

[Subject]

Assessment of Environmental Effects

## **55 Brookvale Road, Havelock North**

**Proposal to construct 35 new dwellings and associated subdivision**

**Oderings Nurseries ChCh Limited**

**30 May 2023**



### Details and Version Control

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### Acknowledgement of Submission



**David Clark**

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[Subject]

Assessment of Environmental Effects



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## 1 APPLICANT AND SITE DETAILS

<b>Applicant Name:</b>	Oderings Nurseries CHCH Limited
<b>Site Address:</b>	55 & 57 Brookvale Road, Havelock North 4130
<b>Legal Description:</b>	Lot 1 DP 8274, Lot 2 DP 311724 and Section 10 SO 330242
<b>Site Area:</b>	2.415 ha
<b>Plans:</b>	Hastings District Plan (HDP)
<b>Zoning:</b>	Plains Production Zone
<b>Designations:</b>	-



## 2 INTRODUCTION

In 2022 Oderings Nurseries ChCh Limited ('the applicant') sought to advance a resource consent application for a residential development at 55 & 57 Brookvale Road, Havelock North ('the site') via the Covid-19 fast track consenting pathway. The Ministry for the Environment declined to process the application, preferring for the application to pass through the normal resource consent process.

Due to the anomalous rural zoning of the site, a plan change application was then considered, however to progress the development in a timely manner, the applicant decided to lodge a resource consent application while potentially lodging a 'clean up' plan change application in the future.

The applicant seeks resource consent to establish 35 dwellings at the site as well as undertake the necessary enabling works to undertake this development. Resource consent is also sought to subdivide around these dwellings creating 35 freehold lots as well as commonly owned access lots.



## SITE

### 2.1 Site Description



**Figure 1:** Subject site (Source: Hastings District Council Map Viewer).

The site in question comprises two lots owned by the applicant at 55 & 57 Brookvale Road.

The site was the previous location of a plant nursery which has been relocated to another site in the Hastings District and is currently occupied by a garden centre and a single residential lot. A resource consent was recently obtained to establish a new café within the garden centre (RMA20220268, 25 July 2022) however the café is yet to be constructed.

While most of the built structures that formerly occupied the site have been removed or demolished most of the site remains impervious and a significant portion of the site area is covered with a thin layer of sealed concrete.



## **2.2 Historical activities on site**

An investigation of historical imagery undertaken by Environmental Solutions Limited (see Appendix F) has shown that the site was originally used for pastoral land uses before being developed into a small orchard and market garden in the 1960s. Between 1969 and 1972 the site was developed with a number of glass and shade houses, and between 1972 and 1994 the shade houses continued to expand across the site. By 1999 the site had been redeveloped into a garden centre. Between 1999 and 2004 the shade houses expanded to cover the full extent of the site. No significant changes occurred on site until the nursery operating onsite started to be disassembled and relocated to a new site at Gimblett Road from 2019.

## **2.3 Other Activities on Site Not Part of the Application**

The application relates to the proposed and not yet consented residential development on site and the proposed carpark that will service the adjacent garden centre and café. As such the existing/consented garden centre and café are outside the scope of this application and are either existing activities or activities legally approved under resource consent.

## **2.4 Records of Title and Interest**

Copies of the record of title of the site are attached as Appendix A.





### 3 SURROUNDING ENVIRONMENT

#### 3.1 Surrounding Environment Description



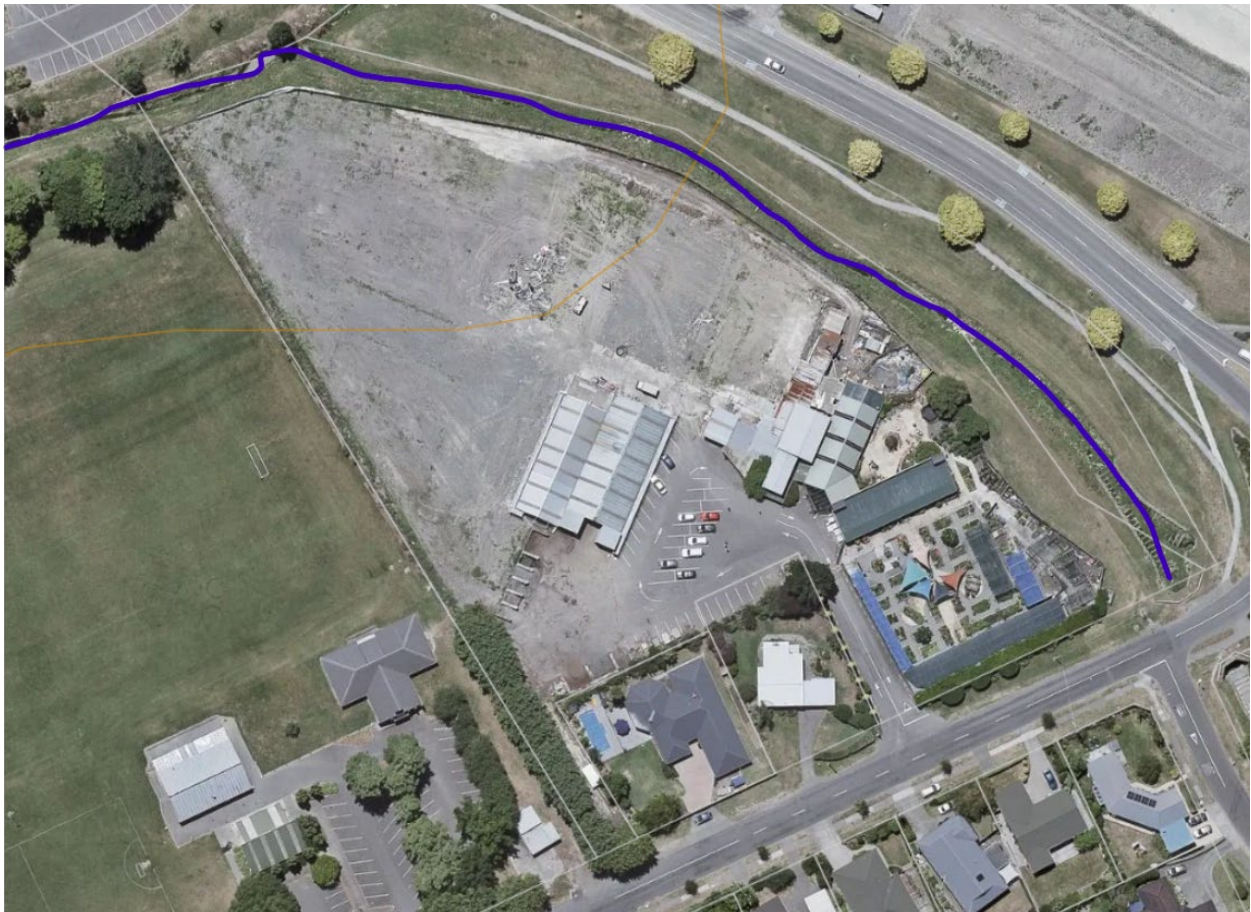
**Figure 2:** Surrounding Environment (Source: Hastings District Council Map Viewer).

The site is located on the northern fringe of the town of Havelock North. The area south of the site is dominated by residential activities, pocket parks and recreation areas and to the north-east a new residential development approved by resource consent is currently being constructed. Across the western boundary the site sits adjacent to sports fields and to the north the area transitions to vineyards and farmland.

#### 3.2 Natural Environment

Much of the surrounding environment is highly modified, the only natural features of note in the vicinity are the open fields associated with Guthrie Park and the Karituhenua Stream which passes by the site to the north and east, although the Karituhenua Stream where it passes the site is highly modified.





**Figure 3:** Karituwhenua Stream marked in blue (Source: Hastings District Council Map Viewer).

### 3.3 Built Environment

While the site is surrounded across its north, east and west boundaries by large areas of undeveloped open space, across the southern boundary the site adjoins urban development within the town of Havelock North. This existing built development is characterised by single-storey detached dwellings on landscaped sites. It should be noted that the area to the east of the site being developed as a residential subdivision.

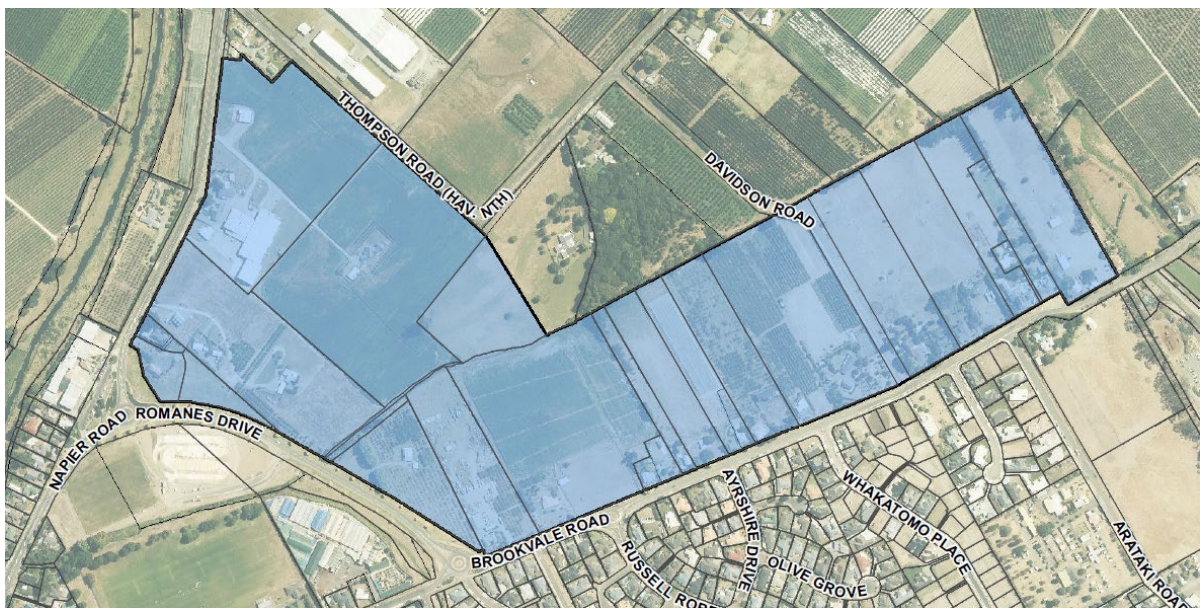


### 3.4 Plan Context



**Figure 4.** Plan context (Source: Hastings District Council Map Viewer).

Under the HDP the surrounding area is zoned Havelock North General Residential Zone to the south, Plains Production Zone to the North and east and Open Space Zone to the west. It should be noted that and the area to the north and east is earmarked for urban development as part of the Heretaunga Plains Urban Development Strategy 2017 (HPUDS) (see Figure 3 below).



**Figure 5:** Future urban growth in Havelock North marked in blue (Source: HPUDS).



## 4 PROPOSAL



**Figure 6:** Masterplan.

The part of the site that is proposed to be redeveloped was formerly occupied by a plant nursey which has been relocated to a site at Gimblett Road, Hastings. As such most of the site is currently unoccupied and the applicant proposes to redevelop the available land with 35 new residential dwellings in a range of typologies including:

- Five two-storey fully detached dwellings;
- Three two-storey terrace style dwellings;
- Four two-storey dwellings in two duplex structures;
- Eighteen two-storey zero-lot dwellings;
- Four single-storey zero-lot dwellings; and,



- One bespoke solution (single storey facing Brookvale Drive).

After construction, it is proposed to subdivide around these dwellings creating 35 residential lots, as well as commonly owned access lots and a separate lot for the garden centre and car park.

The balance of the site will be retained for the continued operation of the existing garden centre and a new café. This garden centre and café do not form part of the proposal (other than the car park) and consent for garden centre has been obtained separately, with the garden centre having existing use rights. However, the new carpark that will be constructed to service the garden centre and new café is proposed to be used as after-hours carparking for visitors to the proposed residential development. As such, this additional use is considered part of the proposal.

#### **4.1 Access and car parking**

Vehicle access to the proposed development will be via an entryway off Brookvale Road. An accessway will run north from the vehicle crossing before branching off at a roundabout to the café and to the residential accessways. The entry road will have an 18m legal width and a 6.4m carriageway and the remaining private roads will range in legal width and carriageway width (8m-14.5m and 4.5m-6m respectively).

Pedestrian access will be provided throughout the proposed development. Separated pedestrian pathways will provide access between Guthrie Park, the garden centre and Brookvale Road. A shared access is proposed beyond the roundabout that will service units 4-35. Within the shared access a pedestrian area will be demarcated but will be at the same grade as the nominated vehicle access area.

A total of 8 car parks are proposed within the private road and 43 car parks are available within the garden centre car park. All the proposed dwellings will have onsite carparks in attached garages or parking pads.

#### **4.2 Stormwater Management**

The Infrastructure Report attached as Appendix C includes a stormwater design and strategy to attenuate and treat stormwater from the proposed development. All stormwater from the proposed development will continue to be directed to the Karituwhehua Stream.



The post-development flow will be less than the pre-development stormwater flow as the site is currently in hardstand as a result of the prior nursery. The proposed development will result in a total impervious footprint of 1.570ha, which is lower than the existing impervious area of approximately 1.877ha.

To treat gross pollutants within the stormwater new raingardens are proposed within landscaping areas in the northern access lot and eastern side of the car park. A new underground proprietary device (Hynds Up-Flo Filter) is proposed at the northern end of the private road to treat runoff from roads, paths and driveways etc.

Maintenance obligations will be met via a residents association or similar entity.

### **4.3 Flood Mitigation**

The HBRC Hazard maps indicate that there is a risk of inundation within the 1 in 50-year event and raising levels of the site has the potential to reduce the flood storage capacity of the Karituwhenua Stream. Despite this being a negligible effect, to ensure that the Karituwhenua Stream maintains its current flood storage capacity, it is proposed to cut existing ground material from the southern bank of the stream at the northern boundary.

To further ensure any flood risks are avoided, dwellings 10-18 will also have a minimum floor level of 200mm above the identified flood level. All the remaining dwellings will be outside of the identified flood risk area.

### **4.4 Wastewater and Water servicing**

The Infrastructure Report attached includes calculations to identify wastewater and water demand for the proposed development and sets out the connections proposed. Wastewater will be directed to a new pump station in the north of the site and then a new rising main will be established along the boundary of Guthrie Park that will connect to existing wastewater reticulation within Brookvale Road.

Council has recently engaged a third party to undertake wastewater and potable water modelling for the wider catchment to understand if there are any constraints within the public system. It is understood that this information will be available soon. If the Council modelling indicates that there are capacity constraints within the wastewater networks, then provisions for wastewater mitigation can be



addressed as a condition of consent. It is understood that the is capacity in the local water supply network can accommodate the proposed development.

#### **4.5 Earthworks**

Due to the relatively flat topography earthworks will be generally limited to:

- Cuts of up to 1.3m and fill of up to 1.0m
- A total cut volume of 1,236m<sup>2</sup> and a total fill volume of 1,076m<sup>2</sup> (subject to the volume of unsuitable material discovered); and
- A total earthworks footprint of 1.44ha.

The proposed earthworks include establishment of infrastructure within Guthrie Park and stormwater outfalls to the Karituwhenua Stream. Typical designs of the outfalls are provided within the infrastructure report attached as Appendix C.

The earthworks will be carried out in accordance with a management plan and erosion and sediment control plan that will be prepared following engagement of a civil contractor.

#### **4.6 Subdivision**

Subsequent to construction of the development a subdivision is proposed creating freehold residential lots, COALs, a commercial lot to accommodate the garden centre and lots to vest in council.

The main entry to the site, including the mountable roundabout, is to be vested as road. The remaining sections of road will be jointly owned and maintained by the owners and a Residents Association (or similar) will be formed to enable the ongoing function of the jointly owned services. These mechanisms are becoming increasingly common, and are also a way to assist with providing a sense of community across the residents.

A public pedestrian access easement is proposed to allow access to Guthrie Park, adjacent to the Bridge Club. The park entry to the north of the site will be for residents only and signage will be established to direct members of the public to the south.

No staging of the subdivision is proposed.



## **5 CONSULTATION**

### **5.1 Hastings District Council**

Discussions about development of the site have been ongoing with HDC staff since early 2022, when an application was made to the Ministry for the Environment to have the application progressed under the COVID-19 Recovery (Fast-track Consenting) Act. The applicant was advised by the Minister to lodge the application with HDC. It is anticipated that this was due to the relatively small scale of the proposal, and the Minister's wish to reserve the Fast-track Consenting process to the larger projects.

Discussions were then progressed with HDC about re-zoning the site from Rural to Residential via a plan change application, however after a number of meetings and discussions the applicant decided that a resource consent application followed by a plan change request was the best course of action in the interest of time.

Council planning, engineering, transport and parks staff have reviewed the masterplan layout and have provided initial feedback which has been incorporated into the final application.

### **5.2 Hawke's Bay Regional Council**

Discussions are underway with Hawkes Bay Regional Council to confirm if the application will trigger stormwater discharge consent under the regional plan. At this stage it is understood that a stormwater discharge consent is not required as the site falls within the catchment of the HDC pending stormwater network discharge consent.

### **5.3 Mana Whenua**

Marei Atapu of Te Taiwhenua o Heretaunga has facilitated a desktop review of archaeological sites within the area and has distributed details of the proposal to representatives of the local marae in the area, including:





- Matahiwi marae
- Waipatu marae; and
- Ruahapia marae.

A remote meeting was held with Mr Atapu and Waiariki Davis of Waipatu on 24 May 2023. At this stage, no changes have been requested by the parties, however it was agreed that an onsite meeting would be held in early-mid June. The applicant will continue to engage with Mr Atapu and the marae representatives.

#### **5.4 Surrounding landowners**

Letters have been distributed to the following parties with plans of the proposed development:

- The neighbours immediately opposite Brookvale Road
- The owner of the land immediately opposite Romanes Drive; and
- The Bridge Club, the Wanderers Football Club, and the BMX club.

None of the neighbours have requested to meet, however the Wanders Football Club have advised that at some stage would like to establish lights within Guthrie Park for the main football field. The applicant responded to the Football Club requesting to meet and discuss further, with an intent to reach an outcome that is acceptable to both parties.

Separate discussions are also underway with the neighbour immediately adjacent at 53 Brookvale Road. Following a meeting at the property in mid-April, the applicant agreed to lower the height of the proposed dwelling within Lot 35 from two-levels to one-level.



## 6 REASONS FOR THE APPLICATION

Resource consent is being sought as the proposal triggers reasons for consent under the Hastings District Plan.

### 6.1 Reasons for Consent

#### Hastings District Plan

- The proposal involves more than one residential dwelling per site and cannot comply with standard 6.2.6B(a) and is a **non-complying** activity under Rule PP38.
- As required by Table 30.1.6A the minimum lot size in the Plains Production Zone is 12 ha. The proposal involves subdivision creating lots smaller than 12 ha and is a **non-complying** activity under Rule SLD25.
- The proposal involves the removal offsite of greater than 25m<sup>3</sup> of soil and is a **discretionary** activity under Rule EM11.

#### National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011

- The proposal involves soil disturbance on HAIL land greater than the 25m<sup>2</sup> per 500m<sup>2</sup> permitted under Regulation 8(3)(c) and is a **controlled** activity under Regulation 9.

### 6.2 Activity Status

The application therefore seeks resource consent for a **non-complying** activity.



## 7 ASSESSMENT OF ENVIRONMENTAL EFFECTS

### 7.1 Introduction

When considering an application for resource consent, the consent authority must, subject to part 2, have regard to any actual and potential effects on the environment of allowing the activity. In the Act, the term effect includes both adverse and positive effects.

### 7.2 Permitted Baseline

The permitted baseline is relevant to both the assessment under sections 95A to 95G and section 104 of the RMA, as well as section 104D. Under these sections, Council has a discretion to disregard those effects.

### 7.3 Receiving Environment

The receiving environment is a mandatory consideration when assessing the potential adverse effects on the environment. The receiving environment beyond the subject site includes permitted activities under the relevant plans, lawfully established activities (via existing use rights or resource consent), and any unimplemented resource consents that are likely to be implemented. The effects of any unimplemented consents on the subject site that are likely to be implemented also form part of this foreseeable receiving environment.

The receiving environment in which the adverse effects of the proposed development has been assessed is described in Section 2 of this report.

### 7.4 Adverse Effects

#### Effects on the neighbourhood character

As the site has historically been used as a plant nursery, the proposed development represents a change in use. Furthermore, as the site is zoned Plains Production Zone, the proposed use is a departure from the planned character of the site. These matters have the potential to adversely affect the character of the surrounding area and underlying zone. However:



- To the south the area has a well-developed residential character that is clearly part of the Havelock North urban area.
- The area to the east is currently being developed as a large residential subdivision, and in the near future this area will form a clear part of the Havelock North urban area.
- The area to the north is earmarked for urban development under the HPUDS and in the medium term can be reasonably anticipated to form part of Havelock North's urban area.
- The area to the west the site is adjacent to a public reserve which is a community facility supporting urban development in Havelock North.
- As the site is surrounded by existing or anticipated residential development and supporting activities, and the proposal is for residential development is generally of a scale and form consistent with existing residential development in the area, the proposal cannot be considered to adversely affect the character of the surrounding area.
- While the proposal is a departure from the character anticipated by the underlying zone, as the area has already transitioned away from this planned character the overall character of the Plains Production Zone will be unaffected by the proposal.
- The Urban Design Statement provided in Appendix G comprehensively details how the development is consistent with, and makes a positive contribution to, the character of the surrounding area.

For the reasons given above, any adverse effects on neighbourhood character will be less than minor.

### **Physical effects on the locality, including landscape and visual effects**

The change in form and intensity of development on site has the potential to give rise to adverse visual and landscape effects on visual receptors within the public domain. However:

- The proposed development is consistent with the existing urban landscape.
- The proposal will involve extensive onsite landscaping which will soften the appearance of the development.
- The proposal is an improvement in terms of the visual amenity values offered by the site. At present the site is occupied by a large hardstand area which offers no visual interest or natural landscape value.



A specific landscape and visual assessment has been prepared by Narrative Landscape (NL) in support of the application. NL concludes that the scale of built form is considered appropriate in this location and, in conjunction with the retained garden centre, will have an overall positive effect on the wider landscape setting (particularly when compared to the former commercial nursery activity, or its current largely vacant and open state).

In terms of adverse effects, NL notes that:

*“The potential adverse landscape effects are Very Low on the majority of locations, with the exception being on the adjacent property of 53 Brookvale Rd which is Low-Moderate. The potential adverse visual effects are Very Low or Low for most locations considered, with a limited area along Romanes Drive and the adjacent property (53 Brookvale Road) being a Low-Moderate effect.”*

Therefore, I consider that any adverse landscape and visual effects are no more than minor.

### **Noise effects**

The proposal will require minimal earthworks due to the generally flat topography of the site and will not involve any rock breaking activities. Any adverse effects will be less than minor.

### **Contaminated Land**

Historical orcharding and nursery activities on site involved: the use and storage of pesticides; the storage of hydrocarbons; and the potential use of asbestos in built structures. As such, the underlying soils of the site are potentially contaminated with harmful compounds. However, a Detailed Site Investigation report prepared by Environmental Solutions Limited (attached as Appendix F) has found that:

- No asbestos was detected.
- No polycyclic aromatic hydrocarbons were detected.
- No heavy metals were detected in a concentration in excess of the acceptable standard for residential uses.
- While organic compounds were detected, they were not detected at a level which could pose a risk to the health of future occupiers of the site.



For the reasons given above, the effects of establishing residential activities on contaminated land are considered less than minor.

### **Effects of earthworks**

Standard earthworks management methodologies will be implemented during the temporary works. These will relate to the management of noise, vibration, dust, and construction traffic to ensure any potential adverse effects are managed within the site and not displaced onto the surrounding environment. There will be ample space retained on the site to accommodate necessary construction vehicles and storage of materials.

Due to the flat topography and limit depth of cut and fill, earthworks will be completed over a relatively short period. Erosion and sediment controls will be in place to minimise sediment discharges to the Karituwhenua Stream.

An earthworks management plan (EMP) will be prepared and implemented prior to works commencing.

The EMP will include:

- Earthworks traffic management plan.
- Final erosion and sediment control plan.
- Measures to ensure only clean fill is accepted onsite.
- Measures to manage noise.
- Measures to minimise dust onsite.

For the reasons given above, any adverse effects associated with earthworks will be less than minor.

### **Effects on Three Waters Infrastructure**

Calculations have been provided that demonstrate the demand that the proposed development will generate on water supply infrastructure. From discussions with Council to date, it is understood that the existing public water reticulation has capacity to accommodate the proposed development.

Calculations have also been provided that demonstrate the demand on Council wastewater infrastructure. As noted above, the results of Council wastewater modelling are expected to be available soon. In the event where there is a capacity shortfall, mitigation in the form of onsite wastewater retention can be provided. If necessary, this would involve a small volume of wastewater being retained



in an underground tank adjacent to the proposed pump station. The discharge of wastewater to the Council reticulation can then be controlled to avoid pressure on the network at peak times. The underground tank would be fitted with controls such as emergency storage and alarms to avoid the risk of any spills.

Because the total impervious area will reduce as a result of the development, there will be a net reduction in the volume of stormwater runoff from the site. Stormwater will continue to be discharged to the Karituwhenua Stream (which forms part of the Council stormwater drainage network) via two new stormwater outfalls. The outfalls will be fitted with riprap aprons to dissipate stormwater flow prior to discharging to the stream. To treat gross pollutants within the stormwater new raingardens are proposed within landscaping areas in the northern access lot and eastern side of the car park. A new underground proprietary device (Hynds Up-Flo Filter) is also proposed at the northern end of the private road to treat runoff from roads, paths and driveways etc.

Overall, any adverse effects on three waters infrastructure can be appropriately mitigated to a less than minor level.

### Traffic Effects

The application is supported by a traffic impact assessment prepared by East Cape Consultants (ECC). A summary of the findings from ECC is provided below:

- The incremental traffic generation from the new residential lots is expected to have a negligible effect on the operation of the surrounding network.
- The proposed internal road cross sections are a departure from the District Plan standards but have been shown to appropriately accommodate the needs of light and heavy traffic as well as pedestrians and cyclists.
- The individual lots are expected to provide on-lot parking and additional on-street.

For the reasons given above, any adverse effects on the traffic network and internal operation of the proposed development will be less than minor.

### Natural Hazard Effects

The HBRC Hazard maps indicate that there is a risk of inundation within the 1 in 50-year event and raising levels of the site has the potential to reduce the flood storage capacity of the Karituwhenua



Stream. To ensure that the Karituwhenua Stream maintains its flood storage capacity, it is proposed to cut existing ground material from the southern bank of the stream at the northern boundary. To further ensure any flood risks are avoided, dwellings 10-18 will have a minimum floor level of 200mm above the identified flood level. All the remaining dwellings will be outside of the identified flood risk area.

A geotechnical investigation has also been provided which concludes that the risk of liquefaction and consolidated settlements from the likely building loads are low.

Any adverse effects associated with natural hazards can be appropriately mitigated and are less than minor.

### **Effects on the productive capacity of the land**

As the underlying land of the site has been identified as LUC 2 land within the New Zealand Land Use Resource Inventory, the proposed use of the site has the potential to affect the productive capacity of the site's soils. However, the soil assessment provided within Appendix H has concluded that the site's soils have undergone significant modification and are no longer appropriate for productive use. As such, further modification of the site is not considered to have any impact on the productive capacity of the land. Furthermore, making the site available for urban development lessens the need for new greenfield land outside urban boundaries that can be turned to productive uses.

### **Positive effects**

#### Visual amenity

At present the site is largely undeveloped. Apart from the existing garden centre and café occupying the south-eastern corner, the site is mostly covered in a layer of concrete with no landscaping or built development. This represents a negative visual outcome in the context of Havelock North's urban landscape and the visual amenity values anticipated in the Plains Production Zone. As such, the proposed extensive landscaping around residential dwellings and throughout the commonly owned areas represents a significant improvement in terms of the visual amenity offered by the site.

#### Housing provision

The proposal will result in the construction of 35 new residential dwellings which will assist in addressing the shortfall of housing being experienced locally and nationwide.





### Economic effects

An Economic Impact Assessment Prepared by Phil Osbourne of Property Economics Limited has been submitted in support of the application within Appendix J. This report has concluded that the project will render the following economic benefits for the Hawkes Bay economy:

- Just under \$26 million in spending in the Hawkes Bay economy over the four-year development period.
- Contribution of 100 jobs during peak activity and a total employment contribution of 250 full time equivalent years over the development period.
- Increased housing supply will increase competitiveness in the local housing market, resulting in more affordable housing.
- Economies of scale associated with comprehensively designed and implemented development will reduce marginal infrastructure costs.
- The project will support employment levels through the predicted economic downturn and uncertain employment environment of a post-pandemic economy.



## 7.5 Adversely affected persons



**Figure 7:** Plan context (Source: Hastings District Council Map Viewer).

The properties identified in Figure 8 above are adjacent to the site and specific assessment of potential adverse effects on the owners or occupiers of these properties has been provided below. Note that any earthworks, construction, traffic, infrastructure, landscape, or natural hazard effects on adjacent properties are considered to have been adequately assessed in Section 8.4 above. As such, the below assessment covers potential visual effects on surrounding properties based on the Landscape and Visual Assessment provided in Appendix D. Note that the Landscape and Visual Assessment uses an effects scale ranging from very low to very high. For the purposes of this assessment:



- Any visual effects that are very low or low are considered less than minor.
- Any visual effects that are low-moderate are considered minor.
- Any visual effects that are moderate or greater are considered more than minor.

### **Guthrie Park (Part Lot 1 DP 1956, Part Section 18 Block IV Te Mata SD, Section 7 SO 330242) – North and West**

Guthrie Park has a large shared boundary with the proposed development and has clear views of the site, however:

- The potential adverse visual effects on park users are considered to range from very low to low as park users are not considered sensitive to the proposed built form.
- The proposal is visually integrated with the landscape due to the proposed landscaping.
- The proposal will have a positive interface visual interface with the adjacent park presenting a high-quality urban edge that is an improvement over the old commercial nursery and current vacant hardstand lot.

As such any adverse visual effects on the users of Guthrie Park are considered less than minor.

### **158 Napier Road (Part Lot 3 DP 28880) and 33 Romanes Drive (Lot 102 DP 563793) – North and East**

There are clear views of the development from the properties across Romanes Drive at 158 Napier Road and 33 Romanes Drive, however there are no existing dwellings within the vicinity of the proposed development. The site at 33 Romanes Drive is currently being developed into housing following a recent plan change. The proposed development will not appear overly visually dominant as the future dwellings will be separated by Romanes Drive and the Karituhenua Stream.

Any adverse effects on persons within properties to the north and east will be no more than minor.

### **15 Legorne Lane (Lot 1 DP 23150), 54 Brookvale Road (Lot 2 DP 23150) 56 Brookvale Road (Lot 3 DP 23150), 58 Brookvale Road (Lot 4 DP 23150) and 60 Brookvale Road (Lot 5 DP 23150) and 62 Brookvale Road – South**

Because the section of the site fronting Brookvale Road currently comprises dwellings and the nursery, the proposed development will not result in a significant change in the neighbour's views across



Brookvale Road. The only material change along the frontage will be the addition of the proposed dwelling within Lot 35 and replacement of the existing dwelling at 55 Brookvale Road with the proposed dwelling within Lot 2. The proposed landscaping will assist in mitigating the visual impacts on the neighbours opposite also.

It is acknowledged that the proposal will increase the number of vehicles entering and exiting the site, however the traffic activity will not be dissimilar to the former wholesale nursery on the site.

Any adverse effects on persons within properties to the south, opposite Brookvale Road, will be no more than minor.

### **53 Brookvale Road (Lot 1 DP 311724)**

The proposed development will surround the existing dwelling at 53 Brookvale Road to the east, north and west. The indoor and outdoor living areas are located to the on the eastern side of the site and the outdoor area includes a pool in the north-western corner of the site.

As noted above, the applicant has met with the neighbour to present the proposal and discuss the proposed development. The neighbours fundamental concern was visual dominance privacy effects resulting from two-level dwellings on the northern and western boundary. Following the meeting the design was amended so that all dwellings adjacent to the western and northern boundary were limited to one-level to address the neighbours' concerns.

The proposed landscaping, including fencing, will provide additional screening to further mitigate any adverse visual and privacy effects of the proposed development.

Any adverse effects on persons within 53 Brookvale Road will be no more than minor.

## **7.6 Conclusion**

For these reasons, it is considered that the proposal's adverse effects on the environment and persons on adjacent land regarding land use will be minor and the relevant assessment criteria will be achieved.



## 8 NOTIFICATION ASSESSMENT

### 8.1 Public Notification

Section 95A of the RMA specifies the steps the Council must follow to determine whether to publicly notify an application. These steps are addressed below.

*Table 1: Public Notification Assessment*

Public Notification Steps	Assessment
<b>Step 1: Mandatory public notification in certain circumstances</b>	
Public notification is required if it is requested by the applicant, required under section 95C or the application is made jointly with an application to exchange recreation reserve land.	While we have concluded that any adverse effects associated with the proposal are at most minor, the applicant recognises the anomalous nature of the sites zoning, and values the feedback of the community on the application. As such, the applicant is requesting public notification, Step 1 applies and Step 2-4 need not be considered.
<b>Step 2: If not required by Step 1, public notification precluded in certain circumstances</b>	
Public notification is precluded if all applicable rules and national environmental standards preclude public notification; or if the application is exclusively for a controlled activity and/or a restricted discretionary, discretionary or non-complying boundary activity.	-
<b>Step 3: If not precluded by Step 2, public notification is required in certain circumstances</b>	
Public notification is required if an applicable rule or national environmental standard requires public notification; or if the activity is likely to have adverse effects on the environment that are more than minor.	-
<b>Step 4: Public notification in special circumstances</b>	
If notification is precluded under Step 2, or is not	-



required under Step 3, consideration must be given to whether special circumstances exist that warrant public notification of the application.

### **Public Notification Assessment Conclusion**

The applicant has requested that the application be publicly notified.



## **9 STATUTORY ASSESSMENT**

Under section 104(1) of the RMA, the Council must, subject to Part 2, have regard to the following matters when assessing a resource consent application and any submissions received.

### **9.1 Section 104(1) (a)**

Council must have regard to the actual and potential effects on the environment of allowing the activity.

As assessed in Section 5 above, the proposal will have actual and potential effects that are minor and acceptable.

### **9.2 Section 104(1) (ab)**

Council must have regard to any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity.

In this case, the proposal is not of a scale or nature that would require specific offsetting or environmental compensation measures to ensure positive effects on the environment.

### **9.3 Section 104(1) (b)**

Council must have regard to the relevant provisions of operative or proposed national, regional and district planning documents as well as other regulations.

An assessment of the relevant statutory documents that corresponds with the scale and significance of the effects that activity may have on the environment has been provided below.

#### **National Policy Statement on Urban Development 2020**

The proposal is consistent with the requirements and directives of the National Policy Statement for Urban Development (NPSUD) as:

- The proposed development will contribute to a well-functioning urban environment by:
  - Directing rural land use activities away from the sensitive urban residential environment surrounding the site.



- Increasing housing supply within the urban boundary of Havelock North, consolidating urban growth and avoiding sprawl.
- Enabling variety in the type of housing available by offering more compact typologies than existing development in the neighbourhood.
- Providing good accessibility for residents to Havelock North, which is an important regional employment centre.

This will provide for the social and economic needs of the community by meeting the local and national demand for housing and contributing to a compact urban form (**Objective 1, Policy 1**).

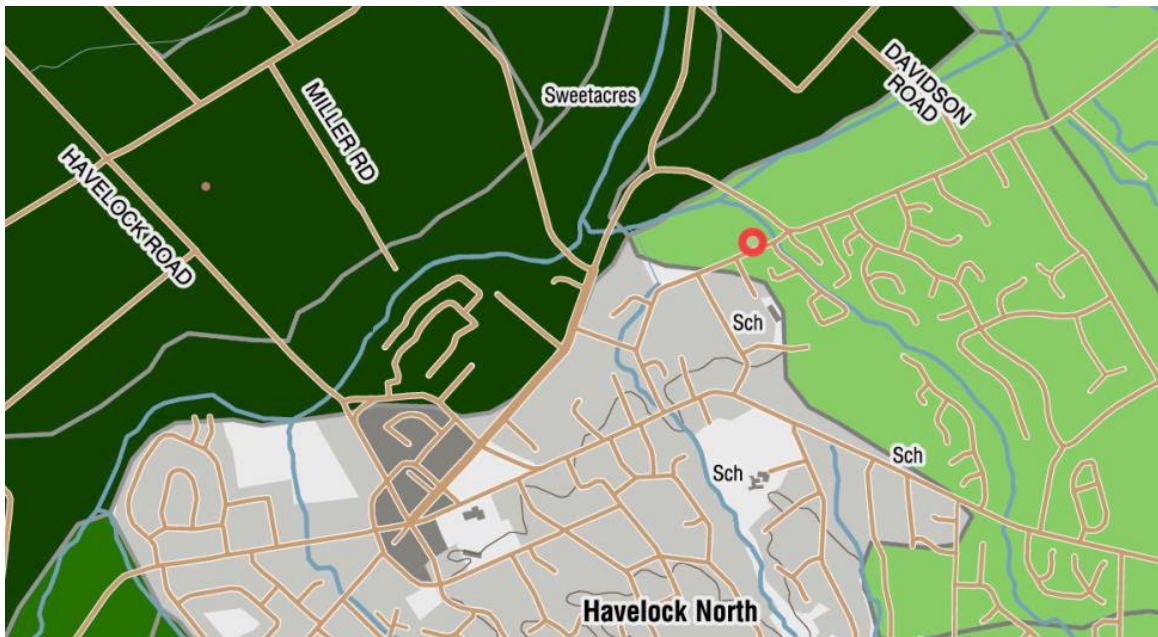
- The proposal will support housing supply and competition in the housing market. (**Objective 2, Policy 2**).
- The NPSUD recognises that urban environments and their amenity values will change over time in the response to the changing needs of people and that this in and of itself is not an adverse effect. As such the proposed change of development intensity on site is acceptable within the context of the landscape and residential amenity values offered by the development (**Objective 4 and Policy 6**).
- The applicant has given effect to the principles of the Treaty of Waitangi (see Section 11 of this report for further explanation) in relation to the proposal (**Objective 5 and Policy 9**).
- The proposal will contribute to a more compact urban form, reducing travel times for residents working in Havelock north and reducing greenhouse gas emissions in the long term (**Objective 8**).
- The proposed development is essentially a proposal to increase the development capacity of the site to enable a residential development and **Objective 6, Policy 2 and Policy 8** are fundamentally enabling of the proposal.

### National Policy Statement for Highly Productive Land 2022

Regarding the NPS-HPL, this NPS directs that the Landcare soil maps are applied until such time that more detailed mapping is completed by the regional councils. The property is shown as being in LUC3, as in the below (red circle denotes 55 Brookvale Road, the lighter green being LUC3):







**Figure 8:** Land use capability mapping

However, the site in question has long passed out of productive uses depending on the underlying soils, and the Soil Assessment attached as Appendix H has concluded that the site in question is no longer highly productive land as:

- The bore log core data applying to the site, as well as information gathered from a desktop assessment, confirms that the underlying soils have undergone significant modification.
- The land in its current state cannot be assigned an LUC classification due to the degree of modification and is not considered highly productive land.

## Hastings District Plan

### Plains Production Zone

The proposal is consistent with the objectives and policies of the Plains Production Zone as:

- The proposal will not result in any material reduction in the availability of highly productive land in the district as the site is no longer considered highly productive land due to the extensive modification of the underlying soils. Furthermore, the proposal will also be undertaken within the urban limits of Havelock North and will avoid any ad-hoc development into the wider Plains Production Zone (**Outcome PPAO1, Objectives PPO1 and PPO2, Policies PPP1, PPP3, PPP5, PPP7 and PPP11**).



- The proposal will generally avoid any adverse effects on adjacent land uses given that the proposal is for residential development, and the site is surrounded by existing and future residential development. For this reason, any reverse sensitivity effects will also be avoided (**Outcome PPA03**).
- The proposal will not alter the overall rural character or amenity values of the zone as the site is discrete from any other land zoned Plains Production and does not at present represent the character or amenity values anticipated in the zone. As such the proposal will not alter any planned character or amenity values. Furthermore, the proposed developments landscaped, and densely planted character is as close as any reasonable use of the land will come to achieving the open and low scale rural character anticipated in the zone, and is a significant improvement relative to existing development on the site (a large area of metal hardstand) (**Outcome PPA06, Objective PPO3, Policies PPP13-PPP15**).
- The life supporting capacity of the Heretaunga Plains Unconfined Aquifer system will be sustained as no groundwater take or soakage field is proposed (**Outcome PPA09, Objective PPO9**).

### Subdivision and Land Development

The proposal is consistent with the requirements of Part D Subdivision and Land Development of the HDP as:

- **Objective SLDO1** is enabling of subdivision of land consistent with the relevant objectives and policies of the HDP. As demonstrated throughout Section 8.3 of this report the proposal is consistent with the relevant objectives and policies of the HDP and this Objective SLDO1 is fundamentally enabling of the proposal.
- The proposed sites are all adequately sized to provide for the proposed residential activities, and the site cannot be reasonably anticipated to be used for anything other than residential activities in the foreseeable future. Therefore, providing flexibility for other uses is not necessary (**Outcome SLDAO2, Objective SLDO2**).
- The proposed lots are of an appropriate size to allow for generous landscaped areas that will fit well into the surrounding neighbourhood and will contribute to the suburban character and amenity values of the area. Furthermore, the proposal will not give rise to any reverse sensitivity effects (being a residential activity in an established residential neighbourhood) and can be



adequately serviced with infrastructure connections (**Outcomes SLDAO3, SLDAO4, SLDAO7, SLAO8, SLDAO10 and SLDAO11, Objective SLDO4, Policies SLDP7-SLDP11, SLDP14 and SLDP15**).

- Appropriate access has been provided to the development from Brookvale Road and each site created has safe and efficient access to the internal pedestrian and vehicular networks (**SLDPAO12 and SLDAO13, SLDO4, Policies SLDP10 and SLDP11**).
- The proposal will not give rise to any adverse natural hazard effects for the future residents of the proposed development or adjacent sites as stormwater can be appropriately managed via the proposed stormwater management strategy and mitigation of floodwaters via raised finished floor levels during significant rainfall events (**Outcome SLDAO5 and SLDAO6 and SLDAO8, Objective SLDO3, Policies SLDP4 and SLDP5**).
- The proposal is for the establishment of a residential activity on potentially contaminated land; however the necessary site investigations have been undertaken and as assessed in Section 7 of the Planning Report the proposal will not give rise to any adverse effects on human health. Furthermore, any flooding can be managed with appropriate floor levels for habitable rooms and the proposed stormwater management strategy (**Outcome SLDAO8**).

#### 9.4 Section 104(1)(c)

Council must have regard to any other matter that it considers relevant and reasonably necessary to determine the application.

##### Housing supply in Hawkes Bay

In this instance, it is considered that there is a significant public interest in the approval of the application. Early 2023 saw unprecedented flooding across the North Island, with the Hawkes Bay region being one of the most significantly impacted parts of the country. This has affected communities across the region, contributing to an existing housing nationwide housing crisis.

The proposal will contribute 35 new dwellings designed to be above any potential flooding of the site. As such, approval of the application will address the shortfall of housing in the region while remaining future proofed from flood events.



### Plan integrity

Council has raised concerns regarding the proposal's effects on 'plan integrity', should approval be granted for a residential development in the Plains Production Zone. I do not consider that there are any effects on plan integrity given the anomalous nature of the underlying zoning and the reality that the site has none of the features that characterise the Plains Production Zone (versatile soils used for primary production outside of urban areas):

- The site has no 'versatile land' as defined in the district plan, containing no LUC 1-3 soils.
- The site is not outside the urban area of Havelock North, being entirely contained by existing and future urban development areas.
- The site has no practicable use for primary production activities, being covered in hardstand surfaces and being surrounded by residential development sensitive to primary production activities.

As such, 'plan integrity' will not be compromised and no precedent will be set allowing for inappropriate development of sites within the Plains Production Zone characterised by the recognised features of the zone. For the avoidance of any doubt, the NPS-HPL contains unambiguous directions to avoid inappropriate development of highly productive land and provides assurance that the integrity of the zone is maintained.

### 9.5 Section 104D

Section 104D(1) of the RMA creates a gateway test requiring that resource consents for non-complying activities are only granted if the consent authority is satisfied that either:

*(a) the adverse effects of the activity on the environment (other than any effect to which section 104(3)(a)(ii) applies) will be minor; or*

*(b) the application is for an activity that will not be contrary to the objectives and policies of—*

*(i) the relevant plan, if there is a plan but no proposed plan in respect of the activity; or*

*(ii) the relevant proposed plan, if there is a proposed plan but no relevant plan in respect of the activity; or*

*(iii) both the relevant plan and the relevant proposed plan, if there is both a plan and a proposed plan in respect of the activity.*



[Subject]

Assessment of Environmental Effects



Section 7 of this report has made an assessment of effects on the environment that has concluded that any effects on the environment are minor, and the proposal is consistent with the requirements of section 104D(1)(a).



## 10 CONCLUSION

It is requested that draft conditions are shared for review prior to the issuing of the resource consents.

Please contact us should you require further information or clarification in relation to this application.



[Subject]

Assessment of Environmental Effects

## Appendix A **Records of Title**



[Subject]

Assessment of Environmental Effects

## Appendix B **Scheme Plan**





[Subject]

Assessment of Environmental Effects



## Appendix C    **Infrastructure Report**



30 May 2023

[Subject]

Assessment of Environmental Effects



## Appendix D **Landscape and Visual Assessment**



30 May 2023

[Subject]

Assessment of Environmental Effects

## Appendix E **Traffic Assessment**



[Subject]

Assessment of Environmental Effects



## Appendix F **Contaminated Land Assessment**



30 May 2023

[Subject]

Assessment of Environmental Effects



## Appendix G **Urban Design Statement**



30 May 2023

[Subject]

Assessment of Environmental Effects

## Appendix H **Soil Assessment**



[Subject]

Assessment of Environmental Effects



## Appendix I      **Economic Impact Assessment**



30 May 2023

[Subject]

Assessment of Environmental Effects

## Appendix J    **Masterplan**





[Subject]

Assessment of Environmental Effects

## Appendix K **Architectural Drawings**



[Subject]

Assessment of Environmental Effects

## Appendix L **Landscape Concept**

