, Figure 3; and
 - That no buildings, structures or earthworks are to occur within the area identified on Lots 12 and 13 and no buildings, structures or earthworks are to

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- occur within the area identified on Lots 14 and 15. Planting within the area identified on Lots 14 and 15 is restricted to ornamental native grass species no greater than 0.6m in height. These restricted planting areas are to be identified on the survey plan and title to issue.
- iii. Consideration will include the following matters where consent is sought to alter the placement of building platforms within the Plateau Neighbourhood:
 - o The degree to which the platforms are being moved and any resultant adverse effects specifically taking into account the existing character and amenity of the adjoining area; and
 - o These specific criteria will also be considered:

Lot	Criteria
1	- House site and planting to be configured so as to soften views to house on this lot from the adjoining property to the west and - House site and planting to be configured so as to soften views to the house on this lot from the adjacent reserve area, and to avoid any sense of visual dominance to the reserve.
2 & 20	House sites and planting to be configured so as to soften views to the house on these lots from the adjacent reserve area, and to avoid any sense of visual dominance to the reserve.
3 - 10	House site and planting to be configured so as to soften views to houses on these lots from the adjoining property to the east.
12	- Retention of ridge knoll to visually anchor the house on lot 12 (i.e. house to be located below and to the north of the knoll) - Softening of view to house on lot 13 from adjoining property to the west through planting.
13	- Retention of the ridge knoll as a buffer between the site and properties to the west; - Screening of the house on Lot 13 from the west through a combination of landform and planting; - Softening of views to house from adjoining property to the south
14	House to be located so as not to impede outlook to the cul-de-sac from cottage on adjoining property to the south
15	- House to be located so as not to impede outlook to the cul-de-sac from house on adjoining property to the south; and - House site and planting to be configured so as to soften views to house on this lot from the adjoining property to the east.
16 - 19	House site and planting to be configured so as to soften views to houses on these lots from the adjoining property to the east.

25. Subdivision around existing dwellings within the Brookvale Structure Plan Area (Appendix 13B, Figure 1)

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(a) Whether the subdivision proposal will have the potential to impede any aspect of the Brookvale Structure Plan Appendix 13B, Figure 1 including a demonstration that all infrastructure and reserves shown can be implemented;

(b) Whether each lot has access to an HDC reticulated network for all infrastructure services;

(c) Whether the boundaries created around buildings and curtilage are tight and meet the yard standards for the Havelock North General Residential Zone to ensure land efficiencies result for the balance area and future residential development;

(d) That the balance area created results in efficient land use outcomes for future residential development; and

(e) For any properties fronting Davidson Road, within Area C and located opposite the Plains Production Zone, methods to mitigate any potential reverse sensitivity effects, including offer of a 'no-complaints covenant' as a condition of consent, to help mitigate potential reserve sensitivity effects:

One way that the landowner may seek to mitigate reverse sensitivity effects is for a 'no complaints' covenant to be offered, and this is generally considered by Council to be an effective method of mitigation. Such a covenant would acknowledge the horticultural / agricultural activities carried out in the surrounding area and their potential to create noise, dust, odour and to involve agrichemical spraying and requiring the owner and subsequent owners not to bring any proceedings for damages, negligence, nuisance, trespass or interference arising from the reasonable and responsible use of these lands for horticultural / agricultural purposes, so long as these operations are carried out in accordance with relevant District Plan provisions. An example of this is as follows:

That a Consent Notice pursuant to Section 221 of the Resource Management Act 1991 shall be issued by Council and registered against the Certificates of Title to be issued for Lots (insert reference) hereon. The notice shall be registered at the subdivider's expense and shall read as follows:

This property is located near to a productive plains area where a range of horticultural, viticultural, and agricultural management practices such as agrichemical spraying, use of farm machinery, the operation of bird scarers and other similar activities may occur.

Where land use activities in the surrounding area are carried out in accordance with the relevant Local Authority requirements, the property owner, or their successor in the title shall not:

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- *Bring any proceedings for damages, negligence, nuisance, trespass or interference arising from the use of that land; or*
- *Make nor lodge; nor*
- *Be party to; nor*
- *Finance nor contribute to the cost of;*

Any application, proceeding or appeal (either pursuant to the Resource Management Act 1991 or otherwise) designed or intended to limit, prohibit or restrict the continuation of the operations of any plains activity on surrounding land including without limitation any action to require the surrounding landowners / occupiers to modify the plains activities carried out on their land.

26. **In addition to the General Assessment Criteria in 30.1.8.1, Council will have regard to the following matters for any subdivision within the Brookvale Structure Plan area (Appendix 13B, Figure 1):**

(a) Whether the proposed subdivision achieves the design outcomes outlined in the Brookvale Structure Plan (Appendix 13B, Figure 1);

(b) The degree to which existing trees and vegetation are to be retained to assist integrate new development into the environment. Conditions and consent notices requiring that established trees and shrubs be protected will be considered as part of any subdivision;

(c) Consideration of any geotechnical investigations undertaken and the level of analysis and specific design requirements arising from the investigations, including any recommendations of these investigations such as whether building platforms should be restricted in certain areas or whether specific foundation designs are required in certain locations within the Zone;

(d) Consideration of the need for bulk earthworks to mitigate potential flooding effects within low lying areas of the urban development area and how this may impact the conveyance of stormwater, the location and nature of any required wastewater pump stations and any other features shown on the Brookvale Structure Plan Appendix 13B, Figure1;

(e) Whether the access proposed for sections created within the restricted vehicle access area (along Napier Road and Romanes Drive) shown on the Structure Plan diagram (Appendix 13B, Figure 1), is designed to ensure each property has vehicle access from new internal roads proposed within the subdivision and that any new lots created are aligned so that their side boundary adjoins these roads rather than the rear property boundary (which would have greater adverse amenity effects on the streetscape);

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(f) Whether the stormwater management devices proposed are sufficient to mitigate the impacts of the proposed subdivision to the extent that the level of effects beyond the site boundaries will achieve stormwater neutrality;

(g) Whether the proposed stormwater management solutions are complimentary to the streetscape and road treatments sought to be achieved as outlined in the Structure Plan and / or whether any ponds or detention areas will contribute positively and not detract from the recreational use and enjoyment of the open space reserve areas;

(h) Whether the subdivision proposal is in accordance with and gives effect to the staging of the Brookvale urban development area shown and outlined in the Structure Plan Appendix 13B, Figure 1 and whether this ensures the provision of infrastructure in a logical and efficient manner and in a way that facilitates access to infrastructure services for adjoining property owners;

(i) Consider whether a traffic management plan is required to mitigate any adverse impacts of heavy traffic from the proposed development on the surrounding area;

(j) Consideration of the design and layout aspects of subdivision proposals are important considerations in creating character and a sense of place within this new greenfield residential area. Subdivision proposals are to provide a variety of lot sizes configured to accommodate different house typologies in a way that contributes to streetscape amenity and a mixed community. The following matters will be taken into account in assessing subdivision design in order to achieve variety within streets and within each of the staging areas:

- Whether the subdivision provides for a balanced proportion of the range of lot types and sizes shown in the table below:

Site Size:	250-399m ²	400-599m ²	600-999m ²	1000m ² +
House type suited to:	Duplex, terrace, and narrow zero-lot aligned townhouses	Stand-alone two-storey townhouses	Conventional family homes, one or two-storey	Larger single-storey homes in very large gardens

- The distribution of different lot sizes throughout the neighbourhood so as to avoid monotonous concentrations of uniform lot types.
- The arrangement of lots to contribute to streetscape and open space amenity such as:
 - Narrow lots should be located on the northern side of the road;
 - Wider lots should be located on the southern side of the road;

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- o Larger lots should be located in key locations such as prominent corners and adjacent to reserves;
- o Rear lots should be minimized. As a guide, rear lots should make up no more than 5% of the total number of lots proposed;
- o Comprehensive Residential Developments incorporating smaller lots (250m²-399m²) should be located on the opposite sides of streets aligned along the edges of open space reserves (i.e. so that the lots face the reserve), or some amenity feature. Otherwise clusters of small lots shall be distributed amongst larger lots so that small lots do not dominate the streetscape. For example smaller lots located mid-block within a street separated by larger lots;

(k) Consideration shall be given to the application of consent notices for conditions relating to the following matters:

- a. The requirement that there shall be no vehicle access onto Romanes Drive or Napier Road for any new lot created along the restricted vehicle access edge as identified on the Structure Plan diagram contained in Appendix 13B, Figure 1;
- b. For sites located on Thompson Road and on the boundary of the urban development area adjacent or opposite to the Plains Production Zone, consider the application of a consent notice for a condition to require the maintenance of a 30m reverse sensitivity buffer between the Plains Production Zone and properties within the Brookvale Urban Development area;
- c. Consider the application of a consent notice where sites adjoin any Reserve (includes the Crombie Drainage Reserve, the Reserve in Area A and that in Area B shown on the Structure Plan in Appendix 13B, Figure 1), the boundaries that adjoin it shall be unfenced, or fences on or within 3m of that boundary (excluding side boundary fences) shall have a maximum height of 0.5m, or have fencing that is able to be seen through in a manner of a picket, trellis, wire mesh or steel pool fence construction with a maximum height of 1.8 metres;
- d. Where sites are located within the 75m noise buffer area, consider the application of a consent notice for a condition to require compliance with 25.1.7D 'Noise Sensitive Activities';

e. The proposed mitigation measures and the adequacy of these measures to ensure that any potential nuisance effects (such as noise, dust, odour and spray drift) that could be generated by adjoining agricultural and horticultural activities will not be objectionable to residents of the proposed subdivision. Consideration may be given to the imposition of conditions to ensure the mitigation of these effects including the placement of a consent notice on the titles of any sections, if appropriate in the circumstances;

f. The ability to mitigate any actual or potential reverse sensitivity effects where the specific site characteristics and / or the nature of surrounding or existing land uses are likely to generate the potential for complaints about lawfully established activities. Methods to mitigate reverse sensitivity effects may include 'no complaints' covenant where this is offered by the applicant; and

g. For sites adjoining Lot 1 DP 2466 and Lot 1 DP 17134 Blk IV Te Mata SD (corner of Napier and Thompson Roads) the application of a consent notice requiring compliance with the special building setbacks (refer to 8.2.5D(e)).

33.1 DEFINITIONS

33.1.1 INTRODUCTION

Unless specifically altered in this Plan, all words and phrases defined in the *Resource Management Act 1991* shall have the same meanings in the Plan.

If any term is not defined in Section 19 or the *Resource Management Act 1991*, it shall take its common meaning as defined in the most up-to-date addition of the Concise Oxford Dictionary.

33.1.2 DEFINITIONS

Access Strip: has the same meaning as in the *Resource Management Act 1991* and any subsequent amendments and is land for the purpose of providing the public a convenient route for pedestrians from one public place to another public place.

Accessory Building: means a building, the use of which is incidental and secondary to the principal activity carried out on the site.

Accessory Building (in the Medium Density Residential Zone): means a detached building, the use of which is ancillary to the use of any building, buildings or activity that is or could be lawfully established on the same **site**, but does not include any minor residential unit.

Active Transport: means forms of transport that involve physical exercise, such as walking or cycling, and includes transport that may use a mobility aid such as a wheelchair.

Commented [CS1]: Topic 6, Key Issue 4, Waka Kotahi, New Zealand Transport Agency (107.2)

Adaptive Resuse: means the modification of a historic item to suit it for a compatible use, involving the least possible loss of heritage value.

Additions and Alterations (to the front façade of pre-1950s dwellings): When referred to in Section 7.2 - Hastings Residential Environment means any change or extension to the exterior front façade of the dwelling excluding general repairs and maintenance and restoration but including the addition of a pergola, security screen door(s), replacement of wooden joinery with aluminium joinery, and enclosing veranda or porch spaces.

Advertising Device: includes every sign or advertising matter of whatever kind whether consisting of a specially constructed device, structure, or apparatus, or

painted, printed, written, carved, inscribed, endorsed, projected on to, placed or otherwise fixed or upon any premises, wall, fence, rock, stone, electronic device, structure, or externally fixed upon a stationary vehicle of any kind whatsoever if such advertising device or matter is visible from any public place and shall include any window signs, balloon or blimp, board, hoarding or similar structure which supports the device but excludes signs relating to road names, traffic control and route direction (located within the road reserve).

Aerial: means the part of a radio communication facility or telecommunication facility used for transmission or reception including the aerial mountings but not any supporting mast or similar structure. This definition excludes any antenna dish.

Agrichemical: means any substance, whether inorganic or organic, man-made or naturally occurring, modified or in its original state, that is used to eradicate, modify or control flora and fauna. For the purposes of the Plan this includes agricultural compounds but excludes fertilisers, vertebrate toxic agents and oral nutrition controls.

Aircraft Engine Testing: means the testing of aircraft engines, whether in stationary aircraft or remotely mounted, for and related to the purposes of engine maintenance, and does not include normal aircraft operation engine run-ups such as aircraft warming up on the apron or the movement of aircraft to and from the engine testing location. This does not include essential unscheduled aircraft engine testing.

Alteration: means any change or addition to any heritage feature, building, structure, or memorial, and any maintenance involving new finishes or materials. For the purposes of the rules identified in Section 18.1 Heritage Items and Notable Trees - alterations to heritage buildings, structures, features or memorial, shall be deemed to exclude repairs and maintenance as defined in this District Plan, and does not include safety alterations which have a separate meaning in this Plan.

Allotment (in the Medium Density Residential Zone): has the same meaning as in section 128 of the RMA (as set out below)

(2) in this Act, the term allotment means —

- a. Any parcel of land under the Land Transfer Act 2017 that is a continuous area and whose boundaries are shown separately on a survey plan, whether or not —
 - i. the subdivision shown on the survey plan has been allowed, or subdivision approval has been granted, under another Act; or
 - ii. a subdivision consent for the subdivision shown on the survey plan has been granted under his Act; or
- b. any parcel of land or building or part of a building that is shown or identified separately —
 - i. on a survey plan; or

Commented [CS2]: Topic 6, Key Issue 4, Kainga Ora (050.150)

33.1 Definitions

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- ii. on a licence within the meaning subpart 6 of Part 3 of the Land Transfer Act 2017; or
 - c. any unit on a unit plan; or
 - d. any parcel of land not subject to the Land Transfer Act 2017.
- (3) For the purposes of subsection (2), an allotment that is —
- a. subject to the Land Transfer Act 2017 and is comprised in 1 record of title or for which 1 record of title could be issued under that Act; or
 - b. not subject to that Act and was acquired by its owner under 1 instrument of conveyance —
shall be deemed to be a continuous area of land notwithstanding that part of it is physically separated from any other part by a road or in any other manner whatsoever, unless the division of the allotment into such parts has been allowed by a subdivision consent granted under this Act or by a subdivisional approval under any former enactment relating to the subdivision of land.
- (4) For the purposes of subsection(2), the balance of any land from which any allotment is being or has been subdivided is deemed to be an allotment.

Amateur radio: means radio-communication services for the purpose of self-training, intercommunication and technical investigations carried out by amateurs, that is, by duly authorised persons interested in radio technique solely with a personal aim and without pecuniary interest.

Amateur radio configuration: means the antennas, aerials (including rods, wires and tubes), antenna dishes and associated supporting structures which are owned and used by licensed radio operators.

Amenity: has the same meaning as in the *Resource Management Act 1991* and any subsequent amendments.

Ancillary Activity: means an activity located on the same site as the primary activity, which is small in scale, is incidental to the primary activity, and serves a supportive function to the primary activity.

Commented [C53]: Topic 6, Key Issue 4, Kainga Ora (050.151)

Ancillary Activity (in the Medium Density Residential Zone): means an activity that supports and is subsidiary to a primary activity.

Commented [C54]: Topic 6, Key Issue 4, Kainga Ora (050.151)

Antenna Dish: means any flat, concave, circular, parabolic or similar-shaped radio communication or telecommunication apparatus used for transmission or reception including the antenna dish mounting and including ancillary components (such as radio frequency units, amplified, controller boxes and tilt motors, or similar devices but not any supporting mast or similar structure. This definition includes any satellite dish. Ancillary components are not included in the calculation of antenna size.

(b) the financial implications, and the effects on the environment, of that option when compared with other options; and

(c) the current state of technical knowledge and the likelihood that the option can be successfully applied

Biodiversity: The variety among all living organisms from all sources including inter alia, terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are a part; this includes plants, animals, fungi, microorganisms and the diversity within species, between species and of ecosystems.

Boundary: means the perimeter defining the legal extent of any site, and includes the following boundaries:

(a) **Front Boundary:** means a boundary abutting a road or any designation for road purposes.

(b) **Side Boundary:** means any boundary of a site which abuts a front boundary

(c) **Rear Boundary:** Any Boundary on a site which is not a front or side boundary. See Appendix 68 - Figure 2

Boundary Adjustment: A subdivision involving 2 or more contiguous sites (notwithstanding any separation by any road, rail, river, stream, or water course) where no new site is created, no site area is changed by more than 10% of its original area, no existing complying lot is rendered non-complying, and no dwelling is severed from its existing site.

Building (in the Medium Density Residential Zone): means a temporary or permanent movable or immovable physical construction that is:

a. partially or fully roofed, and

b. fixed or located on or in land;

but excludes any motorised vehicle or other mode of transport that could be moved under its own power.

Building: means any temporary or permanent moveable or immovable structure (including any structure intended for occupation by people, animals, machinery or chattels); but does not include:

- (k) any aerial, lightning rod, support structure, official sign or similar structure owned or controlled by any network utility operator.
- (l) any awning, canopy or similar structure less than 3.0 metres in height.
- (m) Artificial Crop Protection Structures and crop support structures.

Building Coverage: means that portion of a site which is covered by buildings, including overhanging or cantilevered parts of buildings (including any part of the eaves and/or spouting projecting more than 0.6 metres measured horizontally from the exterior wall). The following shall not be included in building coverage:

- (a) Unroofed pergolas;
- (b) Underground carparking with landscaping above;
- (c) That part of eaves and/or spouting or bay windows projecting 0.6 metres or less horizontally from any exterior wall;
- (d) Earthen terracing 1 metre or less in height with landscaping above of sufficient depth to allow drainage;
- (e) Satellite dishes;
- (f) Any swimming pool or tank which is not defined as a building, and
- (g) Artificial Crop Protection Structures and crop support structures.

Building Coverage (in the Medium Density Residential Zone): means the percentage of the net site area covered by the building footprint.

Building Envelope: means, in relation to the shading and outlook effect of structures, and as specified in this District Plan, means the area above ground level which may contain buildings. See *Appendix 68 - Figure 3*

~~**Building Footprint:** The gross floor area of buildings(s) at ground floor level. Building gross floor area above ground floor level is not included in the calculation of Building Footprint, unless such a building area is not above any other building gross floor area, for example buildings above ground level on pole supports or cantilevered. The area of a Building's Footprint therefore includes the gross floor~~

~~area of all buildings in two dimensional form as viewed from above or as they would appear in site plan form.~~

Commented [CS5]: Topic 6, Key Issue 4, Kainga Ora (050.154)

Building Footprint ~~(in the Medium Density Residential Zone);~~ means in relation to building coverage, the total area of buildings at ground floor level together with the area of any section of any of those buildings that extends out beyond the ground floor level limits of the building and overhangs the ground.

Commented [CS6]: Topic 6, Key Issue 4, Kainga Ora (050.154)

Building Improvement Centre: means any premises used for the storage, display and sale of goods and materials used in the construction, repair, alteration and renovation of buildings and can include a plant nursery and garden centre.

Building Scale: means the height and area (m²) (bulk) of a building and its proportions relative to neighbouring buildings.

Camping Ground: means an area of land used, or designed or intended to be used, for rent, hire, donation, or otherwise for reward, for the purposes of placing or erecting on the land temporary living-places for occupation by two or more families or parties (whether consisting of one or more persons) living independently of each other, whether or not such families or parties enjoy the use in common of entrances, water supplies, cook houses, sanitary fixtures, or other premises and equipment; and includes a motor camp, caravan or camper-van park and associated storage.

Central Character Precinct: describes an area within the Central Character Zone, bounded by Eastbourne Street, Nelson Street, Queen Street and Hastings Street (as identified in Appendix 32),

Central Retail Core: the area bounded by Hastings, Eastbourne, Nelson and Queen Streets.

Character: can be defined as the distinctive identity of a particular place resulting from the interaction of factors including built form (age, condition and style of building), lot size and shape, the setback from the front boundary and density of housing, the setting in which the buildings are located, the presence of landscaping (on and off street), the property boundary definition (hedges, fences, walls), quietness or seclusion of the area, and sense of historical ambience.

Coastal Environment: means for the purposes of the Hastings District Plan the area above MHWS to the Coastal Environment Inland Boundary as identified in the Hastings District Planning Maps and excludes the Coastal Marine Area.

Commercial Activity: means the use of land or buildings for the display, offering, provision, sale, repair or hire of goods, equipment or services; and includes commercial service activities, but excludes helicopter depots.

Commercial Activity (in the Medium Density Residential Zone): means any activity trading in goods, equipment or services. It includes any ancillary activity to the commercial activity (for example administrative or head offices).

Commercial Motorised Water Recreation Activities: means the use of any craft on the surface of water by a person, either as a passenger or driver that is propelled or driven otherwise than solely by oars, paddles or the wind, in which the use of that craft is operated for profit.

Commercial Recreation Activities: means any activity that supports and is directly associated with a sport or recreation activity located within the Special Purpose Zone: Regional Sports Park. For the purposes of the rules identified in Section 13.2 Special Purpose Zone: Regional Sports Park - this definition may include a fitness centre, the hireage of space for recreational related activities, sports medicine, physiotherapy, high performance training, a crèche, a retail shop, a café which involves the preparation and sale of food and non-alcoholic beverages, a clubroom area which involves the preparation and sale of food, the sale of non-alcoholic and alcoholic beverages and a miniature golf course.

Commercial Service Activity : means the use of land or buildings to carry out a business providing personal, property, financial, household, private, and business, services to the general public or trades people and is limited to (and does not include standalone retail activity):

- Bicycle sales and repair services
- Building improvement centres
- Car or Machinery Repairs and Servicing (includes the sale of parts, including tyres, but does not include the repair or servicing of heavy industrial machinery or equipment, trucks or panel beating)
- Charity Services and/or associated Op Shops
- Commercial, agricultural and industrial machinery and equipment sales and service
- Copy and printing services
- Counter insurance services
- Credit unions, building societies and investment co-operatives
- Customer banking facilities

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- Hastings Suburban Commercial Zone
- Hastings Residential Commercial Zone
- Hastings Large Format Retail Zone
- Flaxmere Village Centre Commercial Zone
- Flaxmere Village Centre Commercial Service Zone
- Havelock North Village Centre Retail Zone
- Havelock North Village Centre Business Zone
- Havelock North Village Centre Mixed Use Zone
- Clive - Whakatu Suburban Commercial Zone
- Haumoana - Te Awanga Suburban Commercial Zone

Communal Open Space: means, in relation to developments of three or more residential units or Papakainga developments, a specified quantity of landscaped land freely available to all residents on the site, exclusive of driveways, buildings and the private outdoor living space requirements of individual household units.

Community Services: means the following:

- a. community facilities
- b. educational facilities
- c. those commercial activities that serve the needs of the community

Comprehensive Residential Development: means residential development that comprises 3 or more new or additional principal residential unit and incorporates an overall integrated design of buildings, infrastructure and landscaping. Comprehensive residential development can occur separately as a land use application or concurrently with a subdivision application.

For the avoidance of doubt, retirement villages are **not** considered to be comprehensive residential developments

Consented or Authorised Footprint (Renewable Energy): means the area that have been consented or otherwise authorised for activity as defined in the District Plan. It also includes the maximum consented/authorised height of any structure associated with the activity; the consented/authorised maximum operating water level of any water body used in the generation of electricity; and the transmission

Commented [CS7]: Topic 6, Key Issue 4, Waka Kotahi, New Zealand Transport Agency (107.2)

Commented [CS8]: Topic 6, Key Issue 4, Retirement Villages Ass of NZ (81.1) & Ryman Healthcare Ltd (85.2)

Ground Level: means the original ground level prior to any earthworks, except in the case of earthworks approved by any subdivision or land use consent. See *Appendix 68 - Figure 6*

Ground Level (in the Medium Density Residential Zone): means —

- a. the actual finished surface level of the ground after the most recent subdivision that created at least one additional allotment was completed (when the record of title is created);
- b. if the ground level cannot be identified under paragraph (a), the existing surface level of the ground;
- c. if, in any case under paragraph (a) or (b), a retaining wall or retaining structure is located on the boundary, the level on the exterior surface of the retaining wall or retaining structure where it intersects the boundary.

Habitable Building: means any building or part thereof which provides overnight accommodation for people, whether or not it is self-contained. Habitable buildings include but are not limited to:

- Dwellings
- Supplementary Residential Dwellings
- Sleep-outs
- Units
- Visitor Accommodation

Where each storey of a multi storey building or each part of a semi-detached or terraced building is capable of providing overnight accommodation for people independently of another storey, or part shall be considered as one habitable building.

Habitable Space: means any room in a building used for a noise sensitive activity, excluding those rooms used solely for the purposes of an entrance, passageway, toilet, bathroom, laundry, kitchen, garage or storeroom.

Habitable Room: means any room used for the purposes of teaching, or used as a living room, dining room, sitting room, bedroom, office or other room specified in the Plan to be a similarly occupied room.

Harbour: means any navigable inlet, lake or river at which ships do or can obtain shelter, or ship or unship goods or passengers.

Hardstand Area: means any area of hard material such as lime, compacted gravel, concrete, tarmac, etc used for driveways and access, manoeuvring areas and storage areas for vehicles to stand on while not in use, but excluding areas used for vehicle access up to a maximum width of 3 metres within a site.

Hazardous Substance: means any substance:

- (a) With one or more of the following intrinsic properties:
 - (i) Explosiveness;
 - (ii) Flammability;
 - (iii) A capacity to oxidise;
 - (iv) Corrosiveness;
 - (v) Toxicity (both acute and chronic);
 - (vi) Ecotoxicity, with or without bioaccumulation; or
- (b) which on contact with air or water (other than air or water where the temperature or pressure has been artificially increased or decreased) generates a substance with any one or more of the properties specified in paragraph a) of this definition.

For the purposes of provisions relating to the Heretaunga Plains Unconfined Aquifer, the definition of hazardous substances includes organic matter which contains animal waste.

Health Care Services: means land and buildings used in whole or in part for health care purposes, including surgeries, clinics (medical or veterinary) and hospitals, but excludes medical insurance brokers.

Height (in the Medium Density Residential Zone): means the vertical distance between a specified reference point and the highest part of any feature, structure or building above that point.

Height in Relation to Boundary (in the Medium Density Residential Zone): means the height of a structure, building or feature, relative to its distance from either the boundary of:

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- a. [site](#); or
- b. [another specified reference point](#).

Height of a building: shall be the vertical difference between the ground level and the highest or relevant part of a building except that no account shall be taken of that part of a building comprising of:

- (a) Lift wells, elevator and stair bulkheads, roof water tanks and cooling towers (together with their enclosures)
- (b) Chimneys, lightning rods, flues, spires, flagpoles, aerials, and wire, chain, link or other open or transparent fences and such finials and similar parts as constitute only minor decorative features.
- (c) Dormer windows. *See Appendix 68 - Figure 6*

Helicopter Depot: means a site regularly used as a base for the operation, servicing, refuelling and storage of helicopters.

Heritage Building: means any building listed in this District Plan, which is of special interest, character, intrinsic or amenity value or visual appeal, or of special significance to the tangata whenua, for spiritual, cultural or historic reasons.

Heritage Item: means any type of historic heritage place or area. It may include a historic building, historic site (including archaeological site), a place/area of significance to Maori, or heritage landscape. The term may be used to refer to both heritage items listed in the District Plan and to those items registered by *Heritage New Zealand Pouhere Taonga*.

Historic Area: means an area of land containing an inter-related group of historic places, buildings, structures and/or sites that contributes towards an understanding and appreciation of New Zealand's history and cultures. The term may include any registered Historic Area under the *Heritage New Zealand Pouhere Taonga Act 2014*, or any heritage conservation area or precinct.

Historic Heritage: has the same meaning as historic heritage defined in Section 2 of the *Resource Management Act 1991*.

Home-Based Education and Care Services: means the provision of education or care, for gain or reward, to fewer than 5 children under the age of 6 (in addition to

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any child enrolled at school who is the child of the person who provides education or care), in-

- (a) their own home; or
- (b) the home of the person providing the education or care; or
- (c) any other home nominated by the parents of the children.

Home Business ~~(in the Medium Density Residential Zone):~~ means a commercial activity that is:

- a. undertaken or operated by at least one resident of the site; and
- b. incidental to the use of the site for a residential activity.

Commented [CS9]: Topic 6, Key Issue 4, Kainga Ora (050.163)

Home Occupation: means an occupation, craft, profession or service which is carried out by a member or members of the household for direct or indirect monetary gain on the site on which their household is located, including home-based education and care services, but excludes Industrial Activities, catteries and kennels.

Homes For The Aged: has the same meaning as the definition of Rest Home Care under Part 1 Section 6 of the *Health and Disability Services (Safety) Act 2001*, however shall not include Retirement Villages.

Hospital: means;

- (a) any hospital or other institution for the reception and treatment of persons requiring medical treatment or suffering from any disease; or
- (b) any maternity hospital; or
- (c) any convalescent home;

and includes all clinics, dispensaries, rehabilitation services, out-patient departments, services, offices and undertakings maintained in connection with, or incidental to, the primary healthcare activity. Such undertakings may include the following ancillary activities associated with a hospital: cafeterias and coffee shops, retail premises, residential accommodation, helicopter pad and hangar, educational facilities, buildings used for recreation, laboratories and research facilities.

Illumination Devices: means the use of internal and external devices which include Spotlights, floodlights, neon, LED, LCD, Plasma, coloured and non coloured light bulbs for advertising or display purposes.

Indigenous Tree Species: means any naturally occurring indigenous species which may attain a diameter at breast height of 30cm or greater.

Indigenous Vegetation: means flora occurring naturally in New Zealand; or belonging naturally to New Zealand. Indigenous vegetation does not include flora that has been introduced by people, and only exists in New Zealand because it was introduced by people, and does not include trees specifically planted by people for the purpose of timber production, or domestic amenity.

Indigenous Vegetation Modification: means the disturbance, removal, damage or destruction of indigenous vegetation.

Industrial Activity: means the use of land or buildings for the manufacturing, fabricating, processing, packing or storage of substances, into new products and the servicing and repair of goods and vehicles, whether by machinery or hand and includes transport depots and the production of energy but excludes helicopter depots and renewable electricity generation activities.

~~**Infill Residential Development:** means one additional principal residential unit on an existing site within the urban area after the date of notification of Plan Change 5 to the Hastings District Plan, being 20th day of October 2022~~

Commented [CS10]: Topic 6, Key Issue 4, Kainga Ora (050.164)

~~**Infill Residential Subdivision:** means the creation of one additional residential site within the existing urban area after the date of notification of Plan Change 5 to the Hastings District Plan, being 20th day of October 2022~~

Commented [CS11]: Topic 6, Key Issue 4, Kainga Ora (050.165)

Intensive Rural Production: means:

- (a) Commercial livestock kept and fed in buildings or in outdoor enclosures on a particular site, where the stocking density precludes the maintenance of pasture or ground cover (but excludes the farming of mustelids); or
- (b) land and buildings used for the commercial boarding and/or breeding of cats, dogs and other domestic pets; or

Minor Residential Unit (in the Medium Density Residential Zone): means a self-contained residential unit that is ancillary to the principal residential unit and is held in common ownership with the principal residential unit on the same site.

Minor upgrading (in relation to existing Network Utilities): means to increase the carrying capacity, efficiency, safety or security of existing network utilities, where the effects of that utility remain the same or similar in character, scale and intensity as those that existed prior to the commencement of the minor upgrading. This includes an increase in the powercarrying capacity, efficiency or security of any line (such as adding additional circuits, reconductoring with higher capacity conductors, resagging of conductors, fitting longer or more efficient insulators, or the addition of earth wires which may contain telecommunication lines, earth peaks and lightning rods), utilising existing support structures or structures of similar scale and character. A change in voltage will only be included where a line has been constructed to operate at a certain voltage but has been operating at a lesser voltage. It also includes the installation of fibre-optic cables onto existing transmission lines.

Mixed Use Development means a development that incorporates residential and commercial activity together with infrastructure, landscaping and a plan showing the exclusive use areas for each activity.

Note: Mixed Use can include subdivision; however it is not a requirement.

Motorised Water Recreation Activity: means any activity involving a motor driven vessel and includes jetboats, water skiing, hovercraft, jet skis and outboard motor boats and the like.

Mustelid Farming: means the keeping, breeding or running of members of the family Mustelidae, including stoats, weasels and ferrets.

National Grid Corridor: means the area measured either side of the centreline of above ground electricity transmission lines as follows:

- 14m for a 110kV transmission line on single poles
- 32m for a 110kV transmission lines on tower
- 37m for a 220kV transmission line.

Refer to Appendix 68, Figure 8

National Grid Transmission Line: means lines for conveying electricity at a voltage equal to or exceeding 110 kV owned or operated by Transpower NZ Ltd.

National Grid Transmission Yard: means (shown in red in the diagram in Appendix 68, Figure 8): means

- the area located 12 metres in any direction from the outer edge of a National Grid support structure foundation or;
- the area located 10 metres either side of the centreline of an overhead 110kV National Grid line on single poles; or
- the area located 12 metres either side of the centreline of an overhead National Grid line on towers.

Natural Hazard: has the same meaning as in the *Resource Management Act 1991* and any subsequent amendments.

Natural Hazard Mitigation Activities: means activities that are carried out by a Network Utility Operator to reduce the risks posed by natural hazards to human life, property or the environment (includes stopbanks, sea walls, vegetation planting).

Net Site Area: means a single contiguous site area set aside for the exclusive use of its owners, leasees or tenants and shall exclude all common use areas, (excluding easements for water, power, phone, sewer and stormwater), access lots or access strips and entrance strips but in the Rural Areas/Zones shall also include the total of two or more such areas separated by any common use areas, access lots or access strips. See Appendix 68 - Figure 9

Net Site Area (in the Medium Density Residential Zone): means the total area of the site but excludes:

- a. any part of the site that provides legal access to another site;
- b. any part of a rear site that provides legal access to that site;
- c. any part of the site subject to a designation that may be taken or acquired under the Public Works Act 1981.

Network Service: means a reticulated water supply system, reticulated sewer system and/or a reticulated stormwater system provided and maintained by the Hastings District Council.

Network Utilities: means network utility operations and includes electrical lines, water, sewage and stormwater reticulation, streetlighting, telecommunications facilities, radiocommunications facilities, gas, petroleum or geothermal lines, roads,

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treatment of other gases from the petroleum stream, including also all permanent works and structures (including production facilities, pipelines, and treatment, processing and storage facilities) not capable of being moved without substantial dismantling. "Petroleum production facilities" has a corresponding meaning.

On-Site: In relation to stormwater, 'on-site' means management of all stormwater surface flows generated within a site including overland flow when stormwater capacity is exceeded.

Operation (Renewable Energy): means the working of a renewable electricity generation activity on a day-to-day basis to generate and transmit electricity.'

Organic Matter: means all dead and decomposing matter that is derived from plants and animals.

~~Outdoor Living Space: means an area(s) of outdoor space to be provided for the exclusive use of each Principal Residential Dwelling to which the space is allocated. No outdoor living space shall be occupied by any vehicle access parking space, notional garage or vehicle manoeuvring area or be comprised completely of sealed impervious ground surface. All Outdoor Living Spaces must be clear of any building or structure except for the following: Pools, building eaves, and roof structures without walls, pergolas, lattice fences or similar open structures, decks and terraces.~~

Commented [CS12]: Topic 6, Key Issue 4, Kainga Ora (050.168)

Outdoor Living Space (In the Medium Density Residential Zone): means an area of open space for the use of the occupants of the residential unit or units to which the space is allocated.

Commented [CS13]: Topic 6, Key Issue 4, Kainga Ora (050.168)

Outdoor Service Space: means an area of outdoor space required to be provided for the exclusive use of each household unit to which the space is allocated for such service facilities as clotheslines, storage of rubbish tins and related uses. No outdoor service space shall be occupied by any building, driveway or parking space and shall be exclusive of outdoor living space.

Outdoor Storage and Use: means the use of land for the storage of goods associated with commercial and industrial activities, the use of land for outdoor dining purposes, and it includes hardstand and sealed areas.

Outline Plan: means a Plan that shows what works are proposed to be undertaken on a designated parcel of land by a Requiring Authority.

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potential of a large area using standard geological surveying techniques, and ranking any mineralisation identified as being worthy of more detailed exploration. Prospecting activities include geological mapping, geological surveys, geochemical surveys, gridding and line surveying, and the use of hand held equipment and where practicable, existing access roads or tracks.

Public Transport: means any existing or planned service for the carriage of passengers (other than an aeroplane) that is available to the public generally by means of:

- a. a vehicle designed or adapted to carry more than 12 persons (including the driver); or
- b. a rail vehicle; or
- c. a ferry

Commented [CS14]: Topic 6, Key Issue 4, Waka Kotahi, New Zealand Transport Agency (107.2)

Public Walkways and Cycleways: Means publicly accessible formed pathways and includes mountain bike/BMX tracks, boardwalks, shared paths, footpaths and cycle paths

Note: Walking Access Act should not apply

Radio Communication: means any transmission, or reception of signs, signals, writing, images, sounds, or intelligence of any nature by radio waves;

Note: The definitions of radiocommunication is taken from Section 2(1) of the Radiocommunications Act 1989 and is to be read subject to, and including, any future amendments to those definitions in that Act.

Radio Communication Facility: means any mast, aerial, antenna dish or other structure, facility or apparatus used or intended for the purpose of facilitating radio communication.

Rain Garden: means a planted depression designed to accommodate rainwater runoff from impervious areas like car parks, roofs, driveways, and walkways, and provides the opportunity for natural soakage. An additional function is for the rain garden to contribute to landscaping and to enhance amenity.

Recession Plane: means in relation to the height of buildings a plane inclined at an angle from a site boundary towards the interior of a site which is taken from any point along boundary and at ground level. See Appendix 68 - Figure 3

Recreation Activity: means any activity whose primary aim is the passive or active enjoyment of leisure on a non-profit basis, whether competitive or non-competitive,

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replacement joinery. For the purposes of this definition colour steel in the same profile as corrugated iron, or treated pine in the same profile as the original weather boards are considered to be 'materials that are the same as the original'.

Reserve Area: means land which is publicly owned and has reserve status under the *Reserves Act 1977*.

Residential Activity: means the use of land and buildings by people for the purpose of permanent living accommodation, and includes, residential buildings, residential unit buildings, supplementary residential buildings and associated accessory buildings and for Residential Zones it includes seasonal workers accommodation for a maximum of 10 persons per site.

Residential Activity (in the Medium Density Residential Zone): means the use of land and building(s) for people's living accommodation.

Residential Building: means a building, a room, or a group of rooms, used or intended to be used exclusively by one or more persons as a single, independent and separate household unit.

Residential Unit (in the Medium Density Residential Zone): means a building(s) or part of a building that is used for a residential activity exclusively by one household, and must include sleeping, cooking, bathing and toilet facilities.

Residential Zones: means land covered by the:

- Hastings General Residential Zone
- Medium Density Residential Zone
- Hastings Character Residential Zone
- Hastings Deferred General Residential Zone
- Havelock North General Residential Zone
- Havelock North Character Residential Zone
- Havelock North Deferred Residential Zone
- Iona Special Character Zone

Commented [CS15]: Topic 6, Key Issue 4, Kainga Ora (050.170)

Commented [CS16]: Topic 6, Key Issue 4, Kainga Ora (050.170)

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- Clive-Whakatu Residential Zone
- Flaxmere Residential Zone
- Plains Settlement Zone
- Haumoana-Te Awanga Residential Zone
- Haumoana-Te Awanga Deferred Residential Zone
- Coastal Settlements Zone
- Waimarama Settlement Zone

Rest Home Care: has the same meaning as the definition under Part 1 Section 6 of the *Health and Disability Services (Safety) Act 2001*, however shall not include retirement villages.

Restoration (of pre-1950s dwellings): When referred to in Section 7.2 - Hastings Residential Environment - means additions, alterations or changes to the dwelling that restores the original architectural style, design and construction materials of the front façade of the dwelling including window and door style, joinery materials, and front entrance or veranda style including fretwork detail. Restoration also means the re-building of the dwelling (after damage from fire or natural disaster) with the front façade of the dwelling being in the original architectural style and using the same or similar construction materials as the original. The rear of the re-built dwelling, if not visible from the road, need not be in the same style or materials as the original.

Retail Shops: means the use of land or premises for the retail sale of goods to the public. To avoid doubt it does not apply to commercial service activities.

Reticulated Infrastructure: means a communal or community inter-connected piped, collection, distribution, and treatment or disposal system for water supply, stormwater and wastewater systems, including any associated pumping station, treatment works and other ancillary equipment or facilities and does not include discharges to ground or individual onsite treatment systems.

Retirement Village: means buildings comprising a comprehensive integrated residential development that provide, or are intended to provide, residential accommodation together with services or facilities (i.e. Hairdresser, Café, DR etc), or both, predominantly for persons in their retirement, or persons in their retirement and their spouses or partners, or both, and may include a combination of: home for the aged/hospital beds, serviced apartments/units and residential units, and including

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~~any common areas and facilities to which residents of the retirement village have access under their occupation right agreements.~~

Commented [CS17]: Topic 6, Key Issue 4, Kainga Ora (050.172), Retirement Villages Association of NZ (081.2) & Ryman Healthcare Limited (85.3)

~~For the clarification this definition shall be read in conjunction with the meaning of Retirement Villages pursuant to Section 6 of the Retirement Villages Act 2003.~~

Commented [CS18]: Topic 6, Key Issue 4, Kainga Ora (050.172), Retirement Villages Association of NZ (081.2) & Ryman Healthcare Limited (85.3)

~~Retirement Village (in the Medium Density Residential Zone):~~ means a managed comprehensive residential complex or facilities used to provide residential accommodation for people who are retired and any spouses or partners of such people. It may also include any of the following for residents within the complex: recreation, leisure, supported residential care, welfare and medical facilities (inclusive of hospital care) and other non-residential activities.

Commented [CS19]: Topic 6, Key Issue 4, Kainga Ora (050.172), Retirement Villages Association of NZ (081.2) & Ryman Healthcare Limited (85.3)

Riparian Margin: means an area of land alongside a waterbody, whether reserved, or in private ownership.

Riparian Vegetation Modification: when referred to in 19.1 Riparian Land Management and Public Access means the disturbance, removal, damage or destruction of vegetation within the areas identified within Appendix 54 and 55.

RL: means the height above a specified datum. The Hawkes Bay Local Authority Datum 1972 uses the datum of mean sea level = 10m.

Road: has the same meaning as Section 2 of the RMA (as set out below) has the same meaning as in Section 315 of the Local Government Act 1974; and includes a motorway as defined in section 2(1) of the Government Roadway Powers Act 1989

Section 315 of the Local Government Act 1974 road definition:

Road means the whole of any land which is within a district, and which -

- (a) immediately before the commencement of this Part was a road or street or public highway; or
- (b) immediately before the inclusion of any area in the district was a public highway within that area; or
- (c) is laid out by the council as a road or street after the commencement of this Part; or

(d) is vested in the council for the purpose of a road as shown on a deposited survey plan; or

(e) is vested in the council as a road or street pursuant to any other enactment;-

and includes:

(f) except where elsewhere provided in this Part, any access way or service lane which before the commencement of this Part was under the control of any council or is laid out or constructed by or vested in any council as an access way or service lane or is declared by the Minister of Works and Development as an access way or service lane after the commencement of this Part or is declared by the Minister of Lands as an access way or service lane on or after 1 April 1988:

(g) every square or place intended for use of the public generally, and every bridge, culvert, drain, ford, gate, building, or other thing belonging thereto or lying upon the line or within the limits thereof: -

but except as provided in the Public Works Act 1981 or in any regulations under that Act, does not include a motorway within the meaning of that Act or the Government Roading Powers Act 1989

Section 2(1) of the Government Roading Powers Act 1989 motorway definition: motorway -

- a. means a motorway declared as such by the Governor-General in Council under section 138 of the Public Works Act 1981 or under section 71 of the Act; and
- b. includes all bridges, drains, culverts, or other structures or works forming part of any motorway so declared; but
- c. does not include any local road, accessway or service land (or the supports of any such road, way or lane) that crosses over or under a motorway on a different level.

Roading Hierarchy: Classifies roads within the Hastings District Roading Network depending on their function, location and traffic carrying capacity. The hierarchy adopts a four level classification:

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provided that the repairs undertaken on the premises shall be confined to the mechanical repair of motor vehicles (other than heavy diesel fuel vehicles) and domestic garden equipment, and shall exclude panel beating, spray painting and heavy engineering such as engine reboring and crankshaft grinding.

Setback: means the minimum distance between the exterior face or edge of a structure (or other feature or activity) and the legal boundaries of its site, or other feature specified in the Plan

Shelterbelt: means a planting of any strip of five or more trees where the maximum distance between any trees is less than 10 metres apart (from centre of tree) whether they form part of a plantation or not.

Ship: In terms of the *Harbours Act 1952*, includes every description of vessel, whether used in navigation, or in any way kept or used as a hulk or storeship, or for any other purpose, and not propelled exclusively by oars.

Showhome: means a non-occupied residential dwelling which is decorated and filled with furniture for the commercial purpose to advertise the selling of similar type dwellings.

Significant Tree: describes a notable tree that is identified as important in the landscape of a neighbourhood, and while it may be a fairly common species, is large, old, has a high visual profile, historical value or other significant character, which individually or in combination make it worthy of listing.

Signs: Refer to advertising devices.

Site: means either:

~~(a) an area of land permitted by the District Plan to be used as a separate unit for one or more specified or ascertainable uses, and held in one single Certificate of Title, and includes all related buildings and curtilages.~~

~~(b) an area of land which is held in two or more Certificates of Title where such titles are subject to a condition imposed under Section 75 of the *Building Act* or Section 643 of the *Local Government Act 1974*, are held together in a such a way that they cannot be dealt with separately without the prior approval of Council, or the title(s) consist of more than one allotment and such allotments are held together in such a way that they cannot be dealt with separately without the prior approval of the Council.~~

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~~(c) In the case of a cross-lease or unit title each area shown on the certificate of title as an exclusive use area.~~

Commented [CS20]: Topic 6, Key Issue 4, Kainga Ora (050.173)

Site ~~(in the Medium Density Residential Zone):~~ means

Commented [CS21]: Topic 6, Key Issue 4, Kainga Ora (050.173)

- a. an area of land comprised in a single record of title under the Land Transfer Act 2017; or
- b. an area of land which comprises two or more adjoining legally defined allotments in such a way that the allotments cannot be dealt with separately within the prior consent of the council; or
- c. the land comprised in a single allotment or balance area on an approved survey plan of subdivision for which a separate record of title under the Land Transfer Act 2017 could be issued without further consent of the Council; or
- d. despite paragraphs a to c, in the case of land subdivided under the Unit Titles Act 1972 or the Unit Titles Act 2010 or a cross lease system, is the whole of the land subject to the unit development or cross lease.

Slow Trade Retailer: means a single commercial category retailer, which tend to stock bulkier items and includes furniture and appliance retailers.

Standalone Retail activity in the Hastings Commercial Service Zone means the use of land or premises as a retail shop(s) which is not ancillary to a commercial service activity on the same site.

Storage area: means an area above ground used to store materials (including refuse) associated with a commercial or industrial activity.

Structure: has the same meaning as in the *Resource Management Act 1991* and any subsequent amendments.

Structure Plan: means a plan that has been approved by Council showing generally, the layout and configuration of Structure Roads and Structure Utilities that are required to serve an Urban Development Area.

Structure Road: means a proposed road shown on a Structure Plan that is required to be built or upgraded to accommodate development in a Proposed Urban Development Area.

Structure Utilities: means a proposed reticulated water supply system, reticulated sewer system and reticulated stormwater system shown on a Structure Plan that is required to be built or upgraded to accommodate development in a Proposed New Urban Development Area.

Total Net Land Area: means the land area available for subdivision and development exclusive of roads and reserves

Unconfined Aquifer: is an aquifer in which the water table forms the upper boundary. Unconfined aquifers are near the ground surface.

Undercroft Car Parking: means a carpark that is contained within the footprint of the building and is below or partially below ground level.

Unwanted Organism: means an unwanted organism as defined in section 2 of the *Biosecurity Act 1993*.

Upgrading (Renewable Energy): means the upgrade, replacement or renewal of existing plant, machinery or structures to gain efficiencies in generating and transmitting electricity provided this does not increase the consented or authorised footprint of the activity. This includes work involving all structures, infrastructure and buildings, access roads and tracks, earthworks and the deposit of materials. A gain in efficiency of generation under this definition includes increases in installed generation capacity of the consented or authorised footprint by replacement of turbines that have higher energy generation capacity.

Urban Areas/Zones: means land covered by the:

- 6.3 Plains Settlement Zone
- [MDZ - Medium Density Residential Zone](#)
- 7.2 Hastings Residential Environment
- 7.3 Hastings Commercial Environment including Hastings Central Commercial Zone, Hastings Commercial Large Format Retail Zone, Hastings Commercial Residential Zone, Hastings Commercial Service Zone, and Hastings Suburban Commercial Zone.
- 7.4 Hospital Zone
- 7.5 Hastings Light Industrial Zone
- 8.2 Havelock North Residential Environment
- Iona Special Character Zone
- 8.5 Havelock North Village Centre Zones
- 9.2 Flaxmere Village Centre Zone

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- (a) An exceptionally high proportion of versatile Class 1-3 soils (comprising almost 90%); or
- (b) Class 7 soils that are internationally recognised as having a very high value for viticultural production (comprising almost 7%);
- (c) Its proximity to a cluster of national and international processing industries and associated qualified labour force; and
- (d) Its proximity to the Port of Napier and other strategic transport networks providing efficient transport of produce.

Vessel: means any craft or boat which is motor driven.

Visitor Accommodation: means any premises used for transient accommodation for not more than 50 days in any twelve month period by any given individual, including motels, holiday or tourist flats, hostels, homestays, boarding houses, private hotels, motor and tourist lodges, but does not include camping grounds, any premises used for the sale of liquor and seasonal accommodation.

Visitor Accommodation (in the Medium Density Residential Zone): means land and/or buildings used for accommodating visitors, subject to a tariff being paid and includes any ancillary activities.

Viticulture: means the establishment, management and harvesting of a minimum area of 0.4 hectares in grape vines.

Wahi taonga: a site or area of significance to tangata whenua and includes but is not limited to:

- Old pa sites, excavations and middens (pa tawhito)
- Old burial grounds and caves (ana tupapaku)
- Current cemeteries (urupa)
- Battlefields (wahi pakanga)
- Sacred rocks, trees or springs (toka tapu, rakau tapu and waipuna tapu)
- Watercourses, springs, swamps, lakes and their edges (awa, waipuna, repo, roto)

Wāhi Tapu: means sacred site, as defined locally by nga hapu which exercise kaitiakitanga over it.