

21 March 2024

Plan Change 6  
Environmental Policy Manager  
Hastings District Council  
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via email to: [policyteam@hdc.govt.nz](mailto:policyteam@hdc.govt.nz)

### Submission on Proposed Plan Change 6 – Category 3 Lifestyle Subdivision Provisions for Displaced Landowners

1. Thank you for the opportunity to submit on proposed Plan Change 6 (PPC6).
2. The Hawke’s Bay Regional Council (‘HBRC’) supports the proposal.
3. PPC6 has been prepared in a way so it will ‘fit’ with other subdivision-related provisions already existing in the Hastings District Plan. On that basis, many of our typical interests are already addressed (for example, sediment management from earthworks; activities in areas at risk of natural hazards; and on-site servicing requirements).

#### Minimum site size requirement

4. We support the 4000m<sup>2</sup> minimum site size requirements within the Rural and Rural Residential zones (i.e. Rule 30.1.7AA.5). As stated in the PPC6 section 32 evaluation report, *“the plan change will provide more flexibility around these standards but the 4000m<sup>2</sup> minimum has been imposed, particularly to ensure that on-site wastewater disposal can be achieved.”*
5. As we understand it, this does not mean a site smaller than 4000m<sup>2</sup> is prohibited, but rather the subdivision would no longer be classified as a controlled activity. The consenting process would then enable Hastings District Council to better assess the impacts of wastewater collection, treatment and disposal on a smaller site in those zones. These are zones where the terrain is typically hilly and not flat where more compact on-site wastewater systems could be suitable. Equally, the consenting process could assess appropriateness of on-site servicing needs in the event that cluster of several smaller lots are proposed with individual systems and/or a communal wastewater system.

#### Sunset clause

6. PPC6 is intended to offer relaxation of the district plan’s subdivision rules applicable in the Rural and Rural Residential Zones. This relaxation is to provide for a specific need for displaced residential landowners of Category 3 properties who enter into a voluntary buy-out arrangement with the council. It is not a relaxation of rules available to just any person for any reason. On that basis, we suggest Hastings District Council should consider adding further clauses as necessary so this relaxation has a clear ‘sunset clause.’ That could assist in providing a further incentive for this special subdivision requirement to be exercised for Category 3 displaced landowners and assist them in rebuilding their lives following Cyclone Gabrielle’s devastating impacts. A sunset clause would also assist in signalling that this is a temporary relaxation and is not available to be manipulated by any person for any reason. Up to five years from date of parties signing the buy-out agreement would seem a reasonable length of time to then progress a subdivision proposal under the rules as amended by PPC6.

Community of interest irrespective of territorial local authority boundary location

7. We understand neighbouring Napier City Council is preparing its own plan change (and/or Variation) along similar lines as PPC6. Parts of the lower Esk valley within Napier City have properties in Category 3 too. We anticipate those residents are unlikely to perceive the territorial authority boundary between Napier City and Hastings District as a separation of their 'community of interest.' We would support any necessary amendments to PPC6 to ensure PPC6 does not prevent a Category 3 displaced landowner from exercising the relaxed subdivision conditions, even if their Category 3 property was within Napier City. We will be making similar representations to Napier City Council during preparation of their own plan change/variation.

**Relief Requested**

- A. Retain the general intent and purpose of PPC6 as notified.
- B. Retain the minimum site size condition of 4000m<sup>2</sup> within the Rural and Rural Residential zones.
- C. Amend PPC6 by adding a 'sunset clause' or similar so the relaxed subdivision rules are temporary and not permanent for as long as the district plan exists.
- D. Amend PPC6 as necessary to ensure PPC6's relaxed subdivision requirements can be 'accessed' by a Category 3 displaced landowner within the same 'community of interest,' regardless of whether the Category 3 property is within Napier City or Hastings District.

**Closing comment**

8. Hawke's Bay Regional Council again, thanks Hastings District Council for the opportunity to provide feedback on this proposal. Please contact Gavin Ide in the first instance (refer address for service below) if you have any questions or require clarification regarding this submission.

Yours sincerely



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