



MITCHELL
DAYSH 

SUN PROPERTIES LIMITED

**SUBDIVISION AND
RESIDENTIAL DEVELOPMENT**

147 – 151 Napier Road, Havelock North

12 March 2024

TABLE OF CONTENTS

Part A: Resource Consent Application

Part B: Assessment of Environmental Effects

1.	Introduction	2
1.1	Project Overview	2
1.2	Purpose of this Report	2
1.3	Structure of this Report	3
2.	Existing Environment	4
2.1	Overview	4
2.2	Geotechnical and Ground Conditions	5
2.3	Transport and Roading	5
2.4	Infrastructure Servicing	7
2.5	Flood Risk	8
2.6	Hail Activities	9
2.7	Records of Title	9
3.	Description of Proposal	10
3.1	Introduction	10
3.2	Proposed Subdivision	10
3.3	Proposed Residential Redevelopment	14
3.4	Access	18
3.5	Parking	19
3.6	Infrastructure servicing	19
3.7	Geotechnical Site Suitability	22
3.8	Electricity and Telecommunications	22
3.9	Proposed Earthworks	23
3.10	Construction Management Plan	24
3.11	Erosion and sediment Control Plan	24
4.	Resource Consent Requirements	26
4.1	Introduction	26
4.2	Operative Hastings District Plan	26
4.3	Plains Production Zone	26
4.4	Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011	34
4.5	Summary of Activity Status	35
5.	Assessment of Environmental Effects	36
5.1	Introduction	36
5.2	Positive Effects	36
5.3	Visual and Amenity Effects	37
5.4	Traffic Effects	38
5.5	Geotechnical Effects	40
5.6	Social and Cultural Effects	41



5.7	Earthworks Effects	41
5.8	Effects on Versatile Land Resource	42
5.9	Servicing Related Effects	43
5.10	Construction Effects	43
5.11	Summary of Environmental Effects	45
6.	Statutory Assessment	46
6.1	Introduction	46
6.2	Requirements of a Consent Application	46
6.3	Section 104D ASsessment	46
6.4	Section 104 Assessment	47
6.5	Section 106 of the RMa	76
6.6	Other Matters (RMA Section 104(1)(c))	77
6.7	Part 2 of the RMA	78
6.8	Summary	79
7.	Consultation	80
7.1	Introduction	80
7.2	Consultation Summary	80
8.	Notification	84
8.1	Public Notification (Section 95A)	84
8.2	Limited Notification (Section 95B)	85
8.3	Assesment of Effects on Persons (S95E)	85
8.4	Notification Summary	90
9.	Conclusion	91

LIST OF FIGURES

Figure 1:	Location of Site (HDC Intramaps)	2
Figure 2:	Existing Stormwater System Features (Stratagroup)	8
Figure 3:	Proposed Scheme Plan (Surveying the Bay)	13
Figure 4:	Site Layout Plan (Fat Parrot Architecture)	16
Figure 5:	3D Perspectives of the Dwelling Units (Fat Parrot Architecture)	17
Figure 6:	General 3D Layout of the Proposed Development	17
Figure 7:	Cut/Fill Plan (Stratagroup)	23
Figure 8:	HDP Zoning of the Site	27



Figure 9: Southern Boundary Height in Relation to Boundary Compliance (Fat Parrot Architecture)	34
Figure 10: View of Existing Site from Napier Road	38
Figure 11: View of Proposed Site from Napier Road	38
Figure 12: Land Use Capability Maps (HBRC)	50
Figure 13: Map of adjoining and neighbouring properties	86

LIST OF TABLES

Table 1: Title Details	9
Table 2: The Proposed Lots	10
Table 3: Proposed Easements in Gross	12
Table 4: Post-development Stormwater Flow Rates	22
Table 5: HDP Performance Standards Assessment	28
Table 6: Consultation Summary	80
Table 7: Mitigation Measures recommended by Mana Whenua	88

LIST OF APPENDICES

Appendix A	Geotechnical Report – RDCL Limited
Appendix B	Traffic Impact Assessment – Urban Connection Limited
Appendix C	Civil Engineering Assessment – Stratagroup Limited
Appendix D	Detailed Site Investigation Report – EAM Environmental Consultants Limited
Appendix E	Records of Title
Appendix F	Scheme Plan
Appendix G	Architectural Plans
Appendix H	Cut/fill Plan
Appendix I	Architectural Statement – Fat Parrot Architecture Limited



- Appendix J** Highly Productive Land Report – Land Vision Ltd
- Appendix K** Precedent Investigation of Potentially Similar Plains Production Zone Properties
- Appendix L** Mana Whenua Site Visit Meeting Notes – 29 November 2023
- Appendix M** Written Approval – 165 Napier Road
- Appendix N** Mana Whenua Email Correspondence – March 2024



REPORT INFORMATION

Report Status Final

Our Reference MDL001740

Author Moana Schoffa

Review By Philip McKay

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PART A

Resource Consent Application

APPLICATION FOR RESOURCE CONSENT

Sections 88 and 145, Resource Management Act 1991

To **Hastings District Council**
207 Lyndon Road East,
Hastings, 4122

1. Sun Properties Limited apply for land use and subdivision resource consent.
2. **The activity to which the application relates to is as follows:**

Undertake a subdivision of 32 lots and residential development of 29 dwellings within the Plains Production Zone, inclusive of the construction of private infrastructure, roading and landscaping.
3. **The site at which the proposed activity is to occur is as follows:**
 - Lot 2 DP 8602 (RT HB 138/255) – 147 Napier Road, Hastings.
 - Lot 3 DP 8602 (RT HB 198/94) – 151 Napier Road, Hastings.
4. **There are no other activities that are part of the proposal to which this application relates.**
5. **Additional resource consents that are needed for the proposal to which this application relates are:**
 - Stormwater Discharge Permit from Hawke’s Bay Regional Council (Regional Resource Management Plan Rule TANK 22) to discharge stormwater from the residential development to the Karamu Stream.
6. **I attach an assessment of the proposed activity’s effect on the environment that—**
 - (a) includes the information required by clause 6 of Schedule 4 of the Resource Management Act 1991; and
 - (b) addresses the matters specified in clause 7 of Schedule 4 of the Resource Management Act 1991; and
 - (c) includes such detail as corresponds with the scale and significance of the effects that the activity may have on the environment.
7. **I attach an assessment of the proposed activity against the matters set out in Part 2 of the Resource Management Act 1991.**

8. **I attach an assessment of the proposed activity against any relevant provisions of a document referred to in section 104(1)(b) of the Resource Management Act 1991, including the information required by clause 2(2) of Schedule 4 of that Act.**
9. **I attach information that adequately defines the following;**
- The position of all new boundaries;
 - The areas of all new allotments;
 - The location and areas of land to be set aside as new roads (private); and
 - The locations and areas of land to be set aside as reserves, including an esplanade reserve.
10. **I attach the following further information required to be included in this application by the district plan, the regional plan, the Resource Management Act 1991, or any regulations made under that Act:**

Appendix A: Geotechnical Report – RDCL Limited

Appendix B: Traffic Impact Assessment – Urban Connection Limited

Appendix C: Civil Engineering Assessment – Stratagroup Limited

Appendix D: Detailed Site Investigation Report – EAM Environmental Consultants Limited

Appendix E: Records of Title

Appendix F: Scheme Plan

Appendix G: Architectural Plans

Appendix H: Cut/fill Plan

Appendix I: Architectural Statement – Fat Parrot Architecture Limited

Appendix J: Highly Productive Land Report – Land Vision Ltd

Appendix K: Precedent Investigation of Potentially Similar Plains Production Zone Properties

Appendix L: Mana Whenua Site Visit Meeting Notes – 29 November 2023

Appendix M: Written Approval – 165 Napier Road

Appendix N: Mana Whenua Email Correspondence – March 2024

Date: 12 March 2024



Signature: Philip McKay

Agent authorised to sign on behalf of applicant.

Address for Service: Mitchell Daysh Limited
PO Box 149
Napier

Telephone: + 64 27 495 5442

Email: Philip.McKay@mitchelldaysh.co.nz

Contact person: Philip McKay



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PART B

Assessment of Environmental Effects

1. INTRODUCTION

1.1 PROJECT OVERVIEW

This Assessment of Environmental Effects (“**AEE**”) has been prepared to accompany the resource consent application under the Resource Management Act 1991 (“**RMA**”) by Sun Properties Limited (the “**applicant**”) to both subdivide and residentially redevelop their property at 147 – 151 Napier Road, Havelock North (an area of approximately 7,598 m²) to create 29 residential lots, one shared facilities lot, and two public reserve lots from two existing Records of Title.

As mentioned, the applicant is also seeking land use consent to establish 29 residential dwellings in a manner that will not comply with a number of district plan performance standards.

The following figure shows the location of the site to be utilised for the proposed subdivision and residential redevelopment.



Figure 1: Location of Site¹ (HDC Intramaps)

1.2 PURPOSE OF THIS REPORT

The applicant is applying for a subdivision consent and land use consent under the Resource Management Act 1991 (“**RMA**”). A stormwater discharge permit will also be

¹ See explanation in section 2.6 of this AEE below identifying that the red outline shown overstates the size of the site as it does not account for land vested for soil conservation and river control purposes in 1988 along the river bank of 47 Napier Road (Lot 2 DP 8602).

required from Hawke’s Bay Regional Council (“**HBRC**”) for the discharge of urban stormwater to the Karamu Stream. This resource consent will be applied for once subdivision and land use consents from Hastings District Council (“**HDC**”) has been obtained.

The purpose of this report is to undertake an assessment of the actual and potential environmental effects of the activities for which resource consent is required under the rules of the Operative Hastings District Plan (“**HDP**”) on behalf of the applicant.

1.3 STRUCTURE OF THIS REPORT

The structure of this AEE is as follows:

- Section 1:** This introduction provides background to the proposal, a summary of the required consents, and the structure of this AEE.
- Section 2:** Describes the environmental setting, including general site characteristics and physical setting.
- Section 3:** Provides a detailed description of the project.
- Section 4:** Provides an assessment of the rules of the HDP, as well as the nature of the consents required.
- Section 5:** Provides an assessment of environmental effects associated with the proposal.
- Section 6:** Sets out the statutory framework against which the resource consent applications have been made and considers the proposal in relation to the provisions of the RMA and the relevant statutory planning documents administered by the Hastings District Council.
- Section 7:** Sets out the consultation undertaken and the results of that consultation.
- Section 8:** Provides a notification assessment and seeks that the application be processed on a non-notified basis.
- Section 9:** Presents a concluding statement.

2. EXISTING ENVIRONMENT

2.1 OVERVIEW

The site is located on the outskirts of Havelock North. To the west of the site is the Karamu Stream and to the east is the Napier Road / Romanes Drive roundabout.

The surrounding environment comprises of residential and rural land. Gurthrie Park is located to the south-east and General Residential Zoned land is located to the east of Napier Road. The adjoining properties to the south are residential, while an orchard is located to the north.

The site has a total area of approximately 7,598 m² and is generally rectangular in shape. The site is flat in nature except for the western boundary of 147 Napier Road which drops part way down the bank towards the Karamu Stream floodplain, with the western boundary of 151 Napier Road extending further onto that floodplain incorporating all of the terrace bank. Aside from those bank areas, the remainder of the site area is on an upper terrace almost entirely covered in buildings and concrete or tarmac.

The site comprises two Records of Title, being 5,828 m² (147 Napier Road) and 1,770 m² (151 Napier Road) in area respectively.

The northern part of the site includes a single cold storage building with the balance of the site comprising former Mr Apple fruit packing and cool storage facilities. There are some minor areas of landscape planting around a former dwelling in the centre of the site. The remaining buildings are all industrial in nature and are currently being leased as storage facilities.

There has been fruit packing and storage buildings on the site for many years, with the first consent recorded on the HDC property file being for additions to an existing cool store in 1967.² The current extent of building and yard development was authorised by Notified Resource Consent 59, which was granted on 9 October 1995.³ That consent enables the packing of a maximum of 200,000 cartons of fruit per season with the application specifying staffing levels of 30 persons per shift and an estimated 26 truck movements per day⁴ during the packing season. The site was last used for fruit packing and cool storage by Mr Apple, whose lease expired in 2021.

This is a live consent⁵ and could be reactivated by a lease of the site to a fruit packing company. This consent must therefore be considered to form part of the existing

² See the summary of consented activities in file ref: 58660#0112.

³ See HDC property file 58860#047.

⁴ See HDC property file 58860#049 (page 2).

⁵ See HDC property file 58860#0113.

environment of the site, along with the current lower intensity use of the existing buildings for storage activities (which includes timber, and hemp storage).

The applicant advises that the current activities on the site generally result in a total of 10 staff per day visiting or working from the site, with occasional truck deliveries and dispatches.

Access to the site is provided via a layby access road separated from the Napier Road / Romanes Drive roundabout. As can be seen from the aerial photograph in Figure 1, the site has two accesses to the layby as well as a direct access to Napier Road at its northern end.

2.2 GEOTECHNICAL AND GROUND CONDITIONS

An assessment of the existing geotechnical and ground conditions at the site is provided in the report entitled “*Geotechnical Report - 147-151 Napier Road, Havelock North*” by RDCL Limited (“**RDCL**”). This report is attached as **Appendix A** to this AEE.

Regional geological maps indicate that the site is underlain by Holocene River deposits, comprising poorly consolidated alluvial gravel, sand and mud.

The site is mapped as having ‘medium’ liquefaction vulnerability and low risk of flooding, in accordance with the Hawke’s Bay Emergency Management Group hazard portal.

In terms of slope stability and erosion, the site is located east of the Karamu Stream bank which has risk of slope instability and erosion.

While groundwater was not encountered in any of the test locations, RDCL have estimated that it is likely to be at 4.0 m bgl according to the water level in the Karamu Stream.

2.3 TRANSPORT AND ROADING

An assessment of the existing transport and roading infrastructure around the site is provided in the report entitled “*147-151 Napier Road, Havelock North – Residential Development – Traffic Impact Assessment*” by Urban Connection Limited (“**Urban Connection**”). This report is attached as **Appendix B** to this AEE.

An overview of the existing environment as it relates to transportation from the Urban Connection report, is provided in the following sub-sections.

2.3.1 Road Layout

Napier Road runs from the centre of Havelock North to Mangateretere, where it intersects with State Highway 51. Napier Road is classified as an Arterial Road under the One Network Road Classification.

The posted speed limit is 50 km/h from Havelock North through the roundabout. The posted speed limit increases to 80 km/h approximately 125 m north of the roundabout.

Napier Road is between 11 and 13 m wide between kerbs in the vicinity of the site. The road cross-section has a central flush median, solid edge line markings and narrow sealed shoulders (nominally 1.5 m) which form cycle lanes south of the roundabout. On-road cycle lanes continue north along Napier Road beyond the roundabout.

A footpath runs along the western side of Napier Road south of the roundabout (adjacent to housing). Footpaths have been provided around the roundabout, with a pedestrian refuge 70 m south of the roundabout. There are no footpaths on the western side of Napier Road north of the roundabout.

The Napier Road/Romanes Drive Roundabout has a 20 m diameter central island and a single circulating lane. There are splitter islands on each of the three legs.

Romanes Drive is classified as a primary collector under the One Network Road Classification. Romanes Drive is a nominal 10 m between kerbs, including two traffic lanes and cycle lanes in each direction.

2.3.2 Traffic Volumes

Urban Connection have undertaken an AM peak survey (8am to 9am) to observe traffic volumes and flow conditions at the Napier Road/Romanes Drive roundabout. It was observed that AM peak flows are slightly heavier southbound; with 54% of traffic heading south, and 46% of traffic heading north.

Regarding daily traffic volumes, these are estimated to be 7,982 vehicles per day for Napier Road (North), 7,785 vehicles per day for Napier Road (South) and 4,279 vehicles per day for Romanes Drive.

Based on trip generation rates for industrial warehousing, it is estimated that the existing site development could generate 29 peak hour trips and 70 vehicles per day. As set out above, the site is consented for a fruit pack house and cool store for a maximum output of 200,000 cartons of fruit per annum, which generated 26 heavy vehicle movements per day, and with multiple shifts of 30 persons each, over 100 light vehicle movements per day.

2.3.3 Accessibility

There are presently two accesses from the site onto the service lane. Both site accesses are sealed and are approximately 7 m wide (southern access) and 11 m wide (northern access).

The service lane is sealed and has an 8 m trafficable width. There are approximately 28 angled and 90⁰ parking spaces provided within the service lane.

The southern access from the service lane onto Napier Road is concrete and 7.5 m wide at the property boundary. The northern access onto Napier Road is also concrete and is 8 m wide at the boundary. There are no markings at either access (limit lines or lane lines).

A third access for heavy vehicles is located 20 m north of the northern service lane access and is directly onto Napier Road. This is also concrete and approximately 7 m wide at the boundary.

The service lane provides access to a campervan effluent waste disposal facility.

2.3.4 Road Safety

Urban Connection have undertaken a review of the NZ Transport Agency's Crash Analysis System for the transport network surrounding the site.

For the five-year period from 2017 to 2021, including all available information in 2022, the identified crashes are summarised as follows:

- One serious injury crash between a truck and motorcycle, with the truck turning right onto Napier road and not giving way to the northbound motorcyclist. This crash occurred close to or at the cool store access;
- One minor injury crash occurred immediately south of the roundabout and involved a pedestrian crossing the road without giving way to a motorcyclist; and
- Three non-injury crashes were due to loss-of-control at the roundabout. All were single vehicle crashes at nighttime.

Urban Connection conclude that whilst a few crashes have occurred near the site, this does not indicate any underlying safety issues, given the relatively low crash frequency and severity. This is reinforced by the fact that no crash patterns have been identified.

2.4 INFRASTRUCTURE SERVICING

An assessment of the existing infrastructure on the site is provided in the report entitled "*Civil Engineering Assessment – 147 Napier Road Development*" by Stratagroup Consulting Engineers Limited ("**Stratagroup**") and has also been summarised below. This report is attached as **Appendix C** to this AEE.

Regarding the existing stormwater system on the site, this comprises a piped network conveying roof and yard generated run-off to the Karamu Stream. The existing stormwater system features are shown in Figure 2 below.



Figure 2: Existing Stormwater System Features (Stratagroup)

With respect to the existing wastewater system on the site, this is a gravity piped network, discharging via a 100 mm diameter pipe to the 600 mm diameter public sewer main.

In terms of water supply, the existing water connection has been obtained from the 200 mm public reticulated main adjacent to Napier Road.

2.5 FLOOD RISK

The proposed development area and the majority of the site resides on near flat terrain with an embankment in proximity of the northern boundary (top of bank), sloping down to a flat terrace above the Karamu Stream main body. The development area/building platforms will be situated 5 m or more above the elevation of the lower terrace and safely removed from all known flood risks.

The 50-year recorded flood level at the Karamu Stream adjacent to the development is R.L. 16.70. Converted to NZVD 2016 datum this level translates to approximately R.L. 6.5 which is approximately 3.4 m below the proposed platform levels. The R.L. 6.5 also loosely coincides with the anecdotal evidence of the flood levels reached in this area during Cyclone Gabrielle. In either scenario, the development platform will reside safely above any historical flood level.

2.6 HAIL ACTIVITIES

A Detailed Site Investigation Report (“**DSI**”) has been provided by EAM and is attached as **Appendix D** to this AEE. As identified in that report, the site contains land which had been used as an orchard from at least 1949 before being converted into a cool store and packhouse operation. The site had been used as a fruit packaging and cool storage facility until 2020. Given this, activities where the use of pesticides are prevalent have occurred on the site. As such, this land is captured under the Hazardous Activities and Industries List (“**HAIL**”) (code A10).⁶

2.7 RECORDS OF TITLE

The application site comprises of two fee simple Records of Title as follows:

Table 1: Title Details

Legal Description	Area	Owners
Lot 2 DP 8602	5,828 m ²	Sun Properties Limited
Lot 3 DP 8602	1,770 m ²	Sun Properties Limited

Copies of these Records of Title are included in **Appendix E** to this AEE.

It is noted the HDC Intramaps and property information does not reflect the information on Record of Title HB 138/255 for Lot 2 DP 8602 (147 Napier Road), the 2nd page of which includes a diagram recalculating the title area to 5,828m² with the vesting of the bank area for soil conservation and river control purposes in 1988. Rather the HDC information states that the property area is 7,082m² being the area of that title prior to 1988 and the reserve vesting.

⁶ HAIL List A10 – Persistent pesticide bulk storage or use including sports turfs, market gardens, orchards, glass houses or spray sheds.

3. DESCRIPTION OF PROPOSAL

3.1 INTRODUCTION

As already noted in the AEE, the applicant is seeking resource consents from the Hastings District Council for the residential redevelopment and subdivision of the site.

A description of the activities that are proposed is included in the following sub-sections.

3.2 PROPOSED SUBDIVISION

3.2.1 Overview

The applicant is applying for resource consent approval to subdivide their existing property (a total area of approximately 7,598 m²) to create:

- 29 residential lots that will each contain a dwelling;
- One (1) shared facilities lot, including internal roads, stormwater detention, and open space; and
- Two (2) lots to vest in HBRC as Local Purpose Reserve (for recreation, and esplanade purposes respectively).

Table 2 below provides a summary of the proposed new lots, including their size.

A copy of the Scheme Plan for the proposed subdivision prepared by Surveying the Bay Ltd is included as **Appendix F** to this AEE and shown as Figure 3.

Table 2: The Proposed Lots

Proposed Lot Number	Area	Purpose
Lot 1	284 m ²	Residential
Lot 2	209 m ²	Residential
Lot 3	212 m ²	Residential
Lot 4	223 m ²	Residential
Lot 5	224 m ²	Residential
Lot 6	264 m ²	Residential
Lot 7	245 m ²	Residential

Lot 8	232 m ²	Residential
Lot 9	312 m ²	Residential
Lot 10	252 m ²	Residential
Lot 11	271 m ²	Residential
Lot 12	163 m ²	Residential
Lot 13	145 m ²	Residential
Lot 14	138 m ²	Residential
Lot 15	164 m ²	Residential
Lot 16	128 m ²	Residential
Lot 17	136 m ²	Residential
Lot 18	164 m ²	Residential
Lot 19	172 m ²	Residential
Lot 20	179 m ²	Residential
Lot 21	200 m ²	Residential
Lot 22	300 m ²	Residential
Lot 23	119 m ²	Residential
Lot 24	93 m ²	Residential
Lot 25	124 m ²	Residential
Lot 26	119 m ²	Residential
Lot 27	95 m ²	Residential
Lot 28	198 m ²	Residential
Lot 29	294 m ²	Residential

Lot 30	1,328 m ²	Shared facilities lot (internal roads, stormwater infrastructure and open space)
Lot 31	332 m ²	To vest in HBRC as Recreation Reserve (stream access from Napier Road)
Lot 32	337 m ²	To vest in HBRC as Esplanade Reserve

3.2.2 Easements

The memorandum of easements is detailed on Sheet 5 of the Scheme Plan, and also in the following tables:

Table 3: Proposed Easements in Gross

Purpose / Interest	Shown as	Servient Tenement (Burdened Land)	Grantee
Right to convey water	AG	Lot 28	Hastings District Council
	AH	Lot 29	
	AI	Lot 30	

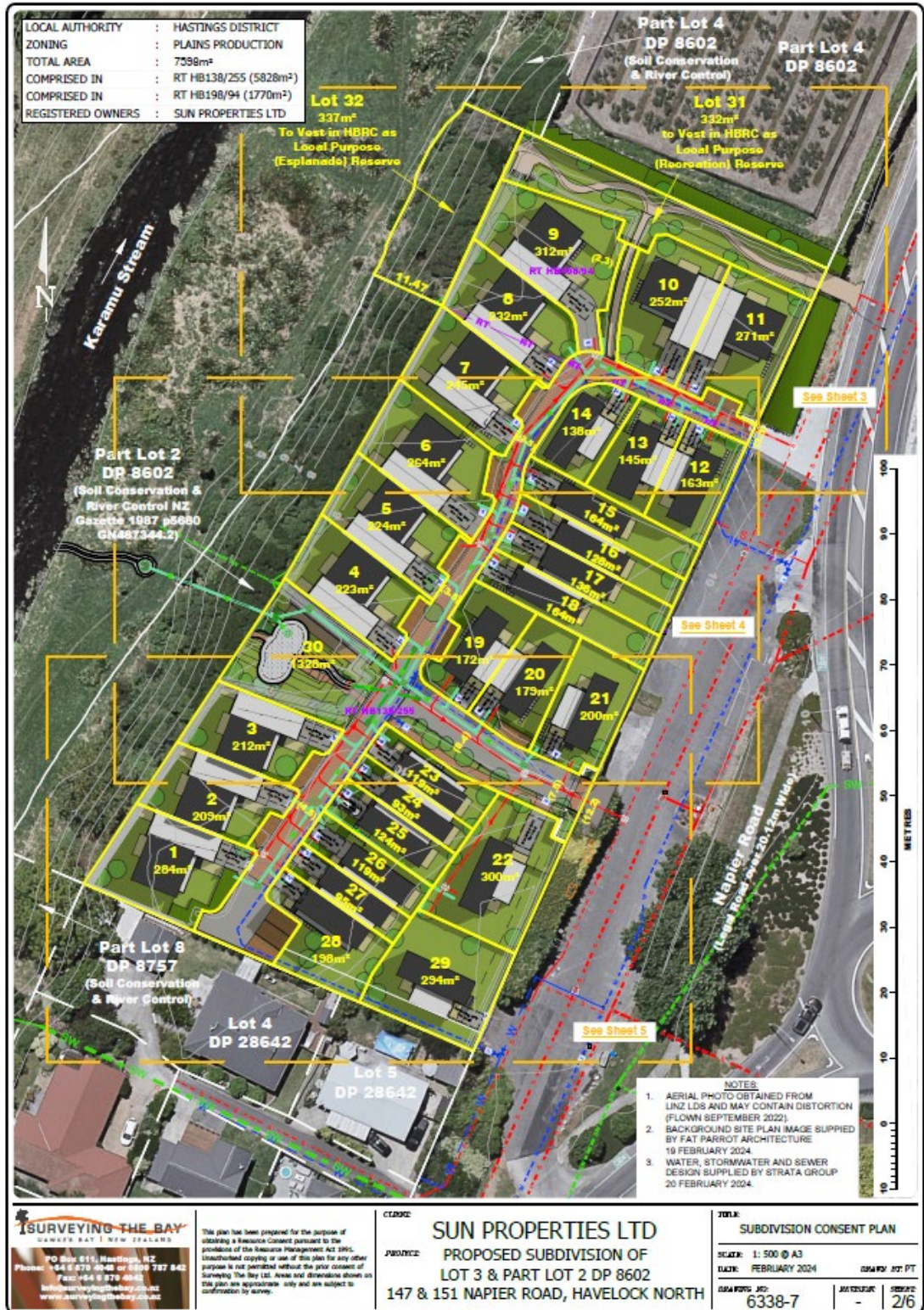


Figure 3: Proposed Scheme Plan (Surveying the Bay)

In addition to the proposed easements in gross set out in the above table, a schedule of proposed easements is set out in the Scheme Plan to provide for the proposed party walls between the terraced units.

3.2.3 Ownership of Shared Facilities

Lot 30 is proposed to be owned jointly by the owners of Lots 1 – 29 via a residents society, with annual levies to cover the cost of road and open space landscape maintenance, and maintenance of the stormwater system. Lot 29 would pay a lesser fee in not relying on the private road network for vehicle access, however they would still have pedestrian and cycle access. It is proposed that the legal mechanisms for the residents society would be provided at the time of section 224 certification.

3.3 PROPOSED RESIDENTIAL REDEVELOPMENT

The proposal will involve the removal of the existing industrial sheds and cool store facilities from the site. It will also involve pile wall strengthening work to the bank to mitigate lateral spread risk and enable building development closer to the edge of the terrace as detailed in the RDCL Report in **Appendix A**.

The proposed development will comprise four different unit types across the site (A – D). Within each unit type variation is proposed in the placement of windows in the side elevations as appropriate for each site, and to street frontage elevations to ensure the street is addressed. In general terms, the development will provide for aesthetically pleasing architecture with enough variation and variety to provide individuality and to enhance the street frontage. While it is proposed to use a limited palette of external finishes, such as pre-coloured metal cladding, concrete blockwork, pre-finished fibre cement panels and weatherboard, variation will be created through interchanging the materials on the different units, changing the roof slopes and using different colours for trim finishes.

Unit type A includes 11 three-bedroom units with a total impervious area of 181.74 m² each. These dwellings will be two-storey and will have a maximum height of approximately 7.8 m. Overall, the total impervious surface area of the 11 units will be 1999.25 m². The ground floor of these units contains the kitchen, dining, and lounge areas, one toilet, as well as a single car garage. The first floor will comprise three bedrooms and two bathrooms. Outdoor living space is to be provided via a terrace at the front of the dwelling, two terraces at the rear of the dwelling and a balcony on the first floor. Outdoor living space will also be provided via garden space at both the front, rear and occasionally side of dwellings. Vehicle access for these units will be provided off a 3.5- 4.5 m access road to each dwelling's respective driveway and into the single car garage.

Unit type B includes 10 three-bedroom units with a total impervious area of 69.45 m² each. These dwellings will be three-storey and will have a maximum height of approximately

9.2m. Overall, the total impervious surface area of the 10 units will be 694.5 m². The ground floor of these units contains one bedroom, a single car garage and laundry. The first floor will contain the kitchen, dining and lounge areas whilst the second floor will contain two bedrooms and two bathrooms. Outdoor living space is to be provided via a terrace at the rear of the dwelling and a balcony on the first floor. Further outdoor living space will also be provided via garden space at either the front, side or rear of the dwellings. Vehicle access to these units will be provided off a 3.5-4.5 m access road to each dwelling's respective driveway and into the single car garage.

Unit type C includes 5 three-bedroom units with a total impervious area of 80.47 m² each. These dwellings will be two-storey and will have a maximum height of approximately 7 m. Overall, the total impervious surface area of the 5 units will be 402.35 m². The ground floor of these units contains the kitchen, dining and lounge areas, as well as a single car garage / laundry. The first floor will comprise three bedrooms and two bathrooms. Outdoor living space is to be provided via a terrace at the rear of the dwelling and a balcony of the first floor. Further outdoor living space will also be provided via garden space at the front, rear and sides of the dwellings. Vehicle access for these units will be provided either directly off the existing service lane, off a 3.5 m access road or off a 5.5 m access road to each dwelling's respective driveway and into the single car garage.

Unit type D includes 3 three-bedroom units with a total impervious area of 84.71 m² each. These dwellings will be two-storey in height and will have a maximum height of approximately 7 m. Overall, the total impervious surface area of the 3 units will be 254.13 m². The ground floor of these units contains the kitchen, dining and lounge areas, as well as a single car garage / laundry. The first floor will comprise three bedrooms and two bathrooms. Outdoor living space is to be provided via a terrace at the rear of the dwelling and a balcony of the first floor. Further outdoor living space will be provided via garden space at the front, side and rear of the dwellings. Vehicle access for these units will be provided off a 5.5 m access road to each dwelling's respective driveway and into a single car garage.

The general layout and appearance of the proposed dwellings is shown in Figures 4-6 below, and in **Appendix G** to this AEE.



Figure 4: Site Layout Plan (Fat Parrot Architecture)



Figure 5: 3D Perspectives of the Dwelling Units (Fat Parrot Architecture)



Figure 6: General 3D Layout of the Proposed Development

Lot 30 comprises the internal roads and an open space area which also incorporates the stormwater detention pond detailed in the Stratagroup report in **Appendix C**. This park-

like area will contain native planting, some seating and a pétanque court for the use of the residents. There will also be access for residents from the park to the reserve along the Karamu Stream.

Extensive landscaping in the form of trees and shrubs will be utilised to enhance the private and public spaces within the development and the streetscape adjoining it. The applicant proposes to engage a registered landscape architect to prepare a landscape plan which is consistent with the following principles (which could be enforced as a condition of consent):

- Providing indigenous vegetation which is in accordance with the HBRC 'Riparian Planting in Hawkes Bay Guidelines', 'upper bank zone species list' for the Karamu Stream terrace areas;
- Softening the built form as viewed from public spaces, including Napier Road;
- Creating a vegetative buffer between the residential buildings and the network utility facilities in the Napier Road slip road, including the campervan dump station; and
- Appropriate tree species to enhance the visual amenity of the internal road network without creating adverse shading effects on adjacent residential buildings.

3.4 ACCESS

The site will be connected to the transportation network via modifications to the existing vehicle crossings to the Napier Road service lane and to Napier Road itself. The only new access that will result from the proposal will be the passive recreation access to Lot 31, which is to be vested with HBRC as recreation reserve. This access will also accommodate occasional HBRC maintenance vehicle access.

A modified two-way vehicle crossing to the property from the existing service lane in the southern part of the site is proposed to gain access to the internal road network. In addition, there will be a one-way (exit only) vehicle crossing directly onto Napier Road in the northern part of the site. This crossing utilises an existing heavy vehicle access and will provide an exit directly onto Napier Road. It is noted that currently this crossing provides for two-way traffic.

Lot 29 will be accessed directly off the Napier Road service lane resulting in a reduction in width of the existing vehicle crossing accessing the southern boundary of the site. Lot 22 will have access off the proposed 5.5 m access road within the site. Lots 1 – 3 and 23 – 28 will be accessed via a proposed 4.5 m two-way road within the site. Lots 19 – 22 will be accessed via the proposed 5.5 m access road within the site. Lots 4 – 18 will be accessed via the proposed one-way 3.5 m access road within the site.

3.5 PARKING

Parking is proposed to be provided on each of the lots by way of one or two parking spaces (comprising a single car garage and a standing bay in front of the garage). These carparking bays will be finished in brick pavers.

The plans presently show a total of 11 car parks within the Lot 30 private road network, which would be available for visitor parking, as would the car parks within the Napier Road service lane. Further details of parking provision are provided in the transportation assessment.

3.6 INFRASTRUCTURE SERVICING

3.6.1 Water Supply

Stratagroup has undertaken an assessment of the proposed water supply network (attached as **Appendix C**) with key points summarised as follows.

There are existing 100 mm and 200 mm diameter water mains within the public road reserve. It is proposed to connect the new servicing main to the 200 mm existing water main near the northern accessway and to the 100 mm main near the southern boundary to form a pipe loop.

Water meters are proposed to be installed for each individual unit within the development, noting access will be private but not gated or physically restricted. This solution is preferred to installing all manifold boxes at the subdivision entrance due to the total number of water meters required.

With respect to firefighting supply, this is provided by a proposed fire hydrant to be installed at the southern connection. This hydrant along with the existing hydrant near the northern connection provide distances compliant with the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008.

The water demand assessment undertaken by Stratagroup specifies a minimum daily demand of 400 litres per person per day. An expected 3.5 equivalent persons per dwelling unit has been adopted, making the average daily demand 40,800 litres per day at the site. Further, the peak daily demand is estimated to be 81,600 litres per day.

3.6.2 Wastewater

Stratagroup has undertaken an assessment of the proposed wastewater supply network (attached as **Appendix C**) as summarised below.

The proposed wastewater infrastructure has been designed as a gravity system.

Where possible, the proposed wastewater mains will be installed above minimum grades permissible under NZS4404, namely 0.55% grade. The 100 mm diameter lot connections will be laid at a minimum of 1.67%, as required under the Building Code.

Communication with Council Engineers indicated that the favoured wastewater connection point was Manhole ID 1714977. Due to the total pipe length run, the wastewater design needed to be split into two runs to enable gravity connections to the Council network. The two connections will be on the same 150 diameter main as was originally suggested by the Council, but two new manholes will be required on the existing main to facilitate the connections.

Stratagroup have defined the Average Dry Weather Flow as being 0.0029 litres / second / person and 250 litres per person per day (Houses on Community Scheme) and the equivalent population to be at 3.5 persons/lot. The peak design flow has been calculated with a diurnal peaking factor of 2.5.

Based on the above, the proposed development peak wastewater flow would be 2,643 m³ / peak hour and the average dry weather flow would be 25.38 m³/day.

3.6.3 Stormwater

3.6.3.1 Proposed Stormwater System

Stratagroup has identified that the re-development of the site will result in less impervious surfaces than the present scenario. Given this, the analysed stormwater outflow to the Karamu Stream will be less than 80% of the pre-development scenario. As such, there is no requirement for stormwater attenuation within the development.

Notwithstanding this, to reduce peak flow velocities generated from the roof run-off, it is recommended that each future dwelling has a detention tank installed. These will typically be above ground tanks and would be installed during building consent works on each dwelling. Stratagroup recommend that all detention tanks are fitted with a 20 mm restricted outlet (orifice) as well as appropriately sized overflow.

To allow for water re-use for non-potable purposes (water garden etc), it is appropriate that a 2,000 litre tank is installed on all properties. It is proposed that 50% of the tank will be retained for non-potable re-use and 50% will be available for stormwater attenuation and assist in reducing overall development discharge velocities. This initiative is one of the outcomes of consultation with Tamatea Pōkai Whenua, which is discussed further below.

The stormwater concept for the site has been designed with a separate pipe network for roof water only, referenced as “clean water.” Run-off generated from the access routes and adjoining yards will be conveyed via centrally positioned dish drains in all the access routes with supplementary subsoil drains as required.

Three street sumps will collect flows from the street and pipe the water through to an open rock lined channel within the private reserve area, where flows are conveyed to the proposed rain garden which will provide stormwater quality treatment. Treated flows from the rain garden are then combined with the 'clean water' in a singular outlet to the Karamu Stream. The rain garden is located in the proposed private reserve area of Lot 30 and the preliminary surface design situates the rain garden and surrounds a minimum of 800 mm below the adjacent building platform levels.

It is proposed that the outlet to the Karamu Stream is via a bubble up riser, with a rim level set above the existing ground levels on the flat "shelf" at the toe of the slope. The raised bubble up structure will dissipate the flow velocity and will be less likely to be inundated with silt when the Karamu Stream is in flood. A rock lined apron around the bubble up structure will prevent scouring and a rock lined channel will convey flows through to the Karamu Stream while preventing any scouring of the stream.

It is noted that this stormwater proposal has incorporated the recommendations of consultation discussions with both Hawke's Bay Regional Council staff and mana whenua hapu representatives, as detailed further in the consultation section below (see 7.2).

3.6.3.2 Overland Flow

Stratagroup advise that overland flow through the development will be generally along the access routes, through to the depressed reserve / rain garden area. This depressed area (minimum 800 mm below adjacent building platforms) will be formed with a broad level toe, to encourage any overland flow across a wide area in an unconcentrated manner down the bank to the Karamu Stream lower terrace.

In addition to the above overland flow path, the footpath link to the reserve at the northern edge of the development (Lot 31 the Karamu Stream access reserve) will also be formed as an overland flow path.

To ensure that overland flow paths are safely contained within the access routes, the preliminary design surface has set the building platform levels 200 mm or more above the edge of the access formation.

3.6.3.3 Stormwater Treatment

Stratagroup advise that the nature of the completed development is deemed to be low risk in terms of stormwater contaminants. Post construction, the main contaminant risk is from hydrocarbons associated with vehicular activity. Given the low-speed environment, and the traffic volumes expected, this risk is considered lower than the average public residential road.

All run-off from access roads will be captured by dish drains and will be conveyed to the rain garden system for treatment. The rain garden has been designed to cater for the

required first flush run-off to provide treatment via sedimentation, filtration, adsorption, and biological uptake.

3.6.3.4 Stormwater Hydrology

Stratagroup were able to calculate post-development runoff flows using the Rational Method Calculation.

The estimated stormwater run-off for the site post re-development is identified in Table 4 below.

Table 4: Post-development Stormwater Flow Rates

Stormwater Run-off Event	Total Post-development Flow
Stormwater run-off (5-year, 10 minute storm)	85.4 litres per second
Stormwater run-off (10-year, 10 minute storm)	106.3 litres per second
Stormwater run-off (50-year, 10 minute storm)	163.4 litres per second
Stormwater run-off (100-year, 10 minute storm)	191 litres per second

The post development flow is calculated at 79% of the pre-development flow in the 10-year event.

3.7 GEOTECHNICAL SITE SUITABILITY

RDCL undertook geotechnical investigations of the site to determine the suitability of the site for the development. The full report is attached as **Appendix A**.

In summary, the assessment confirms that based on the results of the investigations and current topography of the site and subject to the geotechnical recommendations provided, which includes pile wall strengthening of the bank, it is considered that the site is suitable for the proposed development.

3.8 ELECTRICITY AND TELECOMMUNICATIONS

With respect to electricity and telecommunications, it is anticipated that electricity reticulation and a telecommunications connection is able to be supplied to the new lots. Stratagroup advise that⁷: *“Initial contact with Unison and Chorus has not raised any*

⁷ Stratagroup Report, Page 39.

concerns regarding their networks’ ability to serve the development. These service providers will be engaged during the detailed design phase of the project.”

Streetlighting of the private access roads will be confirmed during the detailed engineering design of the section 224 certification process.

3.9 PROPOSED EARTHWORKS

It is noted that the applicant proposes to undertake earthworks associated with the demolition of the existing building floor slabs and concrete yard, and the preparation of the site for the residential development which will comprise of a total of 2,675 m³ of cut and 3,397 m³ of fill, based on Stratagroup’s calculations.

Earthworks and stormwater during construction will be managed in accordance with an Erosion and Sediment Control Plan (“**ESCP**”).

Stratagroup advise all the controls for earthworks at the site will be designed in accordance with the relevant sections of the HBRC document titled “Hawke’s Bay Waterway Guidelines, Erosion and Sediment Control” (dated April 2009).

The proposed earthworks cut / fill plan at the site is shown in Figure 7 below, which is also replicated in **Appendix H**.

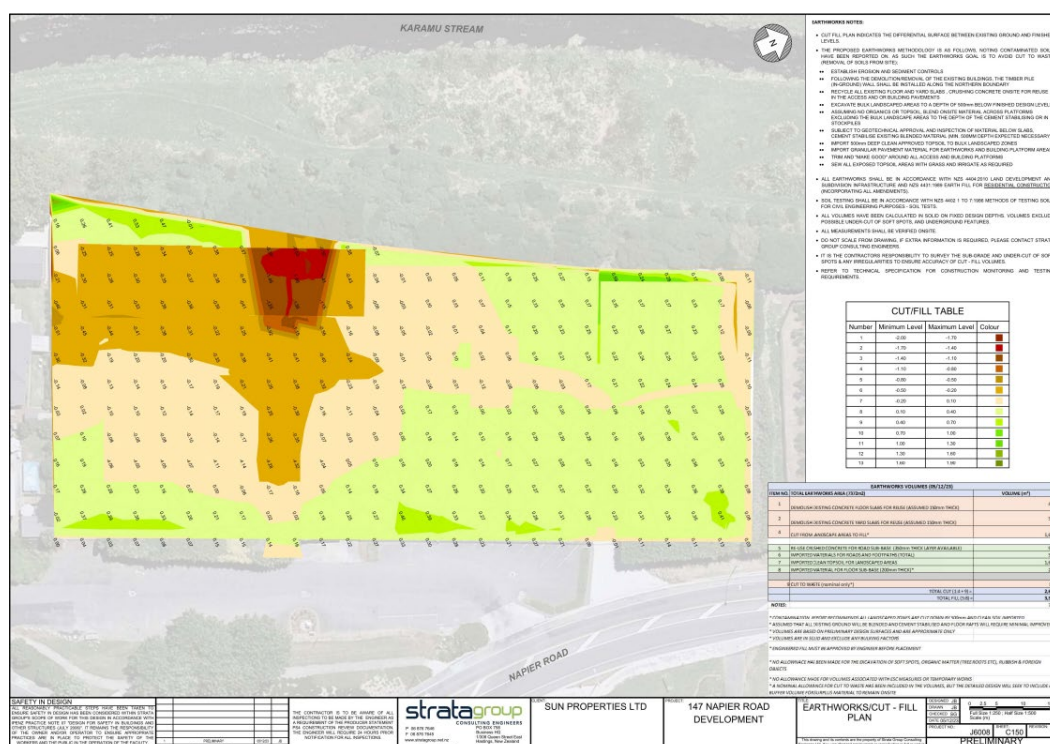


Figure 7: Cut/Fill Plan (Stratagroup)

3.10 CONSTRUCTION MANAGEMENT PLAN

A Construction Management Plan (“**CMP**”) will be prepared for construction activities on the site.

The CMP will establish appropriate protocols for the management of dust, noise, traffic, and hours of construction according to standard industry best practices. All construction activities will be undertaken in accordance with the relevant New Zealand standards. The appropriate protocols in terms of site safety and access will also be adhered to and governed by the CMP.

The CMP shall include the following information:

- Site management arrangements;
- Proposed construction program;
- Access and parking arrangements;
- Noise management measures;
- Dust management measures;
- Hazardous substance management; and
- Erosion and Sediment Control Plan (“**ESCP**”) (discussed further in the subsequent section).

3.11 EROSION AND SEDIMENT CONTROL PLAN

Earthworks and stormwater during construction will be managed in accordance with an ESCP which is proposed to be provided at detailed engineering design stage.

All the controls for earthworks at the site will be designed in accordance with the relevant sections of the Hawke’s Bay Regional Council document titled “Hawke’s Bay Waterway Guidelines, Erosion and Sediment Control” (dated April 2009).

The key principles below relating to the minimisation of sediment discharge and dust emissions will be implemented on the site:

- Minimise the disturbance area due to earthwork activities as much as practicable, while satisfying all requirements for development of the site;
- Progressively stabilise exposed earthworked areas following completion;
- Divert all clean water runoff away from exposed earthworks areas with diversion channels and bunds to the Karamu Stream to the west of the site;
- Capture sediment laden runoff from exposed earthworks areas with diversion channels and bunds and direct to the sediment retention ponds;

- Implement measures to prevent construction traffic exiting the construction area onto public roads with sediment and other materials attached to the undercarriage and tyres;
- Ensure the exposed earthwork areas remain in damp conditions, utilising water trucks as necessary, to minimise dust disturbance, until exposed surfaces have been stabilised;
- Regularly assess the erosion and sediment control measures to ensure the controls are operating effectively and make adjustments as the work progresses, if required;
- Monitor the weather forecast and if heavy rain is forecast, ensure the site has been stabilised as much as practicable and cease construction works until the weather becomes suitable to recommence works; and
- Ensure site staff are aware of the requirements of the ESCP and relevant Resource Consent conditions, prior to commencing works.

4. RESOURCE CONSENT REQUIREMENTS

4.1 INTRODUCTION

The activities relating to the residential redevelopment and subdivision of the existing property at 147 – 151 Napier Road described in Section 3 of this AEE are subject to rules in the HDP and regulations in any relevant national environmental standard. An analysis of the relevant rules and regulations is provided in the sub-sections below.

4.2 OPERATIVE HASTINGS DISTRICT PLAN

The HDP is the key resource management planning document for the assessment of this proposal.

4.3 PLAINS PRODUCTION ZONE

The subject site is zoned Plains Production Zone, which is described in the HDP⁸ as:

The Plains Production Zone recognises the growing powerhouse of the District. It is the focus for cropping, viticulture and orcharding in the region and in these activities, it is nationally significant. The key to its productivity is the versatile land resource which provides flexibility into the future for changing productive land uses. Retaining this land for production purposes is a principle that forms one of the Council's cornerstones for sustainability of the District's natural and physical resources. While land based primary production is the primary focus of the Plains Production Zone it is recognised that other rural production activities that do not rely on the soil resource may also be appropriate in certain circumstances.

The zoning of the site is illustrated in Figure 8 below. Dark green is Plains Production Zone and yellow is General Residential Zone.

⁸ Section 6.2.1 Plains Production Zone Introduction.



Figure 8: HDP Zoning of the Site

The western most portion of the site is also subject to a river hazard overlay (blue lines), it is noted however that all the proposed new development is outside (above and to the east of) the river hazard overlay.

In terms of the rules:

- There is permitted activity provision for one residential building and one supplementary residential building with a maximum floor area of 100 m² per site under Rules PP2 and PP3 of the HDP, respectively⁹;
- Notwithstanding this, the proposal is for multiple dwelling units over the existing site, and following the proposed subdivision each of those units will be on sites smaller than 2,500m², and accordingly resource consent is required for a **non-complying activity** under Rule PP38 of the HDP;
- For completeness, it is noted that Table 5 below identifies that several Plains Production Zone general performance standards will not be able to be complied with

⁹ Relevant permitted activity standards include “that the site shall be a minimum area of 2,500m²”, Standard 6.2.6B(a).

by the proposed residential development in relation to building setbacks and site coverage, these being 6.2.5B and 6.2.5J. Not meeting these standards requires resource consent for a **restricted discretionary activity** under Rule PP24 of the HDP;

- Subdivisions which comply with the relevant zone subdivision site standards and terms and all relevant general site performance standards and terms require resource consent for a **controlled activity** under Rule SLD1 of the HDP;
- Notwithstanding this, the proposal does not meet the minimum net site area required for subdivision in the Plains Production Zone, which is 12ha. Given this, resource consent will be required for a **non-complying activity** under Rule SLD25 of the HDP;
- Noise that meets the performance standards for the relevant zone and general and/or specific performance standards and terms in Sections 25.1.6 and 25.1.7 is a **permitted activity** under Rule NS1 of the HDP;
- Parking, loading and access associated with an activity that meets the general standards and terms in Section 26.1.6 and the specific standards and terms in Section 26.1.7 is a **permitted activity** under Rule TP1 of the HDP; and
- Notwithstanding this, the proposed accesses for the site do not meet one or more of the general or specific performance standards and terms in Sections 26.1.6 and 26.1.7 of the HDP. Given this, the parking, loading and access at the site requires resource consent for a **restricted discretionary activity** under Rule TP2 of the HDP.

The relevant specific performance standards applying to residential activities are set out and assessed in Table 5 below.

Table 5: HDP Performance Standards Assessment

Activity	Commentary
Plains Production Zone – Residential Activities	
6.2.5A – Building Height Maximum height of 10 m.	Complies – Max. building height of 9.2 m.
6.2.5B – Yards <ul style="list-style-type: none"> • Front yard – 7.5 m; and • All other boundaries – 15 m. 	Does not Comply – The proposed buildings on Lots 11, 12, & 21 have a 2.5m front yard setback, with the proposed buildings on Lots 22 and 29 having a 4m front yard setback.

In regard to all other boundaries, the proposed buildings on the following Lots are within 15m of the existing external site boundaries: Lots 1 – 11, and Lots 27 – 29. Upon subdivision, the proposed buildings on all of Lots 1 – 29 will fail to comply with the 15m internal boundary setback.

6.2.5E – Light and glare

All external lighting shall be shaded or directed away from any residential buildings or roads, and shall be less than 8 lux spill measured at a height of 1.5 m above the ground at the boundary of the site.

Will comply – external lighting will be designed to comply with the HDP standards.

6.2.5H – Shading of land, buildings and roads

Buildings adjacent to any boundary of a residentially zoned site, shall not project beyond a building envelope constructed from recession planes from points 2.75 metres above the boundary. The angle of such recession planes shall be determined for each site by use of the recession plane indicator in Appendix 60.

Complies – The buildings on Lots 1, 28, and 29, which are closest to the southern boundary have been designed to comply with this recession plane requirement. See the Fat Parrott Architecture plans in **Figure 9** below.

6.2.5J – Total building coverage (including hardstand and sealed areas)

Max. building coverage shall not exceed 35% of the net site area or 1500 m², whichever is the lesser.

Does not Comply – 35% of 5,828m² (existing 147 Napier Rd Title) is 2,039.8 m². 1,500 m² is less than this.

Max. building and pavement coverage is 3,350.12 m² (over both existing titles) and exceeds 1,500m on the existing 147 Napier Rd title.

6.2.6B – Residential Buildings

- One residential building shall be allowed per site provided that the site shall be a minimum area of 2500 m²; and
- One supplementary residential building shall be allowed per site.

Does not Comply – the proposal includes 29 residential dwellings between two existing sites.

Once subdivided all of Lots 1 – 29 on which dwelling units are

proposed will be smaller than 2,500m².

Resource Consent is required for a **non-complying activity** in accordance with Rule PP38.

Subdivision

30.1.6A – Minimum net site area

Plains Production - Min. 12 ha.

Does not comply – the site areas for the residential lots range from 93 m² (Lot 24) to 312m² (Lot 9), with the largest Lot being the shared infrastructure and open space Lot 30 at 1,328 m².

Resource Consent is required for a **non-complying activity** in accordance with Rule SLD25.

30.1.7A – Building Platforms

Each lot which is capable of containing a residential dwelling, shall identify at least one stable building platform of 30 metres by 30 metres which is capable of (but is not limited to) containing a dwelling, a vehicle manoeuvring area and any accessory buildings, in compliance with the Performance Standards and Performance Criteria for the Zone where it is located.

Does not comply – the proposed subdivision is designed as a comprehensive residential subdivision, rather than a rural subdivision, accordingly none of the proposed lots are large enough to contain a 30m x 30m building platform.

30.1.7B – Water Supply

Sites for any activity that will require water shall be connected to public reticulated supply, where such a supply is available.

Where the new site will not be connected to a public reticulated water supply, or where an additional level of service is required that exceeds the level of service provided by the reticulated system, the subdivider shall demonstrate how an alternative and satisfactory water supply can be provided to each site.

Complies – Connection to a public reticulated supply is proposed. Please see the civil engineering assessment by Stratagroup (**Appendix C** to this AEE).

30.1.7C – Wastewater Disposal

Complies - Connection to a public reticulated system is proposed. Please see the civil

Sites for any activity that will create wastewater shall be connected to a public reticulated wastewater disposal system, where one is available.

engineering assessment by Stratagroup (**Appendix C** to this AEE).

Where the new site will not be connected to a public reticulated sewerage system, or where an additional level of service is required that exceeds the level of service provided by the reticulated systems, the subdivider shall demonstrate how an alternative and satisfactory method of wastewater disposal can be provided for each site.

30.1.7D – Stormwater Disposal

Sites for any activity that will create stormwater shall be connected to a public stormwater disposal system, where one is available, except where an additional level of service is required that exceeds the level of service available from public reticulated stormwater systems, this shall be provided by the subdivider.

Complies – An alternative and satisfactory stormwater disposal system is proposed, and consent will be sought from HBRC. Please see the civil engineering assessment by Stratagroup (**Appendix C** to this AEE).

Where the new site will not be connected to a public reticulated stormwater disposal system, the subdivider shall demonstrate how an alternative and satisfactory method of disposal for each site can be provided.

30.1.7H – Esplanade Reserves and Strips

Rural, Plains Production, ... Zones.

An esplanade reserve or strip with a maximum width of 20 metres will be required as a condition of consent under Section 220 of the Act where the land adjoins the coast or adjoins or contains a waterbody of natural, cultural or recreational significance as identified in Appendix 54

Complies – The Karamu Stream is a waterbody of significance identified in Appendix 54. In regard to the existing site, 147 Napier Road does not adjoin the stream, being separated by the reserve vested in 1988. 151 Napier Road does adjoin the existing Karamu cadastral boundary, and Lot 32 is proposed as an esplanade reserve, the width of which matches the reserve to the south and incorporates the extent of the terrace bank. This results in an 11 – 12m wide new reserve (Lot 32) which is within the 20m maximum width. Further to this the reserve will result in a total public land esplanade width of

35 – 40m from the bank of the stream in its normal flow.

Transport and Parking

26.1.6A.1 – Access to Property

- Every owner or occupier shall provide a legal, safe and effective vehicular access to any activity undertaken on a site, and required parking or loading areas from an existing, formed legal road, to enable vehicles to enter the site, except where ...
- The minimum legal width for a private access in Rural Zones serving 7 – 20 household units is 9 m. Where more than 20 household units the HDP does not specify a minimum legal width as a public road is assumed. For three or more sites or household units or for any Right of Way, formation of the access to the activity undertaken on the site is required in compliance with the following:
 - Target operating speed – 20 km/h
 - Max grade – 12% unsealed, 20% sealed;
 - Pedestrians – Shared (on shoulder and berm);
 - Allow for passing every 100 m, total shoulder 0.5 m, sealed;
 - Cyclists – Shared (in movement lane); and
 - Min, formed movement lane (for 7 or more household units) – 2 x 2.75 m.

Does not comply

More than 20 household units are proposed and the roading network is proposed to be private rather than public with the legal width of the private roads ranging from 3.5m to 8.4m, and the formed width ranging from 5.5m to 3.5m. Neither the required minimum legal or formed widths will be complied with.

Resource Consent will be required for a **Restricted Discretionary Activity** in accordance with Rule TP2.

26.1.6A.2 – Distance of Vehicle Accesses from Road Intersections

Vehicle access to any property shall be sited a minimum of 100 metres from an intersection of a State Highway.

Complies - There is no State Highway within proximity of the subject site.

26.1.6A.5 – Distance of Vehicle Access from Railway Level Crossings

Any new vehicle access to a property in any zone shall be located a minimum of 30 metres from a rail level crossing.

Complies – There is no railway within proximity of the subject site.

26.1.6B – Safe Sightline Distances

Intersections shall be located to ensure that Safe Sightline Distances are maintained.

Complies – please refer to the traffic impact assessment by Urban Connection (attached as **Appendix B** to this AEE)

26.1.6D.3 – Parking Spaces for People with Disabilities

- 1 – 20 carparks – not less than 1 accessible space;
- 21-50 carparks -not less than 2 accessible spaces; and
- For ever additional 50 car park spaces – not less than 1 accessible space.

Complies – Each household unit is provided with a single car garage and a standing bay, therefore side by side marked carparks are not required.

26.1.6D.5 – Design and Construction of Parking Areas

- Vehicle Dimensions – all parking spaces and access and manoeuvring areas, including ramps shall be of a sufficient size and suitable layout to accommodate a passenger vehicle as defined in the Austroads Design Vehicles and Turning Path Templates Guide;
- Parking areas shall be designed and constructed to ensure that stormwater runoff from the parking area does not adversely affect adjoining properties; and
- Parking areas, together with access and turning space, shall be designed to ensure that vehicles negotiate the parking area at a safe speed and are not required to reverse either on to or off a street. Vehicles using the parking area shall only enter or leave the site by the accessway.

Complies – please refer to the traffic impact assessment by Urban Connection (attached as **Appendix B** to this AEE).

Earthworks

Section 27.1.5 states that when assessed under Table 27.1.5, earthworks will be considered a Permitted Activity and will not need to comply with the Performance Standards and Terms in Section 27.1.6, provided they are earthworks assessed with any subdivision consent and designations.

Complies – the earthworks are associated with the subdivision of the site.

The recession plane diagram to demonstrate compliance with the Height in Relation to Boundary standard 6.2.5H as set out in Table 5 above is set out in **Figure 9** below.

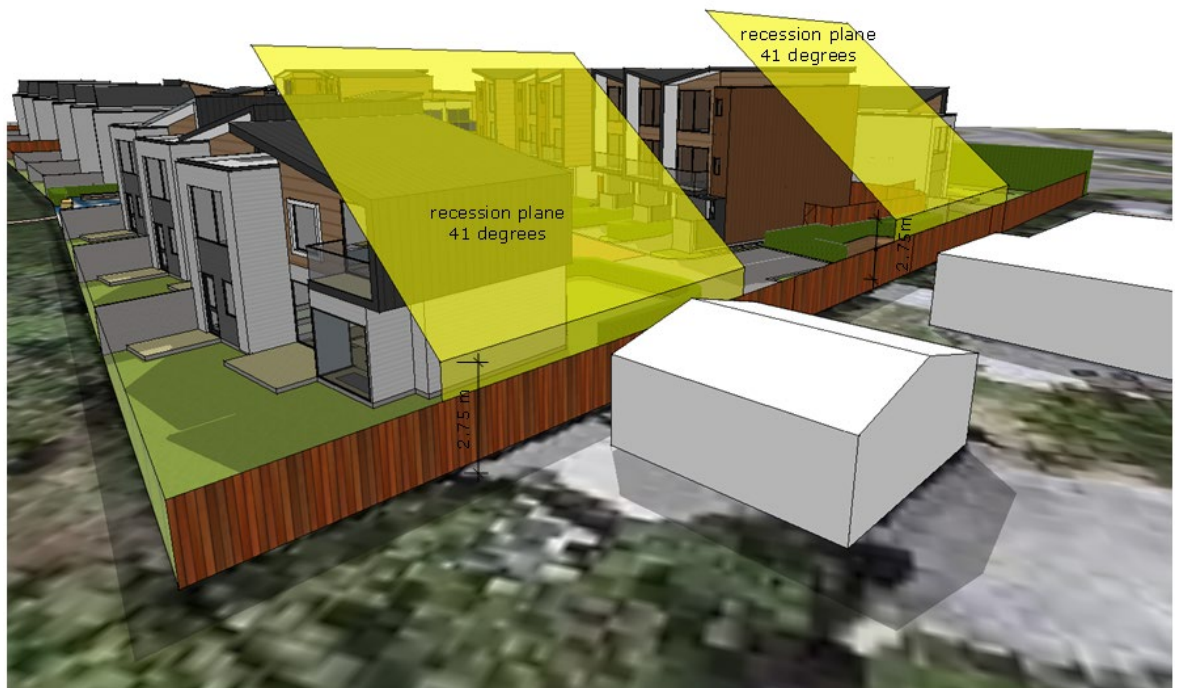


Figure 9: Southern Boundary Height in Relation to Boundary Compliance (Fat Parrot Architecture)

4.4 RESOURCE MANAGEMENT (NATIONAL ENVIRONMENTAL STANDARD FOR ASSESSING AND MANAGING CONTAMINANTS IN SOIL TO PROTECT HUMAN HEALTH) REGULATIONS 2011

The National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 (“NES”) aims to ensure that land affected by contaminants in soil is appropriately identified and assessed before it is developed, and if necessary, the land is remediated, or the contaminants contained to make the land safe for human use.

Clause 5(1) of the NES states that the NES applies when:

“... a person wants to do an activity described in any of subclauses (2) to (6) on a piece of land described in subclause (7) or (8).”

The activities listed in subclause (2) to (6) include sampling soil, disturbing soil, changing use of the land, and subdividing land.

Clause 5(7) of the NES states:

“Land covered

(7) The piece of land is a piece of land that is described by 1 of the following:

- a) An activity or industry described in the HAIL is being undertaken on it;*
- b) An activity or industry described in the HAIL has been undertaken on it;*

c) It is more likely than not that an activity or industry described in the HAIL is being or has been undertaken on it.”

The ‘HAIL’ is the ‘Hazardous Activities and Industries List’. Therefore, the NES applies only if any activities in the HAIL are, or have been, or are more than likely to have been undertaken on the piece of land within which the subdivision and residential development is to occur. The words ‘piece of land’ in clause (7) are important and relate to the piece of land on which the works are proposed, not the balance of the subject property.

In terms of clause 5(7)(a), (b) and (c) of the NES, the site has been listed (as per the MfE HAIL List) for having HAIL A.10 (persistent pesticide bulk storage or use including sports turfs, market gardens, orchards, glasshouses, or spray shed / activities), due to the former use of the property as an orchard. Therefore, the provisions of the NES are relevant to the overall proposal with respect to soil disturbance, subdividing, and changing land use.

The soil disturbance activities will not meet the requirements of Regulation 8(3) of the NES due to the volume of the disturbance of soil of the piece of land being in exceedance of 25 m³ per 500 m². The soil disturbance activities will also not meet the requirements of Regulation 9(1) because the Detailed Site Investigation Report (“**DSI**”) undertaken by EAM Environmental Consultants Limited (attached as **Appendix D**) states that soil contamination (particularly from elevated metals of arsenic) does exceed the applicable standards. Given the above, resource consent for soil disturbance is required as a **restricted discretionary activity** under Regulation 10(2) of the NES.

The subdivision and changing land use activities will not meet the requirements of Regulation 8(4) of the NES because the attached DSI concludes that it is highly likely that the site poses a risk to human health, unless addressed through remediation. The subdivision and changing land use activities will also not meet the requirements of Regulation 9(3) because the DSI states that soil contamination (Particularly from elevated metals of arsenic) does exceed the applicable standards. Given the above, resource consent for the subdivision and land use activities is also required as a **restricted discretionary activity** under Regulation 10(2) of the NES.

4.5 SUMMARY OF ACTIVITY STATUS

In summary and overall, the proposal requires resource consent for a **non-complying activity**.

5. ASSESSMENT OF ENVIRONMENTAL EFFECTS

5.1 INTRODUCTION

This section of the AEE addresses the actual and potential environmental effects associated with the subdivision of the existing property at 147 – 151 Napier Road – based on the rule and statutory framework that applies.

The relevant actual and potential effects are considered to be:

- Positive effects;
- Visual and Amenity effects;
- Traffic effects;
- Geotechnical effects;
- Social and cultural effects;
- Earthworks effects;
- Effects on Versatile Land Resource;
- Servicing Related effects; and
- Construction effects.

5.2 POSITIVE EFFECTS

The proposed subdivision and residential development will have a positive effect in allowing people (particularly the applicants and the future owners and occupiers of the residential units) to provide for their social, economic and cultural well-being, and for their health and safety.

In addition, this proposal, which will provide for additional residential housing in the Hastings District in a manner consistent with the principles of ‘going up and not out’, is utilising land already urbanised for industrial development, and providing for an efficient floor area to land area multi storey residential development on that land. The proposed compact development form utilises the adjacent open space and views to the west over the Karamu Stream and the views to the southeast over the road reserve area and Guthrie Park to Te Mata Peak, by providing additional amenity and outlook for future residents.

As set out in the Architectural Statement (attached in **Appendix I**), by Fat Parrot Architecture Limited (“**Fat Parrot**”), the proposed development concept and design has been guided by the HDC’s *‘Hastings Residential Intensification Design Guide 2020’*.

In addition to providing a compact housing typology based on the HDC Design Guide, the proposal will result in two new reserves being vested in public ownership with HBRC. Lot

31 will provide HBRC vehicle access for maintenance, and public passive recreation access, from Napier Road to the Karamu Stream, providing the potential for further public walkway development adjacent to the Stream. It will also provide a convenient public access point to the Karamu Stream for residents in the developing Brookvale residential area across Napier Road. It additionally provides HBRC with vehicle access for stream maintenance and enhancement, as was requested in consultation with them.

Lot 32 provides for an extension of the land that was vested from 147 Napier Road (Lot 2 DP 8602) in 1988 for soil conservation and river control purposes. No reserve was vested from 51 Napier Road (Lot 3 DP 1770) at that time. The proposed vesting of Lot 32 for esplanade reserve will ensure that the entire area of the adjacent terrace bank is in public ownership and will result in an approximately 40m wide public esplanade margin on the true right bank of the stream.

5.3 VISUAL AND AMENITY EFFECTS

While a subdivision and residential development of this proposal's scale is not anticipated within the Plains Production Zone, it is observed that the surrounding environment does comprise residential land, to the east and south of the site. The land to the east has recently been rezoned residential and is subject to the Brookvale Structure Plan. As such, it can be concluded that the environment within which the site is situated in will continue to become increasingly residential in character over time.

Further to this, it is considered that the proposed subdivision and resulting residential development will create a visual improvement given the existing industrial appearance of the site. It will significantly upgrade the quality of development through removing the industrial-type buildings and introducing residential development that incorporates integrated architectural and landscape design to provide both a high level of on-site amenity for the future occupants of the dwellings and to deliver an attractive, modern appearance when viewed from the public realm. This is expressed through the varied use of high-quality cladding materials, a variety of recessive colours and building design types, and landscaping. Coupled with appropriate setbacks from the site boundaries for residential buildings, these factors will ensure that the development will not create a dominant or unattractive appearance from the public realm.

Fat Parrot have concluded that the proposal does fit well into its context, being an extension of the existing residential development located to the south of the site. To the north, an access way will form a buffer between the residential development and the existing rural/agricultural land.

When comparing the existing appearance of the site to the proposed appearance of the site from the streetscape, it is clear from Figures 10 and 11 below that the proposed residential development will provide a more visually attractive interface between the site and the street, that is more in keeping with this emerging residential area of Havelock

North (given the Brookvale rezoning). Fat Parrot are of the opinion that the relationship of the housing units to the street and treatment of the facades will encourage a sense of community which is not found in traditional suburban subdivisions. Further to this, the proposed landscaping, in combination with the architecture of the residential buildings, will enhance the streetscape adjoining the site.



Figure 10: View of Existing Site from Napier Road



Figure 11: View of Proposed Site from Napier Road

On this basis, it is considered that any visual and amenity effects can be appropriately managed.

5.4 TRAFFIC EFFECTS

Urban Connection have assessed the actual and potential effects of the proposal, which is documented in the Traffic Impact Assessment and appended to this AEE. Their assessment is summarised below.

The proposal will result in an intensified level of residential development. As such, there is the potential for adverse traffic related effects given the anticipated increase in vehicle

movements on and off the site compared to the existing storage activities (but not compared to the consented fruit packhouse and cool storage facility).

The proposal is estimated to result in approximately 316 vehicles per day and 35 vehicles per hour in the peak hour. In comparison to industrial storage and warehousing activity, the proposed development is expected to generate an additional 246 vehicles per day. Notwithstanding this, the peak hour trips are only expected to slightly increase, from 29 vehicles per hour (estimated for the former packhouse and coolstore), to 35 vehicles per hour. It is therefore expected that the change in land use will not significantly increase the traffic generation at the site in peak hours. Further to this, the consented fruit packhouse and cool storage facility, and the current storage activities, both rely on heavy vehicles accessing the site, whereas the proposed traffic movements will be almost exclusively light passenger vehicles.

Urban Connection have assessed the impact of the expected traffic generated by the proposed residential development to determine the Practical Absorption Capacity of Napier Road (i.e. the ability of Napier Road to absorb the traffic generated by the proposed development) in the peak hour.

The findings of the assessment concluded that post-development of the site, the generated traffic will still result in the intersection with Napier Road operating at only 26% of its capacity in the AM peak. The required capacity is significantly less than the practical absorption capacity of Napier Road. Therefore, it is considered by Urban Connection that Napier Road can absorb the traffic generated by the proposal.

Urban Connection note that while the capacity and performance of the Napier Road / Romanes Drive roundabout has not been assessed, it has been observed to be free flowing in the AM peak hour UAV survey. Given this, the performance of the roundabout should not be impacted by the development.

Urban Connection confirm that vehicle tracking of the proposed internal roads has been carried out to confirm that an 8m rigid truck (service or emergency vehicle) can safely traverse through the site, and residents can access.

Regarding site distances, the visibility from the existing southern access onto Napier Road is approximately 90 to 100 m looking north towards the roundabout which meets the Safe Intersection Sight Distance (“**SISD**”) of 97 m for the Romanes Drive approach. The visibility is over 200 m looking south towards Havelock North, which meets the SISD for this direction. Consequently, it is considered that the sight distance requirements are met for both directions of the southern access.

With respect to the northern access onto Napier Road, the visibility is approximately 70 m looking south towards the roundabout which meets the sight distance requirement.

Looking north, the visibility is approximately 200 m, which also meets the sight distance requirement for this direction.

Regarding separation distances between accessways and a road intersection, the site is able to comply with this requirement as confirmed in the Urban Connection Assessment (**Appendix B**).

Therefore, it is considered that any adverse traffic effects will be avoided, remedied and mitigated to a level which is no more than minor.

5.5 GEOTECHNICAL EFFECTS

RDCL Limited have undertaken an assessment which assesses the slope stability and the liquefaction vulnerability of the site.

In terms of slope stability, the moderately steep (3 m high) west facing stream bank below the proposed residential development does not show any indication of instability in its current state. However, the slopes are likely to be affected with lateral spread during an ULS seismic event. The results of the slope stability assessment confirmed this by indicating that the slope is stable under static and Serviceability Limit State (“**SLS**”) seismic conditions, at risk of failure under Ultimate Limit State (“**ULS**”) seismic events with the soils up to 5.5 m below ground level likely to experience lateral displacement.

In terms of liquefaction risk, the results of the liquefaction assessment undertaken have identified that the estimated liquefaction induced lateral displacement along the Karamu Stream was found to be ≥ 1.1 m.

Based on the results of the investigations undertaken by RDCL Limited and the current topography of the site, it has been concluded that the site is suitable for the proposed residential development subject to the following geotechnical mitigation measures being implemented:

- Significant setback (9.0 m from the crest of the stream bank) with TC3 compliant foundations to mitigate liquefaction induced lateral spread;
- TC2 compliant foundations to mitigate liquefaction induced settlement;
- Significant setbacks to mitigate slope stability and horizontal displacement; and
- Alternatively, the construction of an inground wall to address stability and lateral spread risk with TC2 compliant foundations.

To avoid the loss of developable land that would result from a 9m setback from the top of the bank, it is proposed that an inground pile wall be constructed to strengthen and stabilize the bank, and that buildings have TC2 compliant foundations, in accordance with the RDCL recommendations.

5.6 SOCIAL AND CULTURAL EFFECTS

The proposed development provides several different housing typologies offering different price points and, a choice of dwelling types within an appropriate location, accessible to both public open spaces and recreational opportunities, as well as urban services. Although the development is situated on the outskirts of Havelock North, it is adjacent to Napier Road with good connections to the Village Centre, schools, and community facilities.

This proposal has sought to implement the *Hastings Residential Intensification Design Guide 2020*, and its key premise of using land efficiently to minimise the need for expansion onto productive land. The proposal involves a 'brownfields' development of an industrial developed site with no land based productive potential, attractive open space views to both the west and east, accessibility to reticulated services and vehicular and passive transportation networks. Efficiency is achieved through 'building up and not out' including the use of a three-storey typology in appropriate locations within the site. The proposal is therefore considered to be of social benefit, in providing an example of compact urban form that is consistent with the Intensification design guide.

The proposed reserve to be vested along the northern boundary will be of social and cultural benefit in providing an additional access point to the Karamu Stream from Napier Road.

The main concern expressed throughout mana whenua engagement facilitated by Tamatea Pōkai Whenua, was stormwater management at the site. The history and cultural context of the surrounding area is proposed to be reflected in the proposal by the use Māori names for the internal roads and through the low impact stormwater design restoring open water channels¹⁰. The development acknowledges the significance of Te Kamaru to Mana Whenua in enhancing the quality and quantity aspects of the stormwater runoff from the site with a low impact stormwater design system involving wetland treatment and recycling of roof runoff for garden use. It is also proposed that landscape plantings will be based on indigenous vegetation, including enhancement of the bankside vegetation.

5.7 EARTHWORKS EFFECTS

Stratagroup have identified that the proposed earthworks involve approximately 7,372 m² of the site area and is ranges from a maximum cut depth of 1.5 m to a maximum fill height of 0.4 m. This results in approximately 2,675m³ of cut and 3,397m³ of fill.

¹⁰ As recommended by the advice of Hastings District Council Cultural Advisor, Charlie Ropitini.

It is confirmed by Stratagroup that the proposed earthworks have been designed in accordance with the following codes and standards:

- NZS 4431:1989 Earth Fill for residential construction (incorporating all amendments);
- NZS 4402 1 TO 7:1986 Methods of testing soils for civil engineering purposes – soil tests; and
- HB Regional Council Waterway Guidelines: Erosion and Sediment Control, 2009.

Further to this, earthworks and any associated stormwater runoff during construction will be managed in accordance with an Erosion and Sediment Control Plan (“**ESCP**”) to prevent sediment-laden runoff exiting the site and entering the Karamu Stream.

It is noted that the DSI for the site concluded that the sub-soil is contaminated with metals/metalloids. According to the information in the DSI report, the extent of the contamination is spread over the area and the depth of known contamination is as shallow as 150 mm. To avoid removing any contaminated soils from the site, cement stabilising has been proposed to provide an improved platform for construction at the same time as blending and locking in contaminated soils in a semi-impermeable layer.

The proposed earthworks will also involve the importation of 2,422 m³ clean approved topsoil to the site. The importation, placement and testing of all imported material will comply with the earthworks specification to be provided by the project geotechnical engineer. A qualified geotechnical engineer will monitor the earthworks and certify the earth fill as suitable for residential subdivision upon completion of the earthworks phase.

Based on the above, it can be concluded that the proposed earthworks will be appropriately managed.

5.8 EFFECTS ON VERSATILE LAND RESOURCE

As is discussed later in this AEE, the National Policy Statement for Highly Productive Land 2022 (“**NPS-HPL**”) seeks the protection of highly productive land for use in land based primary production.

With respect to the effects of the proposal on high class soils, the land use classification for the site is LUC 1. It is noted that the LUC 1 classification only covers the part of the site belonging to 151 Napier Road (1,800 m²).

Notwithstanding this, on-site inspection of residual soil profiles by Land Vision Limited confirmed the soils on the site are highly modified because of development (see the Land Vision Limited Report attached in **Appendix J**). Typically, when sites are developed into concrete hardstand or gravelled utility areas, the existing topsoil is either removed completely or partially. Land Vision Limited have confirmed that the topsoil on site is either completely absent or reduced to a layer of approximately 30-55 mm.

Given the above, Land Vision Limited consider that the productive potential on the site is negligible as the change of land use from an orchard to cold store resulted in the removal of the site's topsoil and replacement with concrete and gravel. Even if the concrete and gravel were to be removed from the site, it would still have severe limitation to arable and pastoral use.

Land Vision Limited have concluded that the site should be classified as non-productive, and the residential development of the site will not result in any effects on the productive potential of the site.

See further assessment below on the National Policy Statement for Highly Productive Land.

5.9 SERVICING RELATED EFFECTS

As detailed in Sections 3.6 and 3.8, the site can be fully serviced from a stormwater, wastewater, water supply and electricity and telecommunications perspective. Therefore, any servicing related impacts will be less than minor.

It is particularly relevant that the proposed stormwater solution is based on a low impact design to mitigate the effects of both the quantity and quality of the discharge, and results in a significant improvement compared to the existing situation of a discharge from a 98% impervious surface area with no quality treatment.

5.10 CONSTRUCTION EFFECTS

5.10.1 Water Quality Effects from Sediment Discharges during Earthworks

The key effects associated with construction activities relate to the potential for sediment discharge. Sediment discharges to water can cause a range of adverse effects on freshwater ecosystems, including smothering aquatic life, damaging fish and invertebrates gills, destruction of spawning grounds, and the deposition of nutrients to waterways. Increased turbidity can interfere with aquatic animal's abilities to feed due to poor visibility and reduced light penetration can also reduce photosynthetic activity. However, there are no surface waterbodies within the site and there is over 20 m separation from the closest point of the boundary to the Karamu Stream channel to the west.

Erosion and sediment control measures will be employed throughout the duration of the earthworks associated with the construction activities, and there will be no discharge to surface water of sediment laden water.

5.10.2 Local Air Quality Effects from Dust Discharges during Earthworks

There is potential for dust to be generated during the earthworks associated with construction activities. The severity of dust is impacted by aspects, for example, such as wind strength and moisture content.

The adverse effects associated with dust include potential human health effects, visibility effects and nuisance effects such as dust settling on property.

The potential for dust generation can be managed during construction through a variety of methods. Dust will generally be controlled with water spray (as required). It is anticipated that the final CMP and ESCP will set out the specific methods of managing the potential for nuisance dust during construction, and the applicant will accept a condition in this regard.

It is therefore considered that with appropriate management practices, adherence to an approved CMP, actual and potential adverse soil disturbance effects from an air quality perspective will be temporary and less than minor.

5.10.3 Noise

Noise generation during the main construction activities will be short term in nature.

The construction works will only occur between the hours of 7.30 am and 6.00 pm, coinciding with the louder noise limits of the construction noise standards. Given that construction activities will be temporary, the noise effects will be less than minor.

The applicant will ensure that construction noise will meet the limits recommended in New Zealand NZS 6803:1999 Acoustics – Construction Noise and will accept a condition in this respect.

5.10.4 Traffic and Access

Given the scale and relatively short-term nature of the proposed works, and that safe access to the site is available for construction vehicles via the Napier Road service lane, it is not anticipated that the additional truck / vehicle movements generated during construction of the subdivision will result in adverse effects that are more than minor.

As is typical with a development of this scale, it is proposed that provision be made in the conditions of consent for a Construction Traffic Management Plan to be developed for the works anticipated.

It is therefore considered that the additional traffic generated by the construction activities of the proposal will have less than minor effects.

5.10.5 Effects on Cultural and Spiritual Values and Accidental Discovery Protocols

Despite the highly modified nature of the site due to past activities, there may be potential for unknown cultural sites and artefacts to be disturbed during construction activities.

There are no recorded archaeological sites within the site, and no concerns were raised in consultation with mana whenua hapū in regard to unrecorded archaeology, wāhi tapu, or wāhi taonga. In the event of any artefacts or remains being discovered during the excavation, the applicant will cease work in the area immediately and consult tāngata

whenua, the New Zealand Historic Places Trust and other appropriate authorities in accordance with the provisions of the Historic Places Act 1993.

It is proposed that any artefacts would be removed in accordance with appropriate iwi protocols which will be implemented prior to work recommencing. An accidental discovery protocol condition is offered in this regard.

Accordingly, it is not anticipated that the works will have any adverse effects on cultural and spiritual values.

5.11 SUMMARY OF ENVIRONMENTAL EFFECTS

Overall, it is considered that the adverse effects of the proposed subdivision and residential development can be appropriately managed to a no more than minor extent.

6. STATUTORY ASSESSMENT

6.1 INTRODUCTION

The RMA is the principal statutory document governing the use of land, air, and water. The purpose of the RMA, as set out in Section 5, is to “promote the sustainable management of the natural and physical resources.” This section of the AEE sets out the framework under the RMA that applies to the resource consents that are being sought from the Hastings District Council.

6.2 REQUIREMENTS OF A CONSENT APPLICATION

Section 88 of the RMA requires that an application for a resource consent be made in the prescribed form and manner, and include, in accordance with Schedule 4, the information relating to the activity, including an assessment of the activity’s effects on the environment, as required by Schedule 4.

The resource consent application in Part A of this AEE is in the prescribed form, as set out in Form 9 of the Resource Management (Forms, Fees, and Procedure) Regulations 2003.

By way of summary, the AEE meets the requirements of Schedule 4, and the requirements of section 88 of the RMA.

6.3 SECTION 104D ASSESSMENT

Section 104D of the RMA sets out restrictions on the ability of a consent authority to grant resource consents for non-complying activities. Section 104D states:

- (1) *Despite any decision made for the purpose of notification in relation to adverse effects, a consent authority may grant a resource consent for a non-complying activity only if it 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.*
- (2) *To avoid doubt, section 104(2) applies to the determination of an application for a non-complying activity.*

A fulsome assessment of the actual and potential environmental effects associated with the subdivision and residential development is provided in Section 5 of this AEE – based on the technical assessments appended to this AEE. Overall, and based on these technical assessments, it is concluded that any adverse effects of the proposal on the surrounding environment will be no more than minor.

Furthermore, the objectives and policies of the HDP (being the relevant plan for the purpose of section 104(1)(b) of the RMA) are assessed in Section 6.4 of this AEE. As is noted below, it is concluded that the subdivision and residential development will not be contrary to the objectives and policies of the HDP as a whole – accepting that consistency cannot be achieved with a number of the Plains Production Zone objectives and policies as the atypical site, that is now assessed as non-productive in regard to its versatile soil value, cannot be expected to be returned to land based primary production use in accordance with the direction of those objectives and policies.

In light of the above, section 104D of the RMA is not considered to be an impediment to the granting of resource consents for the subdivision and residential development and it can be further considered under section 104 of the Act. In this regard, either ‘gateway’ in section 104D(1) is able to be passed by this resource consent application.

6.4 SECTION 104 ASSESSMENT

Section 104 of the RMA lists the matters that a consent authority must, subject to Part 2, have regard to in determining whether a resource consent application should be granted. It states:

- (1) *When considering an application for a resource consent and any submissions received, the consent authority must, subject to Part 2, have regard to–*
- (a) any actual and potential effects on the environment of allowing the activity; and*
 - (ab) 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; and*
 - (b) any relevant provisions of–*
 - (i) a national environmental standard;*
 - (ii) other regulations;*
 - (iii) a national policy statement;*
 - (iv) a New Zealand coastal policy statement;*
 - (v) a regional policy statement or proposed regional policy statement;*
 - (vi) plan or proposed plan; and*
 - (c) any other matter the consent authority considers relevant and reasonably necessary to determine the application.*

(2) When forming an opinion for the purposes of subsection (1)(a), a consent authority may disregard an adverse effect of the activity on the environment if a national environmental standard or the plan permits an activity with that effect.

(2A) When considering an application affected by section 124 or 165ZH(1)(c), the consent authority must have regard to the value of the investment of the existing consent holder.

Section 104 of the RMA does not give primacy to any of the matters to which a consent authority is required to have regard. All of the relevant matters are to be given such weight as the consent authority sees fit in the circumstances, and all matters listed in section 104(1) are subject to Part 2 of the RMA (although it is understood that a consent authority is not required to consider Part 2 of the RMA unless there is uncertainty in the relevant statutory planning documents).

The matters for consideration under section 104 are assessed in the follow subsections.

6.4.1 Section 104(1)(a) Assessment – Actual and Potential Effects

With respect to section 104(1)(a) of the RMA, the actual and potential effects on the environment of the proposal are set out in Section 5 of this AEE. As concluded in that section, the applicant considers that all actual and potential adverse effects can be appropriately avoided, remedied, or mitigated to the extent that any residual effects will be less than minor.

6.4.2 Section 104(1)(b) Assessment – Policy and Planning Documents

With respect to section 104(1)(b) of the RMA, the following documents are considering to be of relevance to the proposal:

- National Policy Statement on Urban Development 2020 (“**NPS-UD**”);
- National Policy Statement for Highly Productive Land 2022 (“**NPS-HPL**”);
- Hawke’s Bay Regional Policy Statement (“**RPS**”); and
- Operative Hastings District Plan (“**HDP**”).

6.4.2.1 National Policy Statement on Urban Development 2020

The NPS-UD came into effect on 20 August 2020. The NPS-UD identifies Hastings as a ‘Tier 2 Urban Environment’ – reflecting the area’s population size and growth rate.

To provide a broader context, the NPS-UD seeks:

- Well-functioning urban environments that enable all people and communities to provide for their social, economic and cultural wellbeing, and for their health and safety, now and into the future;

- To enable more people to live in, and more businesses and community services to be located in, areas of an urban environment that are near centres and/or employment, well-serviced by public transport, and where there is high demand; and
- Urban environments that develop and change, including their amenity values, over time in response to the diverse and changing needs of people, communities and future generations.

In terms of the outcomes identified above; the development of the application site for residential uses will meet the growing housing demand of the Hastings District as it will provide additional housing stock for the housing market, in a compact form consistent with the HDC's *'Hastings Residential Intensification Design Guide 2020'*. Further to this, it is seeking to promote a 3-storey typology that is promoted in the design guide but yet to be delivered in practice. In this way the valuable flat but non-productive land resource, with added amenity from its stream side location and open space views to the west and over Guthrie Park to the southeast to Te Mata Peak, will be developed in an efficient manner. It will therefore contribute to the development of a "well-functioning urban environment".

Despite being on the existing urban fringe, the site is only located approximately 1.5 km from the Havelock North village centre round about, or 1.1 km from the edge of the commercial zone. This can be compared to the residential portion of Arataki Road which is some 3km from the village centre.

While the site is located over 1 km away from public bus services, cycle lanes are provided on Napier Road and Romanes Drive, with the off-road cycle link to Hastings on Crosses Road nearby, it is therefore likely that some residents will carry out some of their journeys by bicycle.

The NPS-UD directs planning decision-makers to have a particular regard to the benefits of urban development that are consistent with well-functioning urban environments.

These include:

- The provision of a variety of homes (in terms of type, price and location);
- The provision of good accessibility for all people between housing, jobs, community services, natural spaces, and open space, including by way of public or active transport; and
- Support the competitive operation of land and development markets.

The NPS-UD also directs planning decision-makers to have particular regard to any relevant contribution that will be made to provide or realise development capacity. The proposed development of the site will contribute to the development capacity of Hastings in respect of residential land.

It is acknowledged however that the NPS-UD is more relevant to providing direction to Council's plan making functions than to assessing resource consent applications. In this

regard a request has been made to the Future Development Strategy process for 147 – 151 Napier Road to be rezoned for residential development.

Overall, the proposal is considered to be consistent with the objectives of the NPS-UD.

6.4.2.2 National Policy Statement for Highly Productive Land 2022

With respect to section 104(1)(b)(iii) of the RMA, an assessment of this application against the relevant provisions of the NPS-HPL has been undertaken.

The NPS-HPL came into effect on 17 October 2022, with the overall purpose being to improve the way highly-productive land is managed to:

- Recognise the full range of values and benefits associated with its use from primary production;
- Maintain its availability for primary production for future generations; and
- Protect it from inappropriate subdivision, use and development.

With regard to this application, the land use classification for the site is LUC 1 as shown in Figure 12 below.

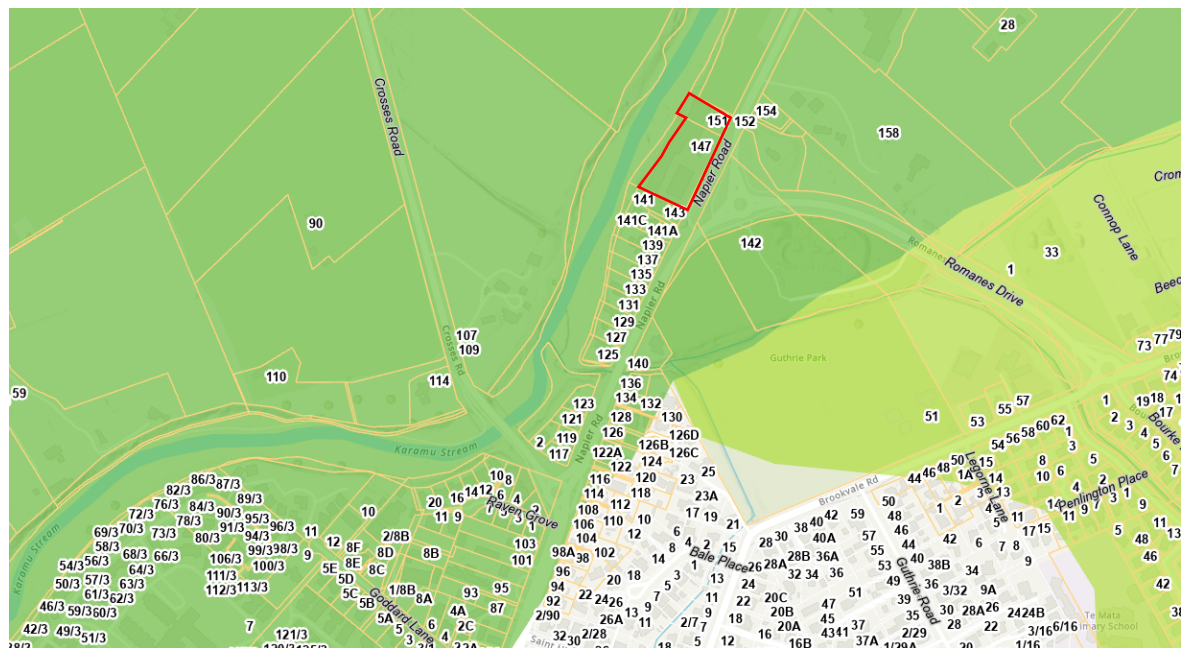


Figure 12: Land Use Capability Maps (HBRC)

It is evident from the map in Figure 12, that the LUC classifications from the national database are out of date with urbanised areas of Havelock North to the west of Napier Road (including Goddard Lane and Raven Grove), and including the Brookvale and Arataki areas, are still mapped with an LUC classification rather than being identified as urban non-productive. This is also the case with the subject site, which is mapped as LUC 1 but

identified as now being non-productive in the Land Vision Assessment (**Appendix J**), the conclusion of which is extracted below¹¹:

The site at 147-151 Napier Road is highly modified. This has resulted in the productive potential of the site to also be highly modified. Currently the site has no land based productive potential as the topsoil has been removed and replaced with concrete and gravel. Should, at some point in the future the concrete and gravel be removed the site will still have severe limitation to arable and pastoral use.

The site should no longer be considered 1c1 and simply be classified as nonproductive.

Therefore, any future development of the site from commercial to residential will have no effect on the productive potential of the site nor will it influence the total area of HPL at a regional or sub regional level.

The NPS-HPL includes a single overarching objective that is:

Highly productive land is protected for use in land-based primary production, both now and for future generations.

The relevant policies include:

- Policy 1 seeks for highly productive land to be recognised as a resource with finite characteristics and long-term values for land-based primary production;
- Policy 4 seeks that the use of highly productive land for land-based primary production is prioritised and supported; and
- Policy 8 seeks that highly productive land is protected from inappropriate use and development.
- Policy 9 seeks that reverse sensitivity effects are managed so as not to constrain land-based primary production activities on highly productive land.

Clause 3.8 requires territorial authorities to avoid the subdivision of highly productive land unless the applicant can demonstrate that the proposed lots will retain the overall productive capacity of the subject land over the long term, the subdivision is on specified Māori land, or the subdivision is for specified infrastructure or for defence facilities.

Clause 3.9 requires territorial authorities to avoid the inappropriate use or development of highly productive land that is not land-based primary production.

Although the subdivision and residential development is not land-based primary production, it is noted that the site has been highly modified which has resulted in the productive potential of the site being removed. As set out above, Land Vision Limited have concluded that the site has no land based productive potential as the topsoil has been removed in the establishment of the industrial buildings and hard stand. Even if the

¹¹ Sun Properties Ltd – HPL Assessment: 147-151 Napier Road, Havelock North, Land Vision Ltd, (13 October 2023), page 7.

concrete and gravel were to be removed at some point in the future, Land Vision Limited consider that the site will still have severe limitations to arable and pastoral use.

Given the above conclusions, Land Vision Limited are of the opinion that the proposed subdivision and residential development will not be an inappropriate use or development of highly productive land and will not influence the total area of highly productive land at a regional or sub-regional level.

Therefore, the proposal is not considered to be inconsistent with the objective and relevant policies of the NPS-HPL as it does not involve land that is highly productive in practice.

It is understood that because the land is mapped as LUC 1 as set out in Figure 11 above, that assessment is still required to be undertaken against the relevant clauses of the NPS-HPL, these being 3.8 Avoiding subdivision of highly productive land, 3.9 Protecting highly productive land from inappropriate use and development, and 3.10 Exemption for highly productive land subject to permanent or long-term constraints. That assessment is undertaken as follows.

Clause 3.8 Avoiding subdivision of highly productive land

- (1) *Territorial authorities must avoid the subdivision of highly productive land unless one of the following applies to the subdivision, and the measures in subclause (2) are applied:*
 - (a) *the applicant demonstrates that the proposed lots will retain the overall productive capacity of the subject land over the long term:*
 - (b) *the subdivision is on specified Māori land:*
 - (c) *the subdivision is for specified infrastructure, or for defence facilities operated by the New Zealand Defence Force to meet its obligations under the Defence Act 1990, and there is a functional or operational need for the subdivision.*
- (2) *Territorial authorities must take measures to ensure that any subdivision of highly productive land:*
 - (a) *avoids if possible, or otherwise mitigates, any potential cumulative loss of the availability and productive capacity of highly productive land in their district; and*
 - (b) *avoids if possible, or otherwise mitigates, any actual or potential reverse sensitivity effects on surrounding land-based primary production activities.*

Clauses 3.8(1)(b) and (c) are not relevant to the site or proposal. Based on the Land Vision conclusions the site no longer has any productive capacity. Therefore, following the proposed subdivision and into the long term, there would be no change to the productive capacity of the land from the present.

Regarding clause 3.8(2)(a), the proposed subdivision does avoid the cumulative loss and availability of highly productive land as the land has been assessed by Land Vision as being non-productive, rather than highly productive.

In terms of reverse sensitivity under clause 3.8(2)(b), the Karamu Stream and the vesting of Lot 32 as esplanade reserve, results in the closest of the proposed residential lots to land

based primary production activities to the west of the stream being 55 m. For most of the western boundary of the site this separation will exceed 60 m. This is well in excess of the 30 m minimum setback adopted in the HDP for buildings within the Hastings Residential Urban Development Areas from a Plains Production Zone boundary (see general performance standard 7.2.5G). This setback, and the physical buffer of the Karamu Stream and vegetation on the terrace banks are therefore considered to avoid potential reverse sensitivity effects on land based primary production activities to the west of the site.

The northern boundary of the site does however have an interface with land based primary production within the Plains Production Zone, albeit that this boundary (excluding the non-productive stream terrace bank area) is only some 47 m in length, compared to the 132 m long western boundary. There is also a dense existing boundary hedge straddling the boundary, although the trees appear to be planted on the northern side of the boundary on 165 Napier Road. The proposed mitigation includes the buffer formed by the access link reserve in Lot 31, which is approximately 5.4 m in width at its narrowest point and 8.5 m at its widest point. There are 3 residential lots that share a side boundary with the Lot 31 reserve, these being Lots 9 – 11. The proposed residential units on each of these lots would have an approximate 9 m setback from the external boundary with 165 Napier Road. The proposed internal road network ensures a separation of over 30 m to the proposed residential units on Lots 12 – 14. In addition to Lots 9 – 11, the only other Lot with a proposed residential unit within 30 m of the northern boundary of the site is Lot 8.

The existing boundary hedge, or any replacement hedges, will likely be effective in ensuring that there is no potential for reverse sensitivity effects from spray drift, however vegetation is less effective in reducing noise effects from tractors and sprayers being used on the orchard at 165 Napier Road. Accordingly, a condition is offered to be applied to the residential units on Lots 8 – 11 that the habitable spaces within those buildings be designed to achieve an external sound insulation level compliant with standard 25.1.7C of the Noise section of the HDP. With such a condition it is considered that potential reverse sensitivity effects on the only neighbouring land based primary production activity can be appropriately mitigated in achieving consistency with clause 3.8(2)(b).

Given the above it is considered that the proposed subdivision achieves consistency with clause 3.8 of the NPS-HPL, in having regard to the objective and relevant policies of that document.

Clause 3.9 Protecting highly productive land from inappropriate use and development

- (1) Territorial authorities must avoid the inappropriate use or development of highly productive land that is not land-based primary production.*
- (2) A use or development of highly productive land is inappropriate except where at least one of the following applies to the use or development, and the measures in subclause (3) are applied: ...*

In terms of clause 3.9(1) the proposal does not involve land based primary production. None of the sub-clause exemptions listed under clause 3.9(2) apply to the proposal except that the reserve Lots 31 and 32 would be consistent with 3.9(2)(i) in providing for public access. There are however no exemptions applicable to the proposed residential uses of Lots 1 – 29, and therefore the proposal is not enabled as an appropriate land use by clause 3.9. Accordingly, assessment under clause 3.10 is required.

Clause 3.10 Exemption for highly productive land subject to permanent or long-term constraints

- (1) *Territorial authorities may only allow highly productive land to be subdivided, used, or developed for activities not otherwise enabled under clauses 3.7, 3.8, or 3.9 if satisfied that:*
- a. *there are permanent or long-term constraints on the land that mean the use of the highly productive land for land-based primary production is not able to be economically viable for at least 30 years; and*
 - b. *the subdivision, use, or development:*
 - i. *avoids any significant loss (either individually or cumulatively) of productive capacity of highly productive land in the district; and*
 - ii. *avoids the fragmentation of large and geographically cohesive areas of highly productive land; and*
 - iii. *avoids if possible, or otherwise mitigates, any potential reverse sensitivity effects on surrounding land-based primary production from the subdivision, use, or development; and*
 - c. *the environmental, social, cultural and economic benefits of the subdivision, use, or development outweigh the long-term environmental, social, cultural and economic costs associated with the loss of highly productive land for land-based primary production, taking into account both tangible and intangible values.*
- (2) *In order to satisfy a territorial authority as required by subclause (1)(a), an applicant must demonstrate that the permanent or long-term constraints on economic viability cannot be addressed through any reasonably practicable options that would retain the productive capacity of the highly productive land, by evaluating options such as (without limitation):*
- a. *alternate forms of land-based primary production:*
 - b. *improved land-management strategies:*
 - c. *alternative production strategies:*
 - d. *water efficiency or storage methods:*
 - e. *reallocation or transfer of water and nutrient allocations:*
 - f. *boundary adjustments (including amalgamations):*
 - g. *lease arrangements.*

Clause 3.10(1)(a)

In terms of clause 3.10(1)(a) the conclusion of the Land Vision assessment of the productive land values of the site is that “the LUC classification should no longer be used, and the

site should simply be considered nonproductive...Currently the site has no land based productive potential as the topsoil has been removed and replaced with concrete and gravel. Should, at some point in the future the concrete and gravel be removed the site will still have severe limitation to arable and pastoral use.”¹²

On the basis of that expert advice from Land Vision, it follows that the constraints of the site in the topsoil having been removed, and being covered in concrete and gravel, mean that land based primary production is not able to be economically viable for at least 30 years, therefore meeting clause 3.10(1)(a). In reaching that conclusion the matters in clause 3.10(2) have been considered, and it is noted that bringing imported topsoil onto the site to attempt to recreate productive potential is not included in those matters. None of the matters (a) – (g) could realistically result in the topsoil stripped land becoming highly productive again.

Clause 3.10(1)(b)

Regarding clause 3.10(1)(b)(i), the proposal avoids any significant loss of productive capacity of highly productive land, as there is no highly productive land involved (with its former LUC 1 potential being lost with its development into a packhouse and coolstore complex), as evidenced by the Land Vision assessment.

The proposal involves the whole development site of 7,598 m² (comprising two records of title) and does not leave a balance area. A subdivision is a fragmentation of land, however in this case it is a fragmentation of land that has already lost its highly productive value and does not therefore conflict with clause 3.10(1)(b)(ii). For completeness it is also noted that the geographic cohesiveness of the land is also limited in being adjacent to residential land to the south and east, and a stream to the west.

Reverse sensitivity is required to be avoided or mitigated under clause 3.10(1)(b)(iii). As demonstrated in the assessment under clause 3.8(2)(b) above, the location of the proposed development generally avoids potential reverse sensitivity effects and it is able to mitigate the potential reverse sensitivity effects with the orchard on 165 Napier Road by the proposed reserve buffer and the external noise insulation of the future residential buildings on Lots 8 – 11.

Clause 3.10(1)(c)

As has been demonstrated above and in the Land Vision report, the long-term costs associated with the loss of highly productive land for land-based primary production has already occurred decades ago when the land was developed into a coolstore and packhouse complex. The realistically viable options for the use of the subject site, is

¹² Sun Properties Ltd – HPL Assessment: 147-151 Napier Road, Havelock North, Land Vision Ltd, (13 October 2023), page 7.

continuation or intensification of the existing industrial storage activities, or conversion to residential development as is proposed. It is considered that there will be environmental, social, cultural and economic benefits with the proposed residential subdivision and development for the following reasons:

- The proposal will result in an improvement in the stormwater discharge from the site in terms of both quantity and quality as is demonstrated in the Stratagroup report, with the proposed low impact stormwater system and increased areas of natural ground cover over the site. This is both an environmental and cultural benefit.
- The proposal will result in an improved visual amenity compared to the existing industrial buildings and concreted yard, with visual interest created by the different architecturally designed building typologies and associated green space between buildings and new reserves.
- The proposal will result in new housing typology options for the Havelock North and Hastings District communities and will showcase a compact housing development in a manner consistent with the HDC '*Hastings Residential Intensification Design Guide 2020*'. This typology is a sustainable form of urban development in efficiently utilising the land area available, which is within 1.1km of the commercial centre of Havelock North and accessible to the cycle way network and open space.
- Economic benefits will be gained by the construction industry and future owners as well as by the Applicant. Enabling such a development consistent with the HDC Design Guide may also result in environmental and social benefits by demonstrating to others how such development can be applied in the Hastings District context.

The above benefits are considered significant and outweigh the costs of retaining the land for (or in this case converting the land to) land-based production, which the Land Vision report states is no longer viable due to the loss of topsoil from the site.

NPS-HPL Assessment Conclusions

Given the above assessment, the site is subject to permanent and long-term constraints which enable its proposed development under Clause 3.10. The proposed development is also able to take place without conflict with the NPS-HPL objective or relevant policies 4, 7, and 8, largely because the land is assessed to be non-productive and therefore the 'avoid policies' are achieved, and the proposal is able to avoid or mitigate reverse sensitivity effects on neighbouring productive land in achieving Policy 9.

6.4.2.3 Hawke's Bay Regional Policy Statement

The Hawke's Bay Regional Resource Management Plan 2006 ("**RRMP**") includes the RPS for the Hawke's Bay Region, which contains the following relevant objectives set out in italic font with the assessment of the proposal against it in plain font.

Objective 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 the 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.*

In terms of achieving a compact and strongly connected urban form, although the proposal involves the intensification of an existing Plains Production Zoned site, it is located within an environment which is transitioning to residential (residential properties located to the east and south of the site). Further to this, the proposed residential development will be an improvement in terms of compatibility with neighbouring residential development to the existing industrial warehousing nature of the site. It is therefore considered that the overall comprehensive design seeks to maximise the most appropriate residential yield from the site while ensuring a high standard of residential amenity can be provided for the benefit of both the future residents and the wider community in achieving a quality-built environment. Direction has been taken from the ‘*Hastings Residential Intensification Design Guide 2020*’ and discussions with HDC policy planners in seeking to achieve such an outcome, which is consistent with the principles of quality urban design.

In terms of OBJ UD1(a)(iii) it is noted that engagement has occurred with mana whenua hapū and addressing stormwater quality issues to ensure there are no adverse effects on the Karamu Stream was established as an important value. It is also noted that the design and placement of the open space and stormwater detention area in Lot 30, and the overland flow of that stormwater channel, seek to acknowledge the former confluence of tributary streams into the Karamu Stream in respecting cultural history.¹³

¹³ Based on the advice of Charlie Ropitini, HDC Culture and Heritage Advisor – see Section 7.2, Table 5 below.

Regarding OBJ UD1(b), the proposed dwellings are able to avoid and mitigate reverse sensitivity effects for the reasons set out in the NPS-HPL assessment above. The future dwellings will be constructed to modern standards which will ensure that a high level of acoustic insulation is provided to ensure that the future residents are provided with a pleasant living environment. The proposed building design, open space, and setbacks adjacent to the southern boundary should ensure that conflict with existing residential uses is avoided and improved from the existing industrial layout of the site. There are not anticipated to be any reverse sensitivity effects on existing strategic and physical infrastructure. The existing campervan dump station in the Napier Road service lane is noted and is proposed to be screened from future residential activities by fencing and landscape design.

Regarding d), it has been concluded above under Section 6.4.2.2 that the site has no land based productive potential and cannot therefore be considered versatile land.

Like much of the Hastings and Havelock North urban areas, the site is identified by the Regional Hazard Portal maps as being subject to medium risks from liquefaction and earthquake amplification and at low risk from flooding. Geotechnical investigations have been undertaken (**Appendix A**) which has confirmed that these hazards can be appropriately addressed subject to the implementation of mitigation measures.

Objective UD2

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

The proposal will provide for higher density development in a suitable location being one that is gradually transitioning into a residential environment. Further to this, the site is only located approximately 1.5 km from the Havelock North village centre and is therefore in close proximity to local schools, shops (less than 500 m to the Cherry Grove Dairy and Coffee at Crosses), parks (less than 100 m to Guthrie Park) and places of employment. Consideration of these factors therefore confirms that this location is suitable for a higher density of development to occur. It is also directly accessible to the cycleway networks, including the off-road Crosses Road connection to Hastings.

Objective 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.

The site is not currently identified as an appropriate greenfields growth area in the RRMP under Policy UD4.3, but nor is it identified as being in an area that is inappropriate for greenfield growth under Policy UD4.4. The urban direction objectives and policies in the RRMP give effect to the Heretaunga Plains Urban Development Strategy 2010 (“HPUDS”) and it has not been updated since becoming an operative part of the RRMP in 2014.¹⁴ As mentioned above a request has been made for the site to be identified in the Future Development Strategy or FDS, which will replace HPUDS. In considering the application on its merits the proposal can integrate with Council reticulated infrastructure and is a logical extension of the existing Havelock North residential area.

Regarding b) of Objective UD4, based on the assessment set out in this AEE, the proposal is not considered to be an inappropriate urban activity.

Policy UD1 – Provision for Urban Activities (Heretaunga Plains Sub-Region)

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.*

As assessed above, it has been concluded that the site has no land based productive potential and does not therefore involve versatile land. Given this, the residential development of the land will not take away from the region’s versatile land resource and foreseeable future primary production. The proposal also represents an efficient use of existing infrastructure in being able to connect safely to the existing roading and cycleway networks, as well as connecting to the public wastewater system and water supply. The proposal also adds to public reserve infrastructure.

Policy UD4.2 – New Residential Greenfield Growth Area Criteria (Heretaunga Plains Sub-Region)

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.*

¹⁴ Via Plan Change 4 – Managing the Built Environment

- 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*
 - x. identified water short areas with the potential to affect the provision of an adequate water supply.*

The proposal:

- a) Would form a contiguous residential extension from its southern boundary.
- b) Involves land that has been identified as non-productive by expert assessment.
- c) Establishes a greenbelt edge adjoining the productive land to the north via Lot 31.
- d) Supports compact urban form and has been designed in accordance with the '*Hastings Residential Intensification Design Guide 2020*'.
- e) Can connect to public reticulated water and wastewater services in an economically viable manner and would improve the quantity and quality of the existing stormwater discharge to the Karamu Stream.
- f) Integrates with existing development by providing a reserve connection through to the Karamu Stream, which will be convenient for Brookvale residents, and by connecting to the available water, wastewater, and transportation services.
- g) Integrates with the road network via Napier Road, including the footpath and cycle way networks and is also a walkable distance from the Village Centre, parks, schools, and other services.
- h) Is not near to any high voltage transmission line and can readily connect to the local electricity network, which already supplies the existing industrial development on the site.
- i) Will promote recreation and public open space facilities with the vesting of Lots 31 and 32 to provide access to, and extend the public open space extent of, the Karamu Stream. Further to this, the proposal does not compromise any existing social infrastructure.
- j) Is able to avoid and mitigate potential natural hazard constraints.

Therefore, without exception, the proposal meets the criteria set out in Policy UD4.2 for determining the appropriateness of future Residential Greenfield Growth Areas. It follows that the relatively small site is also appropriate for the comprehensive residential development proposed through this resource consent application.

Policy UD8 – Density of Residential Development Areas

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 past 31 December 2015;*

- b) *An average yield of 20 lots or dwellings per hectare within each intensification development area.*

At 29 residential units over the 7,598 m² site, the average yield per hectare equates to approximately 38 residential units per hectare. Such a density assists in the achievement of the overall objective of the RRMP in seeking a more compact urban form than currently exists. This will in turn reduce the need for subdivision and development of the versatile land of the Heretaunga Plains.

Policy UD13 – Servicing of Developments

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.*

As detailed earlier, the site will be appropriately serviced from a stormwater, wastewater and water supply perspective.

6.4.2.4 Operative Hastings District Plan

As noted in Section 4 of this AEE, the site is zoned Plains Production in the HDP.

The HDP contains a substantial number of objectives and policies that are of relevance to the subdivision and residential development of the existing site. Based upon the assessment of environmental effects provided in Section 5 of this AEE and the accompanying technical assessments, the following key conclusions can be drawn as to how the proposal aligns with the relevant objectives and policies of the Plains Production Zone.

Urban Strategy (Section 2.4)

Objective UD01

To reduce the impact of urban development on the resources of the Heretaunga Plains in accordance with the recommendations of the adopted Heretaunga Plains Urban Development Strategy (HPUDS).

Policy UDP1

To achieve containment of urban activities and provide for residential greenfield growth in the areas identified as appropriate within the Hastings Urban

Development Study document through to 2015 and in HPUDS for the period beyond 2015 and through to 2045.

This objective and policy refer to urban development and residential green field growth being in accordance with the Heretaunga Urban Development Strategy (HPUDS). The site at 147 – 151 Napier Road is not identified in HPUDS for urban growth and as such has inconsistency with this objective and policy.

Nevertheless, the nature of the proposed residential development is consistent with the direction of HPUDS in relation to residential growth and development within the District as it involves intensification within an existing commercially developed site immediately adjoining residential zoned land which has no land based productive potential. Achievement of the criteria within Policy UD4.2 of the RRMP as set out above, is evidence of the proposal being consistent with the direction of HPUDS.

OBJECTIVE UDO2

To ensure that new urban development is planned for and undertaken in a manner that is consistent with the matters outlined in the Hawke's Bay Regional Policy Statement.

POLICY UDP3

Priority is to be placed on the retention of the versatile land of the Heretaunga Plains, the protection of the Heretaunga Plains Unconfined Aquifer from the adverse effects of urban development and the efficient utilisation of existing infrastructure.

Objective UDO2 seeks that new urban development is consistent with the RPS (contained within the RRMP), which is based on HPUDS. As set out above, the subject site is not an identified growth area in HPUDS, but the proposal is consistent with the direction of HPUDS.

Policy UDP3 places priority on retaining versatile land and protecting the aquifer from the adverse effects of urban development and the efficient utilisation of existing infrastructure. As has been demonstrated above, the versatile land of the Napier Road site is already lost to production and the proposed development can be serviced by existing reticulated infrastructure services and is well connected to transportation infrastructure.

POLICY UDP8

Ensure that there is a range of residential development opportunities within the District.

Explanation: One of the aims of the Heretaunga Plains Urban Development Strategy is to ensure that the range of residential choices is retained over the life of

the Strategy. This does not mean that there will be an unrestrained supply of the different types of residential development. The intention is that the emphasis for future residential development will be on creating compact urban form where the majority of development will take place within the existing urban boundaries. There is a sufficient supply of rural lifestyle sites through to 2045 and therefore no expansion of the Rural Residential Zones is envisaged. However careful monitoring of supply and demand will be required to ensure that similar levels of choice between Napier and Hastings is maintained.

This policy seeks to ensure that there is a range of residential development opportunities. The residential development proposal which has been designed in accordance with the 'Hastings Residential Intensification Design Guide 2020' seeks to provide housing typologies not currently available in the Hastings and Havelock North area, including three storey terraced units. Consistency with Policy UDP8 is therefore achieved by providing opportunity for apartment living in increasing the range of options available in Havelock North.

OBJECTIVE UDO4

To retain and protect the versatile land resource that is the lifeblood of the local economy from ad hoc urban development.

POLICY UDP9

To avoid the unnecessary expansion of urban activity onto the versatile land of the Heretaunga Plains

This objective and policy seek to protect the versatile land for productive uses and to prevent urban activity on the Heretaunga Plains. As has been demonstrated above, the versatile land of 147 – 151 Napier Road (with an LUC 1 classification) has already lost its horticultural potential and is now assessed by Land Vision as non-productive. While redevelopment of the site as proposed would however constitute urban activity on the Heretaunga Plains, the existing industrial development has already urbanized the site and the proposed residential development won't change the perception of the site already appearing urban despite the Plains Production Zoning.

Summary

Based on the assessment above, the proposal is considered to achieve consistency with some objectives and policies (UDO4 and UDP9) but is generally inconsistent with other relevant objectives and policies due to the Plains Production Zoning of the site which has not been identified for residential development in HPUDS. Despite this the proposal is not considered contrary to the objectives and policies of the Urban Strategy as the intent of that strategy is met. That is by providing for a residential development on non-productive land with access to reticulated services, and in a manner which efficiently utilises the land

area available with multi storey development, while providing appropriate amenity for future residents.

Medium Density Housing Strategy (Section 2.6)

This section of the HDP is generally only relevant to land already zoned residential, the proposed development however offers a form of medium density housing on an appropriate site immediately adjacent to residential land. It is on this basis that the following assessment is provided.

Objective MDO1

Promote residential intensification in the form of comprehensive residential development in suitable locations of Hastings and Havelock North.

Policy MDP1

Ensure that residential intensification occurs in close proximity to high amenity open spaces, urban centres and public transport routes, to contribute to a high quality living environment for residents and the wider community.

Objective MDO2

Ensure that residential intensification provides high levels of environmental amenity.

Policy MDP3

Promote residential intensification in the form of comprehensive residential development to ensure that high yield residential development is designed to a highly integrated manner that will provide high levels of amenity and liveability avoiding the potential for adverse effects that can be created by compact building configurations.

The proposal is for a comprehensive residential development designed in accordance with the 'Hastings Residential Intensification Design Guide 2020', in what is demonstrated above to be a suitable location. The adjoining open space of the Karamu Stream and margins, proximity to Guthrie Park, and separation from the busy main Napier Road carriage way by the service lane, provide a high amenity environment for future residents and compensate for lesser levels of private open space associated with each unit. As already discussed, the site is some 1.5 km from the Havelock Village Centre roundabout and only 1.1 km from the intersection of Napier Road and Karanema Drive, being the edge of the Village Centre.

Policy MDP4

Ensure that comprehensive residential developments have a strong interface with adjacent public spaces to create safe and interesting streets and parks which encourage people to walk, cycle and enjoy.

Policy MDP5

Encourage comprehensive residential development to offer a diverse range of housing typologies and sizes to provide for the housing needs of the Hastings community.

The residential units are designed to have a strong interface with the Karamu Stream and its margins with the double storey units in Lots 1 – 9 having views and living spaces oriented to this open space. The 3 storey units on Lots 15 – 18 and 23 – 28 in the midst of the development with their additional height will also benefit from views of the open space to the west over the double storey units, and of the views back to Te Mata Peak to the southeast. Lots 10 and 11 are orientated to have outlook to the reserve to vest on Lot 31. Access is generally off the internal roading network enabling the frontage with the Napier Road service lane to comprise more green space landscaping and a lesser area of vehicle entrance ways. The close location to the off-road Crosses Road walking and cycle way and connected Karamu Stream pathways provide convenient walking and cycling opportunities for future residents.

The proposal itself contains four different housing typologies, with floor areas ranging from 126m² to 188m², which will increase the diversity of housing available to the community as is consistent with Policy MD5.

Summary

Based on the assessment above, the proposal is considered to be generally consistent with the relevant Medium Density Housing Strategy objectives and policies.

Rural Resource Strategy (Section 2.8)

Objective RRSO1

To promote the maintenance of the life-supporting capacity of the Hasting's District's rural resources at sustainable levels.

Policy RRSP1

Reflect the various characteristics and distribution of the rural resources to enable the sustainable management of these characteristics.

Policy RRSP2

Provide for a wide range of activities to establish, which complement the resources of the rural area, provided that the sustainability of the natural and physical resources of the area is safeguarded.

This objective and policies seek to protect the sustainability of rural resources including their life supporting capacity. The policy explanations also refer to protecting the versatile land of the Heretaunga Plains. As has been demonstrated above, the existing building and paved site coverage have resulted in the site being classified as non-productive and therefore the versatile soil resource of the Heretaunga Plains would remain unchanged by this proposal.

OBJECTIVE RRSO3

To enable the effective operation of primary production activities within established amenity levels in the rural areas of the Hastings District.

POLICY RRSP4

Rural land close to urban areas or on arterial or national traffic corridors will be managed to avoid sporadic and uncontrolled conversion to activities that will individually or cumulatively adversely affect the sustainability of the rural resource base and the efficiency of the road network.

Explanation: There is significant pressure from urban activities to expand onto rural land close to the present urban areas because of marketing or other financial advantages. The District Plan does not provide for the uncontrolled conversion of rural land to a range of residential, commercial or industrial activities. Such activities can adversely affect the sustainable use of rural resources by: amenity conflict, where new activities (particularly residential) anticipate and desire a higher level of amenity than neighbouring rural productive activities can provide; reducing the life supporting capacity of the soil resource and its availability to future generations through impervious ground coverage; and reducing the safety and efficiency of national or arterial traffic routes through an increased number and use of road accessways. They can also negatively affect the viability of the existing Commercial and Industrial Zones. The District Plan will encourage the development of these activities in urban areas, to ensure the controlled development of urban activities at the interface with the rural area (see Section 2.4 Urban Strategy).

Objective RRSO3 seeks to protect land based productive activities from reverse sensitivity effects. As set out above, such reverse sensitivity effects are able to be avoided on the land to the west and will be mitigated on the land to the north by the buffer reserve on Lot 31 and with external noise insulation of the proposed residential units within 30m of that boundary.

Policy RRSP4 requires land close to urban areas and significant traffic corridors (with the subject site being close to both) to “avoid the sporadic and uncontrolled conversion of the rural land resource to urban activities”. The explanation also refers to avoiding activities locating outside of urban areas due to financial and marketing advantages. In this case the site has already been converted to an industrial packhouse and coolstore activity, making the site urbanized in terms of visual appearance, and non-productive in terms of land-based use potential. The assessment above demonstrates that the proposal is an appropriate use of such a site and the proposal is not therefore considered to be a sporadic and uncontrolled conversion to urban activities. The assessment set out below under ‘Other Matters’ demonstrates that the proposal is a relatively unique situation of a Plains Production Zoned site already being used for an industrial activity becoming available for alternative uses and being appropriately positioned in the context of Havelock North to be converted to residential use.

Summary

Based on the assessment above, the proposal is considered to achieve consistency with some objectives and policies (RRSO3 and RRSP4) but is generally inconsistent with other relevant objectives and policies which are focused on protecting rural resources for land based primary production. Despite this, the proposal is not considered contrary to the objectives and policies of the Rural Resource Strategy as the rural land resource in question has been assessed as being non-productive and so is not suitable for land based primary production.

Plains Strategic Management Area (Section 6.1)

Objective PSMO1

The land based productive potential and open nature of the Plains environment is retained.

The productive potential and open nature of this site has already been lost with the existing packhouse and cool storage development. The proposal does not therefore compromise this objective.

Policy PSMP1

Require that the subdivision of land within the Plains Strategic Management Area shall be for the purpose of a land based productive use.

The proposed subdivision is not consistent with this policy as it is not for the purpose of land based productive use as the underlying land no longer has any potential for such use.

Policy PSMP2

Require that activities and buildings in the Plains environment be linked to land based production and are of a scale that is compatible with that environment.

The explanation to this policy refers to buildings that are directly associated with the productive nature of the Zone being permitted to a scale that does not have adverse effects on the soils available for production from the block. As discussed above, the soils on the site no longer have potential for production and is immediately adjacent to the residential zone, therefore although the proposal is not consistent with this policy it is not contrary to its intent.

Policy PSMP3

Require that activities and buildings in the Plains environment do not compromise the open nature and amenity arising from land based production.

The existing nature of the industrial development on the site reduces the relevance of this policy. The proposed residential development is designed to have attractive and interesting buildings and higher levels of landscaping than the current development. Accordingly, the proposed development will be an improvement to the existing situation in terms of achieving consistency with this policy.

Summary

As the proposal does not involve land based primary production it is generally inconsistent with the relevant objectives and policies of the Plains SMA. Once again, the proposal is not considered contrary to these objectives and policies as their intent is not compromised due to the land being non-productive and not able to support land-based primary production.

Plains Production Zone (Section 6.2)

Objective PPO1

To ensure that the versatile land across the Plains production Zone is not fragmented or compromised by building and development.

POLICY PPP1

Encourage the amalgamation of existing Plains Production Zone lots into larger land parcels.

Policy PPP3

Limit the number and scale of buildings (other than those covered by PPP4) impacting on the versatile soils of the District.

Although the soil on the site is mapped as highly productive and versatile, it has been assessed as now being non-productive and being compromised by existing buildings and sealed surfaces and having had the topsoil removed. Therefore, the previously versatile soil of the site would not be compromised any further by the residential development proposal. The proposal is not therefore inconsistent with Objective PPO1 and Policy PPP3 as it will not be compromising any existing or likely future productive use of versatile land.

The proposed residential subdivision will fragment the land rather than amalgamate to create larger lots as per the policy direction of PPP1, however such subdivision is justifiable given the non-productive and atypical nature of the site.

Policy PPP5

Recognise that residential dwellings and buildings accessory to them are part of primary production land use but that the adverse effects of these buildings on the versatile land of the Plains Production Zone are managed by specifying the number and size of the buildings that are permitted.

This policy limits the development of residential buildings unless accessory to primary production and not adversely affecting the versatile land of the Plains Production Zone. The residential development proposal has some inconsistency with this policy as there is no direct relationship with the productivity of the land. Adverse effects on the versatile land of the Zone are however avoided by that land already being compromised by buildings and sealed surfaces, to the extent that it is now assessed by Land Vision as non-productive.

POLICY PPP7

Establish defined urban limits to prevent ad hoc urban development into the Plains Production Zone.

The urban limits around Havelock North are generally defined by the boundary of the Residential Zone with the Plains Production Zone. Ad hoc urban development can be taken to mean activities that could equally establish in an urban zone rather than having a locational requirement to establish in the Plains Production Zone. In this case, the proposed residential units could be developed in a residential zone. The Napier Road site, however, is of a size not readily available in the existing residential zones and is on land that is already compromised by industrial development. Further to this, it is located immediately adjacent to the existing urban boundary and visually appears urban rather than rural. In this regard the site is relatively unique, and its redevelopment is not considered to be ad-hoc urban development. This is further demonstrated under the 'Other Matters' heading below.

Objective PPO2

To provide for flexibility in options for the use of versatile land.

Policy PPP11

Require that any subdivision within the Plains Production Zone does not result in reducing the potential for versatile land to be used in a productive and sustainable manner.

Objective PPO2 provides for flexibility in the use of versatile land, with its intent regarding subdivision defined by Policy PPP11. In theory, the proposed subdivision will result in fragmentation of the existing 7,598 m² site. Such fragmentation will not however reduce the potential for productive use, as this has already been removed by the stripping of the topsoil and the development of the site into a pack house and coolstore facility with associated sealed yard areas. For these reasons the proposal is not contrary to Policy PPP11 despite there being a degree of inconsistency.

Objective PPO3

To retain the rural character and amenity values of the Plains Production Zone.

Policy PPP13

Require that any new development or activity is consistent with the open and low scale nature that comprises the rural character and amenity of the Plains Production Zone.

As stated above, the site is currently fully developed and resembles an urban site albeit that the previous fruit packing and storage activity had a relationship to the produce grown in the Plains Production Zone. The proposed residential development will not be any less open and low scale than the existing buildings and development. Further to this, the residential units and their layout are architecturally designed and will improve the amenity of the site from the existing with the proposed reserves and open spaces adding positive amenity values. Again, there may be partial inconsistency with Objective PPO3 as the proposal will not retain the rural character of the Plains Production Zone, however the proposed development is considered appropriate given the atypical nature of the site. The proposal is not therefore considered to be contrary to this objective and policy.

Policy PPP14

Require that any new activity locating within the Plains Production Zone shall have a level of adverse effects on existing lawfully established land uses that are no more than minor.

Policy PPP15

Noise levels for activities should not be inconsistent with the character and amenity of the Plains production Zone.

The existing environment must be taken into account in the assessment of a resource consent application and in this case the existing environment includes a live resource consent for a significant pack house and cool store complex with its associated building bulk, noise and heavy traffic effects. It is acknowledged that the current activities on the site are a less intensive reuse of the existing buildings. The potential adverse effects of the proposed residential use have been assessed above as being no more than minor, and in any event will be less on the neighbouring residential properties than the consented packhouse and cool store activities.

As has already been demonstrated, the potential reverse sensitivity effects on orchards to the north and across the Karamu Stream regarding future residents complaining about noise or spray-drift from orcharding activities, is able to be avoided and mitigated by the buffering reserve proposed as Lot 31 and noise insulation of the closest buildings. Accordingly, the proposal is able to achieve general consistency with Policies PPP14 and PPP15.

Objective PPO4

To enable the operation of activities relying on the productivity of soil without limitation as a result of reverse sensitivities.

Policy PPP16

Require that any activity locating within the Plains Production Zone will need to accept existing amenity levels and the accepted management practices for land based primary production activities.

This objective and policy also relate to mitigating reverse sensitivity effects on land based primary production activities. As set out above, the proposal includes measures to appropriately mitigate such effects.

Summary

Based on the above assessment, the proposal is considered to achieve consistency with some objectives and policies (PPO1, PPP3, PPP14, PPP15, PPO4, & PPP16)), but is generally inconsistent with other relevant objectives and policies due to the zoning of the site and the proposal not involving or directly supporting land based primary production. Despite this, the proposal is not considered contrary to the objectives and policies of the Plains Production Zone, given that it is an atypical site for that zone, with the land already being fully developed and assessed as a result as non-productive. Accordingly, the land is not available for land based primary production, and the unique nature and location of the site means that it will be more compatible with surrounding activities if it is used for residential purposes rather than rural support activities.

Transport and Parking (Section 26.1)

Objective TPO1

Ensure that land uses and new subdivision are connected to the transportation network in a manner that provides for the efficient and sustainable movement of people and goods in a safe manner.

Policy TPP1

Ensure that subdivision and land use are integrated with the transport network and that the traffic effects are mitigated, including through the use of sustainable transport modes.

Policy TPP4

Protect the strategic transport network from inappropriate development.

Policy TPP6

Control the width and position of access points to each property to minimise the adverse effects of manoeuvring and queuing vehicles, the potential effects on pedestrian safety and the effects on streetscape amenity.

The site will be connected to the transportation network via the existing vehicle crossings to the Napier Road service lane and to Napier Road itself. The only new access that will result from the proposal will be the passive recreation access to Lot 31, which is to be vested with HBRC as recreation reserve. This access will also accommodate occasional HBRC maintenance vehicle access.

In terms of the safe and efficient operation of the road network, the expert assessment from Urban Connection concludes that *“the traffic associated with the proposed development is able to be accommodated on the adjacent road network and that there are no traffic planning reasons to preclude the approval of the proposed development.”* Given this, the proposal is assessed as being consistent with the above relevant objectives and policies of the Transport and Parking section of the HDP.

Subdivision and Land Development (Section 30.1)

Objective SLDO1

To enable subdivision of land that is consistent with each of the objectives and policies for the various SMA, Zones, Precincts, or District Wide Activities in the District Plan.

Objective SLDO2

To ensure that sites created by subdivision are physically suitable for a range of land use activities allowed by the relevant Section Rules of the District Plan.

Policy SLDP1

That standards for minimum and maximum site sizes be established for each SMA/Zone in the District.

Policy SLDP1 refers to minimum site sizes. While the proposed subdivision will not comply with the minimum lot size requirements in relation to the proposed residential lots, a policy should not be viewed in isolation when assessing if a subdivision is appropriate. The layout of the proposed allotments and the associated construction of a suitably sized residential dwelling on each lot (being physically suited for residential development) is consistent with the intended purpose of this policy and Objective SLDO2. Further to this, the assessment against the relevant objectives and policies of the Plains Production Zone above, has demonstrated that despite the overall non-complying nature of the proposed residential development and associated subdivision, and some inconsistency with objectives and policies that assume availability of land for land based primary production, the subdivision is not contrary to the objectives and policies of the zone.

Objective SLDO3

Avoid subdivision in localities where there is significant risk from natural hazards.

Policy SLDP4

Ensure that land being subdivided, including any potential structure on that land, is not subject to material damage by the effects of natural hazards.

The Geotechnical Report for the site is attached as **Appendix A** to this AEE. This report identifies that subject the implementation of recommended mitigation measures, including a pile wall to strengthen the embankment which forms part of the proposal, it is considered that this subdivision and residential development would not be subject to any significant effects from natural hazards. In this regard, it is noted that the site was not subject to any flooding from Cyclone Gabrielle.

Objective SLDO4

To ensure that land which is subdivided is, or can be, appropriately serviced to provide for the likely or anticipated use of the land, so as to ensure the health and safety of people and communities, and the maintenance or enhancement of amenity values.

Policy SLDP7

Recognise the role of the Hastings District Council's Subdivision and Infrastructure Development in Hastings: Best Practice Design Guide and Engineering Code of Practice design standards as a means of compliance for the servicing of sites.

The proposed residential lots will have access to appropriate services in accordance with the Council's Engineering Code of Practice as consistent with Objective SLDO4 and Policy SLDP7.

Policy SLDP10

Require the provision of safe and practicable access for pedestrians and vehicular traffic from a public road to each site.

As demonstrated by the respective Stratagroup, and Urban Connection, engineering and transportation assessments, the proposed development can be appropriately serviced for 3 waters and transportation infrastructure. Accordingly, consistency is achieved with this objective and policies.

Policy SLDP15

Ensure that subdivision or developments do not result in adverse effects on the environment by requiring upon subdivision or development a means of connection to a water supply and services for the disposal of wastewater and stormwater.

The subdivision and residential development can be appropriately serviced from a stormwater, wastewater, and water supply perspective, without adverse environmental effects. The proposal is therefore consistent with Policy SLDP15.

Summary

Based on the assessment in the preceding sections, the proposal is considered to be generally consistent with the following sections of the HDP:

- Medium Density Housing Strategy (Section 2.6)
- Transport and Parking (Section 26.1)
- Subdivision and Development (Section 30.1)

The proposal is however considered to be generally inconsistent with, but not contrary to, the objectives and policies of the following sections of the HDP:

- Urban Strategy (Section 2.4)
- Rural Resource Strategy (Section 2.8)
- Plains Strategic Management Area (Section 6.1)
- Plains Production Zone (Section 6.2)

It is significant that the proposal is not assessed as being contrary to the objectives and policies of the HDP as this allows the second gateway of section 104D of the RMA to be met. It is also relevant in determining whether granting consent to this application would compromise the integrity of the HDP or set an adverse precedent effect. As set out under the 'Other Matters' heading below the unique nature of the site and proposal mean that the integrity of the HDP will not be undermined, nor will the proposal result in a precedent for other non-complying Plains Production Zone subdivisions to be approved.

As a non-complying activity, it is not expected that consistency will be received with all relevant district plan objectives and policies. The merit of this proposal is that it does not undermine the key direction of the HDP in seeking to retain the versatile land of the Heretaunga Plains for land based primary production. This is because the site no longer has any potential to support such activities, is already fully developed in buildings and concrete giving an urbanised appearance and is appropriately located for the nature of the development proposed.

6.5 SECTION 106 OF THE RMA

Section 106 of the RMA sets out additional circumstances when a consent authority may refuse to grant subdivision consent or impose conditions in the grant of a subdivision consent, if it considers that there is significant risk from natural hazards or sufficient provision has not been made for access.

Section 106 Consent authority may refuse subdivision consent in certain circumstances:

(1) A consent authority may refuse to grant a subdivision consent, or may grant a subdivision consent subject to conditions, if it considers that—

(a) there is a significant risk from natural hazards; or

(b) [Repealed]

(c) sufficient provision has not been made for legal and physical access to each allotment to be created by the subdivision.

(1A) For the purpose of subsection (1)(a), an assessment of the risk from natural hazards requires a combined assessment of—

(a) the likelihood of natural hazards occurring (whether individually or in combination); and

(b) the material damage to land in respect of which the consent is sought, other land, or structures that would result from natural hazards; and

(c) any likely subsequent use of the land in respect of which the consent is sought that would accelerate, worsen, or result in material damage of the kind referred to in paragraph (b).

(2) Conditions under subsection (1) must be—

(a) for the purposes of avoiding, remedying, or mitigating the effects referred to in subsection (1); and

(b) of a type that could be imposed under Section 108.

In terms of section 106(1)(a), regarding natural hazards, the proposed subdivision is not located in an area that is specifically recorded as being subject to natural hazards. A geotechnical investigation has been undertaken which confirms that the identified building platforms are suitable for development, subject to implementation of the recommended mitigation measures, of which the pile wall strengthening of the embankment to mitigate lateral spread, now forms part of the proposal.

Regarding section 106(1)(c), legal and physical access to all of the proposed lots will be provided to Napier Road.

It is therefore concluded that the proposed subdivision can meet both tests of section 106 of the RMA.

6.6 OTHER MATTERS (RMA SECTION 104(1)(c))

Matters of district plan integrity being compromised, and a precedent creating expectations that future non-complying applications from the same zone will be approved, can be a consequence of a resource consent for a non-complying activity being granted. Such issues are avoided where the circumstances of the application are distinguishable and unique from other potential applications, and where granting consent would not be contrary to the objectives and policies of the district plan.

It has already been demonstrated above that the proposal is not contrary to the objectives and policies of the district plan, which the Environment Court has defined as being “*opposed, or repugnant to*”. Rather in this case the unique circumstances of the site, in being ‘non-productive’ in terms of land use classification, and already fully developed in buildings and sealed yard giving an urbanised appearance, mean that it is atypical for the Plains Production Zone, and does not conflict with the overriding direction of the HDP to retain the availability of the versatile land of the Heretaunga Plains for land based primary production.

The fact that the land is compromised for land based primary production activities does not itself make it unique as a Plains Production Zone site, nor appropriate for residential development. Further to this however, it is contiguous to the Havelock North General Residential Zone to the south and located opposite recently rezoned residential land to the east and separated from land based production activities to the west by the Karamu Stream, leaving only one relatively short interface to a relatively small Plains Production Zone property to the north. Other characteristics of the site and location, such as access to reticulated services, safe access to the transportation network, proximity to open space and parks, and proximity to services and the Havelock North village centre, also contribute to making the property appropriate for the residential development proposed.

Further to this, the ‘existing environment’ established by resource consent NRC 59 in 1995 contributes to the uniqueness of this site. NRC 59 provides for the throughput of 200,000 cartons of fruit per season, estimated to require 26 truck movements per day with 30 people working per shift. It is acknowledged that this resource consent is not currently being implemented, however it is still live and fruit package and storage operations could potentially recommence, which would be less compatible with the adjoining residential land than the proposed residential development. Even the relatively low intensity existing industrial storage activities are less compatible with the adjoining residential activities, than what the proposed residential redevelopment of the site would be.

An assessment of potentially similar Plains Production Zone properties on the edge of Havelock North and Hastings has been undertaken to establish if there are other properties that could benefit from precedent if this application is granted resource consent. That assessment is attached as **Appendix K** and does not identify any similar properties to the subject site. That assessment identifies that the only property with potential for a significant non-complying residential development would be the Oderings Nursery site, which is fully surrounded by Residential and Open Space Zonings and cannot be realistically expected to continue to be used in a manner consistent with the Plains Production Zone. Regardless of that, 147 – 151 Napier Road is quite different in character to the Oderings property in being fully covered in impervious surfaces associated with industrial fruit packing and cool storage activities, accordingly the development of 147 – 151 Napier Road would not necessarily set a precedent for the development of the Oderings site as each proposal would need to be treated on its merits. It is clear however that both of these properties are distinguishable from the remainder of land on the urban fringe of Havelock North, Hastings and Flaxmere.

Given the above assessment, it is considered that granting consent to this application would neither undermine the integrity of the HDP nor create an adverse precedent for non-complying subdivision applications in the Plains Production Zone.

6.7 PART 2 OF THE RMA

Recent case law has confirmed that a consent authority must have regard to the provisions of Part 2 of the RMA when it is appropriate to do so.¹⁵ Part 2 is an overriding matter and decisions of resource consents must demonstrably contribute towards the purpose of the Act. Reference to Part 2 of the RMA beyond its expression in the relevant statutory planning documents is appropriate where there is invalidity, incomplete coverage or uncertainty of meaning within the statutory planning document in respect of determining a resource consent application. For this application, there is no invalidity, incomplete coverage or uncertainty of meaning within the statutory planning documents.

Notwithstanding the above, in accordance with Schedule 4(2)(1)(f) of the RMA, Part 2 of the RMA is considered to the extent appropriate in the following paragraphs.

The previous sections have set out the key matters the Hastings District Council will be required to have regard to when considering the application. However, these considerations are expressly “subject to Part 2”, which incorporates an overall assessment of the proposal against the sustainable management purpose of the RMA, which is defined in section 5 of the Act as:

¹⁵ RJ Davidson Family Trust v Marlborough District Council, [2018] NZCA 316.

... managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social economic, and cultural well-being and for their health and safety while –

- (a) Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
- (b) Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
- (c) Avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

Applying section 5 of the RMA involves judgement of whether a proposal would promote the sustainable management of natural and physical resources, and that judgement allows for the comparison of conflicting considerations and the scale and degree of them and their relative significance or proportion in the final outcome.

Regarding the requirement that effects be ‘avoided, remedied or mitigated’, case law has established that it is not required that all effects be avoided, or that there is no effect on the environment or that all effects are compensated for in some way. Rather, it is about doing what is reasonably necessary, given the circumstances of the particular case, to lessen the severity of effects. The measures to be employed by the applicant in respect of subdivision and residential development of the land at the subject site ensures that any actual and potential adverse environmental effects are avoided, remedied and/or mitigated.

Sections 6, 7 and 8 of the RMA set out the principles to be applied in achieving the purpose of the Act. They are not an end in themselves, but an accessory to the principal purpose. To the extent the principles of those sections are relevant they do not suggest the granting of the consent sought by the applicant is inappropriate.

In this case, a comprehensive assessment has been provided against the NPS-UD, NPS-HPL and relevant objectives and policies of both the RPS and HDP. It is relevant that the HDP is a relatively new plan (declared partially operative in 2020) that has been prepared having regard to Part 2 which is supported by a robust policy framework. The RPS has also been prepared subject to Part 2 of the RMA.

In this circumstance then, it is considered that an assessment against Part 2 would ‘not add anything to the evaluative exercise’ and is not therefore necessary.

6.8 SUMMARY

In summary, as a whole, the proposal is generally consistent with the policy frameworks in the relevant national and regional planning instruments, and the statutory provisions of the RMA, and is not contrary to the relevant objectives and policies of the HDP.

7. CONSULTATION

7.1 INTRODUCTION

The preparation of this resource consent has been a long and considered process, commencing with the consideration of options in 2021 and culminating in this resource consent application being finalised for lodgement in 2024. Throughout this time, meetings have been held with Hastings District Council staff to inform concept development and the viability of the project. Once a firm concept was developed in 2023 meetings have also been held with HBRC staff and mana whenua representatives. More recently the Applicant has provided neighbours of the site with information regarding the proposal and has sought their feedback.

7.2 CONSULTATION SUMMARY

Table 6 below provides a summary of the consultation undertaken on the project.

Table 6: Consultation Summary

Date	Party Consulted	Summary of Discussion
24 September 2021	Hastings District Council Meeting with Consents Planning - Caleb Sutton & Shane Lambert	Potential redevelopment options of a supermarket or medium density housing redevelopment were discussed. The challenges of the Plains Production Zoning and non-complying status of both options was noted, with a supermarket having the added challenge in avoiding conflict with the HDP Commercial Strategy. Creating an adverse precedent with the granting of either option was noted as a key concern by Council staff.
3 June 2022	Hastings District Council Meeting with Consents Planning - Caleb Sutton & Shane Lambert	The precedent investigation (Appendix K to this AEE) was tabled for discussion.
4 July 2022	Hastings District Council Meeting with Strategy and Engineering– Jeniffer Bainbridge, Kelly Nikora, Bruce Conaghan, & Derek Newton	The residential development concept was tabled with the strategy and engineering staff. A traffic impact assessment was requested and the location of the RV dump station in the service lane was highlighted as a matter for consideration. In regard to 3 waters a current wastewater capacity constraint was identified in the reticulated system which was programmed to be resolved as part of the upgrading works for the Brookvale rezoning.
Mid 2022	Hastings District Council Meeting with Policy Planning - Megan	Project Architect Pierre du Toit discussed urban design matters and consistency with the Residential Intensification Design Guide in seeking to improve the building layout and design.

	Gaffaney and Anna Summerfield.	
9 December 2022	Hastings District Council Meeting with Consents Planning and Engineering - Shane Lambert, Kelly Nikora, and Bruce Conaghan.	Updated concept plans were discussed. There was discussion around the internal roading layout and whether the roads would be vested in full or in part. It was generally agreed that a private road layout would enable greater flexibility in achieving urban design outcomes, but that the concept will need to be justified under NZS:4404. In terms of 3 waters engineering discussion with HBRC was recommended for the stormwater discharge which will require a discharge consent. The proposal has been factored into water and wastewater reticulation planning but the Brookvale development takes priority and wastewater capacity is dependent on where the Brookvale development connects to the mains. Consents planning advice recommended consultation with neighbours and mana whenua, and that a full assessment against clause 3.10 of the NPS-HPL will be required. It was agreed that requesting inclusion of the site in the Future Development Strategy would also be appropriate.
29 August 2023	Hastings District Council Meeting with Policy Planning - Megan Gaffaney	Project Architect Pierre du Toit had a follow up meeting regarding the consistency of the revised concept design with the Hastings Residential Intensification Guide. This resulted in e-mail feedback of matters to be addressed dated 9 September 2023.
September / October 2023	Hawke's Bay Regional Council – phone and e-mail correspondence with assets staff.	Confirmation was sought as to agreement for the proposed vesting of Lots 31 and 32 as reserves in HBRC. Feedback was provided on the minimum, design requirements for the access reserve linking Napier Road with the Karamu Stream (Lot 31) so that it can accommodate HBRC maintenance vehicle access as well as its public walkway function. A minimum width of 3.5m with a limestone or concrete finish was suggested with a removable bollard at the Napier Road end to prevent general public vehicle access.
September / October 2023	Mana Whenua – Te Taiwhenua o Heretaunga - phone and e-mail correspondence with Marei Apatu.	Marei Apatu was contacted for advice on mana whenua consultation. Marei advised the mana whenua hapū to be Ngāti Hawea of Waipatu, Ruahapia and Matahiwi marae and recommended meeting with representatives from those marae and with Tamatea Pokai Whenua in regard to the relevant statutory acknowledgment.

26 October 2023	Hastings District Council Meeting with Culture & Heritage – Charlie Ropitini.	As suggested by the HDC Policy Planning staff a meeting was held with Charlie Ropitini for guidance on incorporating cultural narrative into the design. The suggestion from Charlie was to acknowledge the former confluence of several side streams into the Karamu adjacent the subject site. This has influenced the stormwater design for the project in incorporating above ground stormwater swales and detention in the open space area of Lot 30, along with the open channel from the outlet at the bottom of the bank to the Karamu, as part of the proposed low impact system.
28 November 2023	Hawke’s Bay Regional Council – Meeting with Consents & Engineering – Paul Barrett, Sarun Saju, and Jonathan Smith.	The meeting was sought to discuss both the proposed reserve vesting and the required stormwater discharge consent. The need for a 3.5m all-weather surface for HBRC ute access within the reserve strip was reiterated. It was agreed that the best option for the stormwater discharge was to have the stormwater outlet at the bottom of the bank and an open channel to the stream. The proposed low impact stormwater management system was explained, along with the improvement from 98% impervious coverage to 80%. An issue to be resolved was a maintenance schedule for the rain gardens and stormwater system in general and the ownership and responsibility for that following subdivision. The proposed strengthening of the bank with timber piles was discussed with the conclusion being that it shouldn’t generate any additional HBRC consenting requirements.
November 2023	Mana Whenua Hapū & Tamatea Pōkai Whenua - e-mail and phone correspondence.	Following up on the advice of Marei Apatu an e-mail was sent to the contacts for the three mana whenua marae and to Tamatea Pōkai Whenua providing information and plans relating to the proposal and seeking the opportunity to meet on site to discuss cultural concerns. In response a phone call was received from Dianne Smith of Tamatea Pōkai Whenua who agreed to facilitate the requested meeting with the marae representatives. A meeting date of 29 November at 5.30pm was agreed and invitations were sent to marae representatives from Waipatu, Ruahapia and Matahiwi.
29 November 2023	Mana Whenua Hapū & Tamatea Pōkai Whenua - Meeting on site	The meeting onsite with the Applicant’s project team was attended by Dianne Smith of Tamatea Pōkai Whenua and two representatives from

	attended by Dianne Smith and representatives from Ruahapia Marae (meeting notes are attached as Appendix L).	Ruahapia Marae, including Chair Melissa Panapa-Fraser. The invited representatives from Waiputu and Matahiwi did not attend. The feedback from Melissa was primarily focussed around the importance of achieving a high quality stormwater discharge and avoiding any adverse effects on Te Karamū Awa. This was acknowledged by the project team who had already committed to delivering such an outcome, however the significance of this in addressing cultural effects was noted. Discussion was also had about the request to have the site included in the Future Development Strategy and the involvement of Tamatea Pōkai Whenua in that strategy.
December 2023	Information provision to adjoining neighbours	An information package including a proposal description and the architectural and stormwater plans were provided in hard copy to each of the three adjoining neighbours.
February 2024	Follow up discussions with adjoining neighbours	The applicant initiated discussions with adjoining owners. Written approval (attached as Appendix M) has since been received from Kevin Murray Lay and Lee Ann Lay, the owners of 165 Napier Road, Havelock North (the adjoining rural property to the north).
March 2024	Mana Whenua Hapū & Tamatea Pōkai Whenua - e-mail and phone correspondence.	Email and phone correspondence with Dianne Smith of Tamatea Pōkai Whenua to close out Mana Whenua Consultation with the suggested mitigation measures provided in the email correspondence within Appendix N . A request was made for Mana Whenua to be kept up to date as the application progresses so that they can continue to provide cultural and environmental guidance.

8. NOTIFICATION

8.1 PUBLIC NOTIFICATION (SECTION 95A)

Whether the application should be notified has been assessed as follows, according to Section 95A of the RMA:

Step 1 – Mandatory Public Notification in Certain Circumstances

- The applicant does not request public notification of the application (section 95A(3)(a));
- Public notification is not required under section 95C (section 95A(3)(b)); and
- The application does not include an exchange of recreation reserve land (section 95A(3)(c)).

Step 2 – Public Notification Precluded in Certain Circumstances

- Public notification is not precluded by any rule or national environmental standard (section 95A(5)(a)); and
- The proposal is for a non-complying activity, but not a boundary activity.

Step 3 – Public Notification Required in Certain Circumstances

- Public notification is not required by any rule or national environmental standard (section 95A(8)(a)); and
- For the reasons set out in Section 5 of this AEE, the activity is not likely to have adverse effects on the environment that are more than minor in accordance with section 95A(8)(b).

Step 4 – Public Notification in Special Circumstances

- There are no special circumstances in relation to this application;
- In considering whether special circumstances apply to warrant notification of an application, it is noted that special circumstances:
 - Are unusual or exceptional but may be less than extraordinary or unique; and
 - Unlikely to be justified where there is no evidence of adverse effects likely to arise from an activity.
- The application is not unusual or exceptional in a manner that would merit public notification. The proposal is for an activity which although a non-complying activity, has planning merit given the location of the site adjacent to residential land, and as the proposed activity will be more compatible with neighbouring activities than the existing site development. Therefore, public notification of the resource consent application is not required.

8.2 LIMITED NOTIFICATION (SECTION 95B)

Section 95B(1) of the RMA requires a consent authority to determine whether to give limited notification of a resource consent application if an application is not publicly notified under section 95A of the Act. This has been considered according to section 95B of the RMA as follows:

Step 1 – Certain Affected Groups and Affected Persons must be Notified

- Limited notification is not required under Step 1 as the activity does not affect customary rights groups or customary marine title groups. The application is adjacent to the Karamū Stream for which Tamatea Pōkai Whenua have a statutory acknowledgement. Consideration of whether Tamatea Pōkai Whenua are an affected person is provided in accordance with section 95E of the RMA below.

Step 2 – If not required by Step 1, Limited Notification Precluded in Certain Circumstances:

- Limited notification is not precluded by any rule or national environmental standard (Section 95B(6)(a)); and
- Limited notification is not precluded as the application is not for a controlled activity (section 95B(6)(b)).

Step 3- If not precluded by Step 2, Certain other Affected Persons must be Notified:

- The activity is not a boundary activity; and
- The activity therefore falls into the ‘any other activity’ category and the effects of the proposal on any persons are assessed in accordance with section 95E below to determine if limited notification is required.

8.3 ASSESSMENT OF EFFECTS ON PERSONS (S95E)

In accordance with section 95E of the RMA, a person is an affected person if the activity’s adverse effects on the person are minor or more than minor (but not less than minor).

The map in Figure 13 below identifies the adjoining neighbours to the site and surrounds and is referred to in the following assessment.



Figure 13: Map of adjoining and neighbouring properties

The only adjoining privately owned properties to the subject site are 165 Napier Road to the north, and 141 and 143 Napier Road adjoining the southern boundary of the site.

8.3.1 Written Approvals Obtained

Written approvals have been obtained from the owners and occupiers of 165 Napier Road. Accordingly, these persons cannot be considered to be affected persons.

8.3.2 Assessment of Potentially Affected Persons as Neighbours

141 & 143 Napier Road

Discussions have been held with these neighbours by the applicant and a copy of the draft application AEE and relevant plans have been provided. Both neighbours have advised that they are not prepared to provide a written approval to the application. Nevertheless, it is considered that any adverse effects on these neighbours will be less than minor for the following reasons:

- General Residential Zone bulk and location standards regarding side yard setbacks, height in relation to boundary, and overall building height have all been complied with along this southern boundary of the site.
- Vastly improved visual amenity due to replacement of industrial buildings with residential buildings and associated landscaping and reduced building and hardstand coverage..

- Removal of the existing heavy vehicle traffic access down the boundary. Although this access is currently closed off by the applicant, they would have the right to reopen it at any time for the existing storage activities occupying the property.
- Potential privacy issues are mitigated by restricting south facing windows to bathroom windows, with no living areas overlooking the boundary.
- In terms of immediately adjoining activities, under the proposed development
 - 141 Napier Road (being a rear site) would be bound by two residential units, A1 and B28. These units will have the effect of screening the additional residential units to the north and contrasts to the two industrial buildings that currently situated adjacent to this common boundary.
 - 143 Napier Road, would be adjacent to unit C29 as opposed to an industrial building. Again, that unit will have the effect of screening the additional residential units to the north.

Plains Production Zone Land to the West of the Site

The Karamu Stream and margins provides a setback of over 50 m from the western boundary of the site to the closest agricultural and horticultural land in that direction. A 50 m setback is considered to provide a large enough buffer to ensure that any reverse sensitivity effects are less than minor (noting the 30 m setback applied by the HDP for such purposes). Accordingly, there are not considered to be any affected persons to the west of the site.

Properties Opposite the Site to the East

The combined effects of the Napier Road service lane and Romanes Drive roundabout means that the site has a significant separation to the nearest properties on the opposite side of Napier Road, being greater than 45 m for the full extent of 147 Napier Road, and only narrowing to the standard 20 m at the northern end of 151 Napier Road which is opposite the entrance to the HDC sewer booster pump station. Given that these significant setbacks apply with a busy arterial road in between, and that the only property within 20 m of the boundary is HDC land, it is considered that any adverse effects of the proposal on the owners and occupiers of properties located on the opposite side of Napier Road to the site will be less than minor.

141A, 141B, & 141C Napier Road and Residential Properties to the South

These properties are largely obscured from view of the site by the buildings on 141 and 143 Napier Road. Those properties also provide a minimum setback of 18 m from the southern boundary of the site. Further to this when the proposed site plan is compared with the existing buildings on the site (see Figure 13 above) the outlook in terms of building bulk and location and green space will be improved. Removal of the existing site access against the southern boundary will also result in amenity improvements to the residential properties to the south. Given all of the above, it is considered that any adverse effects on

the owners and occupiers of 141A – 141C Napier Road and properties further to the south will be less than minor.

Tamatea Pōkai Whenua

Given the proposed low impact designed stormwater system, including stormwater quality treatment, and the reduction in impervious surface coverage compared to the existing situation, the proposed development will improve the stormwater quantity and quality runoff to the Karamū Stream. Accordingly, any effects on the Karamū Stream, and therefore Tamatea Pōkai Whenua are considered to be less than minor.

In consultation with Mana Whenua (Tamatea Pōkai Whenua), the following mitigation measures and responses from the Applicant have been provided in relation to the proposal:

Table 7: Mitigation Measures recommended by Mana Whenua

<u>Requested Mitigation Measure</u>	<u>Applicant’s Response</u>
<p>1. Developers to implement rainwater harvesting systems contained within each residential lot. This provides resilience to climate change, participates in the circularity of the water and more importantly lessens the discharge to the Kāramu Stream.</p>	<p>The stormwater system proposed with the development included a 1,000-liter tank with each residential unit to slow the velocity of roof water runoff entering the stormwater system. It is not an option to retain water for full potable use as it is a District Plan requirement to connect residential development to a public reticulated water supply where available (Standard 30.1.7B). In response to the requested mitigation measure, and to provide increased sustainability and resilience to climate change with partial water harvesting, the proposal will be amended to include a 1,500-litre tank that also retains water to be available for each residential unit for outdoor use such as garden watering and cleaning.</p>
<p>2. Ensure and reassure that any stormwater discharge to the stream has been treated to a near 100% clean slate at point of discharge.</p>	<p>The stormwater system is designed to produce a high quality of discharge, using low impact design techniques including treatment of the runoff from paved surfaces via an open rock lined channel to a planted rain garden for treatment (via sedimentation, filtration, adsorption, and biological uptake), and then discharge to a second rock lined open channel at the foot of the bank for</p>

conveyance to the Karamu. This system also seeks to acknowledge the historical natural stream confluence in this location, with its open channels and rain garden as opposed to a piped system. A resource consent for stormwater discharge is required from HBRC and will be applied for when and if resource consent is obtained for the subdivision from the Hastings DC. Our aim is for this development to be exemplar for high quality low impact urban development stormwater discharges.

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| 3. Given the whakapapa of the area, consider the naming of the subdivision and its streets to adopt original Māori names. | Sun Properties would like the development to be known as Te Karamū Vie and seek comment from a mana whenua perspective to the proposed name. Sun Properties are also open to the use of Māori names for either the open space reserve to vest in HBRC and the private open space in which the raingarden is to be located, or potentially for the private streets internal to the development which will be required to be named for Emergency Services locational information. We would be grateful to receive feedback from mana whenua to the proposed development name, and on suggestions for appropriate Māori names for the reserves or streets. |
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| 4. Planting Plan to incorporate majority of native tree species within the subdivision. | Yes, we are very pleased to accommodate this mitigation measure of using native vegetation. The landscaping concept is currently being prepared for inclusion in the architectural plan set. |
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| 5. Monitoring of stormwater discharge to be undertaken in conjunction with mana whenua (as far as they wish to be involved) due to the cumulative effects of discharging to the Kāramu Stream. There is to be a financial arrangement /reimbursement for mana whenua involvement in this activity. | This will need to be linked to the HBRC stormwater discharge consent monitoring condition and is not something that Hastings District Council has jurisdiction over for this current subdivision consent application. Sun Properties are happy to have further dialogue on this matter to understand how it would work in practice in preparing the stormwater discharge application. Depending on the time taken to |
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process the subdivision consent application, detailed work on the stormwater consent application is not likely to commence until the second half of 2024.

To conclude, a meaningful relationship has been established with mana whenua and their input has been respected and adopted to the extent practicable. Further to this, Sun Properties are open to further discussions for cultural and environmental guidance and mitigation measures, including street naming and stormwater monitoring. On this basis, it is considered that any adverse effects on Tamatea Pōkai Whenua are less than minor in terms of section 95E.

8.3.3 Summary

Given the above assessment, the proposal will not have adverse effects on any person that are minor, or more than minor. Therefore, in terms of section 95E of the RMA, no person is considered to be adversely affected by the activity.

8.4 NOTIFICATION SUMMARY

Given the assessment above, it is requested that the resource consent application be processed on a non-notified basis.

9. CONCLUSION

The applicant proposes to both subdivide and residentially redevelop their property at 147 – 151 Napier Road, Havelock North (an area of approximately 7,598 m²) to create 29 residential lots, one shared facilities lot, and two reserve lots from two existing Records of Title.

In this instance, while applying the bundling approach, the activities associated with the proposal are to be assessed as a **non-complying activity**, requiring resource consent.

The actual and potential effects associated with the proposal have been considered in accordance with section 104 of the RMA (and section 104D of the Act). Considering the characteristics of the site and the surrounding environment, alongside the proposal, it is concluded that any potential adverse effects will be appropriately avoided, remedied, or mitigated such that they are limited in scale and extent. The level of development will be of an appropriate scale and intensity and will be more compatible with the adjoining and opposite residential land within the locality than the current site development and use.

The proposal has been assessed to be generally consistent with the relevant objectives and policies of the NPS-UD, NPS-HPL, and RPS, and not contrary to the objectives and policies of the HDP, in accordance with section 104(1)(b) of the RMA.

Overall, it is considered that this resource consent application is consistent with the purpose of the RMA and that there are no impediments to the grant of the resource consent sought by the applicant on a non-notified basis.