

Proposed Plan Change 6 – Category 3 Landowner Subdivision Provisions

Chapter 30.1 Subdivision and Land Development

Insert new Objective and Policies

OBJECTIVE *To enable limited lifestyle subdivision for Cyclone Gabrielle affected*
SLDO7 *landowners to provide a permanent housing option where the ability to*
undertake residential activity has been permanently surrendered.

POLICY Allow the creation of residential lifestyle lots in the Rural and Rural
Residential Zones to replace residential uses no longer available to
SLDP22 landowners as a result of Cyclone Gabrielle and the classification of land by
Hawke’s Bay Regional Council as Category 3.

POLICY Limit the ability to undertake Cyclone-Gabrielle related lifestyle subdivision to
the provision of permanent housing within an affected landowner’s
SLDP23 community of interest.

Explanation

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

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

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

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

Section 30.1.5 Rules

Insert new rule SLD7A

<u>SLD7A</u>	<u>Subdivision of lifestyle sites in Rural and Rural Residential Zones to replace Category 3 residential uses</u> <u>Subdivisions to create lifestyle lots in the Rural Zone and Rural Residential Zone which comply with all relevant Subdivision Site and General Site Performance Standards and Terms specified in 30.1.7.</u> <u>Note, compliance with 30.1.6 is not required.</u>	<u>C</u>
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Insert new Rule SLD16A

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

Insert new performance standard 30.1.7AA

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

1. Any application under this rule shall be accompanied by:
 - (a) an unconditional agreement with the Council under the Category 3 Voluntary Buy-Out Policy for a property purchase or relocation offer which includes the permanent removal of the ability to use the Category 3 land for residential purposes; and
 - (b) a statement by the Category 3 landowner which confirms the new lot is intended for use by the landowner for permanent housing.
2. An application under this rule must be made within 2 years of entering the Agreement above.
3. The new lot shall not be located within an identified natural hazard area or on Category 3 Land. Coastal Environment / ONL/Wahi Taonga
4. The new lot shall be within the identified Community of Interest area of the site that is being replaced.
5. The new lot shall be a minimum of 4000m².

Section 30.1.8 Assessment Criteria

Insert new Assessment Criteria 27.

27. **Category 3 Replacement Lifestyle Subdivision**

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

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

- c. Consideration of whether the proposed site can reasonably be considered to be within the “community of interest” of the Category 3 affected property to ensure that the objective of allowing people to remain in their community can be achieved.

Chapter 33.1 Definitions

Insert new definitions

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

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