

# HortNZ Summary

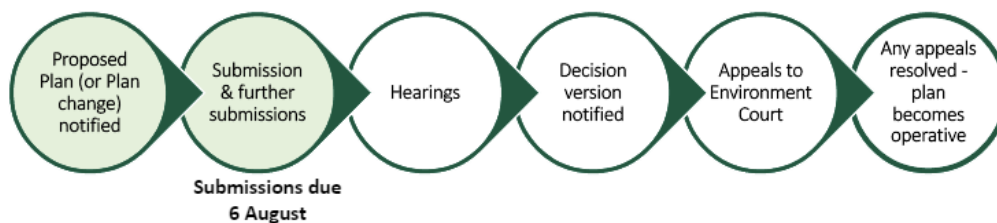
## Proposed Central Hawkes Bay District Plan

### June 2021

The Council have notified the Proposed Central Hawkes Bay District Plan – submissions on the Proposed Plan are open until 6 August 2021. This summary provides an overview of the zones and rules for rural activities.

The District Plan sets out policy and rules that manage land use (including activities such as earthworks, vegetation clearance, buildings and structures) and subdivision in the district.

Once it has been through the RMA Schedule 1 process (see below), the Proposed Plan will replace the current (or Operative) District Plan.



This is an overview summary of the District Plan provisions. It is always best to look at the Proposed District Plan itself for specific areas of interest.

Note:

- **Existing activities** - generally, existing use rights apply meaning that current activities/building are not subject to new rules introduced through the Proposed Plan. The rules are most relevant to new development (in terms of buildings and structures etc.), except for a few activities such as earthworks or vegetation clearance.
- **Rules with immediate effect** - the rules in the following chapters have immediate legal effect (i.e apply from the date the proposed plan was notified: Ecosystems and Indigenous Biodiversity, Historic Heritage, Notable Trees, Sites and Areas of Significance to Māori).

## Overview of the approach to Zones and Overlays

### ZONES

The current District Plan has a single Rural Zone that applies across the whole of the rural land resource. (There are also Residential Zone, Townships Zone and Business Zones).

The Proposed District Plan **provides greater recognition/protection of the rural land resource, particularly highly productive land** as a resource of regional (if not national) significance, including through providing a new 'Rural Production Zone'. Different rules apply to different zones.

In the Proposed District Plan:

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|--|--|
| <p>There is a new <b>RPROZ – Rural Production Zone</b></p> | <ul style="list-style-type: none"> <li>• This covers an area of identified highly productive land centered in and around the Ruataniwha and Takapau Plains and surrounding Waipukurau, Waipawa and Otane'. Largely LUC 1-3 soils.</li> </ul> |
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|   |   |
|---|---|
| There is a new <b>RLZ - Rural Living Zone</b> | <ul style="list-style-type: none"> <li>• Adjacent to Waipawa and Waipukurau.</li> <li>• This is where rural residential / rural lifestyle development is proposed to be directed to within the rural environment (these are in areas where this type of development has already been occurring).</li> </ul> |
| And a <b>GRUZ - General Rural Zone</b>        | <ul style="list-style-type: none"> <li>• Covers the rest of the rural environment.</li> </ul>   |

Other Zones in the Proposed Plan include:

- **Settlement Zones** for Elsthorpe, Ongaonga, Otane, Porangahau, Takapau, Tikokino;
- **Large Lot Residential Zone (Coastal)** for Kairakau Beach, Mangakuri Beach, Pourerere Beach, Blackhead Beach, Te Paerahi Beach;
- Within Waipukurau and Waipawa – **General Residential Zone, Commercial Zone and General Industrial Zone.**

The District Plan Maps are available online here - <https://eplan.chbdc.govt.nz/draft/> these are searchable by property.

## OVERLAYS

Coastal Environment - this is an overlay that applied along the coastline of the District. *There does not look to be growing in this area – so we have not examined these provisions in any detail.*

Historic and Cultural Values Overlays: Archaeological sites, Community Facilities, Heritage Items, Marae, Notable Trees, Sites and Area of Significance to Maori – these are generally site-specific features.

Natural Environment Overlays:

|  |  |
|--|--|
| <b>High Natural Character (HNC)</b>                    | <i>Areas along/near the coast. There does not look to be growing in this area – so we have not examined these provisions in any detail.</i>  |
| <b>Outstanding Natural Landscapes/Features (ONL/F)</b> | <p>Outstanding Natural Landscape - <i>Ruahine Ranges.</i></p> <p>Outstanding Natural Features: <i>W(h)akarara Range, Mangamauku Stream and Upokororo Stream, Mangaoho Stream (and tributaries), Mākāroro Gorge, Northern end of Nga Kaihinaki-a-Whata and Te Whata Kokako, Silver Range, Kairakau Coastline, Pourērere, Aramoana and Blackhead Coastline; Parimahu, Porangahau Foredune and Estuary; Whangaehu Coastal Cliffs</i></p> <p><b>Summary of rule implications:</b></p> <ul style="list-style-type: none"> <li>• Existing activities provided for.</li> <li>• Only small-scale buildings (&lt;25m<sup>2</sup>, up to 3m) permitted without consent.</li> <li>• More stringent earthwork rules.</li> <li>• Considered in subdivision applications.</li> </ul> |
| <b>Significant Amenity Features (SAF)</b>              | <p>Mākāroro River, Mangataura Stream, Waipawa River – Upper, Tukituki River – Upper, Tukipo River, Tangarewai Stream, Mangatewai River, Makāretu River, Te Aute Limestone Crest, Lake Whatuma, Pōrangahau Inland Dunes.</p> <p>No rule implications – however a consideration where a consent may be required for an activity within one of these features.</p>  |

**Significant Natural Areas (SNA's)**

Various throughout the district.

**Summary of rule implications:**

- More stringent rules for trimming and clearance of indigenous vegetation, and earthworks.

Natural Hazard and Risk Overlays

**Fault Hazard Avoidance with Fault Avoidance**

**Summary of rule implications:**

- Rules managing new building or alteration to an existing building - however farm buildings permitted.
- Consideration for subdivision applications.

**Flood Hazard (Flood Risk Areas)**

*Includes areas adjacent to: Waipawa River, Tukituki River, Tukipo River, Makaretu River.*

**Summary of rule implications:**

- Rules managing new building or alteration to an existing building – however ‘structures presenting a low degree of hazard to life and other property’ (e.g farm buildings) are permitted.
- Consideration for subdivision applications.

**Tsunami Hazard Area**

**Summary of rule implications:**

- Resource consent required for any new (or intensification of) ‘Vulnerable Activities’ (includes visitor accommodation, education facilities, etc.).
- Consideration for subdivision applications.

There are also some specific controls (noise, height controls etc.) around the Waipukurau Aerodrome.

## Summary and comparison of District Plan rules

The following tables include a summary of the rules in the proposed plan:

- rules for primary production – including new rules for seasonal worker accommodation and post-harvest facilities
- earthworks rules
- noise rules
- subdivision rules

## SUMMARY OF RULES FOR PRIMARY PRODUCTION

|  | Operative District Plan   | Proposed District Plan  |
|--|---|---|
|  | Rural Zone  | Rural Production Zone (RPROZ) and General Rural Zone (GRUZ)   |
| <b>GENERAL PRIMARY PRODUCTION ACTIVITIES</b> | <b>Farming Activities</b> are permitted, if the permitted activity standards are met:   | <b>Primary production activities</b> (including ancillary buildings and structures, but excluding post-harvest facilities, mining and quarrying) are permitted if permitted activity standards are met:   |
|  | <b>Building Coverage:</b> Net area of any site covered by buildings and impervious surfaces shall not exceed <b>700m<sup>2</sup> or 7% of site area</b> , whichever is the greater.                   | Maximum building coverage (including hardstand and sealed areas) must not exceed <b>35% of the net site area or 1500m<sup>2</sup></b> , whichever is the lesser. <ul style="list-style-type: none"> <li>• Except for sites containing post-harvest facilities - 35% of the net site area or 2500m<sup>2</sup>.</li> <li>• Excludes netting, structures, and greenhouses where crops are grown under or within those structures directly in the soil of the site.</li> </ul> <p><i>Note: There are no building coverage controls proposed in the General Rural Zone.</i></p> |
|  | <b>Max. Height:</b> 10m for any building.   | <b>10m, except 15m for frost fans</b> (measured to the tip of the blade at its highest point)   |
|  | <b>Height in relation to boundary:</b> No part of a building shall exceed a height of 2 metres plus the shortest horizontal distance between that part of the building and the nearest site boundary. | No part of a building <b>must exceed a height of 2 metres plus the shortest horizontal distance</b> between that part of the building and the nearest site boundary. (Exceptions apply e.g. chimneys, domestic water storage tanks less than 3m, solar panels etc.)   |
|  | <b>Setback from Roads:</b> 20m (excluding buildings less than 10m <sup>2</sup> and emergency service activities)  | <b>5m from the Road Boundary and the Rail Network Boundary</b> for Accessory Buildings associated with Primary Production Activities.<br><b>20m from road boundaries and 5m from Rail Network Boundary</b> – for Other Buildings  |
|  | <b>Setback from Neighbours:</b> 10m for buildings (that are not residential units)  | <b>5m</b> from internal boundaries for Accessory Buildings<br><b>15m</b> from internal boundaries for All other buildings<br>(Domestic water storage tanks up to 2m in height are exempt from this standard)  |
|  | <b>Electrical Safety Distance:</b> Comply with the New Zealand Electrical Code of Practice for Electrical Safety Distances (NZECP 34:1993)  | Comply with the New Zealand Electrical Code of Practice for Electrical Safety Distances (NZECP 34:2001)   |

|                                     | Operative District Plan  | Proposed District Plan  |
|-------------------------------------|--|---|
|                                     | Rural Zone   | Rural Production Zone (RPROZ) and General Rural Zone (GRUZ)   |
|                                     | <p><b>Tree planting:</b></p> <ul style="list-style-type: none"> <li>No tree planting, except for amenity tree planting, shall be located on, or within, 10metres of the boundary of a property in different ownership.</li> <li>No tree planting shall be positioned such that when the trees grow they will shade a residential unit on a neighbouring property between the hours of 9am and 4pm on the shortest day of the year</li> </ul> | <p>Trees forming a continuous line for a distance of more than 20 metres on a side or rear boundary of a property under separate ownership:</p> <ul style="list-style-type: none"> <li>must be planted a minimum distance of 5m from an adjoining property boundary and be maintained so that the branches do not extend over that boundary; and</li> <li>where planted a distance between 5m and 10m from an adjoining property boundary, must be maintained at a height of no more than their distance from the boundary +4m (for example, at a distance of 5m from the boundary, the height limit is 9m; at a distance of 9m from the boundary, the height limit is 13m).</li> </ul> |
|                                     | <p>No tree planting shall be positioned such that when the trees grow they will shade a public road between the hours of 10am and 2pm on the shortest day of the year.</p>   | <p>Trees adjoining public roads:</p> <ul style="list-style-type: none"> <li>Trees forming a continuous line for a distance of more than 20 metres within 5 metres of a public road must be maintained at a height of less than 9 metres.</li> </ul>   |
|                                     | <p>No tree shall be planted within 6 metres of a flood protection stopbank.</p>  | <p><i>No equivalent provision</i></p>   |
|                                     | <p><b>As well as:</b></p> <ul style="list-style-type: none"> <li>Domestic Wastewater Disposal requirements</li> <li>Height controls near Waipukurau Aerodrome</li> <li>Coastal margin requirements</li> <li>No building within 20m of fault lines</li> <li>No modification to any "Site of Significant Conservation Value". Excluding 'minor work</li> </ul>   | <p><b>As well as:</b></p> <ul style="list-style-type: none"> <li>Compliance with Noise (see below), Transport and Light Chapterrules</li> <li><b>New Setbacks from National Grid Yard and National Grid Substation</b></li> <li>Height controls included for buildings/structures near Waipukurau Aerodrome</li> </ul>  |
| <b>SEASONAL WORKER ACCOMODATION</b> |  | <p>The proposed plan includes a new permitted activity rule specifically for <b>Seasonal Workers Accommodation</b> (GRUZ-R2 &amp; RPROZ-R2).</p> <p><b>Permitted Activity, if limited to:</b></p> <ul style="list-style-type: none"> <li>A maximum gross floor area of 125m<sup>2</sup>.</li> <li>A maximum number of people to be accommodated on site of 24.</li> <li>All new buildings are relocatable in design or able to be reconfigured to buildings accessory to land-based primary production.</li> </ul>  |

|                                | Operative District Plan                      | Proposed District Plan   |
|--------------------------------|--|--|
|                                | Rural Zone                                   | Rural Production Zone (RPROZ) and General Rural Zone (GRUZ)  |
|                                |  | <ul style="list-style-type: none"> <li>The site is not a 'lifestyle site' (a site created through the lifestyle site subdivision provisions of the District Plan).</li> <li>Compliance with the standards above (e.g building coverage, height etc.)</li> </ul> <p>If the above are not met, (new) Seasonal Worker Accommodation will require consent.</p>   |
| <b>POST-HARVEST FACILITIES</b> |  | <p>The proposed plan includes a new permitted activity rule specifically for <b>Post-harvest facilities</b> (GRUZ-R6 &amp; RPROZ-R6).</p> <p><b>Permitted Activity, if limited to:</b></p> <ul style="list-style-type: none"> <li>2500m<sup>2</sup> gross floor area per site (or 200m<sup>2</sup> in Coastal Environment).</li> <li>Compliance with the standards above (e.g building coverage, height etc.)</li> <li>The Transport Chapter includes a parking requirement of 1 park, per every 2 FTE employed on-site.</li> </ul> <p>If the above are not met, (new) post-harvest facilities will require consent.</p> |
| <b>GREENHOUSES</b>             | Considered a Farming Activity (refer above). | Part of Intensive Primary Production definition – requires consent in rural zones.   |

## SUMMARY OF ANCILLARY EARTHWORKS RULES

| Operative District Plan<br>Rural Zone   | Proposed District Plan<br>General District-Wide Matters Chapter – EARTHWORKS   |
|---|--|
| The Operative Plan does not have any general earthworks rules.  | <p>The Proposed Plan includes a definition for <b>'ancillary rural earthworks'</b> – this covers most day-to-day farming activities. Ancillary Rural Earthworks are permitted in the Rural Zones (outside of the areas mentioned specifically below), if the following conditions are met:</p> <ul style="list-style-type: none"> <li>• Vertical extent up to 5m in the General Rural Zone, otherwise 2.5m.</li> <li>• Site reinstatement standard, requiring stabilisation or re-vegetation of disturbed areas (EW-S4)</li> <li>• Erosion and sediment control standard to prevent sediment entering council networks or waterbodies (EW-S5)</li> </ul>                                   |
| Earthworks carried out for any purpose within a site of cultural significance to the Tangata Whenua shall be a discretionary activity unless prior written permission from the Tangata Whenua for the site is obtained. | <p><b>Additional controls apply in Sites of Significance to Maori:</b></p> <ul style="list-style-type: none"> <li>• No activity is to destroy, damage or modify a wāhi tapu, wāhi taonga or site of significance, including any excavation, modification or disturbance of the ground containing the wāhi tapu, wāhi taonga or site of significance.</li> <li>• Offal pits, burial of dead stock or plant waste, or effluent storage or disposal fields are not a permitted activity.</li> </ul>   |
|   | <p><b>Additional controls apply in identified areas of High Natural Character, ONL and ONF and SNA's:</b></p> <ul style="list-style-type: none"> <li>• Maximum of 500m<sup>3</sup> per site in any 12-month period and vertical extent limitations.</li> <li>• Requirements to remain within formation width for maintenance of existing tracks, driveways, roads and accessways (with photos to demonstrate)</li> <li>• Exposed vertical cuts or batter faces must not exceed 2m in vertical height or take place on slopes of greater than 45 degrees above horizontal.</li> <li>• Slopes must be remediated and replanted to match the surrounding landform/vegetation cover</li> </ul> |
|   | <p><b>Additional controls apply to earthworks within the National Grid Yard:</b></p> <p>Earthworks must not:</p> <ul style="list-style-type: none"> <li>• compromise the stability of a National Grid support structure, and</li> <li>• result in a reduction in ground-to-conductor clearance distances of less than: 6.5m (measured vertically) from a 110kV National Grid transmission line, and</li> <li>• result in the permanent loss of vehicular access to any National Grid support structure.</li> </ul>   |

NB: The Proposed Plan has additional controls for earthworks that is not 'ancillary rural earthworks' and also limits on the removal offsite of topsoil, sand, gravel or earth.

**SUMMARY OF NOISE RULES FOR PRIMARY PRODUCTION ACTIVITIES**

|   | Operative District Plan<br>Rural Zone   | Proposed District Plan<br>General District-Wide Matters Chapter – NOISE.   |
|---|---|--|
| <b>Activities involving stock, vehicles and mobile machinery associated with primary production</b> | <p>In the Rural Zone, noise standard is:</p> <p>On any site, the following noise levels are not exceeded at nor within the notional boundary of any residential unit, other than residential units on the same site as the activity:</p> <ul style="list-style-type: none"> <li>• 55dBA L10 - 6:00am - 11.00pm Monday to Saturday</li> <li>• 45dBA L10 - at all other times</li> <li>• 75dBA Lmax - at all other times</li> </ul> <p>Farming Activities exempt from the above provided that the activity shall comply with the requirements of Section 16 of the RMA (<i>a duty to avoid unreasonable noise</i>).</p> | <p>Exempt from noise standards, provided:</p> <ul style="list-style-type: none"> <li>• noise is limited in duration and machinery is not in a fixed location, and is generated by vehicles and mobile machinery associated with primary production activities and sections 16 and 17 of the RMA have been satisfied.</li> <li>• Examples include stock sale yards and transporting areas, harvesting, spraying, and planting machinery.</li> </ul>   |
| <b>Agricultural Aviation Movements</b>  |   | <p>Exempt for up to 14 days in any calendar year. Otherwise, the rules for rural airstrips or helicopter landing areas apply.</p>  |
| <b>Audible bird scaring devices</b>   |   | <p>Exempt from noise standards, provided:</p> <ul style="list-style-type: none"> <li>• Must only be operated between the period 30mins before sunrise and 30mins after sunset.</li> <li>• Must not exceed 100dB LZpeak, when measured within the notional boundary of any other site in the General Rural or Rural Production Zones, or within the site boundary of any site in the Rural Lifestyle, General Residential or Settlements Zones.</li> <li>• Discrete sound events of a bird scaring device including shots or audible sound must not exceed 3 events within a 1-minute period and must be limited to a total of 12 individual events per hour.</li> <li>• Where audible sound is used over a short or variable time duration, no event may result in a noise level greater than 50dBA LAE when assessed at the notional boundary of any other site in the General Rural or Rural Production Zones, or within the site boundary of any site in the Rural Lifestyle, General Residential or Settlement Zones.</li> </ul> |
| <b>Frost Fans</b>   |   | <p>Exempt from noise standards, provided:</p> <ul style="list-style-type: none"> <li>• Noise generated by frost fans must not exceed 55 dB LAeq 10min when assessed within the notional boundary of any other site in the General Rural or Rural Production Zones, or within the site boundary of any site in the Rural Lifestyle, General Residential or Settlement Zones.</li> </ul>   |



## SUMMARY OF RURAL SUBDIVISION RULES

All subdivision requires consent – the following gives an overview of the operative and proposed rules for general subdivision.

- A **Controlled Activity** means that as long as the conditions of the rule are met, Council must grant the consent.
- A **Restricted Discretionary** means that the application for resource consent will have to be assessed against the 'matters of discretion' that are listed in the plan and the Council may grant or decline consent.

Some additional limitations if overlays (listed above e.g. an Outstanding Natural Feature, or Flood Hazard overlay) apply to the site.

| Operative District Plan<br>Rural Zone   | Proposed District Plan   |   |   |
|---|--|---|---|
|   | Rural Production Zone (RPROZ)  | General Rural Zone (GRUZ)   | Rural Lifestyle Zone (RLZ)  |
| A 'Controlled Activity' across the whole Rural Zone with a minimum lot size of 4000m <sup>2</sup> | <p>Larger minimum lot sizes – <b>12 ha</b></p> <p>Controlled Activity rule for lifestyle lots in the Rural Production Zone is further limited to new lifestyle lots only around existing dwellings and amalgamation so that no additional sites are created.</p> <p>Otherwise 'Restricted Discretionary' Activity.</p> | <p>Larger minimum lot sizes – <b>20 ha</b></p> <p>Controlled Activity rule for lifestyle sites in the General Rural Zone is proposed to be constrained to 1 new lifestyle lot every 3 years and a complying balance lot (min 20ha).</p> <p>Otherwise 'Restricted Discretionary' Activity.</p> | <p>Same minimum lot size as the operative rural chapter - <b>4000m<sup>2</sup></b></p> <p>Controlled Activity rule.</p> |

In addition to the above, subdivision is subject to performance standards around general matters such as lot dimensions, property access, and servicing.