	RESOURCE CONSENT APPLICATION RMA20240068
	NOTIFICATION REPORT SECTIONS 95A OF THE RESOURCE MANAGEMENT ACT 1991

Summary of Application Details		
Application Received: 13 March 2024	PID: 58860	Residential development for 29 units and the associated subdivision
Applicant:	Sun Properties Limited	
Address of Site:	147 Napier Road, Havelock North	
Legal Description:	Lot 3 DP 8602 (RT HB198/94) Part LOT 2 DP 8602 (RT HB138/255)	
Area:	7,598 m ² (combined total)	
Zoning:	Plains Production Zone – Operative Hastings District Plan	
Overlays:	River Hazard	
Reasons for Application:	Rule TP2, SLD25, PP38 and PP39 of the Partially Operative Hastings District Plan (March 2020) Regulation 10(2) of National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 (NESCS)	
Assessment of Status:	Non-complying Activity	
Report Prepared By:	Liam Wang – Senior Environmental Planner (Consents)	

1.0 THE SITE AND SURROUNDING ENVIRONMENT

Section 2 of the applicant's assessment of environmental effects (AEE) has provided a description of the site and its surrounding area. Relevant parts of the description are reproduced below:

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. Guthrie 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. The current extent of building and yard development was authorised by Notified Resource Consent 59, which was granted on 9 October 1995. 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 day during the packing season. The site was last used for fruit packing and cool storage by Mr Apple, whose lease expired in 2021.

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.

I concur with the applicant's description of the site as reproduced above.

In terms of the surrounding environment, I also note the following:

- The Napier Road / Romanes Drive roundabout is one of the main entrances to the Havelock North urban area. Both roads are classified as primary collector roads, with Napier Road being one of the primary transport corridor between Havelock North / Hastings and Napier. The site is located in a prominent position that is highly visible to passing traffic.
- The "service lane" next to the site was originally part of Napier Road prior to its realignment. The Council retained this section of road as a public road to provide for a water filling/wastewater disposal site. It is better described as a 'layby' rather than a service lane.
- The area to the east of the site (opposite side of Napier Road) has recently been rezoned Havelock North General Residential. Its development is guided by the Brookvale Structure Plan, and development is ongoing.
- Karamu Stream is a statutory acknowledgment area under the Heretaunga Tamatea Claims Settlement Act 2018.



Figure 1 Aerial photo showing the subject site (outlined by red lines) and its surrounding area.

2.0 THE PROPOSAL

The applicant is seeking to undertake a residential development for 29 units, each to be contained within their own title.

Section 3 of the applicant's assessment of environmental effects (AEE) has provided a description of the proposed activity. Relevant parts of the description are reproduced below:

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).

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.

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.

Lot 30 comprises the internal roads and an open space area which also incorporates the stormwater detention pond. 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.

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.

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.

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.

Water supply

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.

Wastewater

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.

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.

Stormwater

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.

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.

I adopt the description of the proposal as reproduced above for this report.

In addition to the description above, the following additional information / comment was provided by the applicant as part of the response to further information request (HDC Reference: RMA20240068#0022).

- An updated soil quality assessment prepared by LandVision (HDC Reference: RMA20240068#0024), which provides for an assessment against the National Policy Statement for Highly Productive land (NPS-HPL)
- Flood modelling and cross sections showing that the site will be above the 1 in 100 year flood level of the Karamu Stream (HDC Reference: RMA20240068#0026, 0027)
- Updated traffic impact assessment and site plan, with revised design on the layby layout (HDC Reference: RMA20240068#0029 and 0033)
- Urban design statement (HDC Reference: RMA20240068#0030) outlining the principles of the design, and elements to be included in the future landscaping.



SITE LAYOUT PLAN
1 : 500 @ A3

KARAMU VIEW

PROPOSED COMPREHENSIVE HOUSING DEVELOPMENT
147 NAPIER ROAD, HAVELOCK NORTH



FAT PARROT ARCHITECTURE IS LIMITED
20 PIPER STREET, HAVELOCK NORTH
PHONE: 04 83 97 9988
info@fatparrot.co.nz

Figure 2 Site Layout Plan showing the overall development layout (HDC Reference: RMA20240068#0029)



Figure 3 Proposed subdivision scheme plan (HDC Reference: RMA20240068#0035)

2.1 Record of Title

I have reviewed the following Records of Title:

- Lot 3 DP 8602 (RT HB198/94)
- Part Lot 2 DP 8602 (RT HB138/255)

I am satisfied that none of existing interests registered on the titles are relevant to the Council's consideration of the proposed activity.

3.0 REASONS FOR CONSENT AND ACTIVITY STATUS

3.1 National Environmental Standards

3.1.1 National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 (NESCS)

The NESCS requires consideration at the time of change in landuse, subdivision or earthworks on a piece of land upon which an activity on the Hazardous Activities and Industrial List (HAIL) has/is or is more likely than not been undertaken.

The proposed activity triggers NESCS as it involves subdivision, disturbance of soil AND change of land use.

The applicant has submitted a Detailed Site Investigation (DSI) prepared by EAM Environmental consultants, dated 2022. I am satisfied that the report was prepared by a suitably qualified and experienced practitioner (SQEP), and the laboratory which provided the test results are suitably accredited.

The main findings and recommendations of the DSI include:

- Due to its historical land use, The site is considered a HAIL site under category A10 (Persistent pesticide bulk storage or use including sports turf, market gardens, orchards, glass houses or spray sheds.) and I (Any other land that has been subject to the intentional or accidental release of a hazardous substance in sufficient quantity that it could be a risk to human health or the environment.)
- Residential (10% Produce) was selected as the land use category for the assessment.
- Soil samples were taken across the site, however due to the existing buildings, sampling within the building footprints were not possible. Testing indicate that Arsenic, copper, lead and zinc concentrations at the site are significantly elevated above the background levels, with the level of arsenic exceeding the NES standards for the selected land use scenario.
- The site is therefore poses a risk to human health under the selected land use scenario.

I concur with the findings above. In particular, given the density of the proposed development, I consider Residential (10% produce) an appropriate category for the NESCS assessment.

It is also noted that the soil disturbance activities will not meet the requirements of Regulation 8(3) of the NES, as the volume of soil disturbance on the piece of land exceeds 25 m³ per 500 m².

For these reasons, the proposed earthworks do not meet the controlled activity standards for disturbing soil (Section 9(1)) and subdivision/changing land use (Section 9(3)).

However, the proposed activity can meet Section 10(2) of the NESCS, as a DSI has been provided to the Council. I am satisfied that the recommendations made by the DSI have sufficiently addressed all relevant matters outlined under Section 10(3) of the NESCS. They are practical and can be effectively implemented through conditions of the consent.

Therefore the application will be assessed as a **Restricted Discretionary Activity** under the NESCS.

3.2 Operative Hastings District Plan (July 2024)

The site is zoned **Plains Production** under the District Plan.

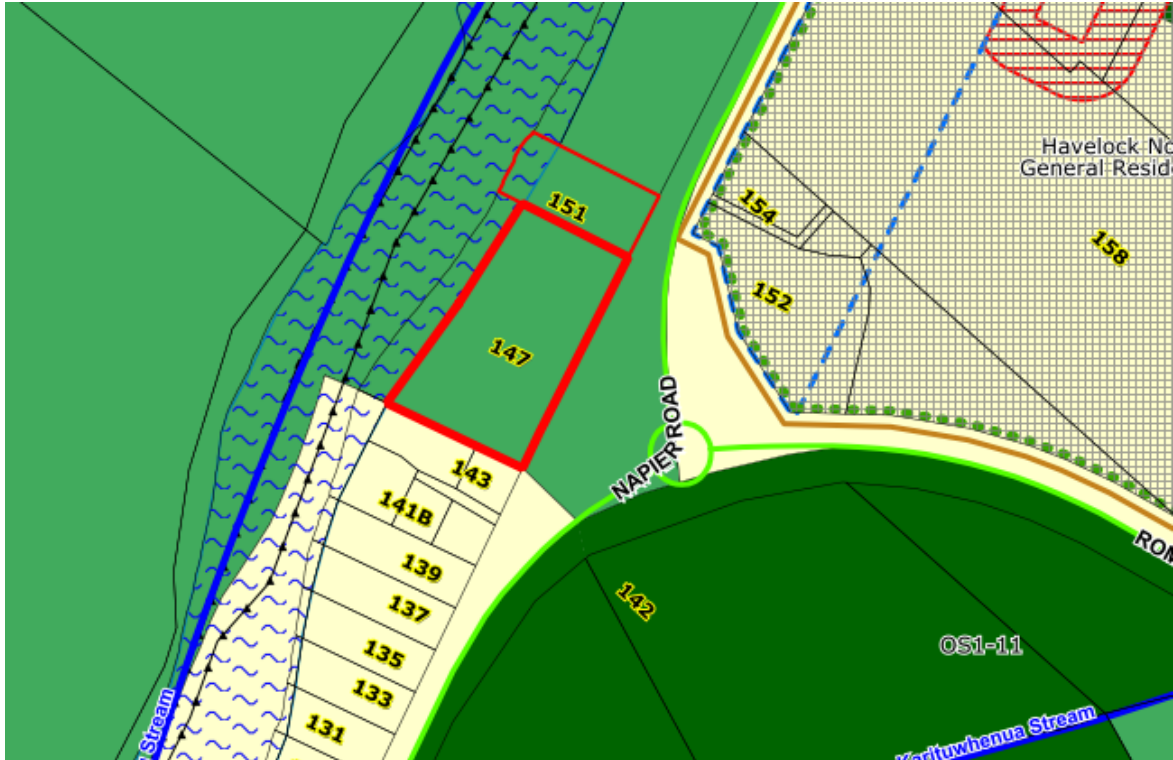


Figure 4 District Plan Map showing the subject site (outlined by red lines) and its surrounding area.

The land is subject to the following overlays:

- **River Hazard**

The rear portion of Lot 3 DP 8602 is subject to this overlay. While the potential flooding risks that the development may be subject to will be further assessed, it is noted that the development will remain outside this area. As part of the proposal, the area (shown as Lot 32 on the scheme plan) will be vested in Hawke's Bay Regional Council (HBRC) as an esplanade reserve's.

3.2.1 District Wide Activity Status

Earthworks

Section 27.1.5 (a) of the District Plan provides for earthworks as a permitted activity, if the works are assessed as part of the subdivision consent.

The bulk of the earthworks associated with proposed development include to the levelling of the land, formation of building platforms and the construction of services and access ways. These works will be carried at the subdivision stage. It is expected that the earthworks will involve a total of 2,675 m³ of cut and 3,397 m³ of fill

Rule 27.1.5 (a) of the District Plan permits earthworks of any size of treated as a permitted activity, if the proposed earthworks have been assessed under the associated subdivision consent. Considering the nature of the earthworks required and its direct relationship with the subdivision, it would be appropriate to consider the matter as part of the subdivision consent, rather than requiring a separate assessment.

For the reasons discussed above, the earthworks proposed by the application is considered a **permitted activity**.

Transport

The majority of the proposed units (28) will be serviced from a single private access way. The first section of access way will have a width of 8.4m (formed width 5.5m), and reduced to 3.5m at the narrowest point.

Table 26.1.6.1-1 of the District Plan states that the minimum legal width for a private access in Rural Zones serving 7 – 20 household units is 9 m. The transport section is silent on the scenario where more than 20 households are serviced by the single right of way.

The proposal therefore does not comply with this requirement, and is considered a restricted discretionary activity under Rule TP2.

3.2.2 Land Use Status

The proposed activity will require a land use consent for the following reasons:

- **Rule PP38 and PP39 – Non-complying Activity** – residential buildings on undersized lots / activities not otherwise provided for by the District Plan

Rules PP2 and PP3 provide for one residential building and one supplementary residential building on Plains Production Zone sites as permitted activities. However, this is subject to compliance with all performance standards, particularly Rule 6.2.6B, which states that the primary residential building can only be considered a permitted activity if the site has a minimum area of 2,500 m².

The proposed development will not comply with this requirement, as the proposed lots are significantly under 2,500 m². The title will contain more than one dwelling prior to the subdivision.

PP38 states that non-compliance with Rule 6.2.6B should be assessed as a non-complying activity. If the construction of the dwellings commenced prior to the subdivision, it would fall under Rule PP39 as an activity not otherwise envisaged by the District Plan, which is also considered a non-complying activity.

Additionally, the proposed development does not comply with a number of general and specific performance standards in Sections 6.2.5 and 6.2.6 of the District Plan. Table 5 of the applicant's AEE has identified these non-compliances. Having reviewed the AEE, I concur with the assessment and I adopt that assessment for the purpose of this report.

3.2.3 Subdivision Status

The proposed activity will require a subdivision consent for the following reasons:

- **Rule SLD25 – Non-complying Activity** –non-complying subdivision

Rule SLD1 provides for subdivisions that comply with all performance standards as a controlled activity.

The proposed subdivision does not comply with the minimum lot size required by Section 30.1.6A of the District Plan. The proposed lots are also too small to contain a 30m x 30m building platform as required by Rule 30.1.7A of the District Plan.

It is therefore considered a non-complying activity under this rule.

3.2.4 Bundling of consents

The proposed activity requires both subdivision and land use consents under the District Plan, and a consent under the NESCS . All of the proposed non-compliances are closely linked to the overarching objective of undertaking a residential development on site. To give effect to the desired outcome sought by the application, all of the matters requiring consent must be addressed at the same time.

For the reasons discussed above, it is appropriate to bundle the potential effects that may arise from the non-compliances and consider them together.

3.3 **Overall Status**

Overall the proposal will be considered as a **Non-Complying Activity**, being the most stringent status for all the activities being bundled above.

4.0 **NOTIFICATION ASSESSMENT (SECTIONS 95A AND 95B)**

4.1 **Public Notification Assessment Section 95A**

Step 1: mandatory public notification in certain circumstances

The application must be publicly notified if it meets any of the criteria below:

- a. the Applicant has requested the application be publicly notified;
- b. public notification is required under s95C of the RMA (lack of further information);
- c. the application is made jointly with an application to exchange recreation reserve land (s15AA Reserves Act 1977).

In this case s95A(3)(a) of the RMA applies, as the Applicant has requested that the application be publicly notified (HDC Reference: RMA20240068#0034)

Under s95A(2)(a), no further assessment is required.

5.0 NOTIFICATION PROCESS

5.1 Meaning of Public Notice

S2AB of the RMA sets out the requirements of public notice as follows:

(1) If this Act requires a person to give public notice of something, the person must—

(a) publish on an Internet site to which the public has free access a notice that—

- (i) includes all the information that is required to be publicly notified; and*
- (ii) is in the prescribed form (if any); and*

(b) publish a short summary of the notice, along with details of the Internet site where the notice can be accessed, in 1 or more newspapers circulating in the entire area likely to be affected by the matter to which the notice relates.

(2) The notice and the short summary of the notice must be worded in a way that is clear and concise.

The public notice of the application in the prescribed form¹ is therefore required. This needs to include notice on Council's website and in the Hawke's Bay Today.

5.2 Service of Applications for Resource Consent

Clause 10 of the Resource Management (Forms, Fees, and Procedure) Regulations 2003 requires that notice be served on:

- Affected persons under s95B of the RMA (clause 10(2)(a));
- Hawke's Bay Regional Council (clause 10(2)(c)); and
- Relevant iwi authorities, persons with a relevant statutory acknowledgement, and any other person or body considered affected (clause 10(2)(d)).

Affected persons considerations under s95B of the RMA in turn refers to s95E for determining whether a person is an affected person. S95E states that "...a person is an affected person if the consent authority decides that the activity's adverse effects on the person are minor or more than minor (but are not less than minor)."

The requirements under Clause 10 are minimum requirements so it is important that any person who could be adversely affected in at least a minor way receives notice of the application. In ensuring that all such people are served notice of the application it does not matter if notice is also served on those whom the application is likely to have less than minor adverse effects on.

On the above basis it is recommended that notice be served on all those identified in the assessment below. For clarity I note that where an owner or occupier of a property is not identified for serving of notice of the application, this does not preclude them from making a submission, nor the wider public generally. Given this, the reasoning in relation to the parties to be served is explained as follows:

165 Napier Road

This site is located to the north of the subject site, and is the only productive land that directly adjoins the proposed development. As the subject site itself is also zoned Plains Production, the proposed

¹ Form 12 of the Resource Management (Forms, Fees, and Procedure) Regulations 2003

development density is not anticipated by the District Plan. As such, there is potential for the development to create reverse sensitivity effects greater than the level anticipated and accepted by the District Plan.

Residential properties to the south of the site

The subject site adjoins a cluster of five residential properties to the south. Four of these are serviced by a shared accessway, while one property has its own vehicle crossing to Napier Road. These properties will likely have a direct view of the development.

Being located directly next to one of the entrances to the layby section of Napier Road, these properties—particularly the two road-front properties—may experience an increase in traffic movements.

Due to the scale of the development, the extent of earthworks and construction activities required to give effect to the development is considered beyond what is normally expected in the Plains Production Zone. While the earthworks are being considered a permitted activity, the potential effects will be assessed as part of the subdivision. These sites are directly adjacent and contain existing residential activities that may be sensitive to temporary construction effects.

Accordingly, I consider that these properties will likely experience the greatest adverse effects in terms of visual, traffic and temporary construction effects.

- 141 Napier Road, Havelock North
- 141A-C Napier Road, Havelock North
- 143 Napier Road, Havelock North

Properties opposite to the site

There are three properties located directly opposite the subject site on the other side of Napier Road.

While directly opposite, 142 Napier Road (Romanes Drive Reserve) is separated from the subject site by the Napier Road roundabout and layby section, with a straight-line distance of at least 70 metres. As the primary activity on the reserve site is the BMX track, changes to the visual character of the wider area are less likely to result in any adverse effects that are minor or more than minor.

In relation to 152 and 154 Napier Road, both properties have a direct view of the subject site and have their respective vehicle access points located in close proximity to the proposed exit point of the one-way internal accessway. For the same reasons discussed above, both properties are likely to experience the greatest adverse effects in terms of visual and traffic impacts.

Accordingly, I consider that notification to the following parties are required due to the likely traffic and visual effects:

- 152 Napier Road, Havelock North
- 154 Napier Road, Havelock North

5.3 Summary of Persons to be Served Direct Notification

The Table below provides a summary of those parties recommended to be served notice of the application.

Name	Reason
<p>The owners and occupiers of all properties identified by red outline in Figure 11 above; including:</p> <ul style="list-style-type: none"> • 141 Napier Road, Havelock North • 141A-C Napier Road, Havelock North • 143 Napier Road, Havelock North • 152 Napier Road, Havelock North • 154 Napier Road, Havelock North 	<p>Affected Persons under section 95B of the RMA (clause 10(2)(a) of the Resource Management (Forms, Fees, and Procedure) Regulations 2003)</p>

<ul style="list-style-type: none"> • 165 Napier Road, Havelock North 	
Hawke's Bay Regional Council	Clause 10(2)(c) of the Resource Management (Forms, Fees, and Procedure) Regulations 2003
<p>Iwi authorities and mana whenua representatives whose rohe includes the site.</p> <p>The iwi authorities recommended to be served direct notification are:</p> <ul style="list-style-type: none"> - Tamatea Pōkai Whenua (formerly Heretaunga Tamatea Settlement Trust) - Matahiwi Marae - Ngāti Hori/Waipatu Marae - Ruahapia Marae 	Any other iwi authorities, local authorities, persons with a relevant statutory acknowledgement, persons, or bodies that the consent authority considers should have notice of the application (clause 10(2)(d) of the Resource Management (Forms, Fees, and Procedure) Regulations 2003)

The adjoining sites to be served are shown in the map below (outlined by red lines).

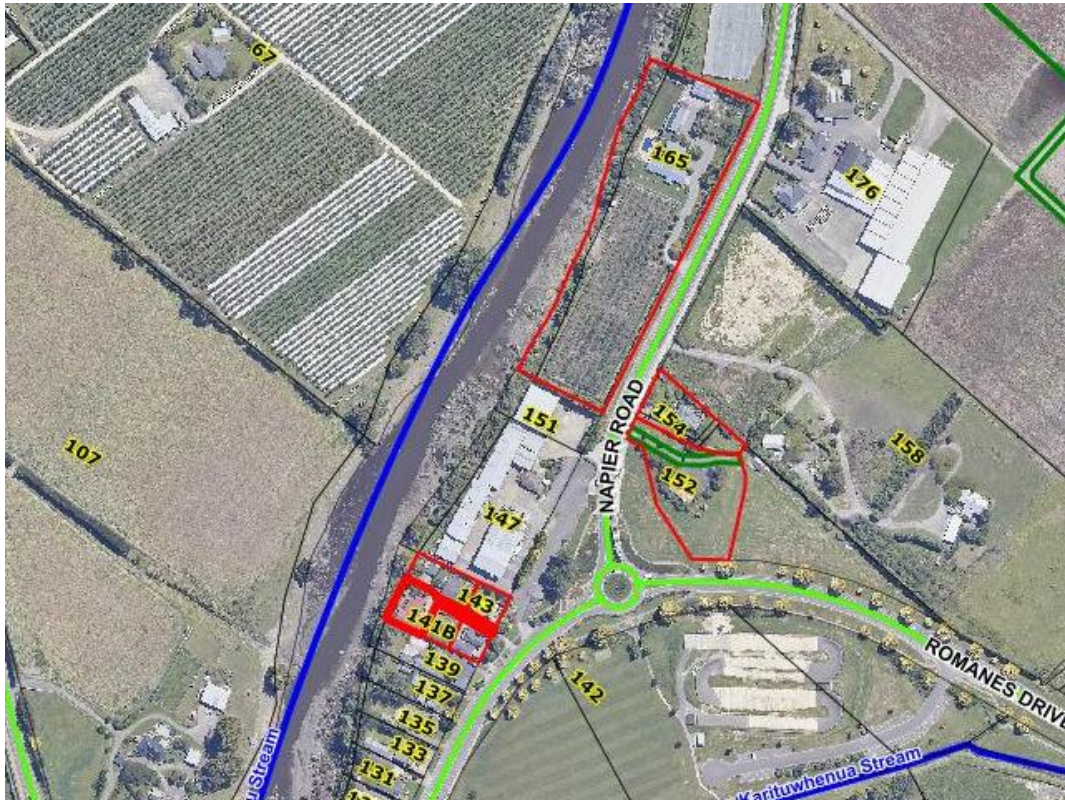


Figure 5 Sites which the owners and occupiers to be served notice (outlined by red lines)

6.0 NOTIFICATION DECISION

Notification is required under s95A(3)(a) of the Resource Management Act 1991, and therefore the application shall be publicly notified in accordance with the recommendations in this report, with notice served on those parties as identified Section 5.3 above.

Notification Decision made under delegated authority by:



Liam Wang
SENIOR ENVIRONMENTAL PLANNER – CONSENTS

Date: 14 February 2025
