

## **Change 4 (Managing the built environment)** Hawke's Bay Regional Resource Management Plan

Operative 1 January 2014



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### Hawke's Bay Regional Resource Management Plan



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## **MANAGING THE BUILT ENVIRONMENT**

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### **Urban Development and Strategic Integration of Infrastructure**

#### **ISSUES**

#### **ISS UD1**

**The adverse effects of sporadic and unplanned urban development (particularly in the Heretaunga Plains sub-region), on:**

- a) the natural environment (land and water);**
- b) the efficient provision, operation, maintenance and upgrading of physical infrastructure or services (particularly strategic infrastructure); and**
- c) the economic, cultural and social wellbeing of the Region's people and communities.**

#### **Explanation**

Unplanned urban form and ad hoc management of urban growth can have adverse effects on people and communities, and on the natural environment (land and water). Effective management of growth in the region is necessary to ensure development occurs in a planned, sustainable manner and in a way that also does not compromise the planned provision, operation, maintenance and upgrading of strategic and regionally significant infrastructure. This aligns with the statutory functions of the Regional Council in giving effect to the Act as contained in section 30 of the Resource Management Act 1991 – in particular:

- "(1)(a) the establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the natural and physical resources of the region;*
- (b) the preparation of objectives and policies in relation to any actual or potential effects of the use, development or protection of land which are of regional significance; ...*
- (gb) the strategic integration of infrastructure with land use through objectives, policies, and methods;"*

Managing urban growth and development is a regionally significant issue because what occurs in one area will invariably have an effect on other places. This is particularly so for the urban centres of Napier and Hastings, and surrounding coastal and rural settlements in and around the Heretaunga Plains. As at 2010, 8,000 households are projected to be required between 2015 and 2045 in the Heretaunga Plains area. Growth in the other parts of the Region is not projected to be significant over that period.

Managed growth intervention recognises the actual or potential effects urban growth can have on people and communities, and on the natural environment. Unplanned urban development can have adverse effects on sensitive natural environments (streams, wetlands, lakes and rivers), and result in high travel costs, reverse sensitivity and social isolation. Planning urban development in advance will ensure development is directed away from potential and known hazard areas.

Managed growth intervention also recognises the important role that efficient infrastructure (e.g. road, rail, ports, airports, electricity networks, telecommunications, drainage, dams, water and wastewater networks) plays in supporting settlement growth and prosperity. The protection of the region's strategic infrastructure is essential for growth. A lack of integration between land use and infrastructure can result in poor infrastructure investment decisions, public funding pressures, reverse sensitivity effects and inefficient land use patterns.

In the past, Hastings and Napier have planned for growth independently. However, in recognising the interrelationship of these key urban centres, and the pressures on shared resources and infrastructure, Hawke's Bay Regional Council, Hastings District Council and Napier City Council embarked on a collaborative approach to urban growth and development out to 2045, culminating in the development of the Heretaunga Plains Urban Development Strategy (HPUDS2010)<sup>1</sup>.

The purpose of the Heretaunga Plains Urban Development Strategy is to assist, in a collaborative manner, the local authorities to plan and manage growth on the Heretaunga Plains and some additional coastal communities beyond the immediate Heretaunga Plains. The Strategy takes a long-term approach to addressing the key issues facing the Heretaunga Plains in a more integrated way, and focuses on a preferred settlement pattern that will lead to more compact development through gradual restriction on urban boundaries to allow for proper planning and design work.

The Regional Policy Statement seeks to give effect to the general tenets of HPUDS2010 at the regional level, where the outcomes of the HPUDS2010 process align with the statutory functions of the Regional Council.

Much of the urban growth policy in the Regional Policy Statement is therefore directed at a sub-regional level to the Heretaunga Plains and surrounding coastal and rural settlements. The Wairoa and Central Hawke's Bay Districts, and Hastings District hinterland, have different pressures, which warrant less regional policy direction in terms of urban growth management at this time. This may change over time, requiring further regional policy intervention at a later date.

For the purposes of the Regional Policy Statement, the Heretaunga Plains sub-region is geographically defined in Appendix A, matching the geographical extent adopted for HPUDS2010 and the Heretaunga Plains Transportation Strategy.

#### **ISS UD2**

**The adverse effects from urban development encroaching on versatile land (particularly in the Heretaunga Plains sub-region where the land supports regionally and nationally significant intensive economic activity), and ultimately the adverse effects of this on the economic wellbeing of the Region's people and communities both now and for future generations.**

#### **Explanation**

The Heretaunga Plains sub-region contains areas with a high proportion of very high value versatile land. There are competing demands for this valuable finite resource. The diversity and intensity of horticultural and viticultural production on the Heretaunga Plains, for instance, creates a high demand for land which is in short supply, whilst the same land is highly desirable for urban and rural lifestyle development.

The versatile land of the region, particularly in the Heretaunga Plains sub-region is a regionally, if not nationally, significant resource for primary production and ultimately underpins the economy of the Region. Therefore, pressure from urban development encroaching on this resource is a regionally significant issue.

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<sup>1</sup> Heretaunga Plains Urban Development Strategy, Adopted August 2010

Pressure for urban expansion on to agricultural land continues unless controlled, because the financial incentives are strong. The increased market value of land developed for urban use is considerable and beyond agricultural returns to sustain. Once developed, the economic value of urban and industrial infrastructure typically means this land is permanently removed from primary production. In short, within agriculture, land use conflicts occur between short-term economic incentives and the future sustainability of the soils. Subdivision for urban development removes land from agricultural production but also impacts on the productivity of other land, in particular through reverse sensitivity.

The concentration of highly versatile soils in conjunction with significant concentration of the Region's population on the Heretaunga Plains, reinforces the focus of urban growth policy in the Regional Policy Statement on the Heretaunga Plains sub-region at this time.

## **OBJECTIVES**

### **URBAN FORM (REGION)**

#### **OBJ UD1**

Establish compact, and strongly connected urban form throughout the Region, that:

- a) achieves quality built environments that:
  - i. provide for a range of housing choices and affordability,
  - ii. have a sense of character and identity,
  - iii. retain heritage values and values important to tangata whenua,
  - iv. are healthy, environmentally sustainable, functionally efficient, and economically and socially resilient, and
  - v. demonstrates consideration of the principles of urban design;
- b) avoids, remedies or mitigates reverse sensitivity effects in accordance with objectives and policies in Chapter 3.5 of this plan;
- c) avoids, remedies or mitigates reverse sensitivity effects on existing strategic and other physical infrastructure in accordance with objectives and policies in Chapter 3.5 and 3.13 of this plan;
- d) avoids unnecessary encroachment of urban activities on the versatile land of the Heretaunga Plains; and
- e) avoids or mitigates increasing the frequency or severity of risk to people and property from natural hazards.

#### **Principal reasons and explanation**

A sprawling uncontrolled pattern of development does not promote sustainable forms of development and promotes less efficient use of existing infrastructure. High levels of amenity, quality living environments, and retention of significant features and values are harder to achieve when development is not well designed and connected. Sprawling development also leads to unsustainable encroachment onto versatile land which underpins much of the Region's economy. Transitioning to a more compact, well-designed and strongly connected urban form better supports the economic, social and cultural wellbeing of the Region's people and communities.

[Refer also:

- *OBJ7 and OBJ8 (Chapter 3.2 – Coastal Resources) re: coastal values important to tangata whenua, and development in coastal hazard areas*
- *OBJ16 and OBJ18 (Chapter 3.5 – Conflicting Land Uses) re: nuisance effects from location of conflicting land uses*
- *OBJ31 (Chapter 3.12 – Natural Hazards) re: natural hazards*
- *OBJ32 and OBJ33 (Chapter 3.13 – Maintenance and Enhancement of Physical Infrastructure) re: recognising and providing for operation, maintenance and development of physical infrastructure, and specific locational requirements*
- *OBJ36 and OBJ37 (Chapter 3.14 – Matters of Significance to Iwi/Hapu) re: values important to tangata whenua]*

### **INTENSIFICATION OF RESIDENTIAL AREAS (HERETAUNGA PLAINS SUB-REGION)**

#### **OBJ UD2**

Provide for residential growth in the Heretaunga Plains sub-region through higher density development in suitable locations.

#### **Principal reasons and explanation**

New development accommodates growth and provides the opportunity to enhance the quality of the environment. In the right location, more intensive forms of development will, amongst other things, promote efficient use of existing infrastructure or any planned infrastructure already committed to by Local Authorities (e.g. by funding) but not yet constructed, minimise energy use (as development spreads, the demand for transport and energy use increases), and reduce the need to encroach onto the versatile land of the Heretaunga Plains.

### **PROVISION FOR BUSINESS LAND (HERETAUNGA PLAINS SUB-REGION)**

#### **OBJ UD3**

Identify and provide for the land requirements for the growth of business activities in the Heretaunga Plains sub-region in a manner that supports the settlement pattern promoted in OBJ UD1.

#### **Principal reasons and explanation**

The provision of adequate land for future business activities is important for long term economic growth and the provision of both employment and services to the sub-region's existing and future communities. HPUDS2010 identified that there is already an adequate supply of commercial land within the Heretaunga Plains sub-region to accommodate projected demand and growth. In relation to industrial land, HPUDS2010 identified a limited number of areas appropriate for additional industrial land expansion and growth. These additional areas (identified in Policy UD4.5) are expected to accommodate projected growth and demand for industrially-zoned land out to 2045, and any additional growth in the event that the projections change from what was anticipated in HPUDS2010.

### **PLANNED PROVISION FOR URBAN DEVELOPMENT (HERETAUNGA PLAINS SUB-REGION)**

#### **OBJ UD4**

Enable urban development in the Heretaunga Plains sub-region, in an integrated, planned and staged manner which:

- a) allows for the adequate and timely supply of land and associated infrastructure; and
- b) avoids inappropriate lifestyle development, ad hoc residential development and other inappropriate urban activities in rural parts of the Heretaunga Plains sub-region.

#### **Principal reasons and explanation**

Successful long term growth management is dependent on integrating long term land use, the infrastructure necessary to support this growth and the ability to fund and supply the infrastructure in a timely and equitable manner. In order to protect the productivity of rural land in the Heretaunga Plains, all inappropriate urban development should be avoided.

## **INTEGRATION OF LAND USE WITH SIGNIFICANT INFRASTRUCTURE (REGION)**

**OBJ UD5** Ensure through long-term planning for land use change throughout the Region, that the rate and location of development is integrated with the provision of strategic and other infrastructure, the provision of services, and associated funding mechanisms.

### **Principal reasons and explanation**

Strategic infrastructure in the wider region is essential to the well-being and health and safety of people and communities. Consideration needs to be given to sequencing and costs of infrastructure development in decision making. These can have significant effects on efficiency and the economic well-being of communities. Recognition of the importance of strategic infrastructure will lead to greater weight being given to its requirements and the desirability to reduce incompatibility and conflicts.

*[Refer also OBJ32 and OBJ33 (Chapter 3.13 – Maintenance and Enhancement of Physical Infrastructure) re: recognising and providing for operation, maintenance and development of physical infrastructure, and specific locational requirements]*

## **INTEGRATION OF TRANSPORT INFRASTRUCTURE WITH DEVELOPMENT (REGION)**

**OBJ UD6** Ensure that the planning and provision of transport infrastructure is integrated with development and settlement patterns and facilitates the movement of goods and people and provision of services throughout the Region, while:

- a) limiting network congestion;
- b) reducing dependency on private motor vehicles;
- c) reducing emission of contaminants to air and energy use; and
- d) promoting the use of active transport modes.

### **Principal reasons and explanation**

Development that is not well integrated with transport infrastructure can result in increased car dependency, higher energy use, greater traffic volumes, and inefficient freight movement. Land use patterns that are integrated with transport infrastructure minimise energy use through network optimisation, and enables greater recognition of the importance of strategic transport networks in supporting the economic and social wellbeing, and health and safety, of people and communities.

*[Refer also OBJ32 and OBJ33 (Chapter 3.13 – Maintenance and Enhancement of Physical Infrastructure) re: recognising and providing for operation, maintenance and development of physical infrastructure, and specific locational requirements]*

## **POLICIES**

### **PROVIDING FOR DEVELOPMENT**

#### **PROVISION FOR URBAN ACTIVITIES (HERETAUNGA PLAINS SUB-REGION)**

**POL UD1** In providing for urban activities in the Heretaunga Plains sub-region, territorial authorities must place priority on:

- a) the retention of the versatile land of the Heretaunga Plains for existing and foreseeable future primary production, and
- b) ensuring efficient utilisation of existing infrastructure, or
- c) ensuring efficient utilisation of planned infrastructure already committed to by a local authority, but not yet constructed.

### **Principal reasons and explanation**

Efficient utilisation of existing infrastructure investment (or planned infrastructure already committed to (e.g. by funding) by not yet constructed) and the retention of the versatile land of the Heretaunga Plains for existing and foreseeable future primary production must underpin all decisions surrounding provision for urban activity in the Heretaunga Plains sub-region in order to achieve the desired settlement pattern outlined in HPUDS2010. For clarification, the supply of land for residential and industrial activities where they support effective and efficient use and management of versatile land would not conflict with Policy UD1, and would assist in achieving Policy UD1(a).

#### **PROVISION FOR BUSINESS ACTIVITIES (HERETAUNGA PLAINS SUB-REGION)**

**POL UD2** In the Heretaunga Plains sub-region, district plans shall provide for business activities to 2045, in a manner which:

- a) Reinforces the role of Napier and Hastings cities as the commercial and business core of the Heretaunga Plains, whilst supporting adequate capacity in defined rural towns and settlements for a range of day-to-day services and activities;
- b) Promotes the utilisation, redevelopment and intensification of existing commercial land;
- c) Promotes the utilisation, redevelopment and intensification of existing industrial land, and provides sufficient additional greenfields industrial land to ensure demand for new land can be met by supply;
- d) Promotes the utilisation of existing infrastructure availability, capacity and quality as far as reasonably practicable;
- e) Avoids unnecessary encroachment onto the versatile land of the Heretaunga Plains;
- f) Avoids, remedies or mitigates reverse sensitivity effects in accordance with Objectives and Policies in Chapters 3.5 and 3.13 of the plan;
- g) Ensures close proximity to, major transport hubs and multi-modal transport networks.
- h) promotes close proximity to labour supply.
- i) Avoids or mitigates the following locational constraints:
  - i. projected sea level rise as a result of climatic changes
  - ii. active coastal erosion and inundation
  - iii. stormwater infrastructure that is unable to mitigate identified flooding risk
  - iv. flood control and drainage schemes that are at or over capacity
  - v. active earthquake faults

- vi. high liquefaction potential
- vii. nearby sensitive waterbodies that are susceptible to potential contamination from runoff, stormwater discharges, or wastewater treatment and disposal.
- viii. no current wastewater reticulation and the land is poor draining
- ix. water short areas affecting the provision of adequate water supply.

**Principal reasons and explanation**

In achieving a more compact urban settlement pattern, the emphasis should be on utilising and redeveloping existing commercial and industrial land to accommodate business growth, in the first instance. This will ensure efficient utilisation of existing and planned infrastructure, minimisation of reverse sensitivity issues, and efficiencies in utilising the presence of existing labour supply. Across the Heretaunga Plains sub-region there is potential to provide for most anticipated new commercial activity within existing zoned commercial land through redevelopment and uptake of existing commercially-zoned land to 2045. However, there is some expectation that additional industrial land may be required at some point during that period, depending on uptake.

Any provision for new business land should be focussed around existing infrastructure to minimise public costs and in particular to achieve integration with transport networks. Any new infrastructure should be planned in a manner which recognises the importance of the links to and from the Heretaunga Plains sub region and the role these links serve for the efficient distribution of goods throughout the region. Phasing or sequencing of business land for development is not necessary provided that a ready supply is available, as it is expected that the market will dictate its rate of development.

**RURAL RESIDENTIAL AND LIFESTYLE DEVELOPMENT (HERETAUNGA PLAINS SUB-REGION)**

**POL UD3**

In the Heretaunga Plains sub-region, district plans shall include policies and methods discouraging or avoiding ad hoc residential development and further rezoning for rural residential purposes or lifestyle development outside existing rural residential zones.

**Principal reasons and explanation**

Similar to urban development, rural residential or lifestyle development can also act to remove valuable land from agricultural production and can also impact on the productivity of other land (i.e. rural or industrial), in particular through reverse sensitivity. These forms of development should not be confused with residential development (eg: farm houses) that is ancillary to primary production activities or to boundary adjustments that may effectively create a lifestyle site by reducing the land area surrounding a dwelling to create a larger more productive balance title. Provision for rural residential and lifestyle development should be carefully managed to minimise fragmentation of the versatile land of the Heretaunga Plains. There is currently an excess supply of rural residential zoned areas within the Heretaunga Plains sub-region, considered sufficient to cater for projected demand for rural residential lots in the sub-region through to 2045, and further rezoning for this purpose is considered unnecessary for the foreseeable future.

**ACHIEVING CONTAINMENT OF URBAN ACTIVITIES**

**ESTABLISHING URBAN LIMITS (HERETAUNGA PLAINS SUB-REGION)**

**POL UD4.1**

Within the Heretaunga Plains sub-region, district plans shall identify urban limits for those urban areas and settlements within which urban activities can occur, sufficient to cater for anticipated population and household growth to 2045.

**NEW RESIDENTIAL GREENFIELD GROWTH AREA CRITERIA (HERETAUNGA PLAINS SUB-REGION)**

**POL UD4.2**

In determining future Residential Greenfield Growth Areas, not already identified within Policy UD4.3, for inclusion within urban limits in the Heretaunga Plains sub-region, the following general criteria shall apply:

- a) Must form an extension contiguous with existing urban areas and settlements.
- b) Land is identified as having low versatility, and/or productive capacity has been compromised by:
  - i. Size and shape of land parcels that mitigates against productive use;
  - ii. Surrounding land uses and reverse sensitivity;
  - iii. Lack of water and/or poor drainage.
- c) Clear natural boundaries exist, or logical greenbelts could be created to establish a defined urban edge.
- d) Supports compact urban form.
- e) Can be serviced at reasonable cost.
- f) Can be integrated with existing development.
- g) Can be integrated with the provision of strategic and other infrastructure (particularly strategic transport networks in order to limit network congestion, reduce dependency on private motor vehicles and promote the use of active transport modes).
- h) An appropriate separation distance from electricity transmission infrastructure should be maintained in order to ensure the continued safe and efficient operation and development of the electricity transmission network.
- i) Promotes, and does not compromise, social infrastructure including community, education, sport and recreation facilities and public open space.
- j) Avoids or mitigates the following locational constraints:
  - i. projected sea level rise as a result of climatic changes
  - ii. active coastal erosion and inundation
  - iii. stormwater infrastructure that is unable to mitigate identified flooding risk
  - iv. flood control and drainage schemes that are at or over capacity
  - v. active earthquake faults
  - vi. high liquefaction potential

- vii. nearby sensitive waterbodies that are susceptible to potential contamination from on-site wastewater systems or stormwater discharges
- viii. no current wastewater reticulation and the land is poor draining
- ix. identified water short areas with the potential to affect the provision of an adequate water supply.

**APPROPRIATE RESIDENTIAL GREENFIELD GROWTH AREAS (HERETAUNGA PLAINS SUB-REGION)**

**POL UD4.3** Within the Heretaunga Plains sub-region, areas where future residential greenfield growth for the 2015-2045 period has been identified as appropriate and providing choice in location, subject to further assessment referred to in POL UD10.1, POL UD10.3, POL UD10.4 and POL UD12, are:

- a) Bay View
- b) Park Island / Parklands
- c) Taradale Hills
- d) Te Awa / The Loop
- e) Arataki Extension
- f) Haumoana (south of East Road) / Te Awanga
- g) Havelock North Hills (lower extension)
- h) Howard Street
- i) Irongate Road / York
- j) Kaiapo Road
- k) Lyndhurst
- l) Lyndhurst Road extension
- m) Maraekakaho rural settlement
- n) Middle Road / Iona / Hills
- o) Murdoch Road / Copeland
- p) Omahu / Bridge Pa (marae-based)
- q) Waimarama

All indicative areas are shown in Appendix B.<sup>2</sup>

**INAPPROPRIATE RESIDENTIAL GREENFIELD GROWTH AREAS (HERETAUNGA PLAINS SUB-REGION)**

**POL UD4.4** Within the Heretaunga Plains sub-region, areas where future<sup>3</sup> residential greenfield growth has been determined as inappropriate, beyond existing settlements are:

- a) Waipatiki Beach
- b) Tangoio
- c) Whirinaki
- d) Puketapu
- e) Jervoistown and Meeanee
- f) Clive
- g) East Clive
- h) Clifton
- i) Ocean Beach – apart from the potential for appropriate growth of the existing Waipuka bach settlement<sup>4</sup> on Maori land inland of areas at risk of coastal hazards
- j) Natural detention areas (50 year flood ponding areas).
- k) Haumoana (north of East Road)

**APPROPRIATE INDUSTRIAL GREENFIELD GROWTH AREAS (HERETAUNGA PLAINS SUB-REGION)**

**POL UD4.5** Within the Heretaunga Plains sub-region, areas where future industrial greenfield growth for the 2015-2045 period have been identified as appropriate, subject to further assessment referred to in POL UD10.1, POL UD10.3, POL UD10.4 and POL UD12, are :

- a) Irongate industrial area
- b) Omahu industrial area
- c) Whakatu industrial area
- d) Tomoana industrial area
- e) Awatoto industrial area

The indicative locations of the above areas are shown in Appendix C.<sup>5</sup>

<sup>2</sup> NOTE: All spatial areas are indicative only until formalised via a plan change; and reference should be made to the Heretaunga Plains Urban Development Strategy for more information on these future greenfield growth areas.

<sup>3</sup> NOTE: 'Future' greenfield growth refers to areas not already zoned for some form of residential development in existing district plans.

<sup>4</sup> This area is defined as being Areas A to D in the Ocean Beach Structure Plan (2007).

<sup>5</sup> NOTE: Reference should be made to the Heretaunga Plains Urban Development Strategy for more information on these future greenfield growth areas.

#### **Principal reasons and explanation**

Demographic changes to the population within the Heretaunga Plains sub-region will ultimately influence demand for land. Setting urban limits allows long term land use and infrastructure to be adequately managed and planned for, and provides certainty around where future development is planned to occur. Urban limits will ensure development consolidates within and around existing settlements which is critical to transitioning to a more compact urban settlement pattern in the Heretaunga Plains sub-region. In 2010, projected demographic changes for the sub-region over the 35 year period to 2045 (sourced from Statistics New Zealand) anticipate moderate population growth, an older population, and declining household occupancy rates leading to an increase in household numbers of 8,014 to 58,925 (a 15.7% increase).

In transitioning to a more compact settlement pattern, the 2010 Heretaunga Plains Urban Development Strategy adopted a gradual move towards a greater proportion of new households being supplied through higher density development over time (refer Table 1, POL UD7 explanation). However, these changes were still assessed as resulting in 'on the ground' requirements for urban development beyond current supply for this purpose. Of the total 8,014 new households projected over the period, some 3,358 are proposed to be supplied through greenfield development. Urban limits therefore need to encompass sufficient additional land area to accommodate this level of greenfield development.

The greenfield growth areas referred to in Policy UD4.3 are areas which provide choice in location around existing settlements in the Napier City and Hastings District, but not already zoned for some form of residential development in plans existing at 2010. These areas are not subject to Policy UD4.2 and are appropriate for inclusion within the urban limits subject to further assessment pursuant to Policies UD10.1, UD10.3, UD10.4 and UD12. Development in these areas ahead of rezoning has the potential to reduce the efficiency of infrastructure provision, limit the options available in developing the area, and impact on the uptake of lots in another area. Therefore inappropriate ad hoc residential development should be avoided in accordance with Policy UD10.2 until rezoning of the areas identified in Policy UD4.3 has taken place.

Policy UD4.2 allows for the creation of new greenfield growth areas in the Heretaunga Plains sub-region. Any new greenfield growth areas within the urban limits must promote the overall transition to the compact settlement philosophy adopted in the Regional Policy Statement; be economically, socially and environmentally sustainable; and provide for locational choice.

All new greenfield areas proposed under Policy UD4.2 will be subject to the HPUDS review process, whereby greenfield growth areas, other than those identified in Policy UD4.3, will be decided in collaboration with Hawke's Bay Regional Council, Napier City Council and Hastings District Council as per the HPUDS 2010 review process, prior to re-zoning taking place. This process applies to both private and council led plan changes, and ensures the consequences and actions of re-zoning new greenfield areas are adequately considered in the context of the whole of the Heretaunga Plains sub-region.

The HPUDS review process, means the creation of new greenfield areas under Policy UD4.2 is only likely to occur in the following circumstances. Firstly, if one of the greenfield growth areas specified in Policy UD4.3 is deemed unviable for development, a new area will need to be proposed to compensate for the 'lost lots' in that area. Secondly, if reporting in Policy UD14.1 suggests the future development trends for the Heretaunga Plains sub-region have changed, and more growth areas are required than initially anticipated.

The areas determined as inappropriate for further residential greenfield development at this time (for various reasons), have been identified in Policy UD4.4 (established during development of the 2010 Heretaunga Plains Urban Development Strategy).

#### **CONTAINING URBAN ACTIVITIES WITHIN URBAN LIMITS (HERETAUNGA PLAINS SUB-REGION)**

**POL UD5**

Except as provided for in POL UD6.1 (provision for papakainga and marae-based development), district plans shall include policies and methods to avoid inappropriate urban activities beyond urban limits established in accordance with POL UD4.1 within the Heretaunga Plains sub-region.

#### **Principal reasons and explanation**

In containing urban development, it is essential that urban activities are avoided beyond the urban limits established in response to POL UD4.1.

#### **PROVISION FOR PAKAINGA AND MARAE-BASED DEVELOPMENT (REGION)**

**POL UD6.1**

District plans shall, where appropriate enable papakainga and marae-based development in accordance with tikanga Maori values, outside existing urban areas and any urban limits, provided development:

- a) Avoids or mitigates the following locational constraints:
  - i. projected sea level rise as a result of climatic changes
  - ii. active coastal erosion and inundation
  - iii. stormwater infrastructure that is unable to mitigate identified flooding risk
  - iv. flood control and drainage schemes that are at or over capacity
  - v. active earthquake faults
  - vi. high liquefaction potential
  - vii. nearby sensitive waterbodies that are susceptible to potential contamination from on-site wastewater systems or stormwater discharges
  - viii. no current wastewater reticulation and the land is poor draining
  - ix. identified water short areas with the potential to affect the provision of an adequate water supply.

#### **PAPAKAINGA AND MARAE-BASED DEVELOPMENT (REGION)**

**POL UD6.2**

Papakainga and marae-based development shall be encouraged, where possible; to:

- a) integrate with existing development
- b) integrate with the provision of strategic and other infrastructure (particularly strategic transport networks in order to limit network congestion, reduce dependency on private motor vehicles and promote the use of active transport modes).
- c) Promote, and not compromise, social infrastructure including community, education, sport and recreation facilities and public open space.

#### **Principal reasons and explanation**

Housing and associated activities around rural marae have been in existence for many years. Provision is made for accommodating growth through papakainga and marae-based development on ancestral land, which may fall outside urban limits. The continuation and expansion of papakainga and other marae based activities, subject to relevant statutory processes, gives effect to the requirements of sections 6(e), 7(a) and 8 of the Act and also recognises the statutory provisions in the Te Ture Whenua Maori Act 1993. This policy provides tangata whenua with the potential to meet their housing and economic development needs.



## **ENCOURAGING INTENSIFICATION OF RESIDENTIAL ACTIVITY**

### **INTENSIFICATION IN EXISTING RESIDENTIAL AREAS (HERETAUNGA PLAINS SUB-REGION)**

**POL UD7** In the Heretaunga Plains sub-region, district plans shall include objectives, policies and methods promoting intensification by redevelopment of suitable locations within existing residential areas.

#### **Principal reasons and explanation**

An increasing proportion of the residential growth of the Heretaunga Plains sub-region is expected to take place through intensification, by redevelopment within existing residential and rural residential areas, in the move towards more compact urban form for the Heretaunga Plains sub-region. The existing urban areas most suited to intensification will be determined by the relevant territorial authority and included in the district plan. Between 2015 and 2045, the proportion of growth accommodated through intensification is intended to increase from approximately 45% to 60% (refer Table 1 below).

**Table 1: Proportion of Additional Households by Type of Development for the Heretaunga Plains Sub-Region 2015-2045**  
(based on 2010 projections)

Type of Development	Proportion of Additional Households [No.]			
	2015-2025	2025-2035	2035-2045	2015-2045
Intensification	45% [1,872]	55% [1,502]	60% [674]	51% [4,048]
Greenfields	45% [1,872]	40% [1,092]	35% [394]	42% [3,358]
Rural Residential	10% [416]	5% [136]	5% [56]	7% [608]
<b>TOTAL</b>	<b>100% [4,160]</b>	<b>100% [2,730]</b>	<b>100% [1,124]</b>	<b>100% [8,014]</b>

### **DENSITY OF RESIDENTIAL DEVELOPMENT AREAS (HERETAUNGA PLAINS SUB-REGION)**

**POL UD8** In the Heretaunga Plains sub-region, residential subdivision and development shall seek to achieve the following minimum net densities, where appropriate, within greenfield growth or intensification development areas, to be achieved in a staged manner by 2045:

- a) an average yield of 15 lots or dwellings per hectare in each greenfield growth area developed post 31 December 2015;
- b) an average yield of 20 lots or dwellings per hectare within each intensification development area.

#### **Principal reasons and explanation**

The setting of net density targets reflects the promotion of more intensive developments, in transitioning to more compact urban form for the Heretaunga Plains sub-region over time. The policy expresses desired minimum net densities averaged over each greenfield growth area or intensification development area in a staged manner. It is accepted that achievement of these densities may be constrained by various limiting factors, such as orientation, topography and geology, which may lead to areas achieving lower or higher density yields. However, it is expected that overall greenfield growth areas and intensification development areas will set out to achieve these minimum net densities, and that they will be achieved across the sub-region by 2045.

The mechanism of how to achieve the density targets through subdivision and land use development will be provided in the relevant district plan. This will enable territorial authorities to determine the speed in which intensification occurs, and develop appropriate design guidelines for influencing intensive development for inclusion in their district plans. Further, before rezoning land for urban purposes, territorial authorities are required to ensure that structure plans are put in place (see Policy UD10.1).

## **ACHIEVING STRATEGIC INTEGRATION OF INFRASTRUCTURE WITH LAND USE**

### **SEQUENCING (HERETAUNGA PLAINS SUB-REGION)**

**POL UD9.1** In the Heretaunga Plains sub-region, district plans shall provide for the strategic integration of infrastructure and development through the staged release of new greenfield growth areas.

### **SEQUENCING DECISION-MAKING CRITERIA (HERETAUNGA PLAINS SUB-REGION)**

**POL UD9.2** In the Heretaunga Plains sub-region, the sequencing of development for greenfield growth areas shall be based on the following criteria:

- a) Availability and costs of infrastructure services (water, wastewater, stormwater, transport and electricity distribution);
- b) The operational capacity of strategic infrastructure (particularly strategic transport networks); and
- c) Balanced supply and locational choice across the sub-region.

Other factors that may be taken into account include (but are not limited to):

- a) The accessibility and capacity of social infrastructure (particularly community, education, sport and recreation facilities and public open space);
- b) The sustainable management of natural and physical resources;
- c) The availability of employment opportunities in and near the greenfield growth areas;
- d) The willingness and timeframe of landowners to participate in greenfield growth plans;
- e) The opinion of developers regarding land for greenfield growth to ensure the sequencing is feasible and will result in positive growth and investment.

#### **Principal reasons and explanation**

The market has not always delivered infrastructure or a development pattern in a way that is efficient and cost-effective for the community. Addressing the timing and sequencing of development is designed to ensure, within broad limits, that development proceeds in a way that gives infrastructure service providers time to match demand, and the ability to fund that service delivery, and also to ensure sufficient locational choice. Sequencing will provide more certainty to the community, developers and infrastructure providers about when and where development is likely to occur. The overall purpose is to provide a broad framework that signals to the market the importance of integrating public and private development decisions.

#### **STRUCTURE PLANS (HERETAUNGA PLAINS SUB-REGION)**

**POL UD10.1** In the Heretaunga Plains sub-region, development of urban activities within greenfield growth areas shall occur in accordance with a comprehensive structure plan. Structure plans shall be prepared when it is proposed to amend the district plan, and shall be included in the district plan to provide for urban activities.

#### **AD HOC URBAN DEVELOPMENT (HERETAUNGA PLAINS SUB-REGION)**

**POL UD10.2** In the Heretaunga Plains sub-region, avoid inappropriate ad hoc urban development within the residential greenfield growth areas identified in Policy UD4.3 or created under Policy UD4.2 prior to rezoning taking place.

#### **STRUCTURE PLANS (REGION)**

**POL UD10.3** Notwithstanding Policy UD10.1, structure plans for any area in the Region shall:

- a) Be prepared as a single plan for the whole of a greenfield growth area;
- b) Be prepared in accordance with the matters set out in POL UD12;
- c) Show indicative land uses, including:
  - i. principal roads and connections with the surrounding road network and relevant infrastructure and services;
  - ii. land required for stormwater treatment, retention and drainage paths;
  - iii. any land to be set aside for business activities, recreation, social infrastructure, environmental or landscape protection or enhancement, or set aside from development for any other reason; and
  - iv. pedestrian walkways, cycleways, and potential public passenger transport routes both within and adjoining the area to be developed;
- d) Identify significant natural, cultural and historic or heritage features;
- e) Identify existing strategic infrastructure; and
- f) Identify the National Grid (including an appropriate buffer corridor).

**POL UD10.4** Notwithstanding Policy UD10.1, in developing structure plans for any area in the Region, supporting documentation should address:

- a) The infrastructure required, and when it will be required to service the development area;
- b) How development may present opportunities for improvements to existing infrastructure provision;
- c) How effective provision is made for a range of transport options and integration between transport modes;
- d) How provision is made for the continued use, maintenance and development of strategic infrastructure;
- e) How effective management of stormwater and wastewater discharges is to be achieved;
- f) How significant natural, cultural and historic or heritage features and values are to be protected and/or enhanced;
- g) How any natural hazards will be avoided or mitigated; and
- h) Any other aspects relevant to an understanding of the development and its proposed zoning.

#### **Principal reasons and explanation**

Structure plans provide a mechanism for integrating urban development with infrastructure, making the best use of existing infrastructure, and identifying and providing for the additional infrastructure required to meet the needs of incoming residents and businesses. Development occurring ahead of rezoning has the potential to reduce the efficiency of infrastructure and limit the options available when developing a structure plan for the area.

Structure plans provide the mechanism for integrating new development with existing urban areas, ensuring urban growth is accommodated in a sustainable way, and that all constraints are investigated and addressed or protected at the time of initial zoning for urban purposes. Infrastructure providers should be consulted early on in the structure planning process to ensure appropriate decisions are made as to how servicing is to be achieved, whether the proposed development is appropriate, and what limitations may exist. Policy UD10.3(e) and (f) ensure strategic infrastructure is taken into account when developing an area for urban activities, in particular sub-clause (f) specifically gives effect to Policy 11 of the National Policy Statement on Electricity Transmission, which refers to identification of an appropriate buffer corridor around National Grid lines.

#### **REZONING FOR URBAN DEVELOPMENT (REGION)**

**POL UD11** Notwithstanding Policy UD10.1, within the Region, any rezoning for the development of urban activities should be accompanied by a structure plan for inclusion in the district plan, in accordance with the matters in POL UD10.3 and POL UD10.4, and POL UD12.

#### **MATTERS FOR DECISION-MAKING (REGION)**

**POL UD12** In preparing or assessing any rezoning, structure plans, or other provisions for the urban development of land within the Region, territorial authorities<sup>6</sup> shall have regard to:

- a) The principles of the New Zealand Urban Design Protocol (Ministry for the Environment, 2005);
- b) New Zealand Standard NZS4404:2010 Land Development and Subdivision Infrastructure, and subsequent revisions;

<sup>6</sup> The matters set out in POL UD12 are in addition to local authorities' legal obligations stated in the Resource Management Act to give effect to, or have regard to, national policy statements, national environmental standards, iwi management plans, etc.

- c) Good, safe connectivity within the area, and to surrounding areas, by a variety of transport modes, including motor vehicles, cycling, pedestrian and public transport, and provision for easy and safe transfer between modes of transport;
- d) Location within walkable distance to community, social and commercial facilities;
- e) Provision for a range of residential densities and lot sizes, with higher residential densities located within walking distance of commercial centres;
- f) Provision for the maintenance and enhancement of water in waterbodies, including appropriate stormwater management facilities to avoid downstream flooding and to maintain or enhance water quality;
- g) Provision for sufficient and integrated open spaces and parks to enable people to meet their recreation needs, with higher levels of public open space for areas of higher residential density;
- h) Protection and enhancement of significant natural, ecological, landscape, cultural and historic heritage features;
- i) Provision for a high standard of visual interest and amenity;
- j) Provision for people's health and well-being through good building design, including energy efficiency and the provision of natural light;
- k) Provision for low impact stormwater treatment and disposal;
- l) Avoidance, remediation or mitigation of reverse sensitivity effects arising from the location of conflicting land use activities;
- m) Avoidance of reverse sensitivity effects on existing strategic and other physical infrastructure, to the extent reasonably possible;
- n) Effective and efficient use of existing and new infrastructure networks, including opportunities to leverage improvements to existing infrastructure off the back of proposed development;
- o) Location and operational constraints of existing and planned strategic infrastructure;
- p) Appropriate relationships in terms of scale and style with the surrounding neighbourhood; and
- q) Provision of social infrastructure.

**Principal reasons and explanation**

These matters provide general guidance to territorial authorities and developers involved in the preparation and assessment of urban developments, recognising that good urban design will increase the efficiency and effectiveness of urban areas – both in terms of quality of life, and the efficient and effective provision of infrastructure and community services. These matters are considered especially important in achieving quality urban environments given the policy direction towards higher density development.

**SERVICING OF DEVELOPMENTS (REGION)**

**POL UD13**

Within the region, territorial authorities shall ensure development is appropriately and efficiently serviced for the collection, treatment, disposal or re-use of sewage and stormwater, and the provision of potable water by:

- a) Avoiding development which will not be serviced in a timely manner to avoid or mitigate adverse effects on the environment and human health; and
- b) Requiring these services to be designed, built, managed or upgraded to maximise their ongoing effectiveness.

**Principal reasons and explanation**

Appropriate provision for sewerage, stormwater and potable water infrastructure is essential to people's wellbeing, health and safety and to environmental health, as well as ensuring adverse effects on the receiving environment are avoided or mitigated. Developments must manage the disposal and treatment of sewage and stormwater recognising the receiving environment (its receiving capacity, and limitations in terms of environmental quality). Servicing should be considered early in the development process. This will ensure that appropriate decisions are made as to how servicing is to be achieved, whether the proposed development is appropriate, and what site limitations may exist. This also enables consideration of water conservation and water efficiency methods.

*[Refer also POL18(d) (Chapter 3.8 – Groundwater Quality) re: connections to reticulated systems]*

**MONITORING AND REVIEW OF DEVELOPMENT IN HERETAUNGA PLAINS SUB-REGION**

**MONITORING (HERETAUNGA PLAINS SUB-REGION)**

**POL UD14.1**

Information will be collected on development and infrastructure trends and pressures in the Heretaunga Plains sub-region, so that these trends and pressures can be responded to appropriately and in a timely manner, to support further regular reviews of the Heretaunga Plains Urban Development Strategy and so this information can be used to assess the need for changes to the settlement pattern in Policies UD2, UD3, UD4.1, UD4.2, UD4.3, UD4.4, UD4.5, UD7 and UD8.

**REVIEWS (HERETAUNGA PLAINS SUB-REGION)**

**POL UD14.2**

Hawke's Bay Regional Council will review Policies UD2, UD3, UD4.1, UD4.2, UD4.3, UD4.5, UD4.4, UD7 and UD8, including the extent, location and sequencing of land for development in the Heretaunga Plains sub-region, in collaboration with Napier City Council, Hastings District Council, the New Zealand Transport Agency and any other relevant parties, if any of the following situations occur:

- a) reporting in POL UD14.1 recommends that a review is needed; or
- b) household and/or population growth varies by more than 10% over 5 consecutive years from the household and population predictions in HPUDS; or

- c) HPUDS partners agree that insufficient land exists within the identified greenfield growth areas to cater for household and business growth anticipated within 10 years of the analysis; or
- d) HPUDS partners agree that exceptional circumstances have arisen such that a review is necessary to achieve Objectives UD2, UD3 and UD4 in particular.

**Principal reasons and explanation**

The preferred settlement pattern for future growth in the Heretaunga Plains sub-region is based on certain assumptions about likely future development trends and requirements in the Heretaunga Plains sub-region. Policy UD14.1 establishes the need to collect and report information on development trends and pressures that is needed to help inform future revisions of HPUDS and to provide information to support Policy UD14.2. The information referred to in Policy UD14.1 can be collected in a variety of ways including those set out in HPUDS and Method UD2. Policy UD14.2 recognises that conditions could change such that the preferred settlement pattern and greenfield growth areas need to be reviewed to ensure ongoing management of development in the Heretaunga Plains sub-region remains appropriate. Examples of exceptional circumstances include a natural event causing widespread damage to land and property; a large local or sub-regional company relocating operating facilities into, or out of, the area.

**METHODS**

Many of the policies in this chapter will be given effect to by territorial authorities through inclusion of appropriate provisions in district plans and in decisions on resource consents and designations. The policies in this chapter will also be given effect to through methods in the Regional Resource Management Plan and Regional Coastal Environment Plan.

The following are additional methods being used or to be used by the Regional Council to implement policies in this Chapter. Territorial authorities may also use or intend using any of these methods or similar methods:-

**Advocacy**

**MET UD1**

Hawke's Bay Regional Council will:

- a) Promote alignment of relevant regional and district plan provisions applying to land use management throughout the region and in particular, on the versatile land of the Heretaunga Plains.
- b) Encourage the replacement of onsite wastewater disposal systems where there are multiple systems in close proximity, with reticulated wastewater systems.
- c) Promote awareness of the effects of stormwater discharges on water quality.
- d) Promote low impact urban design and development (LIUDD).
- e) Encourage the adoption of land based mitigation of stormwater, including the use of wetlands.
- f) Advocate a whole-of-catchment approach to the management of water.
- g) Promote development setbacks and buffer zones to protect natural physical processes, ensure natural hazard mitigation and manage reverse sensitivity effects.
- h) Promote awareness of natural hazard risk, particularly risks associated with coastal erosion and inundation.
- i) Promote awareness of limits on availability of potable water supplies and potential reverse sensitivity impacts on lawful efficient water use.
- j) Promote setbacks and buffer zones to protect the ongoing operation, maintenance and development of strategic infrastructure.

**Monitoring and Review**

**MET UD2**

Hawke's Bay Regional Council, in conjunction with the territorial authorities in the Heretaunga Plains sub-region, will update the Heretaunga Plains Urban Development Strategy on a regular basis through regular review of the information used, particularly in the forecasting of growth, funding of infrastructure and assumptions. As a minimum, monitoring of the demographic projections upon which HPUDS is based and projected actual uptake rates will be undertaken following each census. These reviews will feed back into monitoring the effectiveness of the Regional Policy Statement.

**Cross Boundary Liaison/Collaboration**

**MET UD3**

Hawke's Bay Regional Council will:

- a) Liaise and collaborate on cross boundary infrastructure issues.
- b) Promote a collaborative approach to the sustainable management of versatile land.
- c) Promote a collaborative approach to the management of the coastal environment.

**Transportation Strategies**

**MET UD4**

Hawke's Bay Regional Council will ensure urban growth management feeds into and informs transportation strategies and funding – such as the Heretaunga Plains Transportation Study, regional transport strategies, and corridor studies.

**Provision of Information and Services**

**MET UD5**

Hawke's Bay Regional Council will continue to monitor, research and map natural hazards, and review hazard and risk information, and provide information and guidance to territorial authorities on natural hazards and natural hazard risk.

**Preparation and Review of Objectives, Policies and Methods in Regional Plans**

**MET UD6**

Hawke's Bay Regional Council will set out objectives, policies and methods in regional plans which:

- a) Avoid cumulative effects of discharges from on-site wastewater treatment and disposal systems;

- b) Discourage discharges from new community wastewater collection, treatment and disposal systems in circumstances where a suitable existing community system is available;
- c) Ensure discharges of stormwater are managed so that the impact on water quantity of development is similar to that which existed prior to the development and avoids or mitigates any increase in downstream flood risk;
- d) Ensure appropriate treatment of stormwater discharges occurs to avoid or mitigate inappropriate adverse effects on water quality and the receiving water body;
- e) Encourage and where appropriate require the progressive upgrading and development of discharges from wastewater and stormwater systems where these currently result in inappropriate adverse effects on the environment;
- f) Control the adverse effects of development on water bodies, including their value as sources of drinking water;
- g) Enable the development and use of strategic infrastructure while controlling adverse effects of that development and use.

[Refer also:

- *POL5 and POL6 Non-Regulatory Methods (Chapter 3.5) re: land use conflicts*
- *POL55 Non-Regulatory Methods (Chapter 3.12) re: natural hazards*
- *Methods in Chapter 4 – sections 4.3 (Liaison with Territorial Authorities, 4.5 (Works and Services), 4.6 (Research and Investigation) and 4.7 (Monitoring)*
- *POL56 Non-Regulatory Methods (Chapter 3.13) re: Territorial Authority liaison and provision of information in relation to regional infrastructure]*

### **ANTICIPATED ENVIRONMENTAL RESULTS**

- AER UD1** Availability of sufficient land to accommodate population and household growth, as and where required, while retaining versatile land for existing and foreseeable future primary production.
- AER UD2** Balanced supply of affordable residential housing and locational choice in the Heretaunga Plains sub-region.
- AER UD3** More compact, well-designed and strongly connected urban areas.
- AER UD4** Napier and Hastings retained as the primary urban centres for the Heretaunga Plains sub-region.
- AER UD5** Encroachment of urban activities (residential, commercial, industrial) onto the versatile land of the Heretaunga Plains is confined to defined greenfield growth areas within specified urban limits.
- AER UD6** The retention, as far as is reasonably practicable, of the versatile land of the Heretaunga Plains for existing and foreseeable future primary production.
- AER UD7** Efficient utilisation of existing infrastructure.
- AER UD8** Efficient utilisation of infrastructure which has already been planned and committed to by a Local Authority (e.g. by funding) but not yet constructed.
- AER UD9** Increased use of public transport and active transport modes (cycling, walking), reduced dependency on the private motor vehicle and reduced energy use.
- AER UD10** Planned provision for, and protection of, infrastructure to support existing development and anticipated urban growth in defined growth areas.
- AER UD11** Urban activities and urban development maintains groundwater and surface water quality and habitat health.
- AER UD12** Urban development is avoided in areas identified as being at unacceptable risk from natural hazard (flooding, coastal inundation, coastal erosion, liquefaction, land instability).
- AER UD13** New development is appropriately serviced by wastewater, stormwater, potable water and multi-modal transport infrastructure.
- AER UD14** The efficient provision of freight links for distribution to and from the region.

**ADD THE FOLLOWING TO CHAPTER 2 (KEY RPS OBJECTIVES) OF THE REGIONAL RESOURCE MANAGEMENT PLAN:**

**“2.4 Giving Effect to the RPS**

To achieve the best outcome for the Hawke's Bay region, it is necessary to ensure consistency in resource management approaches. This will be achieved through the:

- amendment of regional and district plans to give effect to this Statement and
- adoption of consistent approaches and bottom-lines.

It is recognised, however, that some Districts come under the jurisdiction of more than one Regional Council. In such cases a pragmatic approach may be necessary to ensure that those Councils are able to develop statutory policy in the most effective and efficient manner for their District that best reflects the variance of regional governance in that District.”

**AMEND CHAPTER 3.5 (Effects of Conflicting Land Use Activities) OF THE REGIONAL RESOURCE MANAGEMENT PLAN to read as below:**

## 3.5 Effects of conflicting land use activities

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### ISSUE

- 3.5.1 The occurrence of off site impacts or nuisance effects, especially odour, smoke, dust, noise, vibrations, agrichemical spray drift and increased traffic, caused by the location of conflicting land use activities.

### OBJECTIVES

- OBJ 16** For future activities, the avoidance or mitigation of off site impacts or nuisance effects arising from the location of conflicting land use activities.
- OBJ 17** For existing activities (including their expansion), the remedy or mitigation of the extent of off site impacts or nuisance effects arising from the present location of conflicting land use activities.
- OBJ 18** For the expansion of existing activities which are tied operationally to a specific location, the mitigation of off site impacts or nuisance effects arising from the location of conflicting land use activities adjacent to, or in the vicinity of, areas required for current or future operational needs.

### Explanation and Reasons

- 3.5.2 Where different land uses are located adjacent to each other there is always the potential for conflict. This is particularly the case where, for example, there is residential development adjacent to industrial or rural activities, or the use or disposal of organic material associated with rural activities. The proximity of these land uses to one another can cause conflict, predominantly in relation to odour, smoke, dust, noise and agrichemical spray drift (note that the issue of agrichemical use is discussed more fully in section 3.6).
- 3.5.3 The RMA, through the specification of functions of regional councils and territorial local authorities, has created an overlap in functions which complicates the issue. Section 30 of the RMA sets out regional council functions, including the control of the discharge of contaminants into or onto land, air, or water. Intimately related to this are the section 31 land use functions of territorial local authorities. Section 31 accords these organisations the responsibility of controlling the actual and potential effects of the use, development, or subdivision of land. Given that the effects of the land use activity are controlled by the territorial local authority, and any discharge associated with that activity by the regional council, there is often the situation where responsibility shifts from territorial local authority to regional council in terms of function. The control of the emission of noise and the mitigation of the effects of noise are a function of territorial authorities (except in the Coastal Marine Area). In the Coastal Marine Area this has been transferred to the territorial authorities from the regional council.
- 3.5.4 Coupled with this is the need to recognise that the effects of an activity vary according to its location and the surrounding land use activities, e.g. an orchard may not cause any adverse effects to neighbouring orchards and farms, but may cause adverse effects to neighbouring residential areas. Regional Council staff respond to a large number of complaints related to discharges from activities sited in incompatible locations.
- 3.5.5 It is important that local authorities work together to resolve present issues and to ensure that predicaments surrounding conflicting land use activities do not arise from inappropriate planning decisions. This can be most efficiently and effectively achieved through the District Plan development process through techniques involving regulation such as zoning and buffering or the use of separation distances; or the use of non-regulatory methods such as information provision about the potential nuisances likely to arise.

- 3.5.6 Of particular concern to industries and rural businesses are complaints about existing activities made by new neighbours. The viability of existing business activities may be threatened as a result of effects which were not perceived as a problem when the activities were first established. Commonly this occurs when rural lifestyle subdivisions are allowed in traditional farming areas. Odours, noise, agrichemical and fertiliser applications, and dust may be considered to be incompatible with the new adjacent activity. Similar situations arise when residential areas encroach onto industrial areas.
- 3.5.6A Similar concerns are held by the regions infrastructure providers, given that some types of infrastructure can, by their very nature, produce adverse effects which are considered unacceptable by existing activities and the community. For example, infrastructure can cause emissions or vibrations which go beyond the boundaries of the site; or activities associated with the land use may create adverse effects on nearby land, such increased traffic or noise.
- 3.5.6B Such effects need to be planned and managed in an effective manner to ensure established infrastructure is not compromised by the location of sensitive activities nearby, and that existing land uses are not adversely affected by the use and development of new infrastructure.
- 3.5.7 These issues form the justification for management on the basis of “reverse sensitivity”. The Environment Court has defined the term “reverse sensitivity” as the effects of the existence of sensitive activities on other activities in their vicinity, particularly by leading to restraints in the carrying on of those activities. The crux of this principle is that where an existing activity produces a situation that a new activity would likely regard as noxious, dangerous, offensive or objectionable, then the new activity should not be sited next to the existing one. Alternatively, safeguards should be put in place to ensure that the new activity does not curtail the existing one.
- 3.5.8 *The principle of reverse sensitivity is receiving increasing recognition in RMA case law, e.g. McQueen v Waikato District Council (A045/94), Auckland Regional Council v Auckland City Council (A10/97), RDM Consultants Limited v Manawatu Wanganui Regional Council (W91/98), and Coeur Gold NZ and Others v Waikato Regional Council (A97/98).*

## POLICIES

### **POL 5 ROLE OF NON-REGULATORY METHODS**

- 3.5.9 To use non-regulatory methods as set out in Chapter 4, in particular **liaison with territorial authorities**, as the primary means of preventing or resolving problems arising from incompatible land use activities and implementing the problem-solving approaches set out below.

#### **Explanation and Reasons**

- 3.5.10 Policy 5 recognises that while the issues that arise (e.g. dust, smoke and odour nuisance) are controlled by the HBRC, the conflict between incompatible land uses has generally arisen as a result of past land use planning decisions, and a legal inability to consider the likely effects of conflicting land uses. This policy recognises the need for a collaborative approach as the primary means of preventing and resolving problems that arise from incompatible land uses.

### **POL 6 PROBLEM-SOLVING APPROACH – FUTURE LAND USE CONFLICTS**

- 3.5.11 To recognise that the future establishment of potentially conflicting land use activities adjacent to, or within the vicinity of each other is appropriate provided no existing land use activity (which adopts the best practicable option or is otherwise environmentally sound<sup>5</sup>) is restricted or compromised. This will be primarily achieved through liaison with territorial authorities and the use of mechanisms available to territorial authorities, which recognise and protect the ongoing functioning and operation of those existing activities.

#### **Explanation and Reasons**

- 3.5.12 Policy 6 sets out an approach to avoid the existing level of problems arising from incompatible land uses becoming worse as a result of future decisions. In particular, this policy seeks to encompass the notion of “reverse sensitivity”, recognising the rights of existing lawfully established activities.

### **POL 7 PROBLEM-SOLVING APPROACH – EXISTING LAND USE CONFLICTS**

- 3.5.13 To adopt the following approach for addressing existing problems arising from conflicting land use activities that are adjacent to, or within the vicinity of each other:
- (a) Recognise existing lawfully established resource use activities that are operated in a manner that adopts the best practicable option, or which is otherwise environmentally sound.

<sup>5</sup> “Environmentally sound activities” are considered to be those which comply with the Environmental Guidelines set out in Chapter 5; any relevant rules of this Plan; any effects-based environmental guidelines, standards or rules of the relevant territorial authority; and any resource consents required for the activity.

- (b) The HBRC will place emphasis on holding discussions and providing information as the primary means of conflict resolution.
- (c) In the event that further action is necessary, the HBRC may adopt a range of methods to seek to address the problem, including one or more of the following:
  - (i) Working with organisations representing resource users, if such organisations exist
  - (ii) Promoting the use of community working groups which bring affected people together in order to discuss the problem
  - (iii) Using an independent facilitator to mediate between disputing parties
  - (iv) Using the services of independent experts to carry out investigations and for Council to use that information to guide resource user/parties in dispute.

**Explanation and Reasons**

3.5.14 Policy 7 sets out the approach to be taken to address existing problems that arise because of incompatible land uses. Again, this policy expressly recognises the rights of existing lawfully established activities that adopt the “best practicable option” or which are otherwise environmentally sound. Notwithstanding the recognition of existing lawfully established activities, the HBRC will endeavour to resolve any issues by facilitating discussions between affected parties.

**POL 8 DECISION-MAKING CRITERIA – ODOUR EFFECTS**

- 3.5.15 To have regard to the following factors when considering conditions on resource consents where a discharge of odour to air occurs:
- (a) the likely frequency and duration of odour events
  - (b) the nature of the odour
  - (c) the nature of the local environment where odour may be experienced and the reasonable expectation of amenity within that environment given its zoning
  - (d) any antecedent or contributing factors, including climatic or topographical features
  - (e) the extent to which lawfully established resource use activities operate in a manner that adopts the best practical option, or which is otherwise environmentally sound.

**Explanation and Reasons**

3.5.16 The issue of odour is one of the more frequent complaints which arises as a result of land use effects conflicts. The HBRC assesses each resource consent application on its circumstances and likewise deals with each complaint on a case by case basis. Policy 8 is intended to give some guidance to HBRC when determining resource consent conditions to take into account such factors as the frequency, intensity, duration, offensiveness and location of the odour event. These factors will also be taken into account in assessing any complaint, and the policy acknowledges the unique set of circumstances of each situation.

**ANTICIPATED ENVIRONMENTAL RESULTS**

Anticipated Environmental Result	Indicator	Data Source
Minimisation of conflict of effects between existing activities	Compliance with rules and consent conditions	Compliance monitoring Incident response monitoring
Reduction in adverse effects of incompatible activities on one another	Consideration given to effects in district plans	District Plans HBRC statutory advocacy records
Avoidance or mitigation of effects between future incompatible activities	Compliance with rules and consent conditions Compliance registers	District Plans Regional Plans



## 3.13 Maintenance and enhancement of physical infrastructure

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### ISSUE

- 3.13.1 The sustainable management, including further development, of the physical infrastructure of the region that underpins the economic, cultural, and social wellbeing of the region's people and communities, and provides for their health and safety.

### OBJECTIVES

- OBJ 32** The ongoing operation, maintenance and development of physical infrastructure that supports the economic, social and/or cultural wellbeing of the region's people and communities and provides for their health and safety.
- OBJ 33** Recognition that some infrastructure which is regionally significant has specific locational requirements.
- OBJ 33A** Adverse effects on existing physical infrastructure arising from the location and proximity of sensitive land use activities are avoided or mitigated.
- OBJ 33B** Adverse effects on existing landuse activities arising from the development of physical infrastructure are avoided or mitigated in a manner consistent with Objectives 16, 17, 18, 32 and 33.

### Explanation and Reasons

- 3.13.2 Hawke's Bay region had a population of 146,109 people on Census night 2001. The economic, and to some extent social and cultural well being, health and safety of these people, relies on the region being interlinked with the rest of New Zealand and the world. This is achieved through transport and communications systems and through supply of services such as energy which transcends regional boundaries.
- 3.13.3 Land transport integrates different parts of the region, and provides for the movement of goods and people. The region is linked into national road and rail systems. Other important transport infrastructure, the airport and port, are both in the coastal environment and have specific locational requirements. The region does not have any natural harbours, so the port's physical resources, developed over more than a century, are regionally significant. An efficient and convenient location in relation to the region's population and commercial and industrial activity is also essential for the port and airport.
- 3.13.4 Most of this infrastructure relies on the use of the land resource, although the air and sea are also involved. Thus the management of its environmental effect is not directly the responsibility of the Regional Council but is generally a district council matter. However, the regional importance of the physical infrastructure and that its networks frequently cross district boundaries; or, in the case of the region's port that it is located on, the land sea interface; means that there is a regional role in ensuring that it is able to be maintained and enhanced.
- 3.13.5 Energy infrastructure, at regional level, primarily involves the generation and distribution of electricity, but increasingly may involve gas. The ability to maintain and develop the region's energy resources, and to distribute energy to areas within and outside the region, is essential in supporting the region's economic well being.
- 3.13.6 Communication facilities are of growing importance in the 21<sup>st</sup> century. Communication and the transfer of information is essential in allowing all communities within the region to provide for their individual and collective well being. These facilities can rely less on land-based infrastructure as technology develops, but where land-based infrastructure is required, it may have very specific locational requirements. As a result, it must be recognised that it will not be possible in every situation to avoid or mitigate all adverse effects without affecting the efficiency and effectiveness of the infrastructure.
- 3.13.7 Other infrastructure, such as sewerage systems, water supply and landfills, may involve a regional perspective and joint funding and management by several territorial authorities or other agencies.
- 3.13.8 The region's major industries are largely dependent on production from the region's natural and physical resources, and are integrated economically and physically with transport, energy and communications systems. They represent large investments in physical resources, and can be regarded as part of the region's physical infrastructure.
- 3.13.9 A range of environmental effects may be associated with physical infrastructure. This may include direct use of land and coastal areas and the consequent exclusion of people and other activities from such areas. As much of the infrastructure involves physically connected networks, structures may need to cross rivers and sometimes lakes, wetlands and the sea.

- 3.13.9A Physical infrastructure can often give rise to off-site impacts or nuisance elements which affects surrounding land. It can cause emissions or vibrations which go beyond the boundaries of the site; or activities associated with the land use may create adverse effects on nearby land, such as increased noise or traffic.
- 3.13.9B Reverse sensitivity effects can arise when sensitive activities are introduced near major infrastructure, or new infrastructure is placed near a certain existing land use. For example, a new residential development in close proximity to an airport, or the location of a new highway route through an existing urban area can both cause adverse effects that require careful management to reduce conflict between the activities. This conflict needs to be carefully managed in accordance with Section 3.5 of the Plan.
- 3.13.9C In relation to specific types of strategic infrastructure, National Policy Statements may exist which direct local authorities to deal with reverse sensitivity effects in a certain way when making decisions on regional plans, district plans, and resource consent applications. For example, the NPS on Electricity Transmission requires local authorities to manage activities to avoid reverse sensitivity effects on the National Grid, to the extent reasonably possible. RPS provisions need to be applied in conjunction with any relevant National Policy Statement when considering new activities.

## **POLICIES**

### **POL 56 ROLE OF NON-REGULATORY METHODS**

- 3.13.10 To use non-regulatory methods, as set out in Chapter 4, as the primary means of enabling the development of regionally significant physical infrastructure, in particular through the following:
- (a) **Provision of Information** – Recognising the regional importance of significant infrastructure, and assisting territorial authorities and the regional population, in understanding the importance of this infrastructure and its environmental effects. The Council will hold and, as provided for in the annual Plan, investigate aspects of regional infrastructure, including beneficial and adverse effects, so that common information is available to enable decision-makers under the RMA to make decisions in accordance with the promotion of sustainable management.
- (b) **Liaison with Territorial Authorities** - Facilitating liaison between territorial authorities, the community and infrastructure agencies, to address and resolve issues that arise in the maintenance and development of infrastructure.

#### **Explanation and Reasons**

- 3.10.11 The HBRC is at times the consent authority for activities associated with regional infrastructure, but the primary responsibility is generally with the territorial authority. Thus the role of the Council in achieving objectives is primarily as a source of information and a facilitator of liaison. In some situations HBRC may wish to take an advocacy role to promote regional development on the basis of regional infrastructure. When this is likely, decisions for advocacy will be made on a one off basis and any potential conflicts of interest will be identified and avoided.
- 3.10.11A Also refer to Policies in Chapter 3.5 of the Plan.

## ***ADD THE FOLLOWING TERMS AND DEFINITIONS TO CHAPTER 9 (GLOSSARY) OF THE REGIONAL RESOURCE MANAGEMENT PLAN:***

### **Business Activities**

means any commercial or industrial activity.

### **Heretaunga Plains sub-region**

means the part of the Hawke's Bay region identified in Appendix A.

### **Industrial Greenfield Growth Area**

means land identified for business activities that has not been previously developed for this use.

### **Net Density**

The number of lots or dwellings per hectare (whichever is the greater).

Where:

1. the area (ha) includes land for:
  - a) Residential purposes, including all open space and on-site parking associated with residential development;
  - b) Local roads and roading corridors, including pedestrian and cycle ways, but excluding State Highways and regional arterial roads;
  - c) Local (neighbourhood) reserves; and
2. the area (ha) excludes land that is:
  - a) Stormwater retention and treatment areas;
  - b) Geotechnically constrained (such as land subject to subsidence or inundation);
  - c) Set aside to protect significant ecological, cultural, heritage or landscape values;

- d) Set aside for esplanade reserves or access strips that form part of a larger regional or sub-regional reserve network;
- e) For local community services and retail activities, or for schools, hospitals or other district, regional or sub-regional facilities.

**Residential Greenfield Growth Area**

means land identified for residential activities that has not been previously developed for this use.

**Social Infrastructure**

Assets that accommodate social services such as health (hospitals), education (schools and universities), state housing, justice (police stations), places of assembly and community recreation (for example, halls, sport stadiums and parks).

**Strategic Infrastructure**

Those necessary facilities, services and installations which are of greater than local significance, and can include infrastructure that is nationally significant. The following are examples of strategic infrastructure:

- a) strategic transport networks
- b) Hawke’s Bay Regional Airport
- c) Port of Napier
- d) Omarunui Regional Landfill
- e) strategic telecommunications and radiocommunications facilities
- f) the electricity transmission network and electricity distribution networks
- g) renewable electricity generation activities
- h) pipelines and gas facilities used for the transmission and distribution of natural and manufactured gas
- i) public or community sewage treatment plants and associated reticulation and disposal systems;
- j) public water supply intakes, treatment plants and distribution systems
- k) public or community rural water storage infrastructure, including distribution systems
- l) public or community drainage systems, including stormwater systems
- m) flood protection schemes
- n) other strategic network utilities.

**Strategic Transport Networks**

Transport networks and operations of national or regional significance. These include the strategic road network including State Highway and major arterial roads (as defined in district plans, the Regional Land Transport Strategy and the State Highway Classification System) and the rail network, along with the region’s core public passenger transport operations and significant regional transport hubs such as the Hawke’s Bay Regional Airport and the Port of Napier.

**Structure Plan**

A plan that guides the development (or redevelopment) of an area by showing proposed future development and land-use patterns, areas of open space, the layout and nature of infrastructure (including transportation links), and other key features for managing the effects of development.

**Urban Activities**

Includes any one or combination of the following:

- a) residential activities at a density of more than one dwelling per 2500m<sup>2</sup> of site area;
- b) commercial and industrial business, retailing and other commercial activities;
- c) use of social infrastructure;
- d) papakainga or other marae-based housing;
- e) any other land use within urban limits.

**Urban Limits**

The outer extent of the areas within which urban activities are located or which are committed for future urban expansion.

**Versatile Land**

In relation to the Heretaunga Plains sub-region, means contiguous, flat to undulating terrain within the Heretaunga Plains sub-region that acts collectively to support regionally (and nationally) significant primary production and associated secondary services on the Heretaunga Plains, based around<sup>7</sup>:

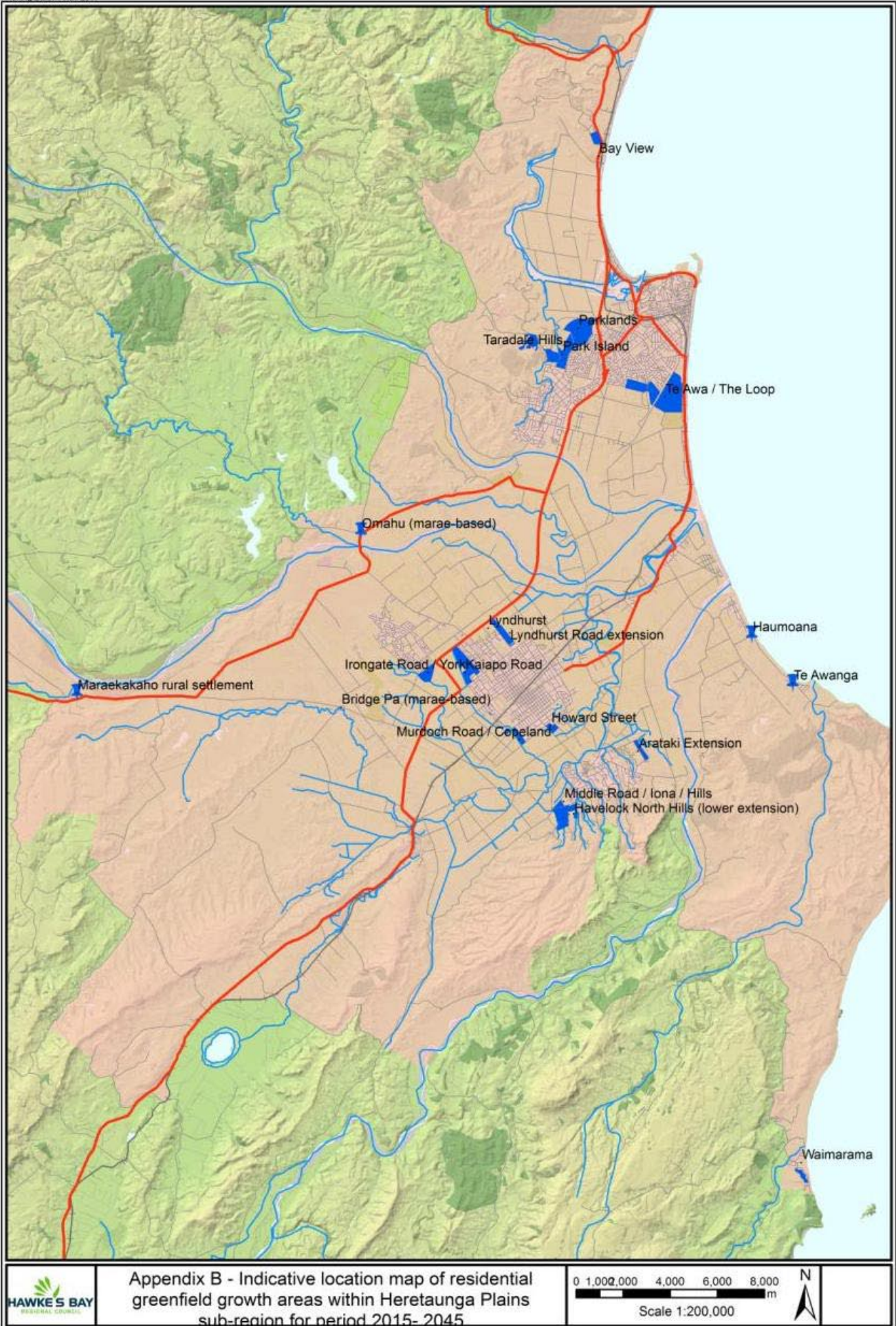
- a) an exceptionally high proportion of versatile Class 1-3 soils (comprising almost 90%);
- b) Class 7 soils that are internationally recognised as having very high value for viticultural production (comprising almost 7%);
- c) its proximity to a cluster of national and international processing industries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

<sup>7</sup> NOTE: while this definition is based around matters in (a) to (d), the Environment Court’s decision in Canterbury Regional Council v Selwyn District Council [W142/96] provides a statement from Judge Treadwell about the wider range of factors he took into account regarding land versatility.

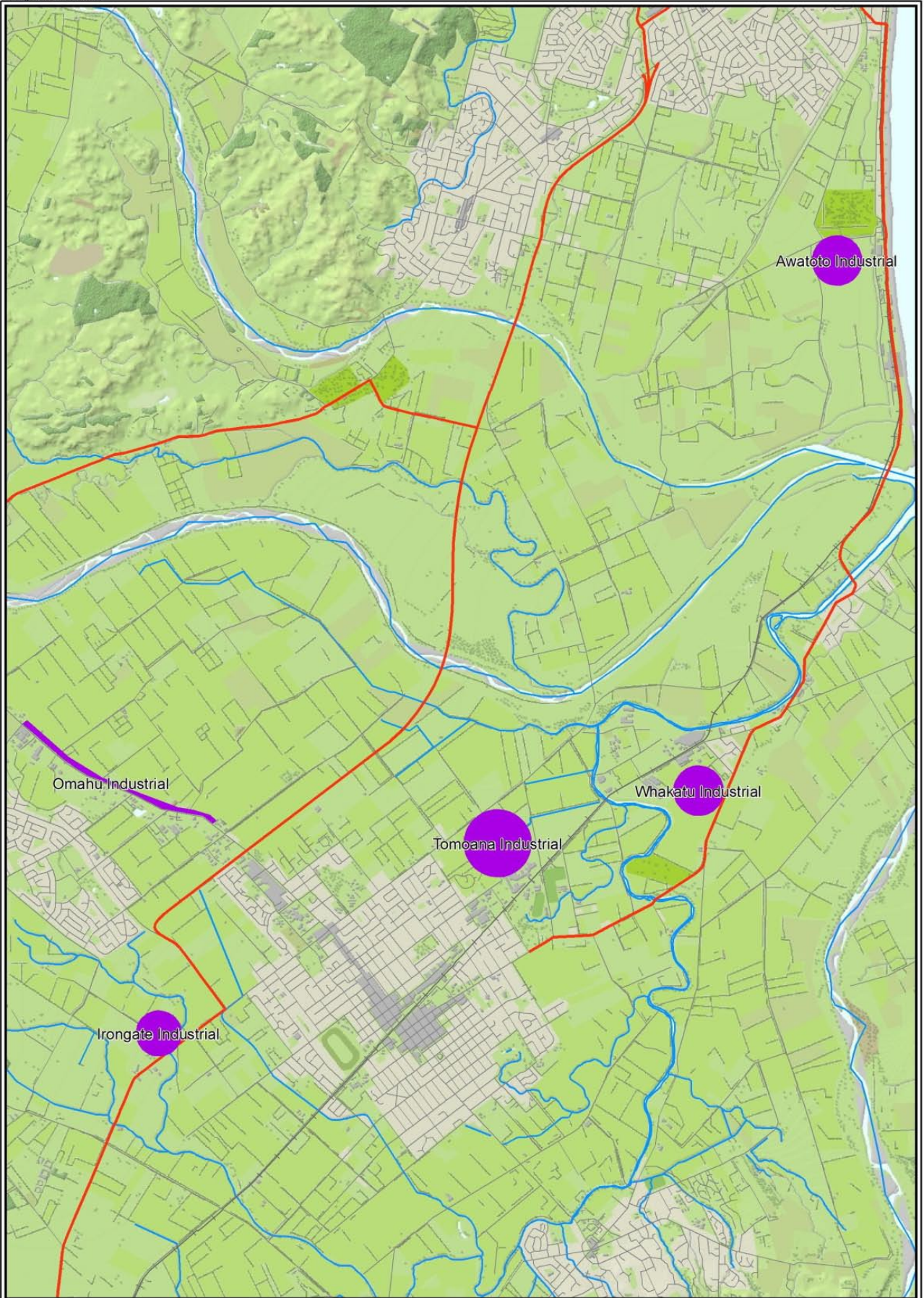













 Appendix C - Indicative location map of industrial greenfield growth areas within Heretaunga Plains sub-region for period 2015-2045

0 0.5 1 2 km 