

**Summary of Application Details**

<b>Applicant:</b>	<i>Hamachek Holdings Limited</i>
<b>Address of Site:</b>	<i>160 &amp; 176 Evenden Road, Twyford, Hastings</i> PID: 103896
<b>Legal Description:</b>	Pt Lot 2 DP 7912 (also known as Sec 7 SO 479817) – CFR 833752 – <i>Subject to encumbrances</i> ; and part of Lot 11 DP 4352 and Lot 1 DP 7912 – CFR HB128/112 – <i>Subject to easements</i>
<b>Area:</b>	14.8572ha (application site area – approximately 5.26ha)
<b>District Plan Zoning:</b>	<i>Plains Production Zone</i> Hastings District Plan (including Plan Change 5 – operative as at 12 September 2025)
<b>District Plan Overlays:</b>	Nil
<b>Proposal:</b>	<p>Development of a multi-fuel energy centre and service hub, comprising the following:</p> <ul style="list-style-type: none"> <li>• approx. 29,570m<sup>3</sup> of earthworks;</li> <li>• a four-lane dispensing forecourt for the truck stop, with the design futureproofed to provide for hydrogen dispensing;</li> <li>• a facility for disposal of stock effluent from stock truck holding tanks;</li> <li>• an eight-lane dispensing forecourt for the service station with associated 6m high, 468m<sup>2</sup> freestanding forecourt canopy;</li> <li>• underground petrol and diesel tanks with a combined volume of 300,000 litres;</li> <li>• 4 EV charging stations, with the ability to provide further stations as and when demand increases;</li> <li>• space for future hydrogen production and/or storage;</li> <li>• LPG “Swappa” Bottle sales;</li> <li>• A 300m<sup>2</sup> retail service area and shop;</li> <li>• a 495m<sup>2</sup> café;</li> <li>• a seasonal fruit shop comprising a courtyard encompassed by a 302m<sup>2</sup> “lean to” style shelter;</li> <li>• a single 28m-wide, two-way combined entry/exit site access from Evenden Road</li> <li>• widening of Evenden Road in the vicinity of the site access, and lane configuration changes to the SH2/Evenden Road roundabout;</li> <li>• 62 standalone carparks (including 3 accessible parks and 4 EV parks), 12 truck parks, 3 long vehicle/campervan parks, and 13 bike stand parks;</li> <li>• 2 loading spaces;</li> <li>• pedestrian footpaths and marked crossing points throughout the site between parking and fueling spaces, and the service station shop/café;</li> <li>• approx. 74.56m<sup>2</sup> of associated advertising devices and signage (visible from any public place);</li> <li>• associated landscaping and external lighting; and</li> <li>• a 21,000m<sup>2</sup> on-site stormwater attenuation basin.</li> </ul>

**Summary of Application Details continued**

<p><b>Reasons for Application:</b></p>	<p><u>Operative Hastings District Plan (as at 12 September 2025) Provisions</u></p> <p><b>Plains Production Zone:</b></p> <ul style="list-style-type: none"> <li>● Rule PP24: Commercial activity not complying with General Performance Standards 6.2.5 is a Restricted Discretionary (RD) Activity: <ul style="list-style-type: none"> <li>– Standard 6.2.5B Yards: Two pylon sign structures are located within the 15m Front Yard setback for buildings and structures</li> <li>– Standard 6.2.5F Traffic Sightlines, Parking, Access and Loading: The access is less than the required 100m from the SH2 intersection, and sight distance to the east is less than the required 114m</li> <li>– Standard 6.2.5J Total Building Coverage: Total building coverage of the development (including hardstand and sealed areas) exceeds the maximum 1500m<sup>2</sup> coverage limit</li> </ul> </li> <li>● Rule PP39: Any activity which is not provided for as a Permitted, Controlled, Restricted Discretionary or Discretionary activity, including activities that do not comply with Specific Performance Standard 6.2.6D, is a Non-Complying (NC) Activity: <p>Standard 6.2.6D Commercial Activity Threshold Limits:</p> <ul style="list-style-type: none"> <li>– The retailing component of the development: <ul style="list-style-type: none"> <li>▪ exceeds the maximum gross floor area limit of 100m<sup>2</sup> (including outdoor display areas);</li> <li>▪ does not comply with the minimum percentage of display area to be stocked with goods produced on the site of 75%/85% of the total display area;</li> <li>▪ exceeds the maximum of 4 employees (comprising at least one person resident on the site and 3 additional employees);</li> </ul> </li> <li>– The commercial activities within the development exceed the maximum gross floor area limit for all commercial activities of 100m<sup>2</sup> per site;</li> <li>– The serving of food and beverages component of the development exceeds the maximum number of persons accommodated of 40 persons;</li> <li>– The development exceeds the cumulative limit of 100m<sup>2</sup> of gross floor area per site; and</li> <li>– The component of the development involving the retailing of goods to the public exceeds the hours of operation limits of 8am to 10pm</li> </ul> </li> </ul> <p><b>Transport and Parking:</b></p> <ul style="list-style-type: none"> <li>● Rule TP2: The parking, loading and access associated with the activity that does not meet the General Performance Standards and Terms in Section 26.1.6 and 26.1.7 is a Restricted Discretionary (RD) Activity: <ul style="list-style-type: none"> <li>– Standard 26.1.6A(2)(b): The access is less than the required 100m from the SH2 intersection</li> <li>– Standard 26.1.6B: Sight distance to the east is less than required under Austroads</li> </ul> </li> </ul> <p><b>Earthworks:</b></p> <ul style="list-style-type: none"> <li>● Rule EM6: Any earthworks provided for as a Permitted Activity that does not meet the General Performance Standards and Terms in Section 27.1.6 is a Restricted Discretionary (RD) Activity: <ul style="list-style-type: none"> <li>– Standard 27.1.6A: Total volume of earthworks exceeds the volume threshold for the Plains Production Zone (1,485.72m<sup>3</sup>, based on 100m<sup>3</sup> per hectare of site)</li> </ul> </li> <li>● Rule EM11: The removal offsite of more than 25m<sup>3</sup> topsoil, sand, gravel, metal or earth from any site in the Plains Production Zone is a Discretionary (D) Activity <ul style="list-style-type: none"> <li>– Surplus topsoil not required onsite may be removed offsite and will likely exceed 25m<sup>3</sup></li> </ul> </li> </ul>
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	<p><b>Advertising Devices and Signs:</b></p> <ul style="list-style-type: none"> <li>• Rule ADS5: Any advertising devices and signs not provided for as a Permitted or Controlled Activity that does not meet the General Performance Standards and Terms in Sections 28.1.6 and 28.1.7 is a Restricted Discretionary (RD) Activity: <ul style="list-style-type: none"> <li>– Standard 28.1.6A Total Area: Total area of advertising devices and signs (visible from any public place) exceeds the threshold for the Plains Production Zone of 2.5m<sup>2</sup> plus 1.5m<sup>2</sup> for network utility asset identification and health and safety signs.</li> <li>– Standard 28.1.7A Purpose: The Service Station Price Sign will not be limited to just stating the name, occupation or property name (a); and the Logo Sign on the service station canopy will project above the highest point of the building (d).</li> </ul> </li> <li>• Rule ADS6: Internal illuminated advertising devices or signs located within any zone is a Restricted Discretionary (RD) Activity <ul style="list-style-type: none"> <li>– A number of the signs will be backlit internally.</li> </ul> </li> </ul> <p><b>Hazardous Substances:</b></p> <ul style="list-style-type: none"> <li>• Rule HS3: A major hazardous facility is a Discretionary (D) Activity <ul style="list-style-type: none"> <li>– The development includes facilities involving activities listed in the definition of ‘Major Hazardous Facilities’ – being: <ul style="list-style-type: none"> <li>▪ Purpose built bulk storage facilities for the storage of hazardous substances (other than petrol, diesel or LPG) for wholesale or restricted commercial supply</li> <li>▪ The storage/use of more than 100,000L of petrol</li> <li>▪ The storage/use of more than 50,000L of diesel</li> </ul> </li> </ul> </li> </ul> <p><u>National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011</u></p> <p><b>Disturbing Soil and Change in Use</b></p> <ul style="list-style-type: none"> <li>• Regulation 9: Disturbing soil and change in use (to commercial/industrial land use) where the DSI states the soil contamination does not exceed the applicable standard in Regulation 7, is a Controlled (C) Activity: <ul style="list-style-type: none"> <li>– Regulation 9(3): Volume of disturbed soil exceeds 25m<sup>3</sup> per 500m<sup>2</sup>, and soil to be taken away may exceed 5m<sup>3</sup> per 500m<sup>2</sup></li> </ul> </li> </ul>
<b>Assessment of Status:</b>	<p><b>Non-Complying Activity</b> under the Hastings District Plan (as at 12 September 2025); and <b>Controlled Activity</b> under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011</p> <p>The overall activity status of the proposal is a <b>Non-Complying Activity</b></p>
<b>Key Dates:</b>	<p><b>Application Lodged with Council:</b> Friday, 16<sup>th</sup> May 2025</p> <p><b>Further Information Request:</b> Monday, 16<sup>th</sup> June 2025</p> <p><b>Further Information Response:</b> Friday, 19<sup>th</sup> September 2025</p>
<b>Report Prepared By:</b>	<p><b>Rowena Macdonald</b> (Consultant Planner) on behalf of Hastings District Council as consent authority</p>

## 1.0 PURPOSE OF THIS REPORT

- 1.1 The purpose of this notification report is to make a recommendation to Hastings District Council (as consenting authority) as to whether or not the public or specific parties should be notified of a proposal requiring resource consent. This report is not to consider whether or not resource consent should be granted; that will be a matter for a subsequent report.
- 1.2 The recommendation is that the application be processed on a publicly notified basis in accordance with s95A of the Resource Management Act 1991 ('RMA'), and that notice of the application be served on all persons identified in this report.

## 2.0 THE PROPOSAL

### 2.1 Introduction

- 2.1.1 The Summary on page 1 of the application AEE introduces the proposal as follows:

*'Hamachek Holdings Ltd is seeking resource consent to develop the Evenden Energy Centre, a multi-fuel refuelling and service hub located at the corner of Evenden Road and State Highway 2, near Hastings. The proposal responds to a clear and growing need for safe, efficient, and future-ready transport facilities to serve the Heretaunga Plains, one of New Zealand's most productive horticultural regions.*

*The Energy Centre will cater to a wide range of vehicles, including heavy goods vehicles (HGVs), , electric vehicles (EVs), and in time, hydrogen-powered vehicles. Its design brings together fuel supply, driver rest facilities, convenience retail, and environmental services on a single, strategically located site.*

Key Components:

- *A large truck stop with diesel, petrol, and EV charging stations.*
- *Future provision for green hydrogen production or storage.*
- *A café and convenience retail space for drivers and travellers.*
- *A fruit shop that showcases and sells local produce in a market-style setting.*
- *Stock effluent disposal facilities, helping reduce environmental risks on the road.*
- *Dedicated parking for trucks, long vehicles, and cars.*
- *Stormwater management through an extensive wetland detention basin.*
- *Landscaping and site design that blends with the rural character.*

*The Evenden Road site has strong locational attributes to meet the long term refuelling needs of HGV in the region due to its location, size, and access from the SH2 major transport corridor.*

*The energy centre will provide for both north and south-bound users of State Highway 2 with the opportunity to stop at an energy centre and service centre enroute between Napier and Hastings and for users of State Highway 2 from further afield, particularly traffic travelling to Port of Napier from the south.'*

### 2.2 Overview

- 2.2.1 Cogito Consulting prepared the resource consent application and associated assessment of environmental effects ('AEE') (HDC Reference: RMA20250158#0047) on behalf of the Applicant and has provided a description of the proposal (refer Section 3.0 of the AEE) in the application documentation. Aspects of that description are adopted for the purposes of this assessment along with aspects from the various supporting technical assessments supplied as part of the application documentation and documentation in response to Council's further information request, with an overview provided below.
- 2.2.2 The purpose of the application is to facilitate the development of a multi-fuel energy centre and service hub on the site, which in summary includes:
- approx. 29,570m<sup>3</sup> of earthworks;
  - a four-lane dispensing forecourt for the truck stop, with the design futureproofed to provide for hydrogen dispensing;
  - a facility for disposal of stock effluent from stock truck holding tanks;
  - an eight-lane dispensing forecourt for the service station with associated 6m high, 468m<sup>2</sup> freestanding forecourt canopy;
  - underground petrol and diesel tanks with a combined volume of 300,000 litres;
  - 4 EV charging stations, with the ability to provide further stations as and when demand increases;

- space for future hydrogen production and/or storage – the layout has been futureproofed to accommodate either option (the application seeks provision for future storage of up to 1,000kg of compressed hydrogen subject to submission of a detailed design and management plan confirming compliance with all applicable hazardous substances codes of practice, standards and regulations, and confirmation of electricity demand and supply for hydrogen production at detailed design stage);
- LPG “Swappa” Bottle sales;
- a 290m<sup>2</sup> retail service area and shop;
- a 495m<sup>2</sup> café;
- a seasonal fruit shop comprising a courtyard encompassed by a 302m<sup>2</sup> “lean to” style shelter, similar to the Pakowhai Road “The Fruit Shop” which sells seasonal fruit and produce grown in Hawke’s Bay;
- a single 28m-wide, two-way combined entry/exit site access from Evenden Road
- widening of Evenden Road in the vicinity of the site access, and lane configuration changes on south-east approach to the SH2/Evenden Road roundabout;
- 62 standalone carparks (including 3 accessible parks and 4 EV parks), 12 truck parks, 3 long vehicle/campervan parks, and 13 bike stand parks;
- 2 loading spaces;
- pedestrian footpaths and marked crossing points throughout the site between parking and fueling spaces, and the service station shop/café;
- approx. 74.56m<sup>2</sup> of associated advertising devices and signage (visible from any public place);
- associated landscaping and external lighting; and
- a 21,000m<sup>2</sup> on-site stormwater attenuation basin.

#### Storage Tanks

- 2.2.3 Underground petroleum storage tanks and associated equipment involve installation of three new 100,000 litre double-walled fibreglass tanks. When full, there will be 100,000 litres of diesel and 200,000 litres of petroleum products stored at the site. The tanks will be installed in tank pits, located under the hardstand area to the central part of the forecourt area. These will require excavation to a depth of approximately 4.5 metres.

#### Hours of Operation and Staffing

- 2.2.4 Anticipated operating hours and staffing levels for each activity within the proposed development are outlined below (taken from application AEE):

<b>Activity</b>	<b>Hours of Operation</b>	<b>Anticipated Staffing No.</b>
<b>Vehicle refuelling and retail shop</b>	24 hours, seven days per week	6 staff on average (duty manager, 2 cashiers, barista/food-prep, forecourt/yard)
<b>Café</b>	6 am–10 pm, seven days per week	6-7 FTE
<b>Seasonal Fruit Shop</b>	6:00 am and 8:00 pm, with shorter hours during off-peak seasons depending on produce availability and customer demand.	2-3FTE
<b>Total FTE</b>		14-16 FTE

#### Road Layout and Lane Configuration Changes

- 2.2.5 The proposal includes redesigning the section of Evenden Road adjacent to the site, with widening to the north to accommodate a 3.5m wide painted flush median and a 3.5m wide eastbound traffic lane.
- 2.2.6 It is proposed that the existing short 2-1 merge westbound from the SH2/Evenden Road roundabout be removed. This can be achieved by line marking changes on Evenden Road, the south-east approach to the roundabout, and through the circulation area.
- 2.2.7 These proposed changes to the road network are outlined in the Transportation Effects Assessment Report accompanying the application AEE (HDC Reference: RMA20250158#0028).

### Lighting and Signage

- 2.2.8 The proposal includes external lighting and illuminated signage. Lighting will be provided across the truck stop, parking areas, EV chargers, forecourt canopy, and public areas using downward-directed, low-glare LED luminaires.
- 2.2.9 The site will have the following proposed signage:
- Sign 1 - 9m high backlit pylon site identifier sign
  - Sign 2 - 9m high backlit pylon fuel price sign
  - Forecourt canopy 1.2m x 1.2m backlit logo signs (one to each face – 4 off)
  - Service Station Shop 6.6m x 1.1m brand backlit sign
  - Service Station brand logo backlit sign
  - Café 6.6m x 1.1m brand backlit sign
  - Seasonal Fruit sales 4.5m high backlit sign
- as well as smaller scale wayfinding signs and pump decals.
- 2.2.10 All signage will be static and non-reflective, with no flashing or animated elements.
- 2.2.11 The lighting and signage concept is designed to comply with the relevant Hastings District Plan provisions (Rules 6.2.5E and 28.1.7B), AS/NZS 4282:2023 standards for low brightness zones, and the lighting and signage restrictions contained in the NZTA encumbrance on the site title.

### Waste Management

- 2.2.12 Two refuse storage areas are located on-site, one adjacent to the service station shop and the second next to the cafeteria. Both are fenced/screened.

### Infrastructure Services

- 2.2.13 Three waters services will comprise:
- On-site stormwater treatment and attenuation basin;
  - On-site water supply using a bore;
  - On-site water tanks for firefighting water supply;
  - Wastewater disposal to the Hastings urban network, or to an on-site wastewater effluent field.
- 2.2.14 The proposed stormwater system involves pre-treatment prior to discharging to a large on-site attenuation basin (area 21,000m<sup>2</sup> at pond invert level), developed as a created wetland, discharging via an outlet to the existing roadside drain alongside the state highway.
- 2.2.15 It is proposed to provide water to the site from the existing bore. On-site tanks will be required to provide for peak flow and emergency requirements.
- 2.2.16 Wastewater can be pumped into a Hastings District Council DN rising main at the intersection of Evenden Road and Percival Road 500 meters from the site, or to an on-site wastewater effluent field. A below ground on-site sewage storage tank will be required to provide redundancy for pump and pipeline outages. Alternatively, there is potential to use the existing private sewer rising main in Evenden Road which conveys effluent from the Delegates site. The detailed requirements to discharge stock effluent to an on-site system or to the municipal system are proposed to be worked through during detailed design.
- 2.2.17 Power and telephone services are available to the site. An 11kV overhead power line runs along the site frontage nearby on Evenden Road. This line is expected to provide sufficient capacity to supply the proposed energy centre, subject to final load calculations and confirmation by the electricity network provider. A new dedicated connection and transformer will be provided as part of the site development, if necessary.
- 2.2.18 Telecommunications services can be readily provided to the site using a range of existing and emerging technologies. Confirmation of the preferred service provider and connection arrangements will be made during the detailed design and construction phases.

## Earthworks

2.2.19 The site that will be used for the service station and wastewater disposal field is to be raised above RL16.15m. The site will be excavated to remove compressible soils, and to create detention basins and then back filled to create building platforms, and open graded gravel to create water storage under the carpark.

2.2.20 The proposed earthworks will comprise:

- Clearing the site and stripping of topsoil;
- Excavation to allow for installation of petrol and diesel tanks;
- Levelling and grading to facilitate hardstand surface and stormwater runoff;
- Excavation to allow for installation of stormwater detention basin.

2.2.21 The proposed earthworks volumes, including the earthworks required for the proposed stormwater storage basin, are outlined below (taken from the Infrastructure Report):

Area	Cut (m3 solid-in-place)	Fill (m3 solid-in-place)	Net change in storage volume below RL16.15 (m3)
<b>Cut and fill up to RL16.15</b>	13,995	12,995	+1,000
<b>Additional fill on service station area</b>		2,580	-
<b>Total</b>	13,995	15,575	+1,000

2.2.22 Approximately half of the site will be landscaped with re-use of topsoil. Any topsoil not required onsite will be relocated to another productive landholding.

## Construction Programme

2.2.23 The total estimated construction duration is 9–12 months.

## Plans & Drawings

2.2.24 Figures 1 to 8 below are extracted from the drawings and plans supplied with the application and in response to a request for further information, and show the overall site location plan, site plan, building elevations, concept earthworks plan, landscape plan, proposed roading layout and lane configuration changes, visualisations of the proposed development, and lighting concept design.



Figure 1 – Overall Site Location Plan

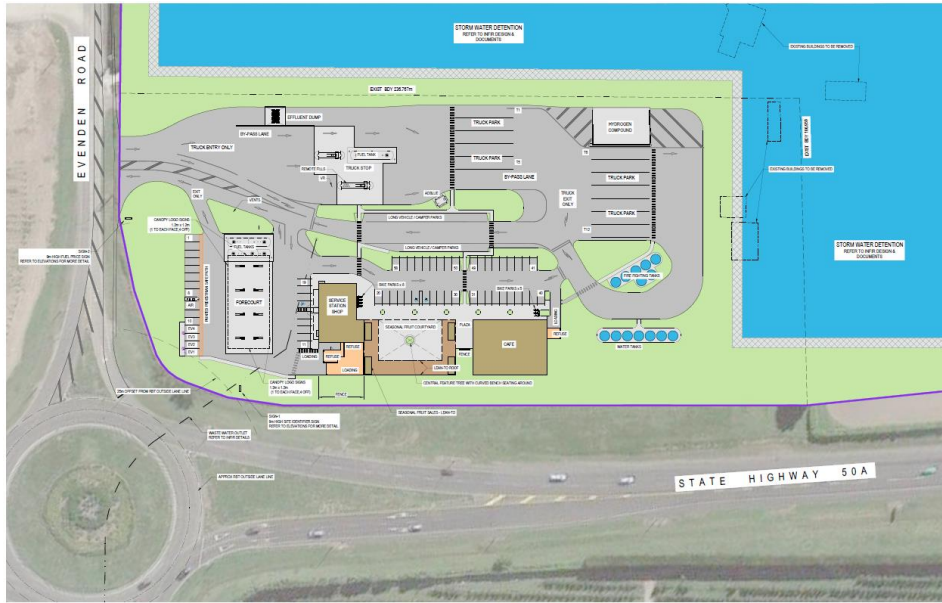


Figure 2 – Site Plan

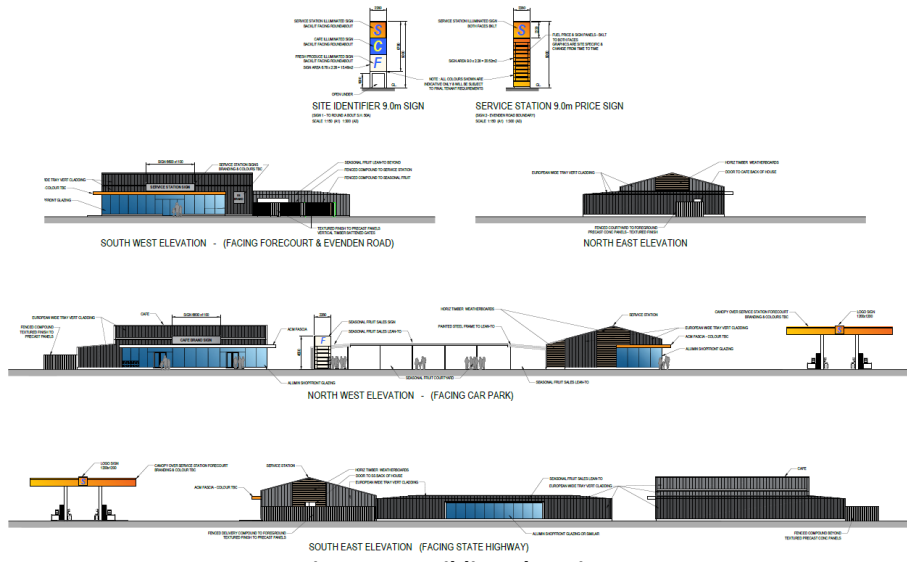


Figure 3 – Building Elevations

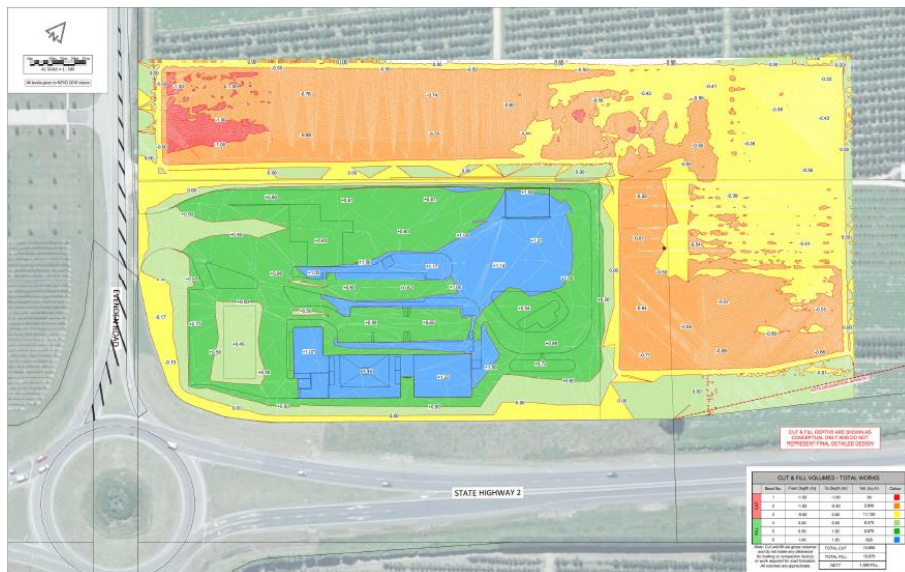
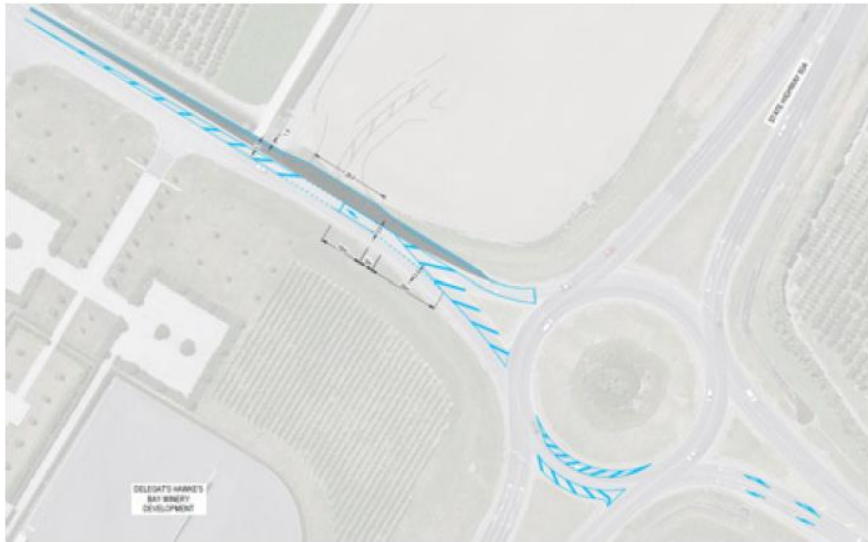


Figure 4 – Concept Earthworks Plan



**Figure 5 – Landscape Plan**



**Figure 6 – Proposed Layout of Evenden Road and Site Access**



**Figure 7 – Proposed Lane Configuration Changes to SH2/Evenden Road Roundabout**



**Figure 8 – Visualisation from SH2 looking Northeast through Roundabout (Evenden Road to the left)**



**Figure 9 – Visualisation from SH2 looking West**

2.2.10 Further details of the proposal and mitigation measures are included in the application AEE. It is also noted that the application AEE includes appended expert technical reports as follows:

- **Appendix 4** – Transportation Assessment Report, prepared by Stantec New Zealand, 5 September 2025 [*revised in response to Council's request for further information*] (HDC Reference: RMA20250158#0028).
- **Appendix 5** – Landscape Effects Assessment, prepared by Wayfinder, 31 March 2025 [*revised in response to Council's request for further information*] (HDC Reference: RMA20250158#0032).
- **Appendix 6** – Infrastructure Report, prepared by Infir, 19 September 2025 [*revised in response to Council's request for further information*] (HDC Reference: RMA20250158#0035).
- **Appendix 7** – Assessment of Noise Effects, prepared by Marshall Day Acoustics, 13 March 2025 (HDC Reference: RMA20250158#0009).
- **Appendix 8** – Detailed Site Investigations for 176 Evenden Road and for 160 Evenden Road, prepared by EAM Environmental Consultants, April 2025 & October 2022 (respectively) (HDC Reference: RMA20250158#0011).
- **Appendix 11** – Geotechnical Assessment Report, prepared by Resource Development Consultants Ltd (RDCL), 13 March 2025 (HDC Reference: RMA20250158#0006).

2.2.11 In addition, the applicant has also supplied the following additional expert technical report in response to Council's request for further information (received 19 September 2025):

- **Appendix 12** – External Lighting & Signage Report, prepared by Kern Consultants, 1 September 2025 (*HDC Reference: RMA20250158#0031*).

### 3.0 ADEQUACY OF THE APPLICATION

3.1 The application was assessed and confirmed as complete in terms of s88 of the RMA and was formally received on 22<sup>nd</sup> May 2025.

3.2 Further information was requested of the Applicant in terms of s92 of the RMA on Monday, 16th June 2025. The information sought related to:

- **Transportation Assessment Report** – update to reflect more recent traffic volume and travel pattern data, to reflect the views of NZTA and any response to those views, to include analysis of alternative location for proposed entrance, and to provide a safety assessment of the proposed lane configuration change for the SH2/Evenden Road roundabout.
- **Infrastructure Report** – update to reflect outcome of discussion with Council's 3 Waters team around an acceptable wastewater solution, and provide confirmation from power and telecommunications service providers that such services are available.
- **Consultation Information** – provide a more detailed record of the consultation undertaken, addressing the matters in clause 6(1)(f) of Schedule 4 to the RMA (in particular, with NZTA and Delegats Winery), and provide the evidence of support for proposed stock effluent disposal facility from road transport industry, Regional Council and NZTA, as well as a copy of the 'national plan' of Stock Effluent Disposal Sites referenced in the AEE that shows the application site as being in the 'recommended programme'.
- **Assessment of Objectives and Policies** – provide an updated assessment against the outcomes, objectives and policies of the Hastings District Plan to incorporate the following sections:
  - Section 6.1 Plains Strategic Management Area
  - Section 6.2 Plains Production Zone
  - Section 15.1 Natural Hazards
  - Section 25.1 Noise
  - Section 26.1 Transport & Parking
  - Section 27.1 Earthworks, Mineral Aggregate and Hydrocarbon Extraction
- **Signage** – confirm which proposed signs are to be illuminated (internal or external), and review compliance with the rules in Section 28.1 Advertising Devices and Signs in the Hastings District Plan.
- **Lighting** – provide a concept lighting design of the facility, and an assessment of light spill and glare effects on the surrounding properties and environment and for drivers on the state highway and Evenden Road.
- **Staffing Levels** – provide an outline of anticipated staffing levels for the proposed service station shop, café, and fruit shop facilities.
- **Hours of Operation** – confirm proposed hours of operation for the café and fruit shop facilities.
- **Landscape Plans and Visualisations** – supply final versions of Landscape Plans and visualisations.

3.3 The applicant provided further information to satisfy the s92 request on Friday, 19<sup>th</sup> September 2025. This included:

- A revised Appendix 4 Transportation Assessment Report
- A revised Appendix 6 Infrastructure Report
- Response in relation to power and telecommunications service availability
- A revised application AEE Report incorporating matters raised in s92, including a new Section 3.6 Hours of Operation and Staffing, a new Section 3.10 Lighting, a revised Section 3.13 Stock Effluent Disposal Site section, a revised Section 3.14 Infrastructure Services section, a revised Section 7.3.3 Wastewater section, an expanded and revised Section 10.7 Hastings District Plan Outcomes, Objectives and Policies section, and a revised Section 13.0 Consultation section
- A revised Appendix 10 Summary of Consultation
- A response in relation to the Stock Effluent Disposal Sites Programme in the National Land Transport Plan
- An updated Appendix 5 Landscape Effects Assessment Report (including Landscape Plan and Graphic Attachment)
- A new Appendix 12 Lighting Assessment Report, including External Lighting Calculation Plans

3.5 Within the application AEE (in section 7) the following effects are considered:

- Transport
- Landscape and visual
- Infrastructure
- Natural hazards
- Soil contamination
- Earthworks
- Highly productive land
- Hazardous substances
- Noise
- Cultural
- Positive effects

3.6 The application AEE concludes that the adverse effects of the proposal on the environment will be no more than minor, subject to adherence to mitigation measures proposed within the application (and subsequent further information) to address adverse effects of the proposal.

#### 4.0 REQUIREMENT FOR OTHER CONSENTS OR APPROVALS

4.1 The applicant has advised that the proposed development will likely require regional consents from Hawke’s Bay Regional Council for earthworks, discharge of stormwater, water takes, and possibly for discharge of wastewater if there is on-site wastewater disposal. The applicant has advised they intend to apply for regional consents when the design detail is known.

#### 5.0 THE SITE AND SURROUNDING ENVIRONMENT

##### 5.1 Site Visit

5.1.1 I carried out a visit to the site, proposal area, and greater environment on Wednesday, 11<sup>th</sup> June 2025.

##### 5.2 The Site

5.2.1 The ‘application site’ area is described by the applicant as covering approximately 5.26ha. The wider landholding is held in two titles, comprising Pt Lot 2 DP 2912 (2.4915ha) and part of Lot 11 DP 4352 Pt Lot 1 DP 27912 (12.3657ha). The wider landholding (yellow) and ‘application site’ area (red) are shown in Figure 10 below.



Figure 10 – Application Site

5.2.2 Section 2.1.1 of the application AEE provides a physical description of the site, as follows:

*The Site is generally level. The Site is currently used for cropping and orcharding. All buildings and other improvements on the land will be removed from the Site to enable development to proceed.*

*Adjacent to one of the houses (to the south) is a cluster of exotic conifers. An exotic shelterbelt runs through the centre of the site similar in character to many others in the wider landscape. The majority of the site adjacent to the SH2 corridor is fenced in a conventional post and wire fence with the eastern most portion also containing a low, exotic hedge.*

*The Site has frontage to both Evenden Road and the Hawke's Bay Expressway ("SH2"). Evenden Road is classified as a 'Primary Collector' adjacent to the Site and is subject to an 80km/h. speed limit. There is existing vehicle access provided from Evenden Road.*

*No vehicle access is provided from SH2 which is Limited Access Road. SH2 is classified as a 'National Route' and operates with a posted speed limit of 100km/h.'*

- 5.2.3 In addition to the two established dwellings on-site and garages, there are a number of accessory buildings, including a large implement shed and spray-pad/shed (bundled) and an associated bore/pump shed, and a four-bay implement shed.

### **5.3 Surrounding Environment**

- 5.3.1 The Landscape Effects Assessment attached as Appendix 5 to the application provides a good summary description of the surrounding environment in the section on 'Landscape Context' (pgs 6/7), as follows:

*'The proposal is located on a site that has historically been used for orcharding and cropping, consistent with the wider landscape across the Twyford area. This area has a long history of fruit production, as well as pockets of grape growing, general cropping and pastoral farming. In March 2025, a large area of the site was being used for maize, although it is anticipated this will shortly be harvested and replanted with another crop.*

*It is almost perfectly flat and contains one residential house (which is to be removed) that have a very small area of amenity planting around them. Adjacent to one of the houses (to the south) is a cluster of exotic conifers. An exotic shelterbelt runs through the centre of the site, separating two gravel access tracks to each dwelling. This shelterbelt is similar in character to many others in the wider landscape which often flank the road corridors, however part of the site adjacent to the SH2 corridor contains a low (2-2.5m height), exotic hedge.*

*The SH2 corridor is a dominant piece of infrastructure that was constructed in this location in the early 2000's and is the primary connection between Napier and Hastings (SH50 provides an alternative route along the coast). Vehicle numbers on the highway have increased dramatically since its construction (in part due to the loss of other river crossings during Cyclone Gabrielle in 2023), and work has now commenced on widening to the road to a dual-carriageway. It is understood the section of road that passes the site is part of the Stage 2 works, scheduled for construction in 2027-2030, and that a majority of the works will be undertaken within the existing road designation. A large, dual-lane roundabout serves as the intersection between SH2 and Evenden Road, with most of the traffic islands maintained as grass (with the exception of some low native planting in the centre of the roundabout).*

*On the opposite side of Evenden Road is Delegat winery, opened in 2018. The winery consists of a large (18,950m<sup>2</sup>) building that houses the wine making and storage operation, architecturally designed to showcase the stainless steel tanks through large windows facing SH2. The landscape around the winery is planted in grapes, although a small area of formal amenity planting is located near the corporate entrance. The winery does not have a cellar door and is not open to the public. Office spaces appear to be on the northwestern side of the winery, accessed from a landscaped car park area accessed from Evenden Road.*

*Diagonally opposite the site is the "Mitre 10" Hawkes Bay Regional Sports Park. This was constructed in this location following the sale of Nelson Park in Hastings in 2007, and provides regional sports facilities including an athletic track, swimming pool, gym, netball and hockey courts, cricket facilities, etc. In 2022 the Hastings Council acquired the land between the athletic track and Evenden Road to allow for the expansion of the Sports Park, and it is understood that masterplanning for this area is currently underway.*

*Beyond the Sports Park to the southwest (towards Omahu Road), residential development that has extended the suburb of Frimley now leads directly to the road corridor. Although this is visibly separated by a large, planted mound, it is evident that the road now functions as the rural/urban boundary.*

*A small apple orchard is located on the opposite side of SH2, surrounded by exotic shelterbelts. Beyond this is a large cropping paddock, punctuated by two residential properties.*

*Raupere Stream is located 700m to the northeast of the site, separated by another landholding. Beyond this is the Ngaruroro River.*

...

Additionally, the wider area has significance to Ngāti Kahungunu with the site falling within a broad area of statutory acknowledgement. The key cultural landscape values relate to environmental stewardship and water quality, and there are no known archaeological or waahi tapu sites in the immediate vicinity.’

5.3.2 The site location and surrounding environment is shown in Figure 11 below (the wider landholding is shown in red delineation).



Figure 11 – Site Location and Surrounding Environment

## 6.0 REASONS FOR CONSENT AND ACTIVITY STATUS

### 6.1 Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 ('NES-CS')

6.1.1 The NES-CS is a nationally consistent set of controls and soil contaminant values. It ensures that land affected by contaminants in soil is appropriately identified and assessed before soil disturbance and/or land development activities take place, and if necessary, the land is remediated, or the contaminants contained, to make the land safe for human use.

6.1.2 The policy objective of the NES-CS is 'to ensure land affected by contaminants in soil is appropriately identified and assessed when soil disturbance and/or land development activities take place and, if necessary, remediated or the contaminants contained to make the land safe for human use'<sup>1</sup>.

6.1.3 Consideration of the NES-CS is required at the time of change in land use, 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.

6.1.4 Two DSI reports are attached as Appendix 8 to the application, one for each title, which conclude as follows:

#### 160 Evenden Road:

'EAM was engaged to undertake a Detailed Site Investigation of 160 Evenden Road, Hastings. The objectives of the investigation were to evaluate:

1. The type, extent, and level of contamination, if any, within the site.
2. Whether contaminants of concern identified present an unacceptable risk to human health or identified environmental receptors.
3. Whether the soils remaining on-site are suitable for the proposed end use.

<sup>1</sup> Ministry for the Environment - Users' Guide: NES For Assessing and Managing Contaminants in Soil to Protect Human Health (April 2012) – Section 1.2.3, page 6

A detailed site history was undertaken to review the historical land use at the site. The site has been farmland from the 1950's until a time before 1969 when historical imagery shows it planted in orchard. During the late 1970's a residence was added to the northern area of the site, and by 2008, orchard plantings were removed. The site is presently used as a residential lifestyle section.

This investigation identified one potential site activity included on the HAIL (Ministry for the Environment, 2011):

Under Section A, Chemical Manufacture, application, and bulk storage: (10). Persistent pesticide bulk storage or use including sports turf, market gardens, orchards, glass houses or spray sheds.

Due to the potential HAIL activities at the site, thirty soil samples were collected systematically across the site and analysed for heavy metals and OCP.

Laboratory analysis results and comparison with relevant NZ guidelines indicate that:

- Arsenic, and copper concentrations across the entire site are identified above regional background concentrations across the whole site. Exceedances of nickel, lead, cadmium, and zinc were reported across the site. The site is not considered to have soils representative of Hawkes Bay uncontaminated background concentrations.
- All site soils were well below the NES for commercial/Industrial land use.
- Two, three-part composite samples were analysed for OCP in the former orchard area in the south. All OCP analytes were reported below the laboratory detection limits.
- One, two-part composite sample, incorporating SS26 and SS27 reported trace concentrations of DDE, however, were well below the NES commercial/Industrial standards.
- Sample locations #26 and #27, collected from the soil adjacent to the pump shed and groundwater well exceed the Soil Guideline Values for Copper of 420 mg/kg, reporting concentrations of 1700mg/kg and 580 mg/kg, respectively.

At present, this site is considered suitable for future commercial/Industrial land development.

Based on comparison of laboratory results with NES standards for commercial/Industrial land use, this site is considered highly unlikely to pose a risk to human health. No further work is required.

Based on the exceedance of background soil concentrations, and ecological soil guideline values, off-site disposal options, should they be required as part of development will require planning, consideration, and possible resource consent approval.'

#### 176 Evenden Road:

'EAM was engaged to undertake a Detailed Site Investigation of 176 Evenden Road<sup>2</sup>, Hastings. The objectives of the investigation were to evaluate:

1. The type, extent, and level of contamination, if any, within the site.
2. Whether contaminants of concern identified present an unacceptable risk to human health or identified environmental receptors.
3. Whether the soils remaining on-site are suitable for the proposed end use.

A detailed site history was undertaken to review the historical land use at the site. The site has been farmland up until the 1980s when it was first planted in apples. During the late 1970's a residence was added to the northern area of the site. A spray shed/pad was constructed at the site in 2003.

This investigation identified one potential site activity included on the HAIL (Ministry for the Environment, 2011):

Under Section A, Chemical Manufacture, application, and bulk storage: (10). Persistent pesticide bulk storage or use including sports turf, market gardens, orchards, glass houses or spray sheds.

Due to the potential HAIL activities at the site, thirty soil samples were collected systematically across the site and analysed for heavy metals and OCP.

Laboratory analysis results and comparison with relevant NZ guidelines indicate that:

- Arsenic, and copper concentrations across the orchard are identified above regional background concentrations across the whole orchard site. Exceedances of chromium, lead, and zinc were reported around the house site. The site is not considered to have soils representative of Hawke's Bay uncontaminated background concentrations.

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<sup>2</sup> I note that the DSI report also covers 160 Evenden Road

- All site soils were well below the NES for commercial/Industrial land use.
- Two, three-part composite samples were analysed for OCP in the orchard area and spray shed/pad. All OCP analytes were reported below the laboratory detection limits.

At present, this site is considered suitable for future commercial/Industrial land development.

Based on comparison of laboratory results with NES standards for commercial/Industrial land use, this site is considered highly unlikely to pose a risk to human health. No further work is required.

Based on the exceedance of background soil concentrations, and ecological soil guideline values, off-site disposal options, should they be required as part of development will require planning, consideration, and possible resource consent approval.'

6.1.5 As such, the regulations of the NES-CS will apply as the site meets the definition of 'land covered', and the proposal involves a change of use and soil disturbance.

6.1.6 Regulation 8(3) of the NES-CS states that disturbing the soil of the piece of land is a Permitted Activity while the following requirements are met:

- (a) controls to minimise the exposure of humans to mobilised contaminants must—
  - (i) be in place when the activity begins:
  - (ii) be effective while the activity is done:
  - (iii) be effective until the soil is reinstated to an erosion-resistant state:
- (b) the soil must be reinstated to an **erosion**-resistant state within 1 month after the serving of the purpose for which the activity was done:
- (c) the volume of the disturbance of the soil of the piece of land must be no more than 25 m<sup>3</sup> per 500 m<sup>2</sup>:
- (d) soil must not be taken away in the course of the activity, except that,—
  - (i) for the purpose of laboratory analysis, any amount of soil may be taken away as samples:
  - (ii) for all other purposes combined, a maximum of 5 m<sup>3</sup> per 500 m<sup>2</sup> of soil may be taken away per year:
- (e) soil taken away in the course of the activity must be disposed of at a facility authorised to receive soil of that kind:
- (f) the duration of the activity must be no longer than 2 months:
- (g) the integrity of a structure designed to contain contaminated soil or other contaminated materials must not be compromised.

6.1.7 Regulation 8(4) of the NES-CS states that changing the use of the piece of land is a Permitted Activity while the following requirements are met:

- (a) a preliminary site investigation of the land or piece of land must exist:
- (b) the report on the preliminary site investigation must state that it is highly unlikely that there will be a risk to human health if the activity is done to the piece of land:
- (c) the report must be accompanied by a relevant site plan to which the report is referenced:
- (d) the consent authority must have the report and the plan.

6.1.8 Sites which do not meet the permitted standards above, become a Controlled Activity pursuant to either Regulation 9(1) or 9(3) of the NES-CS, provided that they meet the following Regulations:

(9)(1) If a requirement described in any of regulation 8(1) to (3) is not met, the activity is a controlled activity while the following requirements are met:

- (a) a detailed site investigation of the piece of land must exist:
- (b) the report on the detailed site investigation must state that the soil contamination does not exceed the applicable standard in regulation 7:
- (c) the consent authority must have the report:
- (d) conditions arising from the application of subclause (2), if there are any, must be complied with

(9)(3) If a requirement described in regulation 8(4) is not met, the activity is a controlled activity while the following requirements are met:

- (a) a detailed site investigation of the piece of land must exist:
- (b) the report on the detailed site investigation must state that the soil contamination does not exceed the applicable standard in regulation 7:
- (c) the consent authority must have the report:
- (d) conditions arising from the application of subclause (4), if there are any, must be complied with.

6.1.9 As a DSI has been provided under the NES-CS as part of the application (attached as Appendix 8 to the application), and the DSI concludes that the contaminants do not exceed the applicable standard in Regulation 7, the application will be assessed as a **Controlled Activity** under the NES-CS.

## 6.2 Operative Hastings District Plan (as at 12 September 2025)

6.2.1 As shown below in Figure 12, the entire site is zoned Plains Production within the District Plan.

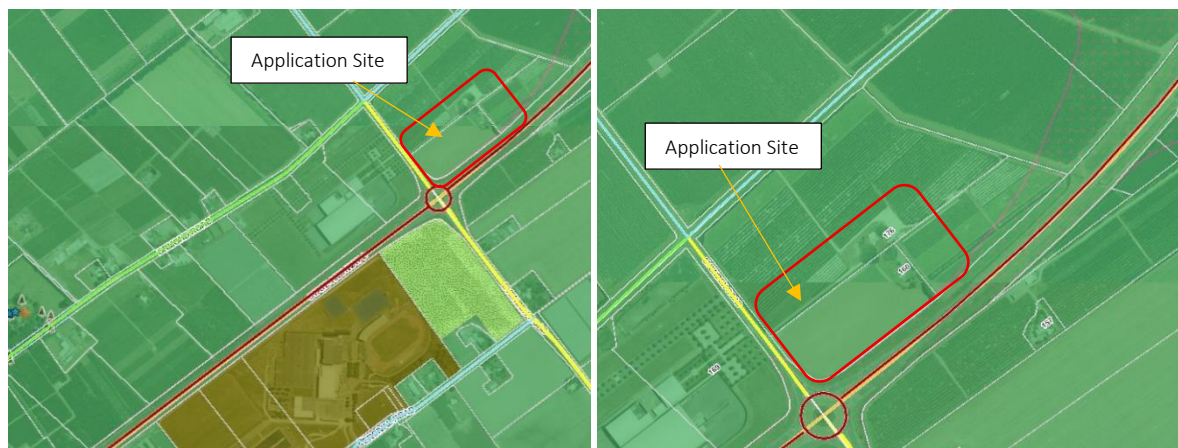


Figure 12 – Site Zoning and Overlays

6.2.2 Part of the site is also subject to Designation NZTA-2 Proposed Motorway (a 'National' route under the Roding Hierarchy). Evenden Road is an 'Arterial' route under the Roding Hierarchy. No other District Plan overlays or features affect the site.

6.2.3 The proposal does not comply with the following District Plan rules:

### **Plains Production Zone:**

- **Rule PP5** permits commercial activities within specified limits, and provided they comply with the General Performance Standards and Terms in Section 6.2.5 and any relevant Specific Performance Standards and Terms in Section 6.2.6.
- Where one or more of the General Performance Standards and Terms in Section 6.2.5 and Specific Performance Standards and Terms in Section 6.2.6C(b) and 6.2.6C(d), 6.2.6D(2), 6.2.6H, 6.2.6I, 6.2.6J, 6.2.6K, 6.2.6L and 6.2.6P are not met, the activity becomes a Restricted Discretionary (RD) activity per **Rule PP24**.
  - Standard 6.2.5B requires commercial buildings and structures to have a setback distance of 15m for the front yard and all other boundaries. Two pylon sign structures are proposed to be located within the 15m front yard. Therefore, this standard will not be met.
  - Standard 6.2.5F requires compliance with the provisions of Section 26.1 Transport and Parking:
    - Standard 26.1.6A(2)(b) requires access to be sited a minimum of 100m from an intersection of a state highway. The access is sited approximately 75m from the SH2 intersection.
    - Standard 26.1.6B requires intersections to be located to ensure safe sightline distances are maintained. For vehicle accesses fronting an Access, Collector, or Arterial Route (as defined in the Roding Hierarchy) compliance with Austroads Standards is deemed an acceptable means of compliance. The proposed vehicle access fronts Evenden Road, which is an 'Arterial' road. The sight line to the east is approximately 110m, which is less than the Austroads Standard required of 114m (ASD), 181m (SISD) and 111m (MGSD).  
Therefore, this standard will not be met.
  - Standard 6.2.5J requires a maximum building coverage (including hardstand and sealed areas) of no more than 35% of the net site area or 1,500m<sup>2</sup>, whichever is the lesser. The total building coverage is 14,885m<sup>2</sup>, which exceeds 1,500m<sup>2</sup> (being the lesser). Therefore, this standard will not be met.

This activity is a **Restricted Discretionary Activity**.

- Where an activity is not provided for as a Permitted, Controlled, Restricted Discretionary or Discretionary activity, or does not comply with Specific Performance Standard 6.2.6D, the activity becomes a Non-Complying (NC) activity per **Rule PP39**:
  - Standard 6.2.6D outlines the commercial activity threshold limits, being a maximum gross floor area of 100m<sup>2</sup>, at least one person resident on the site carrying out the activity and a maximum of 3 additional employees, and maximum of persons accommodated by entertainment facilities serving food and beverages, and restricts the hours of operation for activities involving the retailing of goods to the public to 8am – 10pm on any day of the week.

- The retailing component of the development will have display areas that are stocked with goods exclusively produced off-site, which does not meet the requirement for minimum 85% of display area to be stocked with goods produced on the site (where total display area is >50m<sup>2</sup>).
- The commercial activities on the site, combined (service station, café, and seasonal fruit shop), are anticipated to employ 14-16 FTE, which exceeds the maximum of 4 employees on the site (comprising at least one person resident on the site and 3 additional employees).
- The serving of food and beverages component of the development (305m<sup>2</sup> café) will likely exceed the maximum allowance of 40 persons accommodated.
- The combined gross floor area of all buildings and roofed structures within this commercial development (468m<sup>2</sup> service station canopy, 290m<sup>2</sup> service station shop, 495m<sup>2</sup> café, 302m<sup>2</sup> seasonal fruit shop 'lean-to', including outdoor display areas) is 1,555m<sup>2</sup>, which exceeds the 100m<sup>2</sup> limit for retail activities (service station shop, café, and seasonal fruit shop), the 100m<sup>2</sup> limit for 'other commercial' activities (service station and truck stop), and the cumulative limit of 100m<sup>2</sup> of gross floor area per site; and
- The development, which involves the retailing of goods to the public, includes the vehicle fuelling and retail shop which will operate 24 hours, seven days a week, and the café and seasonal fruit shop are anticipated to open from 6am, which exceeds the hours of operation limits of 8am to 10pm.

Therefore, Standard 6.2.6D will not be met.

This activity is a **Non-Complying Activity**.

**Transport and Parking:**

- **Rule TP1** permits the parking, loading, and access associated with an activity, provided it complies with the General Performance Standards and Terms in Sections 26.1.6 and 26.1.7.
- Where the parking, loading, and access associated with the activity do not meet the General Performance Standards and Terms in Sections 26.1.6 and 26.1.7, the activity becomes a Restricted Discretionary (RD) activity per **Rule TP2**:
  - Standard 26.1.6A(2)(b) requires access to be sited a minimum of 100m from an intersection of a state highway. The access is sited approximately 75m from the SH2 intersection. Therefore, this standard will not be met.
  - Standard 26.1.6B requires intersections to be located to ensure safe sightline distances are maintained... for vehicle accesses fronting an Access, Collector, or Arterial Route (as defined in the Roading Hierarchy) compliance with Austroads Standards is deemed an acceptable means of compliance. The proposed vehicle access fronts Evenden Road, which is an 'Arterial' route. The approach sight distance is less than the Austroads Standard required. Therefore, this standard will not be met.

This activity is a **Restricted Discretionary Activity**.

**Earthworks:**

- **Rule EM1** permits earthworks, provided the earthworks complies with the General Performance Standards and Terms in Section 27.1.6.
- Where one or more of the General Performance Standards and Terms in Section 27.1.6 are not met, the activity becomes a Restricted Discretionary (RD) activity per **Rule EM6**.
  - Standard 27.1.6 requires the total volume of earthworks not to exceed 100m<sup>3</sup> per hectare for a site in the Plains Production Zone. The total volume of earthworks is estimated at 29,570m<sup>3</sup> (13,995m<sup>3</sup> of cut and 15,575m<sup>3</sup> of fill) and therefore well exceeds 1,485.72m<sup>3</sup> (note: the site is 14.8572ha). Therefore, this standard will not be met.

This activity is a **Restricted Discretionary Activity**.

- **Rule EM3** permits the removal offsite of less than 25m<sup>3</sup> of topsoil, sand, gravel, metal or earth from any site in the Plains Production Zone.
- Where more than 25m<sup>3</sup> topsoil, sand, gravel, metal or earth is removed from any site in the Plains Production Zone, the activity becomes a Discretionary (D) activity per **Rule EM11**.
  - Surplus topsoil not required onsite may be removed offsite and will likely exceed 25m<sup>3</sup>. Therefore, the permitted volume will be exceeded.

This activity is a **Discretionary Activity**.

### **Advertising Devices and Signs:**

- **Rule ADS1** permits non-illuminated advertising devices, provided they comply with the General Performance Standards and Terms in Sections 28.1.6 and 28.1.7.
- **Rule ADS3** permits external illuminated advertising devices, provided they comply with the General Performance Standards and Terms in Sections 28.1.6 and 28.1.7.
- Where advertising devices and signs provided for as a Permitted Activity do not meet the General Performance Standards and Terms in Sections 28.1.6 and 28.1.7, the signage becomes a Restricted Discretionary (RD) activity per **Rule ADS5**:
  - Standard 28.1.6A requires the total area of advertising devices and signs (visible from any public place) not to exceed a maximum of 2.5m<sup>2</sup> plus 1.5m<sup>2</sup> for network utility asset identification and health and safety signs per site in the Plains Production Zone. The total area of advertising devices and signs visible from the public roads will be 74.56m<sup>2</sup> (29.28m<sup>2</sup> visible from Evenden Road direction, 45.28m<sup>2</sup> visible from SH2 direction). Therefore, this standard will not be met.
  - Standard 28.1.7A requires advertising devices be limited to (a) the purposes of stating the occupant's name, occupation or property name, (b) be located on the site to which they relate, (c) not to be located on or over a road or reserve land, (d) not to project above the highest point of the building, (e) restricted in colours that do not replicate official signs, and (f) located in a position where they will comply with the RS6 Guidelines for visibility at driveways. The Service Station Price Sign will not be limited to just stating the name, occupation or property name (a); and the Logo Sign on the service station canopy will project above the highest point of the building (d). Therefore, this standard will not be met.

This activity is a **Restricted Discretionary Activity**.

- Internal illuminated advertising devices or signs located within the Plains Production Zone are a Restricted Discretionary (RD) activity per **Rule ADS6**.
  - The Site Identifier Sign, the Service Station Price Sign, Forecourt Canopy Logo Signs, Shop Sign & Brand Logo Sign, the Café Brand Sign, and the Seasonal Fruit Sales Sign, are backlit internally.

This activity is a **Restricted Discretionary Activity**.

### **Hazardous Substances:**

- A major hazardous facility is a Discretionary (D) activity per **Rule HS3**.
  - The proposal includes facilities involving activities listed in the definition of 'Major Hazardous Facilities' – being:
    - Purpose built bulk storage facilities for the storage of hazardous substances (other than petrol, diesel or LPG) for wholesale or restricted commercial supply – the proposal includes hydrogen production and storage.
    - The storage/use of more than 100,000L of petrol – the proposal includes storage for 200,000L of petrol.
    - The storage/use of more than 50,000L of diesel – the proposal includes storage for 100,000L of diesel.

This activity is a **Discretionary Activity**.

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

### **6.3 Overall Status**

6.3.1 Overall the proposal will be considered as a **Non-Complying Activity**, being the most stringent status for all the activities being bundled above in respect of the NES-CS and the District Plan.

## **7.0 NOTIFICATION ASSESSMENT (SECTIONS 95A AND 95B)**

7.1 The Council as consent authority must follow the steps set out in the section below, in the order given to determine whether to publicly notify an application for a resource consent (s95A(1) of the RMA).

### **7.2 Public Notification Assessment – Section 95A of the RMA**

#### **7.2.1 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).

7.2.2 In this case s95A(3)(a) of the RMA applies, as the Applicant has requested that the application be publicly notified within Form 9 of the application.

7.2.4 Under s95(2)(a) no further assessment is required.

## 8.0 NOTIFICATION PROCESS

### 8.1 Meaning of Public Notice

8.1.1 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.*

8.1.2 The public notice of the application in the prescribed form<sup>3</sup> is therefore required. This needs to include notice on Council's website and in the Hawke's Bay Today.

### 8.2 Service of Applications for Resource Consent

8.2.1 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)).

8.2.2 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)."*

8.2.3 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.

8.2.4 On the above basis it is recommended that notice be served on all those identified in Figure 13 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 properties in Figure 13 being identified is explained as follows:

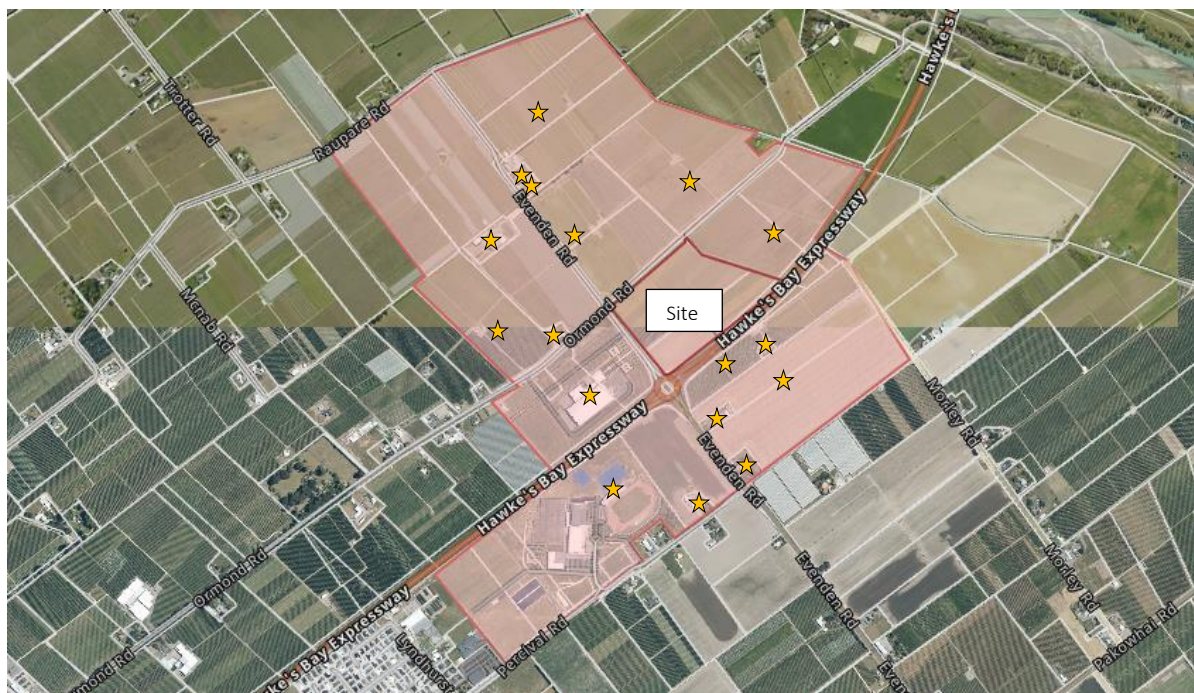
- **Adjacent Land** (302 Ormond Road, 297 Ormond Road, 243 Evenden Road, 169 Evenden Road (Delegats Winery), 1524 Pakowhai Road, Percival Road (Regional Sports Park):

These properties immediately adjoin the site or are immediately opposite.

I consider effects from the construction activities, accessing Evenden Road (particularly for Delegat's Winery), traffic and amenity effects, and changes to the Evenden Road and State Highway 2 frontage in this locality, are likely to be the greatest for these properties.

<sup>3</sup> Form 12 of the Resource Management (Forms, Fees, and Procedure) Regulations 2003

- Adjacent Land – State Highway 2 (NZ Transport Agency Waka Kotahi (NZTA)):**  
 State Highway 2 immediately adjoins the site, and part of the site is also subject to Designation NZTA-2 Proposed Motorway, and the title of Pt Lot 2 DP 7912 (being part of the application site) also has an encumbrance in favour of NZTA relating to protection of the highway from reverse sensitivity, lighting or glare, signage etc.  
 I consider effects from lighting, signage, traffic generation, and proposed changes to the Evenden Road/State Highway 2 intersection layout, are likely for NZTA.
- Wider Environment, north-west of State Highway 2 to Raupare Road (241, 250, 254 & 260 Evenden Road, 223 & 225 Ormond Road):**  
 These properties are in the general locality, but beyond the immediately adjacent land. All these properties access directly onto Evenden Road or Ormond Road in close proximity to the site.  
 I consider effects from ongoing traffic effects are likely to be more widely experienced within this close proximity.
- Wider Environment, south-east of State Highway 2 to Percival Road (126 & 142 Evenden Road, 120 & 157 Morley Road, 16 Percival Road):**  
 These properties are in the general locality, but beyond the immediately adjacent land on the opposite side of State Highway 2. All these properties access directly onto Evenden Road or Percival Road in close proximity to the site.  
 I consider effects from ongoing traffic effects are also likely to be more widely experienced within this close proximity.



**Figure 13**

**Owners & Occupiers to be Served Notice – Red Highlighted Area – Yellow Stars**

8.2.5 Section 13 and Appendix 10 of the application AEE sets out details of the consultation undertaken by the Applicant, including Hastings District Council’s planning and infrastructure staff, Hawke’s Bay Regional Council, NZ Transport Agency Waka Kotahi (NZTA), Deleat’s Winery, Heretaunga Tamatea Settlement Trust /Tamatea Pōkai Whenua - Te Mātai Ao, Transporting New Zealand, and ‘Save the Plains’ group. Notice is proposed to be served on Hawke’s Bay Regional Council and mana whenua, in addition to the owners and occupiers of all those properties identified in Figure 13 above.

### 8.3 Summary of Persons to be Served Direct Notification

8.3.1 Table 1 below provides a summary of those parties recommended to be served notice of the application.

**Table 1 – Recommended Persons to be Served Direct Notification**

Name	Reason
The owners and occupiers of all properties identified by yellow stars within the red highlighted area in Figure 13 above; including: <ul style="list-style-type: none"><li>- Delegat's Winery</li><li>- Regional Sports Park</li></ul>	Affected Persons under section 95B of the RMA (clause 10(2)(a) of the Resource Management (Forms, Fees, and Procedure) Regulations 2003)
NZ Transport Agency Waka Kotahi (NZTA)	Affected Persons under section 95B of the RMA (clause 10(2)(a) of the Resource Management (Forms, Fees, and Procedure) Regulations 2003)
Hawke's Bay Regional Council	Clause 10(2)(c) of the Resource Management (Forms, Fees, and Procedure) Regulations 2003
Iwi authorities and mana whenua representatives whose rohe includes the site. The iwi authorities recommended to be served direct notification are: <ul style="list-style-type: none"><li>- Tamatea Pōkai Whenua – Te Mātai Ao; and</li><li>- Ngāti Hori/Waipatu Marae</li><li>- Ruahāpia Marae</li><li>- Ōmāhu Marae c/- Ngā Piringa Hapū o Ōmāhu Hapū Trust</li></ul>	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)

#### NOTIFICATION DECISION

Notification is required under s95A(2) of the Resource Management Act 1991, and that the application be publicly notified in accordance with the recommendations in this report, with notice served on those parties as identified in Table 1, paragraph 8.3.1, above.

The date of public notification shall occur on Wednesday 5 November 2025.

#### Recommended by:



#### Rowena Macdonald

Principal Planner, Sage Planning HB Ltd

Consultant for Hastings District Council as consenting authority

#### Decision made under delegated authority by:



#### Liam Wang

Team Leader – Environmental Consents / Subdivision

Hastings District Council

**Dated: 31 October 2025**