

Hastings District Council

Civic Administration Building Lyndon Road East, Hastings

Phone: (06) 871 5000 Fax: (06) 871 5100

OPEN DOCUMENT 2

HEARINGS COMMITTEE MEETING

Meeting Date: Friday, 31 May 2019

Time: **10.00am**

Venue: Council Chamber

Ground Floor

Civic Administration Building

Lyndon Road East

Hastings

ITEM SUBJECT PAGE

2. A LAND USE APPLICATION FOR A NON-COMPLYING ACTIVITY RESOURCE CONSENT FROM WAITOMO GROUP LIMITED TO ESTABLISH A VEHICLE REFUELLING STATION AT 11 ALLEN ROAD, PAKOWHAI, HASTINGS LEGALLY DESCRIBED AS SEC 1 SO 9886 (RT HBM2/1280)

Document 2 Containing these attachments

Attachment C Application Including Additional Information and TIA Pee	er
Review	Pg 1
Attachment D Council's Development Engineers Comments	Pg 365
Attachment H Copy RMA20190051 1003 Links Road Pakowhai	Pg 369
Attachment I Copy of RMA20150318 Decision Farndon Road	Pg 417
Attachment K Copy of RMA20180159 167 Gimblett Road	Pg 431
Attachment L Regional Policy Statement Extract	Pg 437

Attachment C – Application including additional information and TIA peer review

Hastings District Council 207 Lyndon Rd East, Hastings 4122 Private Bag 9002, Hastings 4156

Phone: 06 871 5000

Email: customerservice@hdc.govt.nz



Application for a Land Use Resource Consent

RMA Number

RMA20180217

Submitted On

31/05/2018 10:21 a.m.

Submitted By

Damon Gibson

Email Address

damon.gibson@developme

ntnous.nz

1. Property Details

Property No

53568

Property Address

11 Allen Road PAKOWHAI 4183

Legal Description

SEC 1 SO 9886

Valuation No

0960024608

2. Applicant Details

Person applying

I am the authorised agent applying on behalf of the applicant

PO Box 5125, Frankton, Hamilton

Name

Waitomo Group Ltd

Emall

jimmy@waitomogroup.co.nz

Daytime contact number

07 847 0829

Alternative contact

correspondence

Alternative Contact

3242

Preferred means of formal

Email

Agent Details

Postal address

Name

Damon Gibson

Company name

Development Nous Ltd

Contact phone

06 876 2159

Email

damon.gibson@developmentnous.

nz

Postal address

PO Box 385 Hastings 4156

Customer reference

First point of contact for technical queries related to the processing of this application

Agent

Billing Details (Debtor/ Billed to) Applicant

Copy to agent

Yes

3. Consent Details

Lawfully established uses on site

Commercial Services Activity, Retail, IRP

Brief description of the proposed use

To establish a self-service fuel stop with associated signage, fuel

storage tanks, equipment and earthworks

Are any other resource consent required

Activity status/type of resource consent

Relevant rule(s) of the district plan

PP39, PP24, EM10, H53, ADS5

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Certificate of Title

I will provide a Certificate of Title

Appendix A - CT.pdf

Download file

4. Declaration

Declaration by the Applicant

- (i) The Council requires the information you have provided to process your application under the Resource Management Act 1991 and to collect statistics. The Council will hold and store the information, including all associated reports and attachments, on a public register. The details may also be made available to the public on the Council's website. These details are collected to inform the general public and community groups about all consents which have been processed or issued through the Council. Under the Privacy Act 1993 you have the right to access the personal information held about you by the Council, and you can request that the Council correct any personal information it holds about you.
- (ii) The Council will send all invoices and refunds for fees to the applicant/s, and applicant/s will be responsible for payment of all fees in connection with this application.

Terms of Business

- (III) Additional charges over and above the deposit paid may accrue during processing of a resource consent application (depending on the quality of application and planning issues involved).
- (iv) These charges will be invoiced in accordance with the Schedule of Planning and Regulatory Fees and must be paid by the applicant.

 Any invoice that remains unpaid after 60 days may attract penalty fees as prescribed in the schedule of fees.
- (v) A full copy of the Schedule of Planning and Regulatory Fees can be viewed at the Council's office or at website www.hastingsdc.govt.nz

As authorised agent for the applicant, I confirm that I have read and understood the above notes and confirm that I have fully informed the applicant of their / its liability under this document, including for fees and charges, and that I have the applicant's authority to complete this application on their/its behalf. I certify that the information provided in this application is true and correct and agree to the terms and conditions.

Applicant name Damon Gibson Date 31/05/2018

5. Attachments (Supporting Documents)

Description of Proposal and Assessment of Environmental Effects

AEE + cover letter.pdf Download file

Development Plans

180517_11 Allen Road_Master Plan_REV C.pdf Download file

Other Application Documents

Appendix B - photos.pdf

Appendix C - RC.pdf

Download file

Appendix E - TIA.pdf

Download file

Appendix F - Engineering Services Report final.pdf

Download file

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Appendix G - geotech.pdf	Download file
Appendix H - EMP.pdf	Download file
Appendix I - DSI.pdf	Download file
Form 9 Waitomo.pdf	Download file

Contact: Damon Gibson Ref: H20180039 **Development Nous Ltd**

212 Queen Street East Hastings 4122 New Zealand PO Box 385 Hastings 4156 New Zealand

06 876 2159

30 May 2018

The Chief Executive
Hastings District Council
Private Bag 9002
Hastings 4156
(For the attention of: David Bishop)

Dear David,

Resource Consent Application – Proposed Fuel Stop/Service Station at 11 Allen Road, Pakowhai – Plains Production Zone

You will recall previous discussions with Matthew Holder in relation to this site, which is currently occupied by Oderings Nursery. The existing Resource Consent and operation represents an important baseline for the Commercial Services Activity and overall development proposed in this application. It is our view that the development is supported in principle by both this established baseline for the site, and the relevant provisions of the Hastings District Plan.

The proposal is to be assessed as a Non-Complying Activity, due to the absence of a resident in connection with the Commercial Use. There are a number of secondary areas of non-compliance with regard to Performance Standards; including site coverage, hours of operation, advertising and storage of hazardous substances. Resource Consent is also sought for the necessary earthworks associated with the development.

Notwithstanding these areas of non-compliance, the proposed Commercial Use is classified as a Permitted Activity in the Plains Production Zone and building coverage is well below the prescribed threshold. As detailed in the AEE and supporting documents, the proposal is shown as consistent with the relevant Objectives and Policies of the Hastings District Plan and the effects of the development will be less than minor.

We trust that all necessary information has been submitted with the application but if you require clarification or wish to discuss any matter relating to the proposal, please contact us at your earliest convenience.

Yours faithfully Development Nous Ltd

Damon Gibson

Town Planning Consultant

damon.gibson@developmentnous.nz

021 0808 6615



Ітем 2

Assessment of Environmental Effects

Project: Self-Service Fuel Stop

At: 11 Allen Road, Pakowhai, Hastings

H20180039

Prepared for Waitomo Group Limited 30 May 2018



Ітем 2

1.0 INTRODUCTION

This Resource Consent application is prepared on behalf of **Waitomo Group Ltd** in accordance with the requirements of Section 88 and the Fourth Schedule of the Resource Management Act 1991, and it is intended to provide the information necessary to fully understand the proposal and any actual and potential effects that the proposed activity may have on the environment.

Land Use Consent is sought from the Hastings District Council to establish a self-service fuel stop on the site at 11 Allen Road, Pakowhai. While the commercial service activity is a permitted activity under the Proposed Hastings District Plan (as amended by decisions) and the proposal is well within the 100m² commercial building threshold, the total building coverage (including hardstand areas) for the site exceeds the maximum of 1,500m² in the Plains Production Zone and the proposal does not involve a resident on the site to carry out the activity¹. Overall, the operation is classified as a Non-Complying Activity under provisions of the Proposed Hastings District Plan (as amended by Decisions) by virtue of these secondary performance standards attached to what is, in essence, a permitted activity. A full list of consenting matters is provided at Section 4.3.6 of this report.

2.0 SITE CONTEXT

Legal and Physical Descriptions

The subject site is located at 11 Allen Road, Hastings. The site is legally described as:

 Section 1 SO 9886 contained in Certificate of Title HBM2/1280 having an approximate area of 1.2938ha (HDC Property ID no. 53568).

The extent of the Title area is shown in <u>Figure 1</u> and the Certificate of Title for the property is included at Appendix A.



Figure 1. Extent of title area

¹ Importantly, this represents the existing situation with almost 100% hardstand coverage onsite and no residential activity as detailed further later in this report.

Site Location and Characteristics

The site is irregular in shape and flat in contour and is located on the northern side of Allen Road, at the junction with State Highway 50 (Hawkes Bay Expressway) and Links Road. It currently contains the Oderings Nursery/Garden Centre consisting of large greenhouses, indoor and outdoor covered retail areas and other minor structures totalling some 7,339m². Existing operations comprise a mix of Commercial, Retail, Office and Intensive Rural Production (IRP) uses, which have been lawfully established onsite.

Major road works are currently being undertaken at this intersection, involving realignment of the Pakowhai and Links Road approaches and construction of a single roundabout to replace two intersections previously controlled by traffic lights. The project also includes upgrading 1.38km of State Highway and works are scheduled for completion in August 2018.

Following the aforementioned road realignment, the site will adjoin Pakowhai Rd road reserve to the west and its sole road frontage will be along Allen Road. This frontage extends approximately 118m, with the Pakowhai Road/road reserve boundary being approximately 157m in length.

The surrounding area is rural in nature and displays a mix of horticultural, viticultural and pastoral uses. There are residential dwellings located to the north, east and south of the application site, on the opposite side of Allen Road. This is represented in the aerial photograph at <u>Figure 2</u>, below. Site photographs are also included at Appendix B.



Figure 2: The subject site (source: Google Maps)

Site History

There are several Resource consent approvals that apply to the subject site permitting both activities and buildings. These include-

Date	Consent Number	Activity
18/01/1996	RMA 19950372	Relocate a building
16/06/1997	RMA 19970240	Relocate a dwelling (we note that no dwelling currently exists onsite)
28/04/2003	RMA 20030552	Legitimise current intensive rural production and relocate a glasshouse
18/08/2011	RMA 20110203	To undertake an IRP activity and a Commercial Activity exceeding the 15% ratio standard for goods displayed that are not produced onsite

Existing Resource Consent/Baseline development

Most recently, it can be seen that Resource Consent was granted in 2011 for the existing Oderings Garden Centre (RMA 20110203). Figure 3 shows the approved layout for the site (which should also be viewed in context with the aerial photo shown previously in Figure 2).

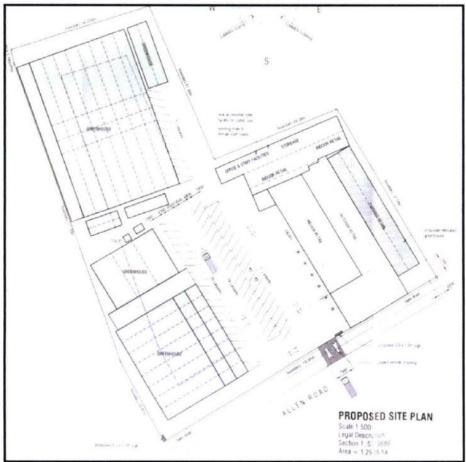


Figure 3: Layout approved by RMA20110203

As shown, more than half the site is covered by buildings, including greenhouses, retail areas and office space. The remainder of the site is covered by hardstand surface and provides parking and manoeuvring spaces for customers and the vehicles associated with the operation of the garden centre. The existing building coverage is therefore close to 100%. The indoor and outdoor retail elements account for 2,451m² of the total site area. A copy of decision RMA20110203 and the approved plans are included at Appendix C.

Of particular relevance is that the existing permitted activities onsite include a large retailing component, not simply limited to goods sold in nursery. Up to 1,111m² retail display is permitted.

The relevant permitted baseline pursuant to Section 104(2) therefore comprises the approved development (including its various activity components) as described above and this should be considered as a material consideration with regard to the assessment of the current application. In other words, the evaluation of the actual and potential effects on the environment should take into account that above the permitted baseline insofar as it is applicable to the proposed fuel stop.

<u>Figure 3</u> (above) also shows that many of the existing structures are sited within the yard setbacks prescribed by the District Plan within the Plains Production Zone. All of these buildings will be removed as part of the proposed development.

Characteristic	Existing	Proposed	District Plan	Change
Use	Garden Centre (IRP/Commercial Service Activity)	Fuel Stop (Commercial Service Activity)	Plains Production (underlying use permitted)	No change
Site coverage: Buildings (commercial)	7,339m²	>15m²	100m² max.	7,239m² <u>less</u> building coverage
Total (including hardstand)	12,938m²	9,438m²	1,500m²	3,500m² <u>less</u> site coverage
Retail Floor Area	2,451m²	None	100m² max.	2,451m² <u>less</u> retail floor area
Office Floor Area	187m²	None	n/a	187m² <u>less</u> office floor area
Personnel resident onsite	0	0	1 min.	No change
Car parking spaces	66	23	0 (no buildings)	33 less spaces (similar effect)
Access points	1	2	No standard	+1 (similar effect)

Table 1: Comparison existing and proposed activities

For clarity, <u>Table 1</u> above gives a comparison of the existing and proposed layouts for the site (including the various activity components).

3.0 NATURE OF THE PROPOSAL

The applicant seeks land-use consent for the establishment and operation of a self-service fuel stop ('service station' by definition) located at 11 Allen Road, Hastings. As demonstrated further below, a service station falls to be considered as a Commercial Service Activity. In turn, a Commercial Service Activity falls within the definition of a Commercial Activity within the provisions of the District Plan.

The proposed layout of the fuel stop is shown in Figure 4:



Figure 4: Proposed site layout (see Appendix D for enlarged site plan)

The proposed layout has been arrived at through consideration of the relevant provisions of the Hastings District Plan (as amended by Decisions), New Zealand Transport Authority guidance (including publication *RTS13 Guidelines for service stations*), recommendations of the Traffic Impact Assessment and the specific requirements of Waitomo Group, which has over 70 years of experience in the field of fuel supply, storage and distribution.

Land Use Component

Essentially, the applicants propose to establish a service station/fuel stop onsite, which is a permitted activity subject to compliance with a number of general and specific District Plan Performance Standards.

The fuel stop is consistent with Waitomo's "no-frills" business model that has been implemented on numerous locations across the country and provides cheaper overheads to the company, which are then passed on to the community with cheaper fuel prices.

Ancillary activities will include earthworks, including installation of underground petroleum storage tanks, car parking, landscaping, rubbish disposal facilities, signage and lighting, all of which are described in more detail below. The existing buildings onsite will be demolished and a majority of trees, plants and vegetation on site will be removed, except for a number of large palm trees within the car parking area and some boundary hedging. New landscaping is proposed as part of the overall development.

The service station will operate 24 hours per day, 7 days per week, consistent with the nature of use as a self-service fuel stop/truck stop.

A summary of the features of the layout is given as follows:

- 2-island, 4-lane car stop with a total of 8 service positions. Each pump island serves all types of available fuels (91, 95 and diesel);
- 2-island, 4-lane truck stop with 4 service positions providing diesel fuel;
- 23 car parks to be retained (including one for disabled persons);
- An underground tank area consisting of 2 x 70,000 litre Envirotanks;
- Illuminated signage in Waitomo corporate colours; and
- Generous landscaping.
- Two access points for the site are proposed (one existing, one new), as detailed below.

Detailed site plans and development plans are provided at Appendix D.

Ancillary Components

A customer services unit (including small item rubbish disposal and clean water) will be located on each pump island. The service station facility will operate 24 hours a day, seven days a week and will be maintained on a daily basis by Waydgo Site Care in accordance with strict protocols.

Details of the proposed signage for the development are included with the development plans at Appendix D.

Lighting and signage onsite will consist of:

- 1 x 9.0m high, 1.8m wide "Waitomo" totem sign at the southwest corner backlit illuminated and remote LED lights;
- 2 x 2.0m high by 1.2m wide "Waitomo" fuel stop entry/exit signs at Allen Road frontage (one at each access point);
- Informational product signs at each end of the pump islands;
- External, pole-mounted, LED lighting beside the fuel dispensers and car parking island
- LED lights mounted on fuel dispensers;
- A number of 0.8m high by 0.575m wide directional arrow/no exit signs throughout the site, as necessary;

 The LED lighting incorporates optics with a cut-off distribution limiting the spill light outside the site and on to the adjacent properties.

Landscaping

The proposal site will be subject to a comprehensive Landscape Plan (with associated design notes), as prepared by Development Nous Ltd (DNL). Details of landscaping are incorporated with the development plans at Appendix D. Extensive landscaping is proposed along the Allen Road frontage, the eastern boundary and the southwest corner of the site to provide effective screening from adjoining sites and the surrounding area. The applicant is accepting of a consent condition requiring a full Landscape Plan to be submitted and approved prior to the commencement of the use.

Vehicle Access and Car Parking

Two access points for the site are proposed along the Allen Road frontage – to be referred to as the western access and the eastern access:

- Western access (new) restricted to left-turn entry only (traffic from Expressway/Pakowhai Road)
- Eastern access (existing) entry and ALL exit movements

Separate and dedicated car and truck service positions will be located within the western area of the site with manoeuvring and circulation areas provided within the eastern area. The development will retain the 23 of the car parking spaces currently associated with the Oderings site, located centrally within the overall layout. The tracking of vehicles complies within District Plan and Code of Engineering requirements.

The application is supported by a Traffic Impact Assessment from Traffic Solutions Ltd, which is contained in Appendix E, with 'Option 1' being applicable to the proposed development.

Earthworks

Proposed earthworks will consist of:

- Clearing the site as necessary;
- 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 approved stormwater treatment system;

A detailed Engineering Report by DNL is included with the application and attached at Appendix F.

Use and Storage of Hazardous Substances

The new underground petroleum tanks will be designed, installed and operated in accordance with the following industry standard prepared by the Environmental Protection Authority:

- Below ground stationary container systems for petroleum design and installation HSNOCOP 44, Version 1.1, June 2013.
- Below Ground Stationary Container Systems for Petroleum Operation HSNOCOP 45, May 2012.

The installation of underground petroleum storage tanks and associated equipment involve:

- Installation of two new 70,000 litre double-walled fibreglass tanks. 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. When full, there will be 70,000
 litres of diesel and 70,000 litres of petroleum products stored at the site.
- Reinstatement of the voids and the site surface to an erosion proof state (as required).
 Excavated soil is generally not re-used on-site although opportunities to do this will be assessed on a case by case basis and will be done in accordance with the Contaminated Sites Guidelines.
- Installation of (at grade) remote fill points near the underground storage tank area.
- Installation of the vents adjacent to the pump islands
- Installation of a new underground API separator to a depth of approximately 3m. An indicative
 area is shown on the plan; however positioning is subject to change prior to installation (it is
 noted that there is no District Plan control restricting its location within the site).
- The installation of associated fuel lines/pipes
- The tanks will be installed in accordance with the manufacturers standards and guidelines.
- Installation of an automatic tank gauge
- Installation of observation wells; and
- Vapour Recovery

The DNL Engineering Report at Appendix F details both the earthworks methodology and mitigation measures. A Geotechnical Assessment Report by WSP-Opus is included at Appendix G and a Detailed Site Investigation by DNL/Geosciences can be found at Appendix I.

4.0 PROPOSED HASTINGS DISTRICT PLAN

4.1 District Plan Status

Section 86F of the Resource Management Act 1991 provides that if certain provisions (rules) in a proposed plan are beyond challenge they must be 'treated as operative', with any previous provisions (rules) in legacy plans to be treated as inoperative.

This occurs from the date that the appeal period expires if no appeals have been lodged against certain provisions, or from the date that appeals are either determined, withdrawn or dismissed.

The effect of treating provisions as operative under section 86F is to make the previous provisions (rules and accompanying objectives and policies) in legacy plan(s) inoperative. The inoperative legacy provisions cease to have any legal or other operative planning relevance, so that (as a matter of law) resource consents are no longer required under those provisions.

In the case of this application there are no outstanding appeals that are relevant to this application; therefore, the Proposed Hastings District Plan (as amended by Decisions) has full effect. Accordingly, only the provisions of this plan are considered in the assessment of this application.

4.2 Zoning

The subject site is located within the Plains Production Zone in the District Plan:



Figure 5: District Plan Zoning (Source: HDC GIS)

The site does not contain any archaeological or other heritage assets and is not affected by any overlay zoning.

4.3 DISTRICT PLAN RULES AND PERFORMANCE STANDARDS AND TERMS

4.3.1 Commercial Activities In Plains Production Zone

Table 6.2.4 sets out the status of activities within the Plains Production Zone:

RULE	LAND USE ACTIVITIES	ACTIVITY STATUS
PP5	Commercial activities within specified limits	P
PP24	Any Permitted or Controlled activity not meeting 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 (d), 6.2.6D(2), 6.2.6G, 6.2.6H (excluding 'Winemaking and associated bottling, storage and packaging'), 6.2.6I, 6.2.6J and 6.2.6K.	RD
PP39	Any activity which is not provided for as a Permitted, Controlled, Restricted Discretionary or Discretionary activity shall be a Non-complying activity. To avoid any doubt this includes activities not provided for above that do not comply with the following Specific Performance Standards: 6.2.6C(a) and (c), 6.2.6D(1), 6.2.6E(1) and 6.2.6(F).	NC

The Proposed District Plan defines **Commercial Activities** as 'the use of land or buildings for the display, offering, provision, sale, repair or hire of goods, equipment or services; and <u>includes commercial service activities</u>, but excludes helicopter depots'.

Further, Commercial Service Activities are defined as 'the use of land or buildings to carry out a business providing personal, property, financial, household, private, and business, services to the general public or trades people' and is limited to specific activities including Garden Supply Stores and Service Stations.

Accordingly, a service station/fuel stop is to be considered as a Commercial Activity under Rule PP5.

The following General Performance Standards and Terms apply to all activities in the Plains Production Zone:

Standard/ Term	Description	Proposed	Compliance?
6.2.5A Building Height	Industrial, commercial, frost protection fans, winery buildings or structures – maximum height 15 metres All other buildings or structures – maximum height 10 metres	No structure would exceed 15m in height. The main pylon sign is 9m in height.	Yes
6.2.5B Yards	Industrial, Commercial and Winery Buildings and Structures Front yard 15 metres All other boundaries 15 metres	The proposed 9m-high, free- standing pylon sign will not meet this requirement.	No
6.2.5D Screening	a. Outdoor storage areas of commercial, industrial, and winery activities shall be fully screened by fencing and/or planting from adjacent or opposite commercial and residential activities and motorists using public roads. b. Outdoor display areas and parking areas of commercial, industrial, and winery activities shall have landscaping which consists of a mixture of ground cover and specimen trees with a minimum width of 2.5 metres.	A preliminary landscape plan is submitted with the application and shows how the development will comply with these specific requirements.	Yes
6.2.5E Light and Glare	All external lighting shall be shaded or directed away from any residential buildings or roads and shall be less than 8 lux spill measured at a height of 1.5 metres above the ground at the boundary of the site.	All illuminated signs and lighting will be designed to comply with this standard and such that there will be very little light spill from the site.	Yes
6.2.5F Traffic Sightlines, Parking, Access and Loading	Activities shall comply with the provisions of Section 26.1 of the District Plan on Transport and Parking.	A traffic impact assessment is submitted with the application (Appendix E).	Yes
6.2.5G Noise	Activities shall comply with the provisions of Section 25.1 of the District Plan on Noise.	Section 25.1 provisions are noted and shall be adhered to. The proposed use is not inherently noisy and there are no PA systems, music, shop or similar.	Yes
6.2.5J Total Building Coverage (including hardstand and sealed areas)	The maximum building coverage (including hardstand and sealed areas) shall not exceed 35% of the net area or 1500m², whichever is the lesser. Netting, structures, and greenhouses where crops grown under or within those structures are grown directly in the soil of the site are excluded from total building coverage calculations.	The site, as existing, is almost completed covered by buildings, hardstand and sealed areas. Although the nature of the proposal is such that a large sealed area is required, all existing buildings and	No (already exceeded onsite and therefore a demonstrate effect baseline).

	Outcome: The life-supporting capacity of the Plains soil resource will be safeguarded and the amenity of the Plains Production Zone will be protected by limiting the total scale of buildings on and sealed areas over smaller sites. The potential negative environmental effects associated with the increase in Stormwater runoff created by the development activity will be avoided, remedied or mitigated.		
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The following **Specific Performance Standards and Terms** apply to Commercial Activities (Section 6.2.6D of the Proposed District Plan). The standards apply to Commercial Service Activities, including Service Stations.

1. Commercial Activity Threshold Limits

Commercial Activity	Threshold Measure	Maximum Limit Per Site	Compliance?
Retailing	Maximum Gross Floor Area	100m² (including outdoor display areas)	
	Minimum percentage of display area to be stocked with goods produced on the site: - Total display area <50m² - Total display area >50m²	- 75% - 85%	N/A
All Commercial Activities	Personnel	At least one person resident on the site shall carry out the activity. Maximum number of additional employees – 3.	No
	Maximum gross floor area for all activities (including structures without external walls and outdoor dining areas)	Total maximum 100m² (per site, not per activity)	Yes

The Proposed District Plan defines Gross Floor Area as 'the sum of the gross area of all floors of a building measured from the exterior faces of the exterior walls, or from the centre lines of walls separating two buildings, but excludes any area used for basement or rooftop parking areas, stairwells, lift-wells and life towers, machinery rooms, boiler, heating and air-conditioning plant rooms. In Rural Zones it also includes the area of all roofed structures without external walls'.

The proposed fuel dispensers, covered pay-stations and other structures total an area of less than 15m², therefore well within the 100m² Gross Floor Area threshold.

2. Hours of Operation

Activities which involve the retailing of goods to the public shall be restricted to the following hours of operation:

Any day of the week - 8.00am - 10.00pm

Standard/ Term	Description	Proposed	Compliance
6.2.6G Site Area Thresholds	The activity thresholds for Rules 6.2.6D and 6.2.6F apply to an individual site. The activities under these rules can therefore be carried out singly on a site up to the 100m² threshold, until the cumulative limit of 100m² gross floor area per site is reached.	The total volume of buildings and structures proposed as part of the development fall within the 100m² threshold.	Yes

Note:

- While the commercial use is permitted and the proposal meets the floor area threshold, there
 will be no resident on site and the activity is therefore classed as a Non-Complying Activity
 pursuant to Rule PP39.
- The <u>maximum building coverage</u> (including hardstand and sealed areas) will exceed the 1500m² specified at 6.2.5J, which is classified as a Restricted Discretionary Activity pursuant to Rule PP24.
- The hours of operation would be outside those specified by standard 6.2.6D(2) and the
 proposal is classed as a Restricted Discretionary Activity pursuant to Rule PP24 in this
 regard.
- Additionally, the proposed 9m-high, free-standing pylon sign whilst compliant with the
 maximum height fails to meet the yard setback specified in 6.2.5B², also classed as a
 Restricted Discretionary Activity pursuant to Rule PP24.

4.3.2 TRANSPORT AND PARKING (Proposed District Plan Section 26.1.6)

26.1.6 General Performance Standards and Terms - Transport and Parking

Standard / Term	Requirement	Proposed	Compliance
26.1.6A ACCESS 1. Access to Property	(a) Every owner or occupier shall provide a legal, safe and effective vehicular access to any activity undertaken on a site, and required parking or loading areas from an existing, formed legal road, to enable vehicles to enter the site, except where the site has Designated Retail Frontage (see Appendix 30) or where the site is within the Flaxmere Commercial Zone. (c) The minimum legal widths for private access are contained in Table 26.1.6.1-1 below. Private access to properties shall allow the safe passage from the edge of the road to the legal boundary of the lot for a single site or household unit. For two or more sites or household unit. For two or more sites or household units or for any Right of Way, formation of the access to the activity undertaken on the site is required in compliance with Table 26.1.6.1-1. Schedule C of the Engineering Code of Practice outlines an acceptable means of compliance.	A comprehensive Traffic Impact Assessment is attached at Appendix E. Safe and effective access, parking and loading areas are provided. The widths of the two access ways are compliant with this standard. The proposal complies with this standard.	Yes
2. Distance of Vehicle Accesses from Road Intersections	Rural Residential, Rural, Plains and Special Character Zones Vehicle access to any property shall be sited a minimum of 100 metres from an intersection of a State Highway.	The site access is not within 100m of a State Highway intersection.	Yes

Note: Whilst yard compliance is not achieved it could be relocated back within the site in order to comply. Its proposed position will not over dominate or overshadow neighbouring uses.

26.1.6B SAFE SIGHTLINE DISTANCES	Intersections shall be located to ensure that Safe Sightline Distances are maintained. Note: For vehicle accesses fronting a Local, Collector or Arterial Route (as defined in the Roading Hierarchy in Appendix 69) compliance with Austroads Standards is deemed an acceptable means of compliance.	Access arrangements are proposed in accordance with the recommendations given in the Traffic Impact Assessment submitted as part of the application and are compliant with the Austroads Standards. The western site access will be "entry only" due to restricted sight distances according to NZTA publication RTS 6.	Yes
26.1.6C LOADING PROVISION OF LOADING SPACES	 (1) All Activities except Residential Activities (a) Provision of Loading Spaces (i) Every owner or occupier who proposes to construct or substantially after, reconstruct or add to a building on any site, or change the activity carried out on the site shall provide a Loading Space. The Loading Space shall provide for the suitable or efficient accommodation of any loading or fuelling of vehicles which are likely to arise from the use of any building or activity carried out on the site, except where a service lane is designated or provided, or where the site has Designated Retail Frontage (see Appendix 30). Separate Loading Spaces shall be provided for each occupier of the site if there are more than one. The Loading Space shall be additional to the parking required in Table 26.1.6.1-3. (ii) Every Loading Space, together with access, shall be designed so that it is not necessary to reverse vehicles either on to or off the street. The Loading Space shall not be stacked or located within vehicle manoeuvring areas. (iii) The provision of a Loading Space in respect of any site may be made as part of the side and/or rear yard space, but not as part of the front yard space of that site. (iv) The method of loading shall ensure that the footpath or access to adjacent properties shall remain clear at all times and ensure traffic safety is maintained on the roads. (b) Design of Loading Spaces The design of Loading Spaces and the layout adopted will depend on the area and shape of the land available, the purpose for which loading is required, and the functional design of the building. The layout shall be of sufficient size to accommodate the following design vehicles: (i) Activities requiring loading facilities or servicing from heavy vehicles: A "Single Unit Bus / Truck" as defined in the "Austroads Design Vehicles and Tuming Path Templates Guide" AP-G34-13, Austroads, 2013 - refer to Appendix 73 for the dimensions of this vehicle. 	The site is of ample size to accommodate all vehicle movements associated with the proposed use as a Fuel Stop. The layout provides for separate car and truck fuelling, parking and manoeuvring areas. As noted in the Traffic Impact Assessment: "Semi-traller trucks delivering fuel to the service station will be able to stand in the apron area between the service station and truck stop forecourts. Fuel delivery tankers will be able to stand as long as they need to while unloading, without obstructing other vehicles on the site." The development complies with the relevant Austroads Standards.	Yes

	 (ii) Where articulated vehicles or trucks and trailers are anticipated: A "Prime Mover and Semi-Trailer" as defined in the "Austroads Design Vehicles and Turning Path Templates Guide" AP-G34-13, Austroads, 2013 - refer to Appendix 73 for the dimensions of this vehicle. (iii) The following minimum dimensions are provided as a means of compliance: Warehouses, Transport depots, bulk stores and similar must have a minimum length of 20 metres and a minimum width of 3 metres. 		
26.1.6D PARKING: Provision of On- Site Parking	Every owner or occupier who proposes to construct or substantially reconstruct, after or add to a building on any site, or change the activity carried out on any land or in any building, shall provide suitable areas on the site for parking in accordance with the requirements listed in Table 26.1.5.1-3 below. Where more than one activity occurs on a site, the total parking requirements for that site shall be equal to the sum of individual parking requirements for each activity.	Given that no building is proposed, there is no specific parking requirement. However, the existing parking island consisting of 23 angled parking spaces will be retained as part of the proposal. This is considered appropriate given the characteristics of the site and the proposed development.	Yes
26.1.6D PARKING: Design and Construction of Parking Areas	(a) Vehicle Dimensions All parking spaces and access and manoeuvring areas, including ramps shall be of a sufficient size and suitable layout to accommodate a "passenger vehicle" as defined in the "Austroads Design Vehicles and Turning Path Templates Guide" AP-G34-13, Austroads, 2013 - refer to Appendix 72 for the dimensions of this vehicle.	The parking area is currently established for the existing use and is of a suitable layout to accommodate 'passenger vehicles'.	Yes
26.1.6D PARKING: Design and Construction of Parking Areas	(c) General Design and Construction Details All public and required parking areas, and any outdoor display areas (such as car, caravan or boat sales yards) shall comply with the following general requirements: (i) Parking areas in any Commercial or Industrial Zone shall be formed and sealed with an all-weather surface. (ii) Parking areas shall be designed and constructed to ensure that stormwater runoff from the parking area does not adversely affect adjoining properties. (iii) Parking areas, together with access and turning space, shall be designed to ensure that vehicles negotiate the parking area at a safe speed and are not required to reverse either on to or off a street, provided that this requirement shall not apply in any Residential Zone where a single accessway serves not more than two residential buildings. Vehicles using the parking area shall only enter or leave the site by the accessway. (v) A reservoir space shall be provided within public carparks to prevent vehicles queuing on the street. (vii) Non-residential parking spaces required to be sealed by standard 26.1.6.D.5(c)(i) shall be marked out and where there is a separate requirement for staff parking such spaces shall be clearly identified.	The nature of the use requires a well-constructed and maintained all-weather surface. Stormwater will be managed to prevent discharge to neighbouring properties. The layout will ensure adequate provision for manoeuvring of all vehicles within the site. Ample space is provided for all parking, manoeuvring and fuelling of both cars and trucks. The site size and proposed layout ensure that queuing will not occur. All parking spaces will be sealed and marked to meet this standard.	Yes

Note: The proposal complies with all relevant Transport and Parking Performance Standards.

4.3.3 EARTHWORKS (Section 27.1.5 of the Proposed District Plan)

RULE	ACTIVITIES	ACTIVITY STATUS
EM1	Earthworks	P
EM6	Permitted Activities not meeting the General Performance Standards and Terms in Section 27.1.6.	RD
EM10	The removal offsite of more than 25m³ topsoil, sand, gravel, metal or earth from any site in the Plains Zone	D

27.1.6 General Performance Standards and Terms

Standard/ Term	Requirement	Proposed	Compliance
27.1.6A EXTENT OF EARTHWORKS	1. For the purpose of assessing the total volume of earthworks allowed as a Permitted Activity for sites in these sub zones, the volume shall be calculated by multiplying the volume threshold (listed in Table 27.1.6A) by the total area of the subject site in hectares, over any 12-month period. Hastings (all zones) – 50m³ per site 2. For the importation of fill or removal of cut to or from an offsite location, the volumes of earthworks specified in the Table in 27.1.6A shall be reduced by 50% in determining the volume permitted in any 12-month period.	The maximum volume of permitted material that can be exported from the 1.3-hectare site is 50m³ per annum. Up to 340m³ of earthworks has been estimated (cut & fill) for tanks and API and 350m³ of hardstand (area 3500m²) The proposed earthworks will not result in any material being exported from the site. A detailed Engineering Report is submitted with the application (Appendix F). - Earthworks include clearing existing hardstand, digging concrete foundations and installing and burying tanks.	No – consent sought
27.1.6B VEGETATION	Where vegetation clearance occurs (except where it is associated with the operation, maintenance or upgrading of lawfully established roads, tracks and drainage channels), disturbed areas shall be repastured or revegetated as soon as practicable within 18 months of the activity ceasing.	There will be no significant clearance of vegetation as a result of the development. The northern portion of the site will be repastured and generous landscaping is proposed as part of the development.	Yes
27.1.6C SLOPE	All Other SMA: Earthworks shall not be undertaken on land with a slope of greater than 22° above horizontal.	The site is generally flat with limited contour.	Yes
27.1.6D EXCAVATION	No earthworks shall have a cutifility face (see appendix 68) of overall vertical extent greater than: (i) 5 metres in the Rural Zone, Nature Preservation Zone & ONFL 7 (excluding ONFL 2-6 &8) (ii) 2.5metres in all other Zones (iii) 2 metres in ONFL 2-6 & 8	The earthworks will not result in a cut/fill face. Tanks will be buried; however this is not result in a cut/fill face.	Yes

	No excavations shall be of greater than 1 metre vertical extent of cuttfill face, where the top of the excavation is within 10 metres of buildings or surcharge loads.	There are no excavations which will be greater than 1 metre vertical extent of cut/fill face near a building or surcharge load.	Yes
27.1.6E NOISE	Activities shall comply with the provisions of Section 25.1 of the District Plan on Noise.	Any construction noise will comply with the relevant construction noise standards of the District Plan.	Yes
27.1.6G LOCATION OF FILL	Except when associated with fill faces on rural farm tracks, any fill of over: - 100m³ volume; or - 0.5 metres total depth Shall only be permitted if a site plan is provided to Hastings District Council showing the location and extent of the fill.	A site plan is included as part of the Engineering Report at Appendix F.	Yes
27.1.6H SEDIMENT CONTROL	Sediment run-off into a Council reticulated network shall not cause any conspicuous change in colour or visual clarity of water after reasonable mixing. Note: All other stormwater runoff across property boundaries and sediment entering waterbodies may be subject to rules administered by the Hawkes Bay Regional Council.	Standard construction management measures will be implemented to prevent uncontrolled sediment movement. There will be no sediment run-off into a Council reticulated network. Diversion and discharge of stormwater from the site is classed as a Controlled Activity by Hawkes Bay Regional Council and resource consent will therefore be sought in due course.	Yes

 $\underline{\text{Note}}$: Resource Consent for the proposed earthworks is required by **Rule EM10** of the Proposed Hastings District Plan – **Discretionary Activity**.

4.3.4 HAZARDOUS SUBSTANCES (Section 29.1 of the Proposed District Plan)

The following table sets out the status of activities involving hazardous facilities:

	RULE TABLE 29.1.5 – HAZARDOUS SUBSTANCES AND (311103
RULE	LAND USE ACTIVITIES	ACTIVITY STATUS
HS3	Major Hazardous Facilities*	D

^{*}Major Hazardous Facility includes the storage/use of more than 100,000L of petrol and more than 50,000L of diesel

Note: The proposal involves the storage of 70,000L of petrol and 70,000L of diesel and this element is therefore classified as a **Discretionary Activity** by **Rule HS3** of the District Plan.

4.3.5 ADVERTISING DEVICES AND SIGNS (Section 28.1 of the Proposed District Plan

RULE	ACTIVITIES	ACTIVITY
		STATUS
ADS3	External illuminated advertising devices in all Zones	P
ADS5	Any Permitted or Controlled activity not meeting one or more of the General or relevant Specific Performance Standards and Terms in	RD

TABLE 28.1.6A – MAXIMUM ALLOWABLE AREA OF ADVERTISING DEVICES			
ZONE	ADVERTISING DEVICE	AREA	PROPOSED
Plains Production, Rural, Rural Residential and Te Mata and Tuki Tuki Special Character Zones	- All advertising devices	2.5m²	Advert on pylor sign = 3m x 1.79m = 5.37m ²

28.1.7 Specific Performance Standards and Terms apply to the activities specified below:

Standard/ Term	Description	Outcome	Compliance?
28.1.7A Purpose and Placement of Advertising Devices	 (a) Advertising Devices shall be limited to the purposes of stating the occupant's name, occupation or property name. (b) Advertising Devices shall be located on the site to which they relate and must be contained solely within site boundaries. (c) There must be no advertising devices (excluding official signs and advertising devices permitted by any Hastings District Council Bylaw) located on or over a road or land vested as reserve under the Reserves Act 1977. (d) No advertising device shall project above the highest point of the building. (e) Advertising devices will be restricted in colours that do not replicate official signs. (f) Advertising devices shall be located in a position where they will comply with the RTS6 Guidelines for visibility at driveways (1993). 	Advertising Devices will not detract from the visual amenities of the areas where they are located and will not cause a distraction or potential danger to pedestrians or vehicular traffic. A proliferation of devices will be avoided and the amenity and safety of the local environment will be maintained. No signs will be located on or over a road or reserve. No buildings are proposed as part of the development. Confusion between official signs will be avoided. Good visibility and safety from driveways is provided, as detailed in the Traffic Impact Report.	Yes
28.1.78 Illumination	(a) External illumination of signs by spotlights or floodlights shall be focused only on the device to be illuminated and shall be directed away from Residential Zoned sites and roads.	External lighting will be internal to the site and functional in purpose, i.e. lighting of signage and fuelling areas. No flashing or revolving lights are proposed.	Yes

	 (b) Shall not use Devices that are flashing, animated or involve revolving lights. (c) The illuminated sign must comply with the Standards relating to lux spill for the respective zone. (d) No illuminated advertising device shall be located within 25m of a road intersection. (e) Dwelling time is a minimum of 8 seconds for static images only. (f) Transition between advertisements less than 0.5 seconds. (g) No message sequencing between 2 or more advertisements. (h) Contains a default mechanism whereby the screen freezes in the case of a malfunction. (i) Uses photocell technology that ensures automatic dimming capacity. (j) Avoids the use of flashing, scrolling, intermittent, animated or full video clips. (k) That the maximum luminance is 50000 cd/m² between sunrise and sunset and 500 cd/m² between sunset and sundse if it is lit by LED or similar technology. (l) Will not use the colours red, green and yellow in combination as dominant colours. 	All illumination will comply with the standards relating to lux spill in the Plains Production Zone. No advertising device will be located within 25m of a road intersection. Illuminated advertising devices will not cause a nuisance or hazard to other activities or to vehicular movement and safety.	
28.1.7E Advertising Devices located on land adjoining a State Highway in the Rural or Plains Production Zone	(a) Advertising Devices shall have a minimum lettering height of 120mm in areas of up to 70km/hr speed limit and of 160mm in areas above 70km/hr speed limit. (b) Advertising Devices shall not be located within 15m of an existing official sign or traffic signal. (c) The message area should cover no more than 60% of the Advertising Device.	Devices will not cause a physical obstruction or hazard to traffic or pedestrians or detract from the visual amenities of the areas where they are located.	Yes

<u>Note</u>: The total area of advertising signage will exceed 2.5m² and this element of the proposal is therefore classed as a **Restricted Discretionary Activity** pursuant to Rule ADS5.

4.3.6 Summary of Consents Required and Sought

In summary, this application requires resource consent for the following Activities in the Plains Production Zone:

- Commercial Activity not complying with requirement for one person resident onsite Non-Complying Activity (Performance Standard 6.2.6D(1), Rule PP39)
- Commercial Activity not complying with standard for hours of operation and total building coverage – Restricted Discretionary Activity (Performance Standards 6.2.6D(2) and 6.2.5J, Rule PP24)

- Building coverage (including hardstand and sealed areas) exceeding maximum of 1500m² -Restricted Discretionary Activity (Performance Standard 6.2.5J, Rule PP24)
- Earthworks proposal exceeds the extent of earthworks allowed as a Permitted Activity Discretionary Activity (Performance Standard 27.1.6A, Rule EM10)
- Hazardous Substances proposal defined as a Major Hazardous Facility due to storage of greater than 50,000L of diesel – Discretionary Activity (Rule H53)
- Advertising proposal exceeds maximum area of advertising devices allowable as a Permitted Activity – Restricted Discretionary Activity (Rule ADS5)
- 9m-high, free-standing pylon sign would fail to meet the yard setback specified in 6.2.5B Restricted Discretionary Activity (Rule PP24).

Overall Activity Status

The established principle of bundling applies to differing consent classifications with the most onerous classification being a **Non-Complying Activity**. As such, the application is subject to approval under sections 104B and 104D of the RMA.

5.0 STATUTORY CRITERIA

The Resource Management Act

Section 104B Determination of applications for discretionary or non-complying activities states:

After considering an application for a resource consent for a discretionary activity or non-complying activity, a consent authority—

- (a) may grant or refuse the application; and
- (b) if it grants the application, may impose conditions under section 108.

Section 104D Particular restrictions for non-complying activities goes on to state:

- (1) Despite any decision made for the purpose of notification in relation to adverse effects, a consent authority may grant a resource consent for a non-complying activity only if it is satisfied that either—
 - (a) the adverse effects of the activity on the environment (other than any effect to which section 104(3)(a)(ii) applies) will be minor; or
 - (b) the application is for an activity that will not be contrary to the objectives and policies of-
 - (i) the relevant plan, if there is a plan but no proposed plan in respect of the activity; or
 - (ii) the relevant proposed plan, if there is a proposed plan but no relevant plan in respect of the activity; or
 - (iii) both the relevant plan and the relevant proposed plan, if there is both a plan and a proposed plan in respect of the activity.
- (2) To avoid doubt, section 104(2) applies to the determination of an application for a non-complying activity.

Section 104 of the RMA

In considering an application for a resource consent, the consent authority must, subject to Part 2 of the RMA, have regard to the matters specified in section 104 of the RMA.

Section 104 of the RMA states:

When considering an application for resource consent and any submissions received, the Council as consent authority must, subject to Part 2, have regard to –

- (a) any actual and potential effects on the environment of allowing the activity; and
- (b) any relevant provisions of -
 - (i) a national policy statement:
 - (ii) a New Zealand coastal policy statement:
 - (iii)a regional policy statement or proposed regional policy statement:
 - (iv) a plan or proposed plan; and
- (c) any other matter the consent authority considers relevant and reasonably necessary to determine the application.

Part 2 Matters

Section 104 is subject to Part 2 of the Act (Sections 5-8):

5. Purpose

- (1) The purpose of this Act is to promote the sustainable management of natural and physical resources.
- (2) In this Act, "sustainable management" means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well being and for their health and safety while —
- (a) Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and
- (b) Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and
- (c) Avoiding, remedying, or mitigating any adverse effects of activities on the environment.

6. Matters of national importance

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognize and provide for the following matters of national importance:

- (a) The preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:
- (b) The protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:
- (c) The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:

- The maintenance and enhancement of public access to and along the coastal (d) marine area, lakes, and rivers:
- The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.
- The protection of historic heritage from inappropriate subdivision, use, and development.
- The protection of recognised customary activities.

7. Other matters

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to -

- Kaitiakitanga:
- The ethic of stewardship: (aa)
- (b) The efficient use and development of natural and physical resources:
- The efficiency of the end use of energy: (ba)
- The maintenance and enhancement of amenity values:
- (d) Intrinsic values of ecosystems:
- Repealed.
- (e) (f) Maintenance and enhancement of the quality of the environment:
- Any finite characteristics of natural and physical resources: (g)
- The protection of the habitat of Trout and Salmon:
- The effects of climate change:
- The benefits to be derived from the use and development of renewable energy:

8. Treaty of Waitangi

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti O Waitangi).

These sections of the Act are considered further below.

6.0 ASSESSMENT OF ENVIRONMENTAL EFFECTS

In accordance with the Fourth Schedule of the RMA, this section provides an assessment of the actual and potential effects on the environment associated with the proposal.

Actual or Potential Effects

The actual or potential effects on the environment of the proposed activity are considered to be no more than minor and limited to those related to-

- Plains Production Soil Resource
- Amenity and Visual Effects
- Traffic
- Advertising, Signage and Lighting
- Infrastructure
- Noise
- Earthworks
- Contaminated Material
- Hazardous Substances
- **Temporary Effects**
- Other matters



Section 3 of the Resource Management Act 1991 provides the meaning of "effect". This includes any positive or adverse effect, whether temporary or permanent and can include past, present or future effects including cumulative effects.

Minor Effects

In deciding whether or not the activities effects will be minor, it is appropriate to consider the determination in *Braithwaite vs Christchurch City Council (B5/1993)*. This case established that "minor" means adverse effects that are less than "major" and can include those effects that are more than simply minute or slight. Going further, it is also appropriate to consider whether or not any identified potential major effects might be mitigated to "minor" after imposing conditions.

Plains Production Soil Resource

As noted, the subject site has existing Resource Consent for the operation of a garden centre including Intensive Rural Production and has been used for commercial purposes for the last 20 years. Commercial activities can therefore be seen as the existing and established use of the site and a baseline in terms of the commercial activity now proposed.

No land currently used for land-based primary production will be lost as a result of the proposal and the northern section of the site – an area of some 3,500m² - will be repastured.

It is noted that significant fragmentation of the land in the immediate area has already occurred by virtue of proximity to the Napier/Hastings Expressway and the subdivision into relatively small and unproductive parcels of land.

It is considered that the size, scale and intensity of the proposed service station/fuel stop are such that it will have a negligible effect on the character of the Plains Production Zone. Of particular note, given that service stations are readily provided for within the Plains Zone, notwithstanding hardstand limits, a level of exceedance of these limits must have realistically been anticipated in order to actually establish such an activity use.

Amenity & Visual Effects

The existing property is somewhat unsightly, consisting of a number of large, dated greenhouses and other structures. The site will be completely cleared to make way for the development and will therefore be transformed from its current densely-built form to a very open appearance, more in keeping with the rural character of the area.

The proposed fuel stop will consist of a total of four pump islands (two car and two truck islands), including canopies, bowsers, vents and a number of comparatively minor structures. These structures will not appear visually obtrusive within the site or the context of the surrounding area. Although the 9m-high pylon "Waitomo" signs would be positioned within the front/side yard setbacks, these are relatively minor structures and can be considered informational/directional in nature. It is not considered that these signs would be detrimental to the visual amenity of the area. All other structures will be well setback within the site, respecting the 15m road setback and 10m side boundary setback required by the Performance Standards of the District Plan.

Extensive landscaping for the site is proposed, which will further enhance the visual appearance and provide effective screening from Allen Road and Pakowhai Road and adjoining properties. Landscaping around the boundaries of the site will be concentrated around the southwest corner, the Allen Road frontage and the eastern boundary of the site. Further landscaping and planting internal to the site will be located within the parking island, central to the site.

The absence of large buildings, the open nature of the site and the generous landscaping will result in the proposal being consistent with the visual amenity of the area and the rural character of the location. For the above reasons, it is considered that the proposed development will have a positive effect on the visual amenity of the site and surrounding environment.

Traffic Effects

Traffic Solutions Ltd have provided a Traffic Impact Assessment and this is attached at Appendix E. This assessment considers two alternatives: Option 1 relates to an unmanned fuel/truck stop and Option 2 relates to the fuel/truck stop but also includes a convenience shop and café. This application therefore relates to Option 1 only.

It is predicted that the proposed use will generate 120 trips per hour (tph) at the site accesses, of which 20 tph will be new trips on the transport network that are not presently occurring. When considering the existing use of the site as a garden centre, it is concluded that the fuel/truck stop will "generate a similar or slightly fewer number of turn movements at the site accesses than could already be occurring but will bring about a significant overall reduction in traffic flow on the surrounding network". The traffic generation effects will therefore be less than minor.

Subject to recommended signage and improvements to the immediate road environment, it is considered that the proposed vehicle accesses will easily cater for the predicted traffic flows and that the site layout will easily cater for parking, vehicle manoeuvring and fuel delivery. It is therefore concluded that the proposed fuel/truck stop will have no more than a minor effect on local traffic safety and the operation of the wider road network.

The layout is also designed in accordance with NZTA publication RTS 13 - Guidelines for service stations.

Advertising, Signage and Lighting

The development takes a minimalist approach to advertising, signage and lighting within the site. The most predominant structure is the 9m-high "totem" sign, which displays the Waitomo logo and provides information as to available products and payment methods. Sections of this sign are backlit illuminated, while the pricing is shown by remote LED.

Low, informational/directional signs displaying the same information will also be located at both ends of each pump island and act as a bollard to protect the pumps. Entry/Exit and No Exit signs will be positioned at appropriate positions in relation to the two access points as required.

Lighting will be provided by a mix of internal and external illumination and all levels of illumination will be designed to comply with the specific requirements of the District Plan. The well-lit nature of the location, near the Expressway and a major road junction, is such that the lighting associated with the development will assimilate into the immediate surroundings and therefore have little impact on the amenity of the site or the wider area. It is also noted that a degree of 24-hour lighting already exists onsite for security purposes.

It is considered that all signage and lighting proposed is functional in nature in terms of allowing efficient and safe use of the fuel stop by motorists. All unnecessary advertising/signage and clutter is therefore avoided by the development.

The size, height, position and nature of all proposed signage and lighting is considered consistent with the proposed activity and would not appear visually obtrusive within the locality. As such, it would

not be detrimental to the amenity and character of the Plains Production Zone and would have a less than minor effect on the environment.

Infrastructural Effects

An Engineering Services Plan is provided at Appendix F and includes existing and proposed plans and primary storm water drainage calculations.

Water

No public reticulated water supply system is available to connect to and therefore water will continue to be provided by way of the existing bore wells (HBRC Well Nos. 8500 & 15917). Only very small quantities will be required for the proposed use and sufficient water will be available for firefighting purposes.

Wastewater

There is no public reticulated wastewater system available in the area to connect to and no system is proposed as part of this development. The existing septic tank will be filled to allow for redevelopment of the site.

Stormwater

Stormwater will be collected and disposed of in a controlled manner onsite and to ensure stormwater neutrality prior to discharge in the existing drainage system in Allen Road. The applicant intends to manage peak stormwater flows to mitigate the potential negative environmental effects associated with the runoff created by the development. The applicant is willing to accept a condition of consent to the effect that this be demonstrated at time of building consent. It is therefore considered that any adverse effect associated with infrastructure will be less than minor.

Although a stormwater system exists onsite, this would be insufficient to meet the requirements of the proposed use. Therefore, an approved API interceptor will be installed and the refuelling areas of the service station will be graded so that any stormwater from these areas flows through the API prior to discharge into the open watercourse along the Allen Road frontage.

The development will therefore not result in an increased level of stormwater contaminants as all discharge points with the potential to contain hazardous substances (petroleum products) will be appropriately treated prior to discharge.

The new API interceptor will be appropriately sized and designed for the specific site conditions in accordance with MfE Guidelines (*Environmental Guidelines for Water Discharges from Petroleum Industry Sites in New Zealand: 1998*), including by providing capacity to accommodate a "worst case scenario" 2,500 litre spill (from tanker delivery). No rain water will enter the tanks as the tanks are doubled-contained and are located underground. The API has a manual shut-off valve on its outlet in the event of a product spill occurring and includes a high level overflow pipe located above the service outlet to ensure that flows in excess of the treatment flow can pass through the device without risk of the device overflowing.

The nature, flow, rate and volume of stormwater from the site is expected to decrease as a result of the proposed works, due to the removal of all existing buildings, introduction of more substantial landscaping and repasturing of an area of approximately 3,500m² (currently covered by greenhouses). It is not anticipated that scouring at the point of discharge will occur as a result of the discharge of stormwater from the site.

Waitomo has well established and comprehensive Emergency Spill Response Plans that meet HSNO requirements. Refer to Appendix H for the Environmental Management Plan. In the event of spill emergencies appropriate containment and clean up measures are taken. Waitomo's corporate procedures are adopted and implemented at every Waitomo site.

In the event of a major spill from a petrol tanker or a faulty fuel pump, all tanker drivers and relevant site personnel are trained to take immediate action to locate the interceptor and activate the automatic shut off valve and to contain the spilt product. This includes the location and operation of centralised controls for the shutdown of all pump islands. The area of the spill is isolated from the rest of the site.

Spill kits are to be retained on-site and in an immediately accessible location. Where spill kit material is used, materials must be replaced immediately.

Due to the storage of hazardous substances, stormwater discharge from the site is classed as a Controlled Activity pursuant to Rule 43 of the Hawkes Bay Regional Resource Management Plan. All necessary consents will be obtained from HBRC prior to commencement of the use and an advice note is considered sufficient in this regard.

Noise

Sources of noise include vehicle noise and the noise of patrons using the fuel stop.

Rubbish collection will occur within the day and away from residential dwellings and the noise from vehicles and people will only have a secondary effect on the overall noise environment in the area – which is typically high given the proximity to the Expressway. The busy transportation network will therefore assist to assimilate and absorb any actual or potential noise.

It is anticipated the noise received at adjoining sites will comply with the maximum noise levels set out in the Proposed Hastings District Plan and the applicant is willing to accept noise conditions to this effect. Therefore, the acoustic effects of the proposal will be less than minor.

Any additional noise during the construction phase will be temporary and controlled by conditions of consent as discussed further below, under Temporary Effects.

Earthworks

Potential effects include noise and vibration generated from construction machinery and a small amount of dust generation. Noise levels will be controlled within the construction contract. Work will only be carried out within normal daytime hours (in this instance 7.30am – 5pm Monday to Friday and 8am – 3pm Saturday). Noise levels associated with construction will be required to comply with the appropriate New Zealand Standard, being NZS 6803P:1999– "The Measurements and Assessment of Noise and Construction, Maintenance and Demolition Work".

Dust emissions may also result during construction. Any potential nuisance of this nature is likely to be a product of wind borne particulate discharge from the construction site. However, these dust emissions will be short term. In any event, the contractor will be required (through construction contract) to use water carts if necessary in order to minimise potential for dust emissions beyond the extent of the construction site. A discharge consent will not be required, as the works will be managed so as to comply with the Hawkes Bay Regional Resource Management Plan in this regard.

Vibration from construction machinery may be generated during construction. However, it is anticipated that any effects of vibration occurring outside of the specific construction site would have

a small, localised effect and would occur over a very short duration. No significant adverse effects from this source are anticipated.

In light of the above measures, sediment control and dust can be adequately managed and mitigated to ensure any effects on the environment will be no more than minor. Earthworks onsite will be kept to a minimum and carried out in general accordance with the Engineering Services Report (Appendix F).

The underground fuel tank installation will be completed in accordance with Waitomo's Environmental Management Plan for Site Works at Petroleum Handling Sites (EMP for Site Works), as appended.

Other potential effects from earthworks activities can be mitigated by way of imposing conditions in respect of the following:

- accidental discovery of Kōiwi, archaeology and artefacts of Maori origin.
- Requirement for a construction management plan encompassing matters such as noise, vibration, dust suppression, sediment control measures and traffic.

It is expected that the tank pits will be excavated to a depth of approximately 4.5 metres and that approximately 340m³ of material will need to be excavated for the installation of the underground tanks and associated pipework.

Contaminated Material

A Detailed Site Investigation for the site has been carried out and the report is included at Appendix I. All soil samples returned concentrations for contaminants of concern below NES soil contaminant standards and other relevant guideline criteria for the proposed commercial/industrial use. It is therefore considered highly unlikely that soil on site or the proposed development will pose any risk to human health and no further investigations are considered necessary. In the unlikely event that contaminated material is encountered during the works, this will be removed, handled, transported and disposed of as follows:

- Contaminated soil will be loaded directly from the tank pits onto the trucks for removal and disposal at a facility certified to take waste of that nature.
- Where the material cannot be loaded directly onto a truck it will be stockpiled in accordance
 with the site management procedures outlined in the Engineering Report, and consistent with
 the Contaminated Site Guidelines Module 7 Site Management, Ministry for the Environment,
 August 1999, summarised as follows:
 - If temporary stockpiling of soil from the tank pit is required, the soil will be stored on concrete hard standing or polythene sheets to minimise potential leaching of any contaminants to underlying soils.
 - All stockpiles (if required) will be kept tidy, less than 4 metres in height, with a stable slope.
 Stockpiles will be covered with polythene sheets, or similar, during rain events or windy conditions to prevent stormwater discharge or wind-blown dust generation.
 - In most cases, stockpiled soil will be carted off the site on the same day or the day following excavation
 - Where necessary (e.g. for long term stockpiles) hay bales or similar form of silt containment will be placed around the stockpiled soil and stormwater drains/grates to help prevent surface run-off.

- The stockpile area will be fenced to prevent public or unauthorised access.
- In the unlikely event that any stockpiled material will be odorous, it will be covered with an
 impermeable material or other form of odour suppression (e.g. application of odour
 suppressant compounds) to limit the potential release of odours.
- The entire area affected by earthworks will be cordoned off to prevent access to the work area by the general public and excavation is carried out by a small mechanical digger (not handheld machinery).
- All trucks/plant carrying excavated materials off-site will be securely covered and will proceed directly to the landfill.
- Human health and safety will be addressed through compliance with the Health and Safety
 Act, which protects the safety of individual workers, and through adherence to a generic
 maintenance / excavation worker plan for areas with potential hydrocarbon contamination, as
 well as other standard Waitomo Group site procedures.

Hazardous Substances

Notwithstanding, the fact the District Plan defines the activity as a major hazardous facility, the proposed development will not cause any adverse environmental effects on the surrounding environment in terms of hazardous substances, air emissions or the discharge of contaminants. As detailed earlier, site management and technology will ensure such occurrences are appropriately mitigated.

The proposal would meet all the relevant legislative and practice requirements. The site is required to have a Hazardous Substances Test Location Certificate and an Emergency Response Plan in place prior to the operation, under the Hazardous Substances and New Organisms Act 1996 and Environmental Protection Agency requirements. Waitomo operates according to well established procedures for site management and emergency response.

Specific site features include:

- A number of CCTV cameras that can be monitored remotely by Waitomo Head Office as required:
- Each site is appointed a Site Service Contractor who becomes the "ambassador" for the site
 and is responsible for the day to day checking and maintenance of the service station,
 including a visual inspection of the forecourt for spoils and hazards, potential pump leaks
 and checking the spill response kit is in place;
- Customer safety procedures for the general public being detailed on a sign board and on the individual pillars of each of the winged canopies adjacent to the fuel dispensers;
- The maximum spend for an individual fuel transaction being \$150 or 75 litres which avoids fuel continuing to pump from a fuel dispenser in the event of sabotage or an accident; and
- There being a stormwater interceptor which separates hydrocarbons and suspended solids from stormwater before it enters the stormwater system. This would include an automatic shut-off valve to isolate it from the municipal system in the unlikely event of a large spill.

Ітем 2

The operation of a hazardous facility or the use of the land for a service station are able to be mitigated to ensure potential adverse effects are less than minor.

The proposal is able to meet all the relevant requirements associated with the storage and use of hazardous substances on the site.

The proposal is consistent with the sustainable management purpose of the Resource Management Act. It will make sound use of the physical resource of the existing land area and provide a service from the site that will enable the community to provide for its social, economic and cultural wellbeing. In social terms, the community has a choice of whether to use the facility, however this particular applicant provides a less expensive product and that in itself provides a local economic benefit. Further, the proposal serves to meet the reasonably foreseeable needs of future generations and is able to operate in a manner that avoids, remedies or mitigates any adverse effects on the environment.

Section 7 contains a list of other matters that decision makers shall have particular regard to in determining an application. In considering those matters, it is found that the proposal represents an efficient use and development of the physical resource of the land and will not, in any more than a minor manner, adversely affect the maintaining of amenity values or the quality of the environment.

Dewatering

Dewatering of the tank pits maybe be required and this will be confirmed prior to the works commencing. The groundwater will be discharged through a treatment train into the reticulated stormwater system in accordance with the permitted activity requirements of the Proposed Hastings District Plan. If required, dewatering will be a temporary activity, expected to occur for a period of 5-10 days. It will be undertaken in accordance with the Waitomo dewatering methodology. This will be covered in the proposed Earthworks & Construction Management Plan to be submitted prior to the commencement of site works.

Temporary Effects

Construction

The construction phase of the proposal will result in some construction noise and disruption. This is an inevitable effect when any development takes place. Such effects will be temporary in nature and can occur "as of right" with any permitted construction activity. It is expected that all work will be carried out in compliance with the noise requirements set out in the Operative and proposed District Plan and the use of machinery during construction phases will be governed by the New Zealand Standard for Construction Noise (NZS6803:1999) or any subsequent amendment.

Furthermore, any activities are subject to the noise standards as set out in the District Plan and also controlled by Sections 16 and 17 of the Resource Management Act. Conditions of Consent restricting construction hours can also be employed to ensure the avoidance, remediation and/or mitigation of actual of potential adverse effects.

Other Matters

Section 104(1)(c)

Precedent/District Plan Integrity

Aside from the fact as a permitted activity there should be no issues of precedent and plan integrity, the specific characteristics and uniqueness of the site, we do not believe precedent or plan integrity effects will arise as a result of this application in terms of Section 104(1)(c). Specifically:

- The use is specifically provided for within the Plains Production Zone.
- Commercial Activities have been established on the site for approximately 20 years
- The development will not result in the loss of land currently used for Plains Production purposes
- Given its proximity to the Napier/Hastings Expressway, the location of the site is ideal for the proposed use as a Fuel Stop
- For the above reasons, consideration of alternative sites is not deemed necessary

Furthermore, as discussed in Section 7 below, the proposal is considered consistent with the relevant Objectives and Policies for the Plains Production zone, as set out in the Proposed Hastings District Plan.

The proposal does not, therefore, pose a threat to plan integrity or precedent. The site also demonstrates uniqueness insofar as a more intensive commercial use that provides a clear and demonstrated permitted activity baseline not known to be replicated elsewhere in the area. The Local Authority to approve similar developments at other sites within the Plains Production Zone. Ecosystems, Cultural and Spiritual Effects

The proposed development will not have any adverse effects on natural or physical resources having aesthetic, recreational, scientific, historical, spiritual or cultural or other special value for present or future generations. Additionally, the proposed development will have no adverse environmental effects on flora or fauna or animals or any physical disturbance of habitats in the vicinity. No Wāhi Tapu site has been identified within the District Plan.

Natural Hazards

A Geotechnical Assessment Report for the site has been carried out by WSP-Opus and is included at Appendix G. It is concluded that the liquefaction risk at the site under ULS conditions if potentially severe and specific recommendations are made to limit damage to foundations under ULS events. It is noted that only relatively minor structures are proposed as part of this application.

Odour

There will be no odours which will have an adverse effect on amenity and the quality of the environment for people living in the area.

Monitoring

In terms of Clause 1(i) of the Fourth Schedule to the Resource Management Act, no monitoring is proposed as the scale or significance of the subject activity's effects are such that monitoring will not be required, other than that undertaken by the Council as part of its normal consents monitoring programme.

Alternative Location or Methods

Clause 1(b) of the Fourth Schedule to the Resource Management Act 1991 requires a description of any locations or methods for undertaking the activity where there is a significant adverse effect. In this regard the proposed development does not represent a significant adverse effect on the environment and therefore any assessment of alternatives is not required.

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

The National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NESCS) is a nationally consistent set of planning controls and soil contaminant values. It ensures that land affected by contaminants in soil is appropriately identified and assessed before it is developed - and if necessary the land is remediated or the contaminants contained to make the land safe for human use.

The NES applies to any "piece of land" on which an activity or industry described in the current edition of the Hazardous Activities and Industries List (HAIL) is being undertaken, has been undertaken or is likely to have been undertaken.

The NES in Section 5 Application states:

- (4) An activity is disturbing the soil of the piece of land, which-
 - (a) means disturbing the soil of the piece of land for a particular purpose:
 - (b) does not include disturbing the soil of the piece of land, whatever the purpose, if the land is land to which regulation 33(9) or 36 of the Resource Management (National Environmental Standard for Electricity Transmission Activities) Regulations 2009 applies.
- (6) An activity is changing the use of the piece of land, which means changing it to a use that, because the land is as described in subclause (7), is reasonably likely to harm human health.

Land covered

- (7) The piece of land is a piece of land that is described by 1 of the following:
 - (a) an activity or industry described in the HAIL is being undertaken on it:
 - (b) an activity or industry described in the HAIL has been undertaken on it:
 - (c) it is more likely than not that an activity or industry described in the HAIL is being or has been undertaken on it.
- (8) If a piece of land described in subclause (7) is production land, these regulations apply if the person wants to—
 - (a) remove a fuel storage system from the piece of land or replace a fuel storage system in or on the piece of land:
 - (b) sample or disturb-
 - (i) soil under existing residential buildings on the piece of land:
 - (ii) soil used for the farmhouse garden or other residential purposes in the immediate vicinity of existing residential buildings:
 - (iii) soil that would be under proposed residential buildings on the piece of land:
 - (iv) soil that would be used for the farmhouse garden or other residential purposes in the immediate vicinity of proposed residential buildings:
 - (c) subdivide land in a way that causes the piece of land to stop being production land:
 - (d) change the use of the piece of land in a way that causes the piece of land to stop being production land.

Land not covered

(9) These regulations do not apply to a piece of land described in subclause (7) or (8) about which a detailed site investigation exists that demonstrates that any contaminants in or on the piece of land are at, or below, background concentrations.

The site has been used as a garden centre/plant nursery with extensive greenhouses. This is a use that is included on the Hazardous Industries and Activities List (HAIL) due to the potential for persistent use of chemicals (pesticides) to have resulted in residual elevated levels of contaminants within site soils. As a HAIL site, the proposed development is subject to the investigation and reporting standards of the NESCS.

Pursuant to Section 9(4), if the requirement for a permitted activity 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.
- (4) The matter over which control is reserved is the adequacy of the detailed site investigation, including-
 - (a) site sampling:
 - (b) laboratory analysis:
 - (c) risk assessment.

A Detailed Site Investigation (DSI) has been completed for the site, a copy of which is provided at Appendix I. The DSI undertook sampling across the site and these samples were tested for a range of priority heavy metals and organochlorine pesticides. The testing of the soil samples revealed contaminant concentrations at levels well below the applicable Soil Contaminant Standards and other relevant guideline criteria for the proposed commercial/industrial use.

In this case, the sampling has been supervised by a Suitably Qualified and Experienced Person (SQEP) and undertaken by an accredited laboratory. The investigation and reporting therefore accords with the established NESCS guidance. As the compliance of the site with the relevant Soil Contaminant Standards has been established by way of a detailed site investigation, Regulation 9 of the NESCS classifies the proposal as a **Controlled Activity**.

7.0 OBJECTIVES & POLICIES OF THE DISTRICT PLAN

As required by the Resource Management Act 1991, the Proposed Hastings District Plan (as amended by Decisions on Submissions) goes further to stipulate a number of Objectives, Policies and methods that apply to the subject zone. The primary focus of these is to address those issues the Council considers to be significant in carrying out its functions under the Resource Management Act 1991.

The following objectives and policies are considered to be relevant to the assessment of this application:

Section 6.2.3 - Plains Production Zone

 OBJECTIVE PP01 - To ensure that the versatile land across the Plains Production Zone is not fragmented or compromised by building and development.

- POLICY PPP1 Encourage the amalgamation of existing Plains Production Zone lots into larger land parcels.
- POLICY PPP3 Limit the number and scale of buildings (other than those covered by Policy PPP4)
 impacting on the versatile soils of the District.
- POLICY PPP4 To enable land based primary production, including by providing for directly associated
 accessory buildings where they are not of such a scale as to adversely affect the life-supporting capacity
 of the versatile land resource and which are consistent with the rural character of the Zone.
- POLICY PPP7 Establish defined urban limits to prevent ad hoc urban development into the Plains Production Zone.

<u>Discussion</u>: The land has been fragmented somewhat by previous subdivision, however an area of approximately 3,500m² will be returned to primary productive use as a result of the proposal and there is the opportunity for this land to be amalgamated with the adjacent land at a future time.

The existing buildings on the site – totalling 7,339m² - will be removed as part of the development and the structures associated with the fuel stop will total less than 15m². Structures within the site will include a total of 4 pump islands, each with a small canopy over the "Pump'n'Pay" facility. These structures are minor in nature and will not appear visually obtrusive within or outside the subject site. No retail buildings or offices are proposed as part of the development and it therefore does not represent ad hoc urban development of the site.

- OBJECTIVE PPO2 To provide for flexibility in options for the use of versatile land.
- POLICY PPP8 Provide for industrial and commercial activities in the Plains Production Zone where
 they are linked to the use of the land and with limits on scale and intensity to protect soil values and
 rural character.

<u>Discussion</u>: Given the removal of the existing extensive buildings, the site will be visually improved and the proposal makes wise use of the existing land resource. The overall activity is not considered to be incompatible to the existing and established use of the site or the rural character of the surrounding area. The fuel stop represents an appropriate activity given the proximity to the Napier/Hastings Expressway and this further supports the proposed use.

The application complies with required yard setbacks and other expected bulk and location requirements. Overall the proposed activity is considered consistent with the above anticipated outcomes. The appended photographs show the existing and receiving environment and clearly demonstrates the existing clutter and density of structures onsite and how the open character of the rural area will be enhanced by the proposal.

- OBJECTIVE PPO3 To retain the rural character and amenity values of the Plains Production Zone.
- POLICY PPP13 Require that any new development or activity is consistent with the open and low scale nature that comprises the rural character and amenity of the Plains Production Zone.
- POLICY PPP14 Require that any new activity located within the Plains Production Zone shall have a level of adverse effects on existing lawfully established uses that are no more than minor.
- POLICY PPP15 Noise levels for activities should not be inconsistent with the character and amenity
 of the Plains Production Zone.

<u>Discussion:</u> As noted, more than a quarter of the area of the site will be returned to land based primary production use as a result of the proposal. The open nature of the site will clearly be improved given the removal of all existing buildings and the minor nature of the structures associated with the proposed fuel stop.

The nearest residential property is located to the north of the proposed car and truck fuelling stations. The proposed use does not represent a high noise-generating activity and the operation of the site will be required to meet the relevant noise and light standards for the Plains Production Zone, as set out in the District Plan.

It is contended that the effects of the proposed use will be no more onerous than the general activities expected and permitted within the Plains Production Zone.

Any noise generated from the site is unlikely to have any significant impact on the character and amenity of the Plains Production Zone.

- OBJECTIVE PPO7: To ensure the integrated management of the land and water resources on the Heretaunga Plains.
- POLICY PPP19 Work collaboratively with the Hawke's Bay Regional Council to manage land uses that
 impact on water quality and quantity.

<u>Discussion:</u> Due to the storage of hazardous substances, stormwater discharge from the site is classed as a Controlled Activity pursuant to Rule 43 of the Hawkes Bay Regional Resource Management Plan. All necessary consents will be obtained from HBRC prior to commencement of the use and an advice note is considered sufficient in this regard.

Section 26.1.3 Transport and Parking

- OBJECTIVE TPO1: Ensure that subdivision and land use are integrated with the transportation network
 in a manner that provides for the efficient and sustainable movement of people and goods in a safe
 manner.
- POLICY TPP1 Ensure that subdivision and land use are integrated with the transport network and that traffic effects are mitigated, including through the use of sustainable transport modes.
- POLICY TPP4 Protect the strategic and arterial transport networks from inappropriate development.
- POLICY TPP5 Require turning areas on sites where road safety may be compromised by vehicles reversing onto or off the site.
- POLICY TPP6 Control the width and position of access points to each property to minimise the adverse
 effects of manoeuvring and queueing vehicles, the potential effects on pedestrian safety and the effects
 on streetscape amenity.

<u>Discussion</u>: A fuel stop is considered an appropriate use for the site, given its proximity to the Expressway. By its very nature, the proposed land use facilitates the efficient, sustainable and safe movement of the large number of motorists using the expressway. The site is sufficiently large that it easily allows for safe manoeuvring and circulation of traffic. The twin access points are designed in accordance with the requirements of the District Plan and the recommendations contained in the Traffic Impact Assessment submitted with the application (see Appendix E).

- OBJECTIVE TPO2: To establish and maintain an efficient and effective parking regime that meets the
 present and future needs of the community.
- POLICY TPP8 Require land owners and occupiers to provide off-street parking, access and loading facilities which are appropriate to the demands of the activities carried out on their sites and which do not negatively impact on the amenity of the streetscape.
- POLICY TPP10 Establish appropriate design standards for car parking spaces and parking and loading areas.

<u>Discussion</u>: The number of parking spaces would be significantly reduced from 66 spaces to 23 spaces, which reflects the change in use of the site. There is no retail element as part of the proposal, however the proposed number of spaces is considered appropriate in terms of providing a short "layover" area and surplus parking in the (unlikely) case that all filling stations are occupied.

Section 27.1.3 Earthworks

- OBJECTIVE EMO1: To enable earthworks within the Hastings District while ensuring that the lifesupporting capacity of soils and ecosystems are safeguarded and adverse effects on landscapes and human health are avoided, remedied or mitigated.
- OBJECTIVE EMO2: To ensure that investigations into the Hastings District's mineral resources, and their utilisation, occur in such a manner that the life-supporting capacity of air, water, soil and ecosystems is safeguarded and that adverse effects on the environment are avoided, remedied or mitigated.
- POLICY EMP1 Require the repastured or revegetation of land where vegetation is cleared in association with earthworks, prospecting and extraction of aggregates or other minerals.
- POLICY EMP3 Protection of productive soils within the District from large-scale stripping, stockpiling, alteration and removal to ensure the land can still support a range of productive land uses.
- POLICY EMP5 Control earthworks, exploration and mining activities to ensure that any adverse effects
 on the natural and physical environment, and the amenity of the community, adjoining land uses and
 culturally sensitive sites are avoided, remedied and mitigated.

<u>Discussion</u>: Relatively minor earthworks are required to facilitate the levelling and resealing of the site (where necessary) and installation of the fuel storage tanks. It is also noted that there are existing water tanks at the southwest corner of the site, which will be removed as part of the development.

No productive soils will be lost as part of the development and the eastern area of the site will be repastured and therefore returned to land based primary productive use.

The proposed earthworks will be of a temporary nature only and will be governed by relevant noise and construction standards. It is considered that any impact on the physical environment or the amenity of adjoining land uses will be less than minor.

 OBJECTIVE EMO5: To ensure that earthworks and mineral extraction do not compromise outstanding natural features, historic heritage and cultural heritage features (including archaeological sites).

<u>Discussion:</u> The site is not in the vicinity of any outstanding natural features, historic heritage or cultural heritage features.

Section 28.1.3 Advertising Devices and Signs

- OBJECTIVE ADSO1: To provide for a range of advertising devices to meet the needs of the District's
 communities which do not cause a nuisance, distraction or hazard to other activities, vehicular traffic or
 pedestrians, or detract from the visual amenities or character of the environment where they are
 located
- OBJECTIVE ADSO2: Avoid, remedy or mitigate the effects of advertising devices on heritage values.
- POLICY ADSP1 Provide for a diversity of advertising devices that allow for flexibility in the design and style of the device and create diversity and interest in the environment, whilst mitigating any adverse
- POLICY ADSP2 Ensure that the size and bulk of advertising devices are consistent with the expected amenity levels of each Zone by establishing limits on the Advertising Devices in each Zone of the Hastings District.
- POLICY ADSP3 To provide for illuminated Advertising Devices both internally (including electronic or externally), where they are of a size and intensity that is suitable for the location.
- POLICY ADSP5 Restrict the location and siting of Advertising Devices within, or overhanging, road reserves and public places.
- POLICY ADSP7 Ensure that the location of advertising device and the mediums used for advertising and signs are controlled through the District Plan to maintain the safety and efficiency of Hastings District's transport network.

<u>Discussion:</u> The most significant advertising sign proposed is the 9m-high "totem pole" sign located near the southwest corner of the site. This is considered necessary to assist in guiding motorists to the fuel stop from the Napier/Hastings Expressway and is a standard type of advertising device for service stations and fuel stops. Other signage would be of a relatively modest nature, including branded pumps and canopies, informational signage and directional signs at the access points and within the site.

It is considered that the proposed size and scale of the proposed signage is appropriate for the location and is based around function and safety as opposed to pure advertising purposes.

Section 29.1.3 Hazardous Substances

- OBJECTIVE HSO1 To protect the community and natural environment from the adverse effects associated with the manufacture, use, storage or transportation of hazardous substances.
- OBJECTIVE HSO2 To enable activities to utilise hazardous substances where necessary for their
 operations, in appropriate locations.
- POLICY HSP1 To ensure that activities are able to utilise hazardous substances in compliance with relevant regulations as necessary to their operation, without being compromised by 'reverse sensitivity' (that is, by residential or other sensitive activities moving closer and seeking higher amenity levels, including reduced risks from hazardous substances).
- POLICY HSP2 Ensure that major hazardous facilities are appropriately sited and managed in order to reduce risks to the environment and community.

<u>Discussion:</u> The proposed 2 x 70,000L tanks will be double-walled, corrosion-proof, fibreglass Envirotanks supplied and installed by Maskell. Envirotank and Maskell are world leaders in their field and all construction and associated works will be carried out to EPA standard.

Waitomo's Environmental Response Plan has been submitted with the application. This covers methods for preventing discharge of hazardous substances to the environment, containment and clean-up procedures, training requirements, methods of disposal and other procedural matters.

Section 104

Subject to Part 2 of the Resource Management Act 1991, Section 104 of the Act states the matters the Council must have regard to when considering this application.

In considering Section 104 of the Resource Management Act 1991, we conclude that again any adverse effects resulting from this proposal will be no more than minor if appropriate conditions are attached to any approval.

Again, it can be said that the proposal will not be contrary to the Objectives and Policies of the District Plan for the purposes of a Section 104 assessment.

There are no provisions in terms of National Policy Statements or NZ Coastal Policy Statement that are relevant to this application.

Approving this application will not compromise the integrity or undermine public confidence in the District Plans administration and is in accordance with Section 104 of the Resource Management Act 1991.

8.0 CONSULTATION

Clause 6(1)(f) of the Fourth Schedule to the Resources Management Act 1991 requires that any consultation or affected persons are identified as part of the assessment of environmental effects.

Consultation has been undertaken with NZTA and the proposed access layout was agreed as a direct result of this consultation. Given that the site does not directly adjoin the State Highway and that there is no access to the State Highway, it has been confirmed by NZTA that no formal consultation is required.

Given the activities allowed by the existing resource consent, the permitted status of the commercial element of the proposal, the nature of the proposed use and compliance with the relevant District Plan standards and conditions, it is considered that the impact on neighbouring occupiers will no more than minor.

The less than minor nature of any effects deems that no other party is considered to be adversely affected and therefore no further consultation has been undertaken.

9.0 PART 2 CONSIDERATION

It is considered that the proposed subdivision will not be contrary to the provisions of Part 2 of the Resource Management Act and represents sustainable management as envisaged by Section 5 of the Act.

Section 5 - Purpose

The purpose of the Resource Management Act is outlined in Section 5. This section relates to the promotion of the sustainable management of natural and physical resources, while enabling people and communities to provide for their social, economic and cultural wellbeing and for their health and safety. It promotes business growth.

The proposal is aligned with the purpose of Section 5 of the Resource Management Act as it enables people and communities to provide for their social, economic and cultural wellbeing.

The proposed will be enabling for the applicant, local businesses and members of the wider community.

The proposal does not threaten the life supporting capacity of air, water, soil or ecosystems. In terms of the social, economic and cultural wellbeing of people and communities for their health and safety³, the proposed development does not threaten the existing environment or create any potential adverse retail distribution effects.

Given the activities are compatible with the Plains Production Zone, the approval of this application will provide the certainty expected for the area and reinforces the character and amenity of the area. It will represent the consistent administration of the Proposed Hastings District Plan.

³ See Section 5(2) of the Resource Management Act 1991

Section 6 - Matters of National Importance

Section 6 of the Resource Management Act sets out the matters of National Importance that the Council shall recognise and provide for in exercising its responsibilities under the Act. No Matters of National Importance are relevant to this application.

Section 7 - Other Matters

Section 7 sets out matters that must be given particular regard when considering a Resource Consent application. Of relevance to this application are:

- (b) The efficient use and development of natural and physical resources.
- (c) The maintenance and enhancement of amenity values.
- (f) Maintenance and enhancement of the quality of the environment.

It is determined that the proposed development will be appropriate in terms of the efficient use and development of natural and physical resources, and the maintenance of both amenity values and the quality of the environment will be enhanced.

Section 8 Matters

Section 8 of the Act provides for the Council to take into account the principles of the Treaty of Waitangi. There do not appear to be any specific Treaty issues requiring direct consideration.

10.0 SUMMARY

As summarised and assessed in this report, consent is sought from Hastings District Council for the following activities:

- Commercial Activity not complying with requirement for one person resident onsite Non-Complying Activity (Performance Standard 6.2.6D(1), Rule PP39)
- Commercial Activity not complying with standard for hours of operation and total building coverage – Restricted Discretionary Activity (Performance Standards 6.2.6D(2) and 6.2.5J, Rule PP24)
- Building coverage (including hardstand and sealed areas) exceeding 1500m² specified at 6.2.5J – Restricted Discretionary Activity (Rule PP24).
- Earthworks proposal exceeding the extent of earthworks allowed as a Permitted Activity Discretionary Activity (Performance Standard 27.1.6A, Rule EM10)
- Hazardous Substances proposal defined as a Major Hazardous Facility due to storage of greater than 50,000L of diesel – Discretionary Activity (Rule H53)
- Advertising proposal exceeding maximum area of advertising devices allowable as a Permitted Activity – Restricted Discretionary Activity (Rule ADS5)
- 9m-high, free-standing pylon sign failing to meet the yard setback specified in 6.2.5B Restricted Discretionary Activity (Rule PP24).

 National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health - Controlled Activity (Section 9).

The principle of the proposed use as a service station/fuel stop cannot be seen as contrary to the main provisions for the Plains Production Zone or the overall intent of the relevant Objectives and Policies outlined in the Proposed District Plan (as amended by Decisions).

A comparison between existing and proposed activities for the site is considered a material consideration in this case and it has been demonstrated that there will be a significant reduction in building coverage and overall site coverage, removal of all existing retail/office floor area and repasturing of the northern section of the site.

Given the existing consented commercial activities onsite, the location of the site and the nature of proposed activities, it is considered that the actual or potential effects of this proposal are no more than minor and that the overall development will be consistent with the relevant Objectives and Policies of the Proposed Hastings District Plan.

On this basis, it is considered that Resource Consent should be granted pursuant to Section 104D of the Resource Management Act, subject to appropriate conditions.

Damon Gibson Town Planning Consultant

Development Nous Ltd

Development Nous Ltd
30th May 2018

Matthew Holder

Principal Planner/Director

30th May 2018

On Behalf of the Applicant - Waitomo Group Ltd

Ітем 2

Job number: H20180039 Project: Waitomo Service Station





COMPUTER FREEHOLD REGISTER UNDER LAND TRANSFER ACT 1952



Search Copy

Identifier HBM2/1280
Land Registration District Hawkes Bay
Date Issued 07 August 1989

Prior References

GN 181910

Estate Fee Simple

Area 1.2938 hectares more or less
Legal Description Section 1 Survey Office Plan 9886

Proprietors

Oderings Nurseries Chch Limited

Interests

Appurtenant hereto is a drainage right created by Transfer 163469

Subject to Part IV A Conservation Act 1987 Subject to Section 11 Crown Minerals Act 1991

Appurtenant hereto is a drainage right created by Transfer 163468 Appurtenant hereto is a drainage right created by Transfer 163467

Ітем 2



Attachment C

Job number: H20180039 Project: Waitomo Service Station



Site Photos - 11 Allen Road, Pakowhai



Existing site access



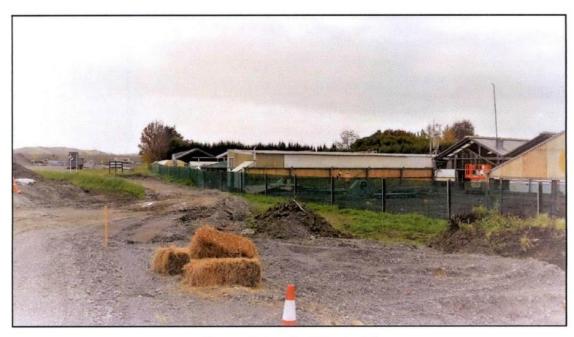
View eastward along Allen Road



View westward toward Pakowhai Road



Open watercourse, Allen Rd frontage



Western site boundary (Pakowhai Rd)



Ongoing roadworks, Expressway/Pakowhai Rd intersection



View eastward along Allen Rd frontage



Southwest site corner - existing signage, water tanks and buildings to be removed



Adjoining property access/eastern site boundary



Shelterbelt along eastern boundary/existing office & retail building



Northern part of site/shelterbelt eastern and northern boundaries



Northern part of site



Existing retail/office building to be removed



Existing buildings to be removed



Opposite side of Allen Rd



Police dog training centre – opposite side of Allen Rd

Job number: H20180039 Project: Waitomo Service Station



RMA20110203

Decision:

Pursuant to Rule 6.7.5 of the Hastings District Plan (Operative June 2003) and Section 104D of the Resource Management Act 1991, consent is Granted to Oderings Christchurch Limited, to undertake an IRP activity, and a Commercial Activity exceeding the 15% percentage ratio standard for goods displayed that are not produced onsite in the Plains zone, at 11 Allen Road Pakowhai, being SECT 1 SO 9886 CT M2/1280.

Subject to the Following Conditions:

- That the Intensive Rural Production and the Commercial (retail) activity shall proceed in accordance with the plans and information submitted in the application (ref: PID 54352, Resource Consent RMA20110203, application received on 8th July 2011 (TRIM:53568#0003), the Further Information received on 27th July 2011 (TRIM:53568#0006), the additional Further Information received dated 8 August July 2011 (TRIM:53568#0013).
- The 'plant' and 'dry goods' retail display areas shall be configured generally in accordance with area (m²) and layout plan TRIM:53568#0013
- The range of 'dry goods' retailed shall be restricted to the range specified in the application (TRIM:53568#0006).
- No more than 6 full time staff shall be employed on site at any one time to operate the commercial (retail) activity upon the site.
- The hours of operation for the retail activity shall be 8am to 5pm, (5.30pm September to February) seven days a week.
- All signage (advertising devices) on the site shall not exceed 2.5m² in area (visible from any one viewing position).
- That the onsite car parking and loading spaces shall be permanently marked and maintained as an 'all weather' surface.
- 8. Prior to the activity commencing on the site the applicant shall upgrade the existing vehicular entrance from Allen Road. The completed design shall relocate the gate to a minimum of 12m from the edge of the seal of Allen Road. The crossing shall be permanently surfaced by tar sealing or concreting in accordance with the engineering Code of Practice.

Advisory Note:

Prior to commencement of vehicle crossing upgrading works please confirm the vehicle crossing and gate location with Councils Development Engineer (Nick Beacock) ph 0275 999 473 or nicholasb@hdc.govt.nz

 That a monitoring deposit of \$170 (including GST) shall be payable to cover the reasonable costs of monitoring compliance with the above conditions in accordance with Council's schedule of charges.

TRIM Ref: 53568#0014

Page 1 of 5

In the event of non-compliance being detected by monitoring or justified complaint and/or the costs of monitoring consent exceeding the deposit, the costs to Council of any additional monitoring shall be paid by the consent holder in accordance with the Council's advertised schedule of fees.

With the Reasons for this Decision Being:

- Conditions 1 to 6 ensure that the activity proceeds in accordance with the plans and information submitted with the application.
- Condition 7 ensures that safe access is provided to the district roading network.
- 3. Condition 8 ensures that Council can recover the costs of any monitoring required.
- 4. The adverse effects of this proposal are minor, in that:
 - The proposal will not adversely affect the soil resource of the Plains Zone.
 - · All car parking will be provided on the site.
 - The site will be sufficiently screened and the total area (m²) of signage will be restricted to ensure plains and rural amenity values are maintained.
 - The sale of imported goods displayed for retail sale (i.e. those goods not produced on the site) will be secondary to the principle activity being IRP.
 - The primary driver for locating the activity on the site is to utilise the existing physical resources on the site.
 - The upgraded vehicle crossing will provide safe and convenient access to Allen Road.
 - The overall character of the activity will be consistent with the character and amenity values of the plains in context of the receiving environment.
- 5. The proposal is not contrary to the provisions of the Hastings District Plan, in that:
 - · The adverse effects are no more than minor;
 - No land currently used in production will be lost;
 - The primary use of the land will not be changed;
 - Plains and rural character and amenity values will be maintained; and
 - The granting of consent will not establish precedent and will not undermine the integrity of the District Plan.
- The application meets the requirements of the Resource Management Act 1991.

Attachment C

Recommended by:

Roger Wiffin

SENIOR ENVIRONMENTAL PLANNER (CONSENTS)

Decision issued under Delegated

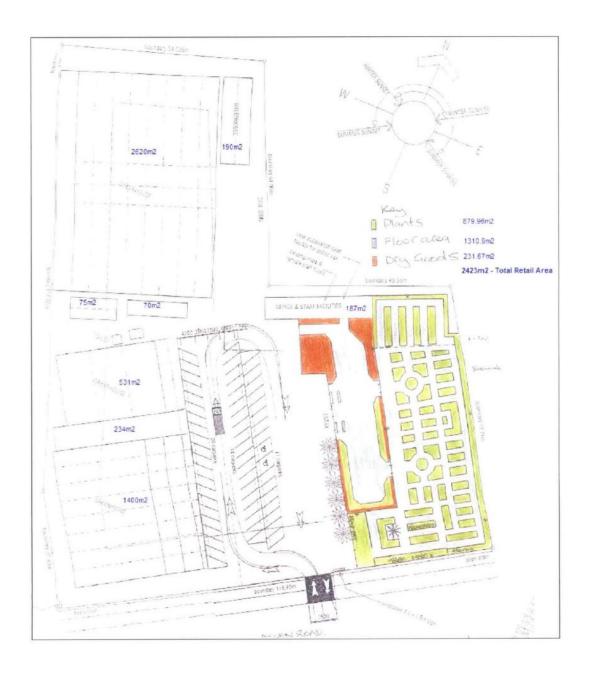
Authority by:

Katrina Brunton

ENVIRONMENTAL CONSENTS MANAGER

<u>Date:</u> 18 August 2011

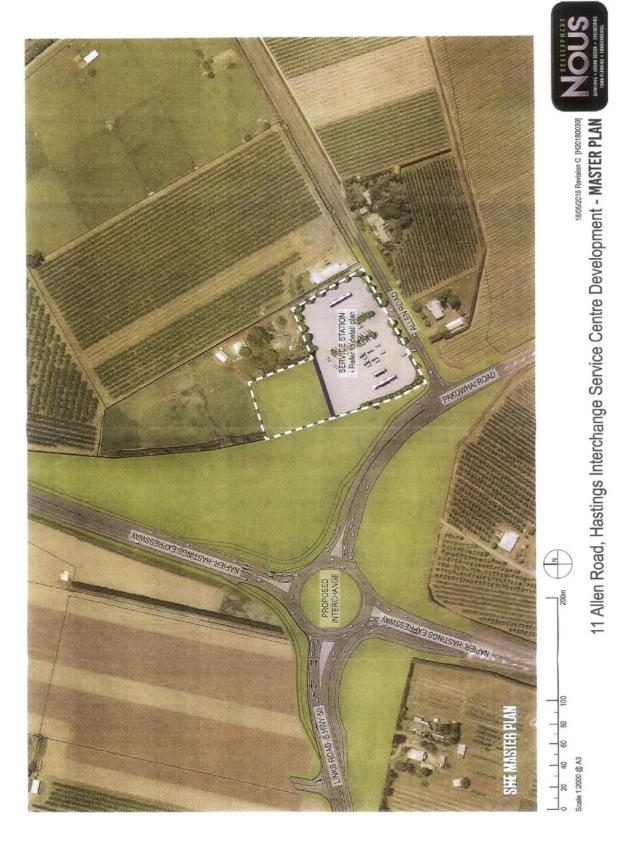
Ітем 2



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Appendix D





Sheet 2



speet 3

11 Allen Road, Hastings Interchange Service Centre Development - EXISTING SITES + SIGNAGE

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18/05/2018 Revision C [H20180039]

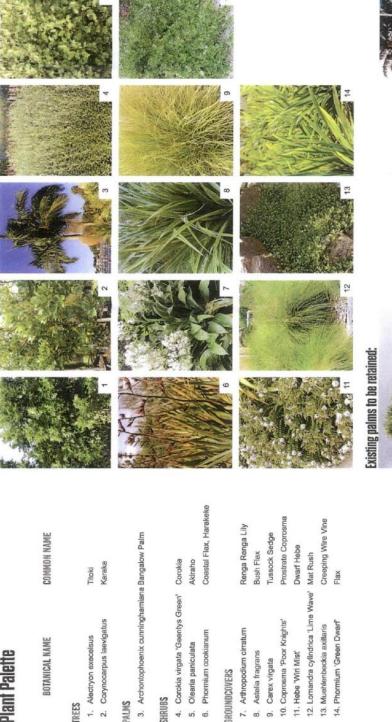


Attachment C

11 Allen Road, Hastings Interchange Service Centre Development - PLANTING PALETTE

18/05/2018 Revision C [H20180039]

Plant Palette



SHRUBS







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Job number: H20180039 Project: Waitomo Service Station

APPENDIX E

Traffic Impact Assessment (Traffic Solutions Ltd)



PROPOSED SERVICE CENTRE

11 ALLEN ROAD, PAKOWHAI

Traffic Impact Assessment

Date: Issue A: 16 April 2018

Client: Brad Nicol

Expressway Development Limited

47 Napier Road Havelock North

File: 916TIA.docx

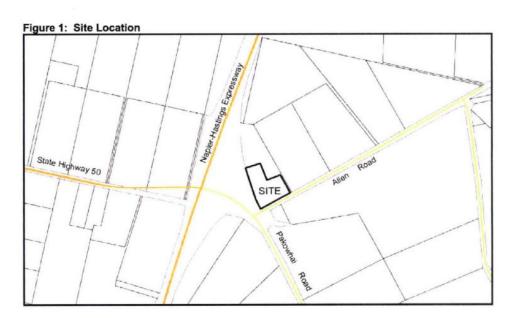
Attachment C

Traffic Solutions Ltd

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1. INTRODUCTION

This report assesses the traffic effects of a proposed new service centre to be constructed at 11 Allen Road in Pakowhai. The site is located at the northeastern corner of the intersection of Allen Road with Pakowhai Road, as indicated on Figure 1. The site has frontage to both roads.



At the time of writing this report, the intersection of the Napier-Hastings Expressway (State Highway 50) and Pakowhai Road is being reconstructed to a new roundabout control, with a realignment of the western end of Pakowhai Road. That part of Allen Road close to its intersection with Pakowhai Road will also be reconstructed,

This report assesses the proposal against transportation rules in the District Plan. It also describes the surrounding transport environment as will exist when the current road construction is complete. Also assessed are the site access arrangement, the amount of traffic that the development will generate and its effect on the road network, access for service vehicles including fuel delivery vehicles, the adequacy of on-site parking, and the layout of the site.

2. EXISTING AND PROPOSED DEVELOPMENTS

The site is presently occupied by a garden centre and associated greenhouses. The building that the garden centre presently occupies may or may not be retained. This assessment considers both scenarios, with and without the building.

The layout of the proposed new development is shown on the master plans prepared by Development Nous Limited (drawing ref H20170153 Revision A dated 27/03/2018). The master plans show two options as follows:

Attachment C

Traffic Solutions Ltd

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Option 1:

- service station forecourt with 8 service positions
- truck stop with 4 service positions
- 23 carparking spaces (existing parking to be retained)

Option 2:

- · service station forecourt with 8 service positions
- truck stop with 4 service positions
- 29 carparking spaces (existing parking to be retained)
- retention of existing garden centre building, although no specific use of the building has been considered at this time. The building has a 528m² gross floor area.

There will be no mechanical workshops.

The site is presently accessed by one vehicle crossing, which is located on the Allen Road frontage. The existing vehicle crossing will be retained. A second vehicle crossing will be constructed to its south, on the same frontage.

3. **DISTRICT PLAN REQUIREMENTS**

3.1 Road Classifications

Nearby roads are classified in the Council's road hierarchy as follows:

Napier-Hastings Expressway (SH50, 50A) strategic route Pakowhai Road arterial Allen Road local

3.2 Zone

The site is located in the Plains Production zone in the operative Hastings District Plan.

Parking Space Requirement

There is no requirement to provide any parking in Option 1 because there will be no building.

Table 26.1.6.1.4 in the District Plan requires parking for Option 2 as follows:

Commercial activity: 528m² shop @ 1 space per 50m² 11 (undetermined)

With 23 spaces proposed in Option 1 and 29 spaces proposed in Option 2, both options will exceed the requirement.

NZS4121: 2001 "Design for Access and Mobility - Buildings and Associated Facilities" requires that 2 disabled spaces should be provided, where the total parking is in the range 21 to 50 spaces. Appendix 71 in the District Plan specifies that not less than 2 disabled

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spaces be provided where the total number provided in the range 11 to 100 spaces. Two disabled spaces already exist among the parking to be retained, in both options, in accordance with both Standards.

3.4 Loading Space Requirement

Rule 26.1.6C requires that one loading space be provided. While no loading spaces are specifically marked on the plans, the site is a large one where there is ample room to accommodate servicing activity. The requirement is effectively met.

3.5 Vehicle Access

Table 26.1.6.1.2 requires vehicle accesses to commercial and industrial activities on 1 to 3 lots in rural areas to have at least 3m formed width.

Both crossings will exceed the minimum width requirement.

4. EXISTING ROAD AND TRAFFIC ENVIRONMENT

Allen Road is presently 5.2m wide between seal edges. The road is unkerbed. It has a straight and level alignment, with clear visibility along it. Part of the roadway in the Pakowhai Road intersection vicinity is about to be kerbed and widened slightly as part of the current road reconstruction.

Pakowhai Road is a two-laned rural road. Near Allen Road it varies in width because it widens to accommodate right turn bays with hatched tapers, into Allen Road and Link Road East, opposite. That part between Allen Road and the Napier-Hastings Expressway is being reconstructed and realigned to provide two approach lanes to the new roundabout intersection with the Expressway. There will also be a kerbed median strip to separate the opposing traffic lanes along that part.

Link Road East is being removed permanently, as part of the road work.

The legal speed limit on Allen Road and Pakowhai Road is 80 km/h, although vehicle speeds on Allen Road next to the site are no more than about 70 km/h due to the proximity of the intersection.

The Napier-Hastings Expressway is a two-laned rural highway, although it is currently being widened to provided two arrival and two departure lanes in the vicinity of the new roundabout.

Traffic count data shows that roads in the site vicinity carried the following average daily traffic volumes in 2016:

	Pakowhai Road	12,000 vehicles per day
•	Links Road	5,000 vehicles per day
•	Napier-Hastings Expressway (N of Pakowhai)	26,000 vehicles per day
•	Napier-Hastings Expressway (S of Pakowhai)	17,000 vehicles per day

On the Expressway north of Pakowhai Road, a weekday commuter hour flow of 2,444 vehicles per hour has been counted, and 2,581 vehicles were counted in the weekday evening commuter peak hour.

-5-

During the 5-year period 2013 to 2017 the following accidents were recorded to have occurred on Pakowhai Road within 200m of the intersection at Allen Road.

Table 1: Accident History

Accident Type	Allen/Pakowhai Intersection	Pakowhai Road (mid-block)
Manoeuvring	1	1
Lost control	-	1
Rear end in queue	-	1
Lane change/overtaking	-	1
Totals	1	4

Out of all of the accidents represented in Table 1, two caused minor injuries.

No accidents were recorded on Allen Road within 200m of the site, during the same period.

The records do not show any obvious existing traffic safety issues on this part of the network.

It is expected that the current road upgrade will improve road safety where Pakowhai Road and Links Road intersect with the Expressway.

5. TRAFFIC GENERATION

5.1 General

The following sources have been used to assess the likely traffic generation of the proposed service station:

- New Zealand Trips and Parking Database (NZTPDB)
- Institute of Transportation Engineers (ITE) "Trip Generation 7th Edition"
- Roads and Traffic Authority New South Wales (RTA) "Guide to Traffic Generating Developments"
- Traffic generation surveys carried out by Traffic Solutions Limited at other similar activities elsewhere.

5.2 Trip Generation of Proposed Service Centre

The traffic generation characteristics of service stations vary widely depending on passing traffic flows, popularity, fuel prices and selection of other merchandise offered for sale.

ITE suggests that the peak average rate of traffic generation of service stations is 12 to 15 vehicle trips per hour (tph) per fuel service position. With 8 existing service positions, that equates to between 95 and 120 tph at the site accesses.

Surveys I have carried out at other sites in the past indicate that service stations operating well can generate between 110 and 150 tph.

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For this assessment I have estimated that the service station part of the proposal in Option 2, which will conceivably include a convenience shop within part of the building, will generate a maximum flow up to about 150 tph at the site accesses.

Lower flows are likely to be generated by the forecourt in Option 1 because it will merely dispense fuel. A lack of forecourt service and a cashier to accept payment in person, and no convenience shop, will deter some potential customers from using the facility. NZTDPB data shows that unmanned service stations most typically generate between 80 and 120 tph.

Counts we have carried out elsewhere show that truck stops generate 10 to 20 truck movements per hour.

Most traffic turning in and out of service stations are "pass-by" or "diverted-linked" trips. Pass-by trips are trips that are already on the road network but just turn into a site on the way past. These are not additional flows on the road network although they do generate turn movements at the site accesses (in this case, trips along Pakowhai Road that turn into the site on the way past would be pass-by trips). Diverted-linked trips are those that are already on the network heading elsewhere but deviate somewhat in their journey to call into a site (in this case, trips along the Napier-Hastings Expressway that turn into Pakowhai Road and then into the site, and then return to the expressway, would be diverted-linked trips). ITE suggests that about 85% of traffic turning at service station accesses is pass-by or diverted-linked traffic. Assuming that will be the case at this site then the service station and truck stop combined will only generate about 25 new vehicle trips per hour on the road network.

The building in Option 2 could contain any commercial land-use, but for this assessment I have assumed that it will contain café and restaurant activities. These activities are high traffic generators compared to most other commercial activity and therefore this assessment provides a "worst-case" scenario. Restaurants typically generate up to about 50 tph per 100m² of floor area. Deducting say, 150m² for a service station convenience shop, this equates to 190 tph for the balance of the building. However, I estimate that about 30% of trips for refreshments will also refuel in the same visit, so the balance of the building would generate an additional 135 tph in addition to the service station and truck stop forecourts. ITE also indicates that about 60% of visits to high turnover restaurants are pass-by or diverted-linked trips, and on that basis the building will generate about 55 new or primary trips in addition to the two forecourts.

In summary, I predict that Option 1 will generate 120 tph at the site accesses, of which 20 tph will be new trips on the transport network that are presently not occurring. Similarly, I predict that Option 2 will generate 305 tph at the site accesses, of which 80 tph will be primary trips on the transport network that are presently not occurring.

5.3 Trip Generation of Existing Garden Centre

NZTPDB indicates that garden centres can generate traffic at ratios between 21 and 28 tph per 100m² of shop area. Surveys I have carried out at other garden centres gives ratios between 27 and 29 tph per 100m², which are very similar to those in NZTPDB. Using an assumed ratio of 27 tph per 100m², the existing garden centre on the site could potentially generate up to about 135 tph in a peak hour.

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In previous reporting by others on this particular garden centre when resource consent was being sought, it was estimated that the activity would generate up to 96 tph, which is somewhat lower than my estimate. In my opinion this estimate is a little too low.

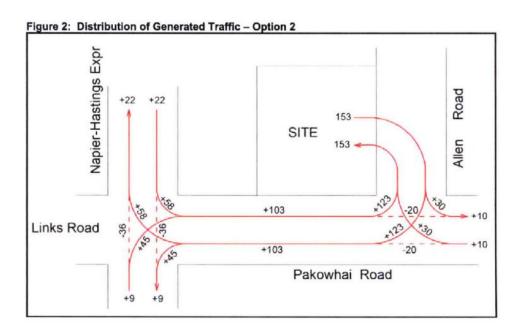
Since garden centres are usually destinations in their own right, it is unlikely that the existing garden centre generates a significant number of pass-by or diverted-linked traffic.

Option 1 will therefore generate a similar or slightly fewer number of turn movements at the site accesses than could already be occurring, but will bring about a significant overall reduction in traffic flow on the surrounding network.

Option 2 will generate an increased number of turn movements at the site accesses than could potentially occur at the present time, but will bring about a slight reduction in traffic flow on the surrounding network.

5.4 Distribution of Generated Traffic

Figure 2 shows how I consider that Option 2 traffic flows will typically be distributed on the transport network in the vicinity, during a one-hour peak period of demand. Only Option 2 traffic flows are shown because it will generate the higher flows of the two options and therefore will have the greatest effect on the operation of the network.



Due to the pass-by and diverted-linked trips, the numbers of through movements on the Napier-Hastings Expressway at Pakowhai Road, and on Pakowhai Road at Allen Road, will decrease, because those vehicles will turn off to access the site. Examination of the overall changes in traffic flows on the transport network, and allowing that the removal of the garden centre will reduce flows, the flows that the proposed development will generate will not be significant.

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In my opinion the traffic flows that the service centre will generate will be easily catered for on the transport network.

SITE ACCESS

Two vehicle crossings will be provided on the Allen Road frontage of the site. The northern access already exists and will be retained. The southern access will be new. The accesses shown on the master plans suggest that both accesses would accommodate all turn movements.

Available sight distances have been measured from the two vehicle crossings on Allen Road. These are summarised in Table 2 as follows:

Table 2: Sight Distances at Vehicle Accesses

Access	Available Sight Distance	Recommended Minimum
North crossing	300m+	90m (to Pakowhai int)
South crossing	300m+	45m (to Pakowhai int)

The recommended minimum specified in the New Zealand Transport Agency publication RTS 6 "Guidelines for Visibility at Driveways" is 85m at property accesses on local roads operating at 70 km/h.

Sight lines towards the north exceed the recommendation by a significant margin from both accesses. The sight line to the south from the north access just exceeds the recommendation. However, the sight line to the south from the south access falls short of the recommendation.

The service centre will attract large multi-rig trucks. These vehicles are slow to move at property accesses, and therefore I consider that they have a potential to obstruct other traffic on Allen Road if they were to exit from the site at the south access.

Furthermore, any types of vehicles exiting from the southern access could cause conflict with vehicles turning into Allen Road from Pakowhai Road due to the limited visibility and proximity of the access to the intersection.

For these reasons I recommend that the south access be used as a left turn entry only. All exit movements from the site will therefore need to occur at the north access.

To help achieve this, it is recommended that the south access be no wider than 9m at the site boundary, which is the minimum needed to enable large truck rigs to left turn into the site, and the apron shaped in sympathy with the left turn entry movement. Keeping the width minimal will help to deter drivers within the site using the south access as an exit. In addition, "No Exit" signs should be erected, one each side of the access, facing into the site. An arrow should also be painted on the access apron, pointing into the site. These are indicated on Appendix A attached to this report (Traffic Solutions Limited drawing 916/1).

As stated above, Allen Road is presently 5.2m wide between seal edges. Such width is not adequate to accommodate two-way vehicle flow, particularly since the development will attract higher traffic flows including large truck rigs turning on and off the road.

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Therefore, I consider that Allen Road should be widened. This is also shown on Appendix A.

On Appendix A, Allen Road would be widened to 10m sealed width along that part between Pakowhai Road and the north site access. It is unlikely that much traffic will access the site to and from the north on Allen Road, so there should be no need to widen the road further north than that, excepting provision for tapers to match into the existing roadway width.

Subject to these recommendations I consider that the proposed access arrangement would operate safely.

7. SITE LAYOUT

The proposed new service station forecourt will contain 8 service positions. The truck stop forecourt will have 4 service positions. Both forecourts will be oriented at 90-degrees to the Allen Road frontage. The forecourts have been designed for easy entry from the south access off Allen Road. There will be ample room on the site for all vehicles including large trucks, to manoeuvre freely.

Both forecourts will be located far enough from the site accesses that it is very unlikely that vehicle will queue back out of the site while waiting for a service position.

In both options, 23 parking spaces associated with the service station already exist as angle parking along both sides of a central island. These include two disabled spaces, although these are not shown on the master plans. In Option 2, 6 existing spaces will also be retained in front of the building. These are also not shown on the Option 2 master plan.

Semi-trailer trucks delivering fuel to the service station will be able to stand in the apron area between the service station and truck stop forecourts. Fuel delivery tankers will be able to stand as long as they need to while unloading, without obstructing other vehicles on the site.

In Option 2 there will be ample room around the building for other servicing activity, such as supply deliveries and refuse removal. I consider that there will be ample room for general service vehicles to stand in to load or unload without obstructing other vehicles manoeuvring about on the site.

Overall, I consider that the proposed site layout will easily accommodate vehicles manoeuvring at parking spaces, loading spaces, and generally moving about on the site.

8. CONCLUSIONS

In Option 1 the proposed service centre will generate a similar number of turn movements at the site accesses and at the intersection of Pakowhai Road with Allen Road that the existing garden centre could already generate. However, because a large proportion will be diverted trips that are on the network anyway, a reduction in overall traffic flow on the network should be anticipated. For Option 2, the number of turn movements at the site access and in and out of Allen Road will increase, but the overall traffic flows on the network will only increase slightly. I consider that any additional traffic flows that the proposal may generate will be within the available capacity of the network, and that the traffic generation effects will be less than minor.

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I consider that the proposed vehicle accesses will easily cater for the traffic flows that will use them. There will be no direct access to the site off the state highway or off Pakowhai Road. The proposed south access on Allen Road will be close to the intersection at Pakowhai Road. To ensure a safe and free flowing traffic environment I recommend that the south access be used as a left turn entry only, with appropriate signage and markings. I also consider that Allen Road should be widened adjacent to the site to provide sufficient room for vehicles to turn in and out of the site and to enable opposing vehicles to pass each other without obstruction. The scheme plan attached to this report as Appendix A is one possible solution.

The amount of parking proposed on the site will be considerably more than the District Plan requires, for both options. The probability that vehicles will need to park off the site as a result of insufficient parking supply is almost nil.

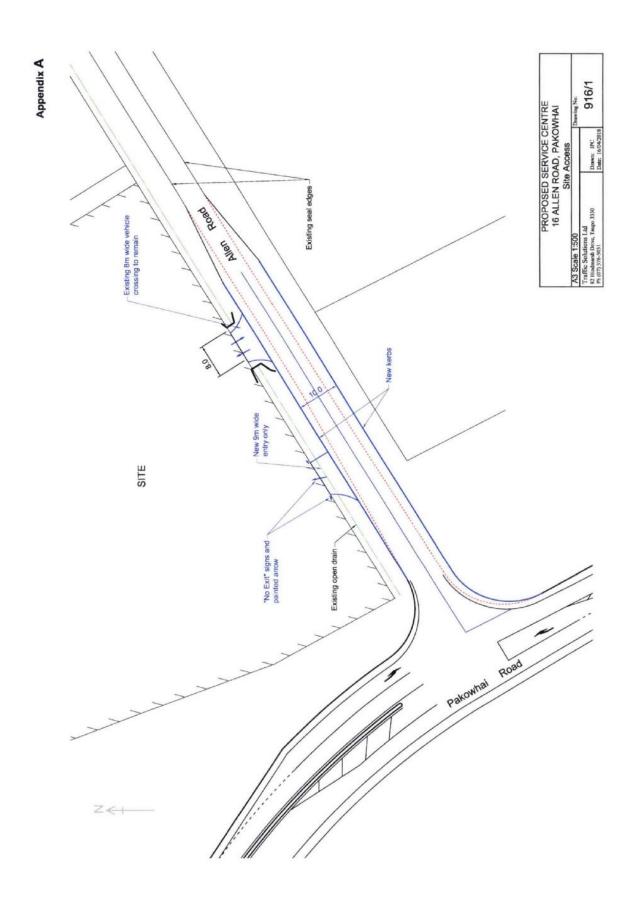
The site layout will easily cater for parking, vehicle manoeuvring and fuel delivery. Parking spaces already exist at the garden centre and will be retained. In my opinion there will be ample room on the site for trucks to stand while servicing the development without causing undue obstruction to other vehicles manoeuvring about on the site.

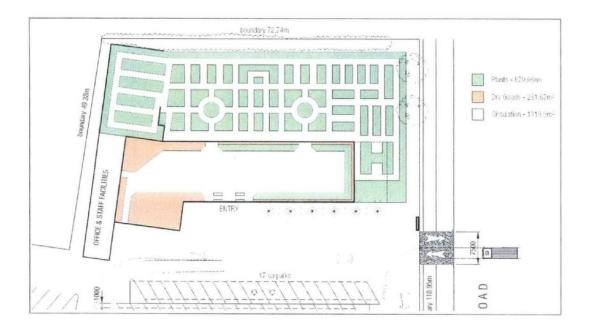
Taking all the above matters into consideration, and subject to the following recommendations, I consider that the proposed service station will have no more than minor effect on the operation of the road network, and traffic safety. In my opinion resource consent could be granted for the development from a traffic engineering perspective.

- Widen Allen Road between Pakowhai Road and the north site access to a minimum 10m width between seal edges or kerbs, more or less in accordance with Traffic Solutions Limited drawing 916/1 (attached to this report as Appendix A).
- Erect "No Exit" signs within the site adjacent to the southern entry access. One sign should be located on each side of the access, and they should face into the site, as indicated on Traffic Solutions Limited drawing 916/1.
- Paint an arrow on the southern vehicle crossing apron on Allen Road. The arrow should point into the site, as indicated on Traffic Solutions Limited drawing 916/1.

Ian Constable
Traffic Engineer

ITEM 2





Appendix F

Engineering Infrastructure Assessment Report

Waitomo Fuels at 11 Allen Road, Hastings

H20180039

Prepared for Waitomo Group Ltd

May 2018



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APPENDICES

Appendix F-1 Existing Site Plan

Appendix F-2 Proposed Site Plan

Appendix F-3 Primary Storm Water Drainage Calculations

1.0 INTRODUCTION

1.1 Engagement

Development Nous Limited has been engaged by Waitomo Group Ltd to prepare an Engineering Infrastructure Assessment Report in support of a Resource Consent application for a proposed development at 11 Allen Road, Pakowhai, Hastings.

The site with the title description Section 1 SO 9886 having a total area of 12,938m² is proposed to be developed into an unmanned fuel service station. The development involves demolition of all existing buildings and structures, removal of a portion of the existing hardstand, removal of existing plants, trees and vegetation, and the construction of the new fuel stop service station. Construction will involve earthworks, installation of underground petroleum storage tanks, car parking, landscaping, rubbish disposal facilities, signage and lighting.

The purpose of this report is to provide an assessment of the serviceability of the development with respect to:

- Earthworks
- · Storm water and Wastewater
- Water supply (domestic and fire)
- Power
- Telecommunications

2.0 SITE DESCRIPTION AND PROPOSED DEVELOPMENT

2.1 Location

The site is located at 11 Allen Road, Pakowhai in Hastings and is accessible from Allen Road. The site is bounded on the west by Pakowhai Road, on the south by Allen Road and on the north and east by pastoral lands.

Major Road works are currently being undertaken in this area involving the realignment of Pakowhai Road with Links Road onto a single roundabout along State Highway 50 replacing the intersection previously controlled by traffic lights. Following this realignment, the site will adjoin Pakowhai Road road reserve to the west and its sole frontage will be along Allen Road.

The site is currently utilised as a nursery/garden centre consisting of large greenhouses and indoor and outdoor covered retail area and other minor structures. The site is generally flat and is almost entirely impermeable apart from landscaped areas along the retail car parking stretch.

Please refer to the Existing Site Plan, Drawing H20180039-C010 contained in Appendix F-1.

2.2 Proposed Development

The proposal is to demolish all existing buildings and structures across the site and redevelop the site constructing a new unmanned truck stop and petrol service station with 12 service points, carparking, manoeuvring areas and landscaping. The general layout of the proposed

2

development is shown on DNL Drawing H20180039-C015 contained in Appendix F-2.

The development will include the construction of an additional access west of the existing access point. This additional access will be designated as the entry point to the development with the existing access being the exit point. Appropriate vertical curve as well as horizontal levelling transitions with Allen Road will be observed in the development of these accesses to allow for safe passage of larger delivery and re-fueling vehicles. The development of the site will include associated infrastructure including storm water drainage, sanitary drainage, water supply, power reticulation and telecommunication.

Please refer to the Proposed Site Plan, Drawing H20180039-C015 attached in Appendix F-2.

3.0 EXISTING SITE SERVICES

3.1 Storm Water Drainage

There is no public stormwater piped network system around the immediate vicinity of the site. Currently, the site, being almost entirely impermeable, has an existing private stormwater piped network that has been designed to suit and drains into an existing public storm drain along Allen Road. Whilst the present private stormwater network will be retained for the new development, the proposed development introduces landscaped areas that will eliminate some roof and hardstand areas which will actually lessen the existing flow onto the public drainage.

3.2 Wastewater Drainage

There is no public wastewater piped network system around the immediate vicinity of the site. Within the site, a private septic tank that drains onto an effluent field exists. No toilets and/or amenities have been proposed on this development therefore there is no requirement for wastewater servicing.

3.3 Water Supply

The current water supply to the site is from two existing approved wells situated within the site area. There are two tanks on site that are being filled from one of the wells for water requirements of the existing site. No public water reticulation exists around the immediate vicinity.

3.4 Power Reticulation

There is existing overhead power reticulation along Allen Road and Pakowhai Road.

3.5 Telecommunications

Existing telecommunication mains are located on Allen Road.

4.0 PROPOSED DEVELOPMENT WORKS

4.1 Earthworks

As the new development proposes to make use of more than half of the existing hardstand currently on site, earth works will be kept to a minimum.

3

The development of the site will require the following key earthworks activities:

- The clearing of all buildings and structures within the area including the demolition of an approximate hardstand area of 3,500m²;
- The excavation of approximately 340m³ for the petrol tanks and API separator;
- · The excavation for service island foundations as well as the signage foundations;
- The placement and compaction of approximately 350m³ of clean topsoil material for re-vegetation and landscaping.

All cut materials will be re-used within the site either for bunding or landscaping purposes. All topsoil material will be imported to improve site for vegetation and landscaping to a minimum depth of 100mm thick.

The area of earthworks is approximately 3,580m2.

The proposed earthworks will consist of:

- Ripping off excess hardstand and stockpiling on site
- Petrol tankage and API separator casing excavation (an additional 170m³ cut to waste)
- · Foundation excavations
- Topsoiling or stabilising of exposed earthworks with aggregate
- Clearing the site;
- Import approximately 350m³ of clean topsoil material and spread onto exposed earthwork for re-vegetation and landscaping.

The earthworks will be managed in accordance with an approved Construction Management Plan, which will include an approved Erosion & Sediment Control Plan. The Construction Management Plan which includes an outline of the key elements of the ESCP will be prepared in conjunction with the detailed design. The final plans would then be approved as a condition of consent prior to physical works commencing.

The earthworks activity is expected to take approximately 1 month to complete. The ripping of the hardstand and clearing of the site is expected to take 2 weeks. The importation and spreading of topsoil of approximately 350m³ to a minimum depth of 100mm is expected to take 1 week. The trucking of imported topsoil would involve 2 or 3 trucks (truck and trailer) with approximately 9 truck movements a day. Access into and out of the site could be from Allen Road to minimise noise and nuisance to the neighbouring properties.

There is not expected to be any notable quantity of unusable material due to the nature of the site. Any unsuitable material that is encountered would be excavated and removed from the site.

Dust would be managed on the site with the use of dust suppressant and water carts.

Details of the sediment and erosion control including mitigation measures for noise and dust nuisance will be laid out in the Construction Management Plan.

4.2 Storm water Control

There is no public stormwater network currently utilised in the immediate vicinity of the site. An existing network is in place within the site that drains into a public storm drain along Allen

4

Road. The existing network is proposed to be utilised with the installation of an API separator installed within the network. Apart from this, no major upgrading of the existing network is expected for this development. Please refer to Proposed Site Plan, drawing H20180039-C015 attached in Appendix F-2.

The change in land use will result in a decrease in impervious surface, which will result in no increase in the quantity of stormwater collected on site. The estimated difference in surface water runoff resulting from the proposed development (between pre-developed and post-developed) in a 1 in 5-year rainfall event is 20m³ less than the current stormwater runoff volume being discharged onto the current drain along Allen Road.

The calculation of pre-developed and post-developed flows has been carried out in accordance with the Hastings District Council Engineering Code of Practice and NZBC E1 Surface Water. The calculations and supporting notes are contained in Appendix F-3. As can be seen from the calculations, the existing pre-developed runoff volume in a 5-year design event is 150.21m³ with a peak flow rate of 0.125m³/s or 125L/s.

The stormwater collected on the developed area will be collected in sumps and piped to the interceptor system.

The site is not shown to be affected by flooding on the Council GIS records. The overland flow paths will not be affected by the proposed works onsite. In an extreme event, exceeding the capacity of the piped system, secondary flow will flow from the developed and undeveloped areas into the side drain along Allen Road.

Due to the potential of accidental spillage of hydrocarbons on the service station forecourt, all cesspits located under the canopy area and from the bunded area will connect to an API separator before discharging to the storm water system.

4.3 Existing Peak Flow

The calculated existing peak runoff from the site is 125 litres/sec. This is based on the 20% AEP storm event for the pre-developed development site area.

4.4 Proposed Peak Flow

The calculated proposed peak storm water runoff for the developed site based on the 20% AEP storm event is 101 litres/sec. This is a decrease from predevelopment levels due to the decrease in impervious areas. A Primary Storm Water Drainage Calculation spreadsheet is attached as Appendix F-3.

4.5 Dewatering

During the construction of the storage tanks dewatering may be required to allow the deep excavation. A Dewatering Procedure is included in the consent application. The maximum rate of discharge is up to 40.0 l/s and then generally reducing to 10-20 l/s. These rates of flow can be adequately controlled by the existing 225mm diameter storm water connection for the site.

4.6 Proposed Storm Water Management Methodology

As the calculated flows show a decrease in flow from pre-develop to post-development stage, no further stormwater treatment is proposed. This is due to the decrease of impervious surfaces on site.

5

Due to the potential of accidental spillage of hydrocarbons on the service station forecourt, all cesspits located within the service area will connect to an API separator before discharging to the storm water system.

4.7 100 Year Overland Flow

The site is not shown to be affected by flooding on the Hawke's Bay Hazards GIS records. Due to the decrease in stormwater runoff from the development, all overland flow paths will not be affected by the proposed works on site.

4.8 Wastewater

There is no wastewater pipe system in the immediate vicinity of the site. No wastewater disposal is required. The site is currently serviced via a private septic system using a standard septic tank. This tank shall be cleaned and de-commissioned. The proposed layout is shown on the Proposed Site Plan, drawing H20180039-C015 attached in Appendix F-2.

4.9 Water Supply

There are two existing approved wells situated within the site area which will be proposed to be used to supply water. One of the wells will be dedicated for fire-fighting service. A detailed design of the reticulation will be provided at building consent stage. All water supply reticulation will be designed and constructed in accordance with the New Zealand Building Code and the New Zealand Fire Service Fire Fighting Water Supplies Code of Practice SNZ PAS 4509:2003.

4.9.1 Supply

Water service will be sourced from one of the existing wells on site. A detailed design of the reticulation will be provided at building consent stage.

4.9.2 Fire Fighting Supply

Fire-fighting service will be provided by dedicating one of the existing wells on site solely for this purpose. No new infrastructure will be required.

4.10 Power Supply

Power supply for the development will be connected from the existing power reticulation via overhead cables from the existing supply in the street. All power reticulation will be in accordance with the local utility provider and Council Engineering Standards.

4.11 Telecommunications

Telecommunication supply for the development will be connected from the existing telecommunication reticulation in the street via underground ducts in accordance with the local utility provider and Council Engineering Standards.

5.0 SUMMARY

Our calculations and investigations confirm that this development site can be adequately serviced. The stormwater runoff will be passed through a pre-treatment device prior to discharge to the existing drains.

6

All cesspits located on the forecourt concrete will connect to an API separator before discharging to the stormwater system.

No wastewater system will be required.

Water supply including supply for fire-fighting purposes will be from existing bores.

Earthworks will involve importing approximately 350m³ of topsoil to the site. Earthworks will be managed onsite under an approved Construction Management Plan and associated Erosion & Sediment Control Plan.

The storm water flows from the site will decrease as the site coverage and imperviousness is less than existing so no storm water mitigation is required. All cesspits located within the service area and from the bunded fill area will connect to an API separator before discharging to the storm water system.

Our recommendations will be included in the final design and any Building Consent applications to ensure compliance with Hastings District Council Engineering Standards and the New Zealand Building Code.

N.S.

Maria Angeles Civil Engineer

Development Nous Ltd





Item

Attachment C

APPENDIX F-2

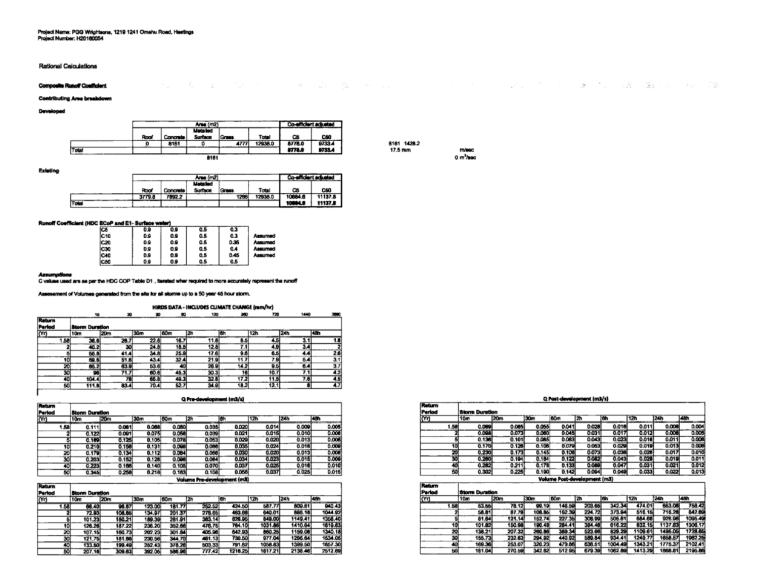
Proposed Site Plan H20180039-C015



Attachment C

APPENDIX F-3

Primary Stormwater Drainage Calculation



Date30/05/201

Ітем 2

Job number: H20180039 Project: Waitomo Service Station

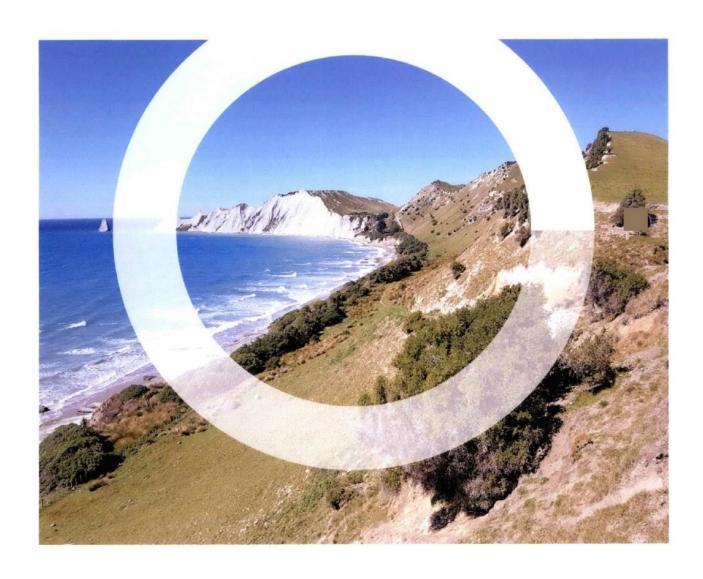


Ітем 2



11 Allen Rd, Pakowhai

Geotechnical Assessment Report For Development Nous Ltd





Contact Details

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Document Details:

Date: 24/04/18

Reference: 2-S5286.13 00002

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1 Introduction

Development Nous Ltd (the client) engaged WSP Opus (the consultant) to undertake a geotechnical assessment at 11 Allen Rd, Pakowhai (the site) legally described as SEC 1 SO 9886.

WSP Opus understands that the proposed development involves the construction of a new service station at the site.

The purpose of this report is to present the results of the WSP Opus site specific investigations, assessment of ground conditions in accordance with NZS 3604:2011 and MBIE Earthquake Geotechnical Engineering Practice (MBIE Guidelines) Module 3: Identification and Assessment of Liquefaction Hazards, and to provide engineering evaluation and recommendations pertaining to the site. This report is considered suitable to support a Building Consent Application to Council.

2 Site Description

The site at 11 Allen Rd is located approximately 3.0km south of Taradale, 1.5km south of the Tutaekuri River, on flat land. The site is currently occupied by a garden centre.

3 Site Investigations

WSP Opus completed two Piezocone Tests (CPTu) on 28/02/2018, and then six Scala penetrometer (DCP) tests and one hand auger (HA) on 16/04/2018 & at the site (refer to Figure 1).

During the second phase of site investigations the initial layer of subsurface materials was excavated to approximately 0.5 meters below existing ground level (mbgl) due to the site being predominantly covered in sealed pavement and hardstand areas.

The DCP and HA test factual reports are included in Appendix A.

Raw CPT logs are included in Appendix B with correlated soil types in Appendix C (based solely on engineering correlations using the CPTu data¹).

- CPTu 1 was terminated at a depth of approximately of 9.6mbgl due to refusal on a hard layer.
 The groundwater level was measured at a depth of 0.3mbgl.
- CPTu 2 was terminated at a depth of approximately of 9.6mbgl due to refusal on a hard layer.
 The groundwater level was measured at a depth of 1.0mbgl.

A dummy cone was used for the first 0.5m to prevent damage to equipment resulting in no CPTu data being recorded for the first 0.5m

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¹ Robertson, P.K., 1990. Soil classification using the cone penetration test. Canadian Geotechnical Journal, 27(1): 151-158.





Figure 1: Approximate location of subsurface investigations at the site

4 Geological Setting

The Institute of Geological and Nuclear Sciences (GNS) geological maps² indicates that the site is underlain by Holocene river deposits comprising poorly consolidated alluvial gravel, sand and mud.

5 Ground Model

A ground model has been developed for the near surface subsoils (0-2.0mbgl) affecting the proposed building platform and is summarised in Table 5-1. The near surface subsoils are based on the DCP and HA logs (Appendix A) with the deeper soil profile being interpreted from the raw CPTu Log (Appendix B). The correlated soil behaviour type plots are included in the CPTu Outputs (Appendix C).

Based on the site investigations the near surface subsoils comprise GRAVEL to 0.6mbgl overlying blue/grey silty SAND to 1.0mbgl, which overly blueish grey silty CLAY from 1.0mbgl to 2.0mbgl. The deeper soil units (beyond 2.0mbgl) typically comprise SAND, silty SAND and sandy SILT units with some CLAY & silty CLAY units inferred throughout.

Groundwater was encountered at a minimum depth of 0.3mbgl after a prolonged, hot dry summer period. The groundwater level (GWL) of 0.3mbgl is used in our analysis.

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² QMAP. 1:250,000 Geological Map of New Zealand - Geology of the Hawke's Bay Area. Lee, J.M., Bland, K.J., Townsend, D.B., Kamp, P.J.J. (compilers)



Table 5-1: General Ground Profile

Unit	Stratigraphy	Depth Encountered BGL (m)	Thickness (m)	
1	Gravels	0.0	0.65	
2	Blue/grey silty SAND	0.65	0.35	
3	Blueish grey silty CLAY	1.0	1.0	
End of I	Hand Auger at 2.0m - Groundwater encountered a	at 0.8		
4	CLAY	2.0	0.4	
5	Silty SAND & sandy SILT/SAND & silty SAND mixtures	2.4	4.4	
6	CLAY & silty CLAY	6.8	1.7	
7	SAND & silty SAND	8.5	1.1	

End of CPTu at 9.6m - Groundwater dipped at 0.3 & 1.0m

6 Engineering Evaluation

6.1 Liquefaction Assessment

6.1.1 General

Liquefaction refers to the sudden loss in shear stiffness and strength of soils associated with the reduction in effective stress due to pore water pressure generation during cyclic loading caused by earthquake shaking³.

Liquefaction may result in significant ground deformations and/or surface disruptions that may be particularly damaging for engineering structures depending on the:

- Depth to / presence of groundwater;
- Presence / thickness and strength of layers of non-liquefiable soils;
- Density, grading, composition, and age of soils; and
- Earthquake magnitude and ground acceleration.

6.1.2 Liquefaction Susceptibility

Site investigations encountered groundwater at a minimum depth of 0.3mbgl. Therefore, a groundwater level of 0.3mbgl has been used in this analysis. Liquefaction will only occur below the groundwater table (GWL) and as such we consider the top 0.3m of soil below ground level will not liquefy.

The GNS web maps indicate that soils in the area are geologically young and hence more susceptible to liquefaction.

Soil at the site can comprise SAND, silty SAND and sandy SILT units which exhibit properties typically associated with liquefiable soils.

Based on the above we consider the site to be susceptible to liquefaction.

6.1.3 Liquefaction Triggering

MBIE Guidelines recommend that for all soils identified as susceptible to liquefaction, triggering of liquefaction should be assessed. We have undertaken this assessment using the recommended simplified procedure based on Boulanger and Idriss (2014)⁴.

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³ MBIE Earthquake Geotechnical Engineering Practice: Module 3 – Identification and Assessment of Liquefaction Hazards
⁴ Boulanger, R., & Idriss, I. (2014). I.M. CPT and SPT Based Liquefaction Triggering Procedures. University of California at Davis Center for Geotechnical Modelling Report No. UCD/CGM-14/01.



6.1.4 Design Assumptions and Ground Motion Parameters

A design earthquake magnitude and ground acceleration were calculated according to MBIE Guidelines Module 1: Section 5 – Estimating Ground Motion Parameters. The following design assumptions have been adopted:

- · Site Soil Class of "D" (Deep or soft soil) based on NZS1170.5:2004;
- Importance Level 2 (Ordinary) based on Table 3.2 of AS/NZS1170.0:2002;
- · 50-year Building Design Life; and
- · Ground water table during earthquake shaking of 0.3mbgl

The design earthquake ground motion parameters are summarised in Table 6-1.

Table 6-1: Ground Motion Parameters

Limit State	Return Period	Design Earthquake Magnitude	Design Earthquake PGA
SLS ₁ (Serviceability Limit State)	25 Years	6.0	0.08g
ULS (Ultimate Limit State)	500 years	6.5	0.33g

6.1.5 Analysis

CPTu analysis was undertaken using proprietary software CLiq⁵. CLiq Liquefaction Analysis Outputs are included in Appendix C.

6.1.6 Results

Liquefaction analysis results are summarised in Table 6-2.

Table 6-2: Liquefaction Effects and Analysis Results

LIMIT STATE	INDICATED THICKNESS OF LIQUEFIABLE LAYERS	GEOTECHNICAL PARAMETER CHAR	ACTERISTIC	ESTIMATED VOLUMETRIC SETTLEMENTS
SLS ₁ (Serviceability Limit State)	0m	Factor of Safety against Liquefaction Liquefaction Potential Index Liquefaction Severity Number	FL > 1.4* LPI = 0 LSN = 1	< 4 mm (Indicative only)
ULS (Ultimate Limit State)	4.6m	Factor of Safety against Liquefaction Liquefaction Potential Index Liquefaction Severity Number	FL<<1.0* LPI = 21 LSN= 43	~150mm (Indicative only)

^{*}Approximate average liquefaction triggering factor (Factor of Safety) of the liquefiable layers

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⁵ GeoLogismiki. (2017). CLiq (version 2.0.6.83) [Software]. Available from http://www.geologismiki.gr/.



Characteristics of liquefaction and its consequences have been assessed based on MBIE Guidelines Module 3 – Table 5.1 General Performance Levels for Liquefied Deposits. The results are summarised in Table 6-3 below.

Table 6-3: Liquefaction Characteristics & Consequences

LIMIT STATE	PERFORMANCE LEVEL	EFFECTS FROM EXCESS PORE PRESSURE AND LIQUEFACTION	CHARACTERISTICS OF LIQUEFACTION AND ITS CONSEQUENSES
SLS ₁ (Serviceability Limit State)	LO	Insignificant	No significant excess pore water pressures (no liquefaction)
ULS (Ultimate Limit State)	L4	Severe	Complete liquefaction develops in most of the deposit resulting in large lateral displacements of the ground, excessive differential settlements and total settlement of over 200mm.

6.1.7 Summary

The effects of liquefaction induced ground deformations at the site under SLS conditions are insignificant, however under ULS conditions are severe resulting in vertical volumetric settlements approaching 200mm.

It is possible that some of the inferred clay rich SILT subsoils are less prone to liquefaction due to plasticity (PI>12). Examination of this would require deep borehole sampling of the soils and laboratory testing. This is beyond the scope of the current investigation.

6.2 Bearing Capacity

The results of the subsurface investigations indicate that "good ground" in accordance with NZS3604:2011 cannot be assumed as the soils do not meet the required bearing capacity.

An allowable bearing capacity of 70kPa (Ultimate Bearing Capacity of 210kPa) could be available at a depth of 1.4 meters below the current ground level after all Topsoil and other deleterious materials have been removed.

6.3 Slope Stability

As the site is flat we consider there is no risk of slope instability or lateral spreading.

7 Recommendations

The liquefaction risk at the site under SLS conditions is negligible and hence we consider that only minor/slight differential settlements (i.e. <25mm) will occur under SLS events.

The liquefaction risk at the site under ULS conditions is potentially severe. Analysis indicates that there will be site wide vertical volumetric settlements approaching 200mm.

The MBIE Guidelines⁶ Section 5.5 reference Martin et. al. 1999⁷ who in turn states "the prediction of differential settlements in liquefied soils is particularly difficult and therefore these settlements are typically assumed to be proportional to the total settlement. Provided that the subsoil units investigated are quite consistent across the site both vertically and laterally, then differential settlements of less than one-half of the total settlement should be allowed for in the design and detailing". Given the relatively small area that the structure will cover we have assumed that there will not be any significant variation across the site. We therefore consider a reasonable estimate of differential settlement on <u>un-improved ground</u> to be used in

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⁶ MBIE Earthquake Geotechnical Engineering Practice: Module 3 - Identification and Assessment of Liquefaction Hazards

Recommended Procedures for Implementation Of Drng Special Publication 117 Guidelines For Analysing And Mitigating Liquefaction Hazards In California, Implementation Committee: G.R. Martin and M. Lew, March 1999.



design (due to varying volumetric settlements) to be 100mm over the length of the structure under ULS conditions and high winter GWL levels.

To limit damage to foundations under ULS events we recommend:

- Ground improvement in the form of geogrid reinforced granular raft at least 1.2m deep and extending a minimum of 1.2m beyond the building platform (in plan), incorporating clean, well graded AP65 crushed aggregate (minimum 50% broken faces in accordance with NZS 4407:2015, Test Method 3.14, minimum crushing strength >130kN in accordance with NZS 4407:2015, Test Method 3.0) with two layers of Tensar TX160 geogrid or approved equivalent, the first at the base of the excavation and the second 200mm up from the base.
- Well tied together stiffened raft (i.e. waffle raft slab on ground) foundations capable of spanning pockets of lost support from pore water penetration into the layer, designed for maximum allowable bearing of 70kPa.
- Concrete slabs for hardstand areas should incorporate dowelled joints.

All new services (e.g. water, storm water and wastewater) shall be located within and through the foundation and not as penetrations into the geogrid reinforced granular raft. Under no circumstance should the geogrid be cut through.

Soil bearing capacity should be confirmed and the site inspected by a suitably qualified geotechnical engineer prior to ground improvement being placed. Ground improvement inspections will need to be undertaken to confirm the placement of the geogrid layers and testing undertaken to confirm the fill is suitably compacted. These inspections and tests are required for the PS4 producer statement sign off.

The recommendations included within this report are considered by WSP Opus to be suitable at this site for the purposes stated. Alternative options may be suitable provided they are designed by an appropriate engineering professional and take into account the factual information and analysis results within this report.

8 Limitations

The factual data, interpretations and recommendations contained in this report pertain to a specific project as described in the report and are not applicable to any other project or site.

If the project is modified in any significant way, or if the project is not initiated within eighteen months of the date of the report, WSP Opus should be given an opportunity to confirm that the recommendations are still valid.

Where conditions encountered at the site differ significantly from those anticipated in this report, either due to natural variability of subsurface conditions or construction activities, it is a condition of this report that WSP Opus be notified of the changes and provided with an opportunity to review the recommendations of this report.

Recognition of changed soil conditions requires experience and is recommended that an experienced geotechnical engineer be employed to visit the site with sufficient frequency to detect if conditions have changed significantly.

Estimates of liquefaction-induced free-field volumetric strains are index parameters that are based on the application of available state-of-the-practice engineering empirical and theoretical correlations available to the Hawke's Bay Region of New Zealand at this time. There is a risk that liquefaction-induced ground deformations could be different than the estimated strains presented in this report. The Client and all future owners need to be aware of this risk and consider its implications.

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Appendix A

Site Testing Results

AUGER / SCALA TEST REPORT



Project :

Proposed Fuel Stop

Location :

Corner of Pakowhai and Allen Rd

Client:

Development Nous Limited

Tested By : Test number : CW & PD

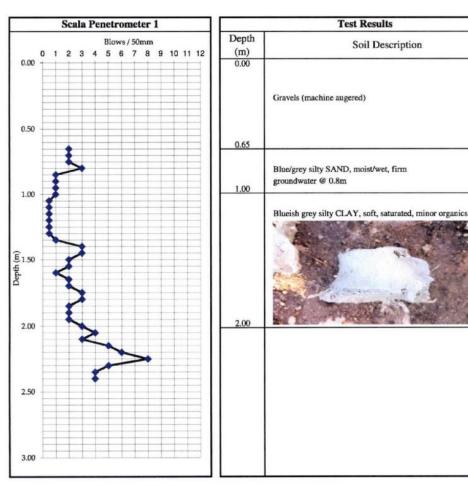
Water level (m):

Not Encountered

Reduced level (m):

Existing Ground Level

Project No : 2-S5286.13 Client Ref No : 00002



Test Methods	Notes	
Determination of Penetration Resistance of a Soil,		
NZS 4402: 1988, Test 6.5.2		

Date tested:

16/04/2018

Date reported: 17/04/2018

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PF-LAB-062 (30/05/2013)

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SCALA PENETROMETER TEST REPORT

OPUS

Project:

Proposed Fuel Stop

Location:

Corner of Pakowhai and Allen Rd

Client:

Development Nous Limited CW & PD

Tested By: Test number:

2&3

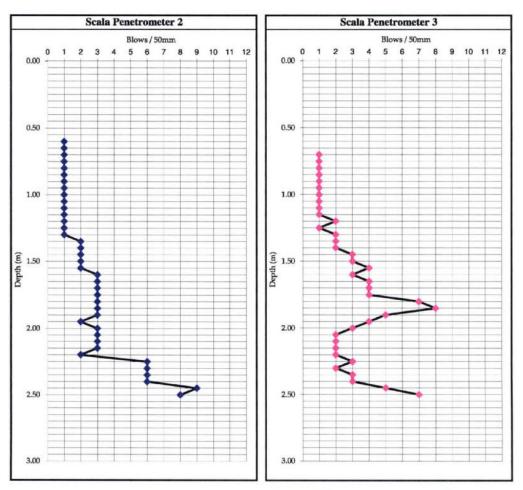
Water level (m):

Not Encountered

Reduced level (m):

Existing Ground Level

Project No: 2-S5286.13 Client Ref No: 00002



Test Methods	Notes	
Determination of Penetration Resistance of a Soil,		
NZS 4402: 1988, Test 6.5.2		

Date tested:

16/04/2018

Date reported:

17/04/2018

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Ітем 2 PAGE 109

SCALA PENETROMETER TEST REPORT

115) OPUS

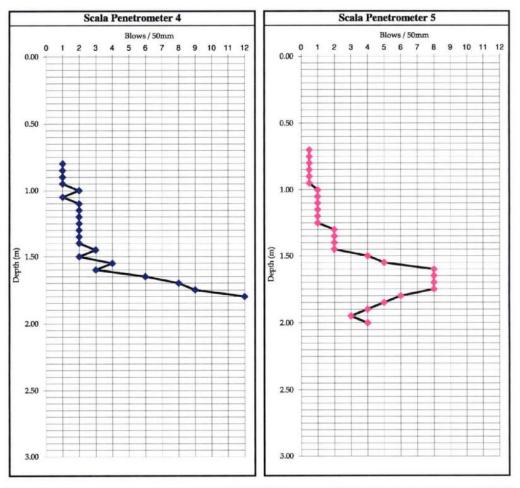
Project: Proposed Fuel Stop

Location: Corner of Pakowhai and Allen Rd
Client: Development Nous Limited

Tested By: CW & PD
Test number: 4 & 5

Water level (m): Not Encountered
Reduced level (m): Existing Ground Level

Project No : 2-S5286.13 Client Ref No : 00002



Test Methods	Notes	
Determination of Penetration Resistance of a Soil,		
NZS 4402: 1988, Test 6.5.2		

Date tested : 16/04/2018 Date reported : 17/04/2018

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SCALA PENETROMETER TEST REPORT

OPUS

Project:

Proposed Fuel Stop

Location: Client:

Corner of Pakowhai and Allen Rd

Development Nous Limited

Tested By:

CW & PD

Test number: Water level (m):

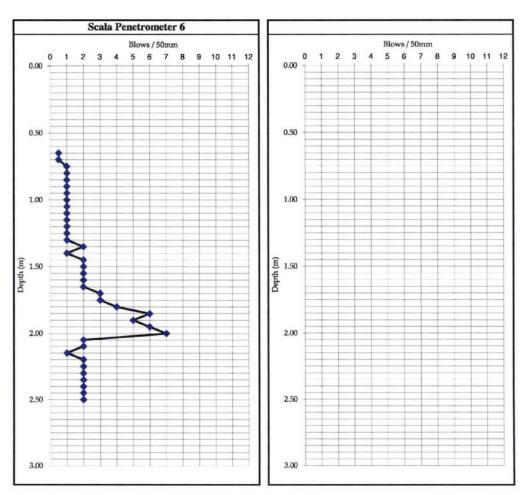
Not Encountered

Reduced level (m):

Existing Ground Level

Project No: 2-S5286.13 Client Ref No:

00002



Test Methods	Notes	
Determination of Penetration Resistance of a Soil,		
NZS 4402: 1988, Test 6.5.2		

Date tested:

16/04/2018

Date reported:

17/04/2018

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Date: 17/04/2018



Scala #3 Date: 17/04/2018



Appendix B

CPTu Raw Results

CPT TEST REPORT



Client: Development Nous Limited

Project: 11 Allan Rd Location: Hastings

Hole Number: 1

Tested by: J Kavanaugh/ N Oosthuizen

Date tested : 28/02/18 Coordinates : E: 1931200 N: 5613569

EL: 5m

Water level: EOH - Dipped - GWL @ 0.3m

Project No : 2-S5286.13 Lab Ref No : HA2431_01

Client Ref No:

Test Results 13:30:00 Start Time Time at penetration 00:00:00 00:00:00 **End Time** Reference level 0 Ground level Predrill 0.5 9.64 Penetration Depth Refusal (qc 40+ MPa) Remarks GPS Type Garmin eTrex 20 + / - 3m **GPS Accuracy** NZTM GPS Reference Grid MSI **GPS Datum**

 GPS Datum
 MSL

 Rig Type
 GeoMil Panther 100/ Flex 200

 Rig ID
 CPT03

 Reaction Force
 Dead weight 10/22 tonnes

Data Acquisition (Digitizer)
Acquisition Program
Reporting Program
GeoMil CPTest
GeoMil CPTask

Cone Type C10 (10 Tonne Compression)

Cross Sectional Area
Cone Area Ratio
Fluid Type

Cone Area Ratio
Silicone Fluid

Friction Reducer 0.55m behind base of cone

Application Class (ISO 22476-1) 2

Test Type (ISO 22476-1) TE2 (Measured Cone and Sleeve)

Back Fill Method Bentonite
Observations During Testing None

Date tested : 28/02/18 Date reported : 2/03/18 This report may only be reproduced in full, including corresponding

calibration data, daily logs, and CPT graphs.

IANZ Approved Signatory

Designation: CPT North Island Manager

Date: 02/03/18

Tests indicated a not accredited an outside the scop of the laboratory accreditation

LH 2520 (27/08/14)

WSP Opus Fox 5

Hamilton Laboratory

Quality Management Systems Certified to ISO 9001

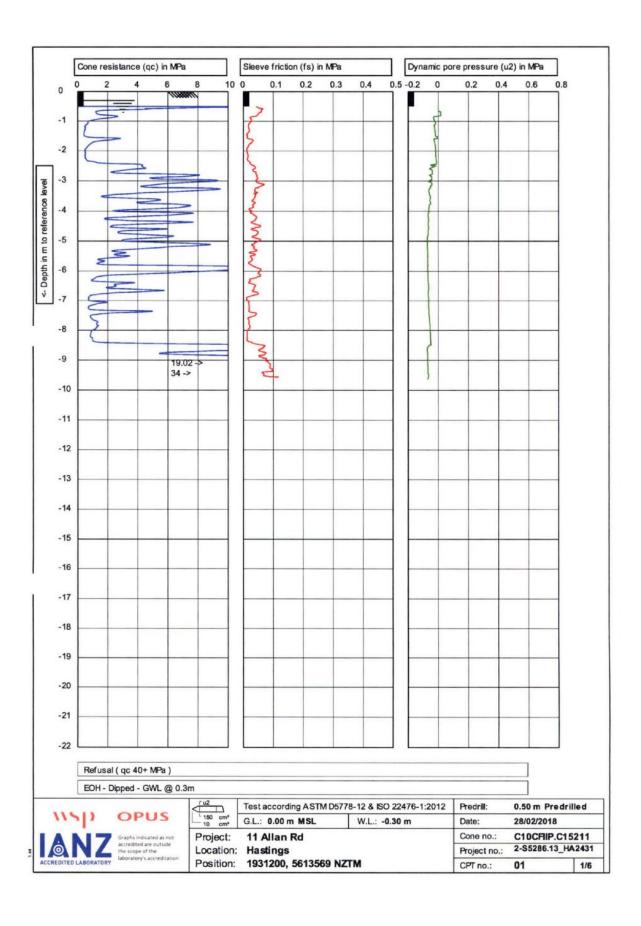
Fox Street

Private Bag 3057, Waikato Mail Centre,

Hamilton 3240, New Zealand

Page 1 of 1

Telephone +64 7 856 2870 Facsimile Website www.wspopus.co.nz



CPT TEST REPORT



Development Nous Limited Client:

Project: 11 Allan Rd Location: Hastings

Hole Number:

J Kavanaugh/ N Oosthuizen Tested by:

Date tested: 28/02/18 E: 1931181 Coordinates: N: 5613610

EL: 4m

Water level: EOH - Dipped - GWL @ 1.0m Project No: 2-S5286.13 Lab Ref No: HA2431_02

Client Ref No:

Test Results 13:54:00 Start Time Time at penetration 00:00:00 **End Time** 00:00:00 Reference level 0 Ground level Predrill 0 9.57 Penetration Depth Refusal (qc 40+ MPa) Remarks GPS Type Garmin eTrex 20 **GPS Accuracy** + / - 3m NZTM GPS Reference Grid MSL **GPS Datum** Rig Type Rig ID CPT03

GeoMil Panther 100/ Flex 200 Dead weight 10/22 tonnes GeoMil GME500 Reaction Force Data Acquisition (Digitizer)

Acquisition Program **GeoMil CPTest** GeoMil CPTask Reporting Program

C10 (10 Tonne Compression) Cone Type Cross Sectional Area 10cm2

Cone Area Ratio 0.8 Silicone Fluid Fluid Type

Friction Reducer 0.55m behind base of cone

Application Class (ISO 22476-1)

TE2 (Measured Cone and Sleeve) Test Type (ISO 22476-1) Back Fill Method Bentonite

None Observations During Testing

Date reported: 2/03/18 This report may only be reproduced in full, including corresponding calibration data, daily logs, and CPT graphs.

IANZ Approved Signatory

CPT North Island Manager Designation:

28/02/18

Date: 02/03/18

LH 2520 (27/08/14)

Date tested:

WSP Opus

Hamilton Laboratory

Quality Management Systems Certified to ISO 9001

Fox Street

Private Bag 3057, Waikato Mail Centre,

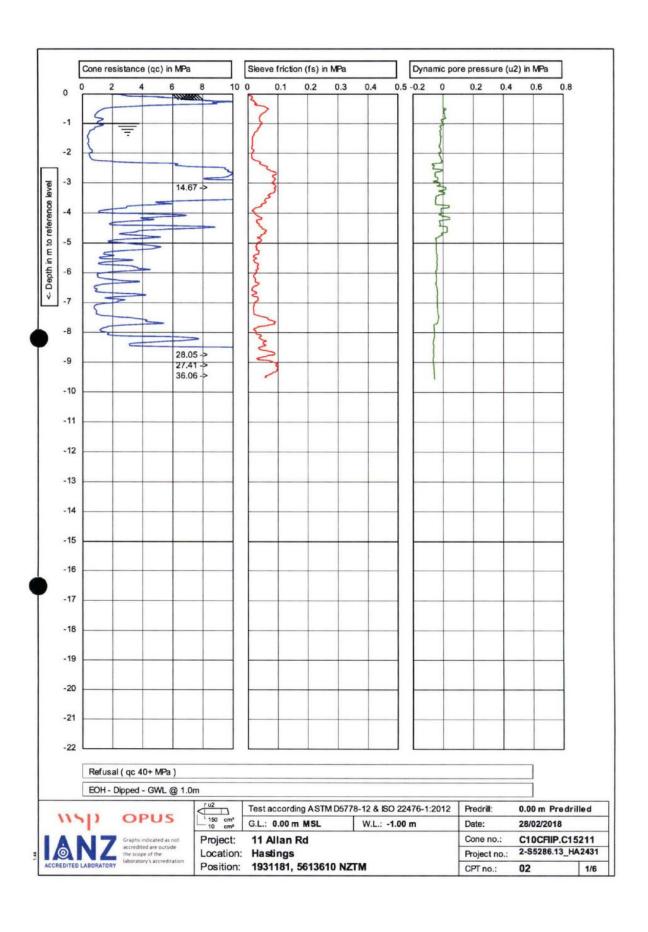
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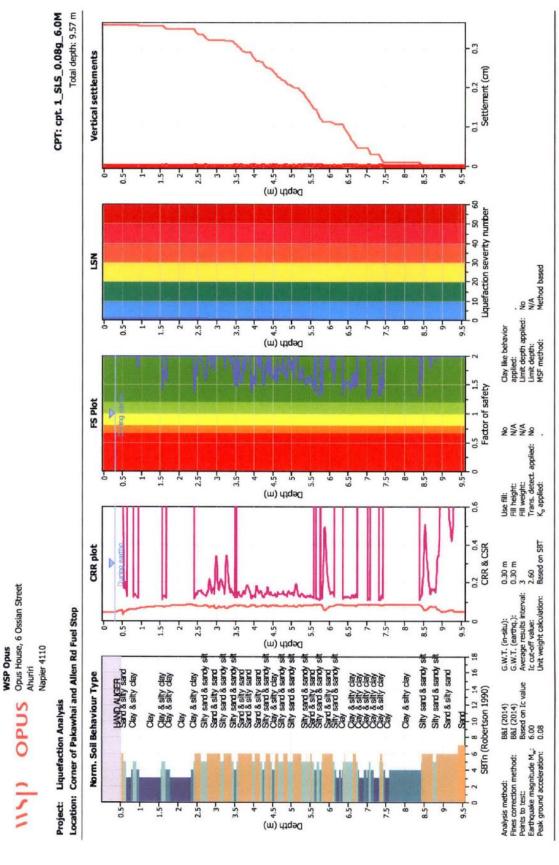
opus.co.nz

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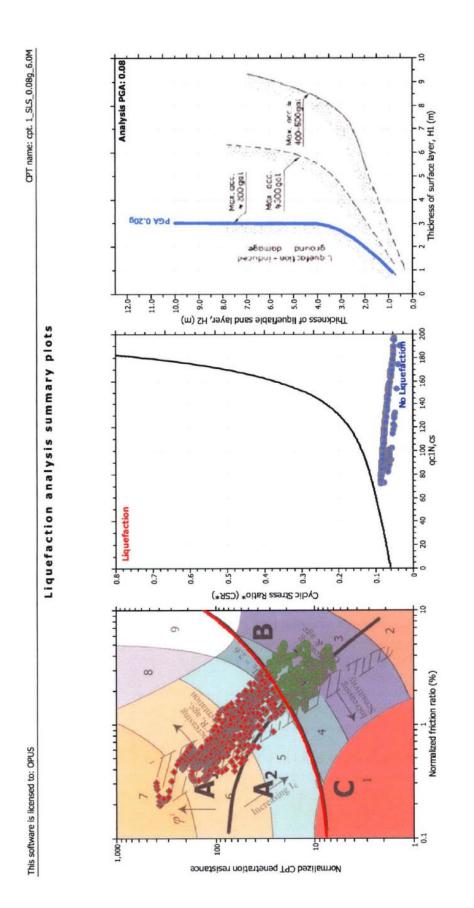
Appendix C

Liquefaction Assessment / CLiq Outputs



CPET-IT v. 2.1.6.5 - CPTU data presentation & interpretation software - Report created on: 23/04/2018, 2:41:47 p.m.
Project file: S:\Proj\NZ\2S\2-55286.00 Napier Building and Construction Team\Home\2-55286.13 Development Nous Limited\000002 Corner of Pakawhai and Allen Rd Fuel Stop\00001 Geotech\03 Design - Test results\CLiq Data.dq

al Stop\00001 Geotech\03 Design - Test results\CLiq Data.dq



 Analysis method:
 B81 (2014)
 Depth to GWT (erthq.):
 0.30 m
 Fill weight:
 N/A

 Fines correction method:
 B82 (2014)
 Average results interval:
 3
 Transition dett, applied:
 No

 Points to test:
 Based on Ic value
 Lic cat-off value:
 Los cat-off value:
 1.60
 No
 No
 No

 Peak ground acceleration:
 0.08
 Unit weight cakulation:
 No
 Imit depth applied:
 No
 No
 No

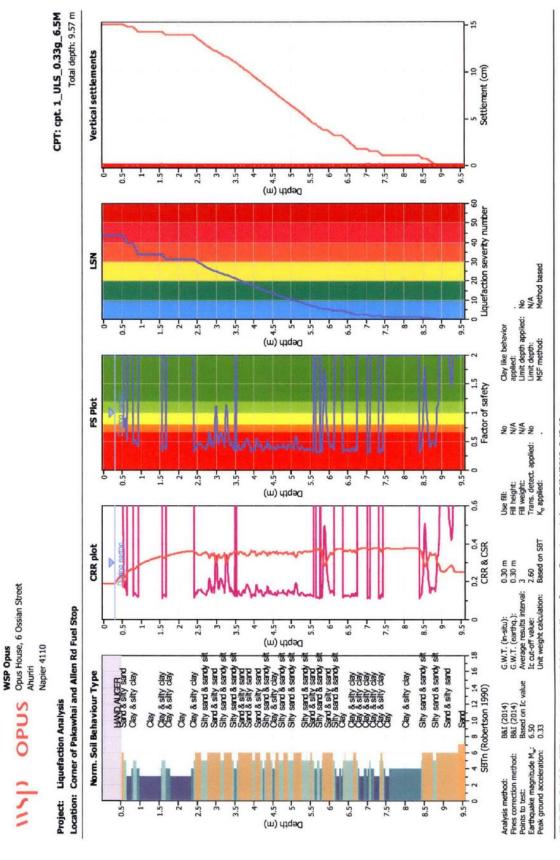
 Depth to water table (instit):
 0.30 m
 Hill height:
 N/A
 Imit depth applied:
 No
 No

 Clay (Re behavior applied:
 No
 Imit depth applied:
 No
 No
 No

 Depth to water table (instit):
 0.30 m
 Hill height:
 N/A
 Imit depth:
 N/A

 Clay (Light Exprise):
 Carrior (Value Accessment Software - Report created on:
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 N/A

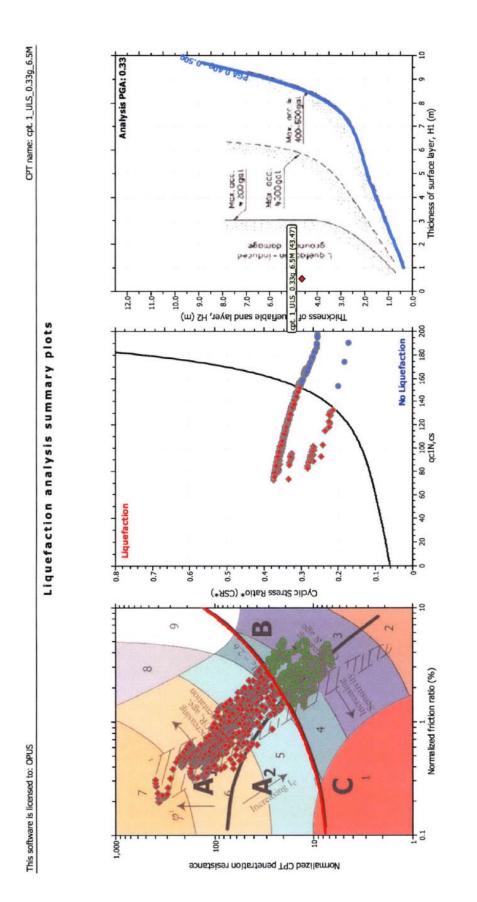
Input parameters and analysis data



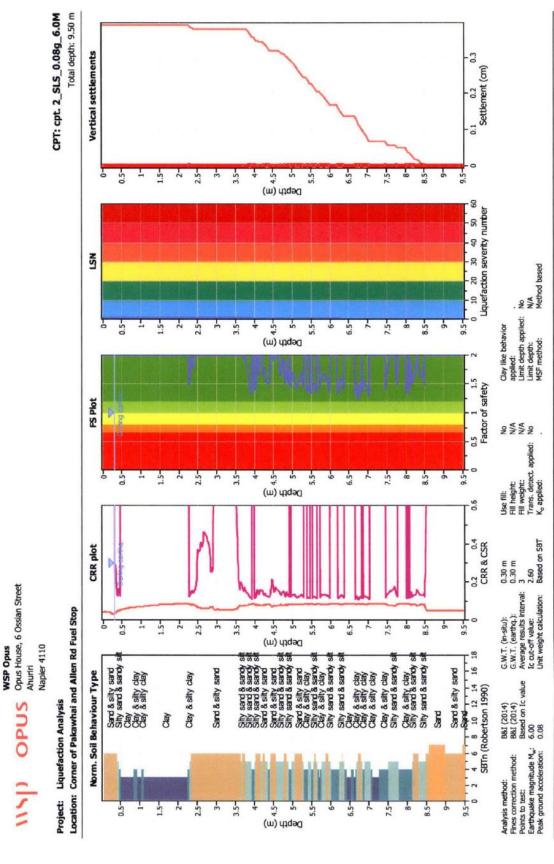
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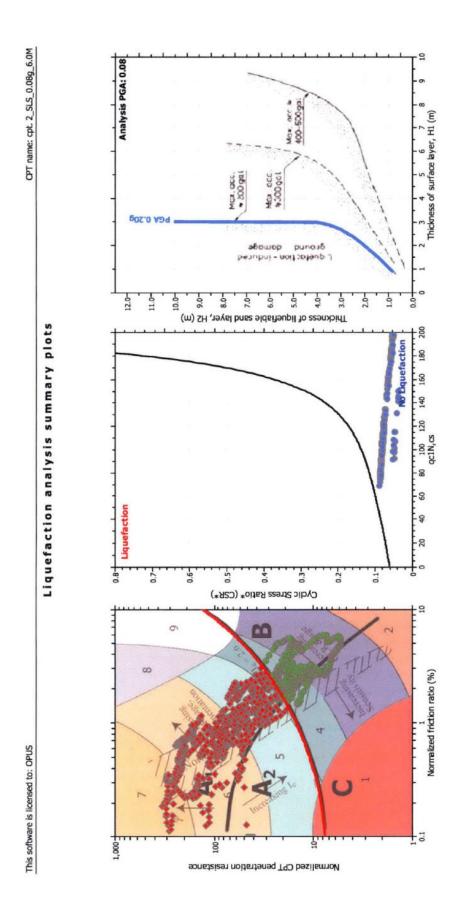
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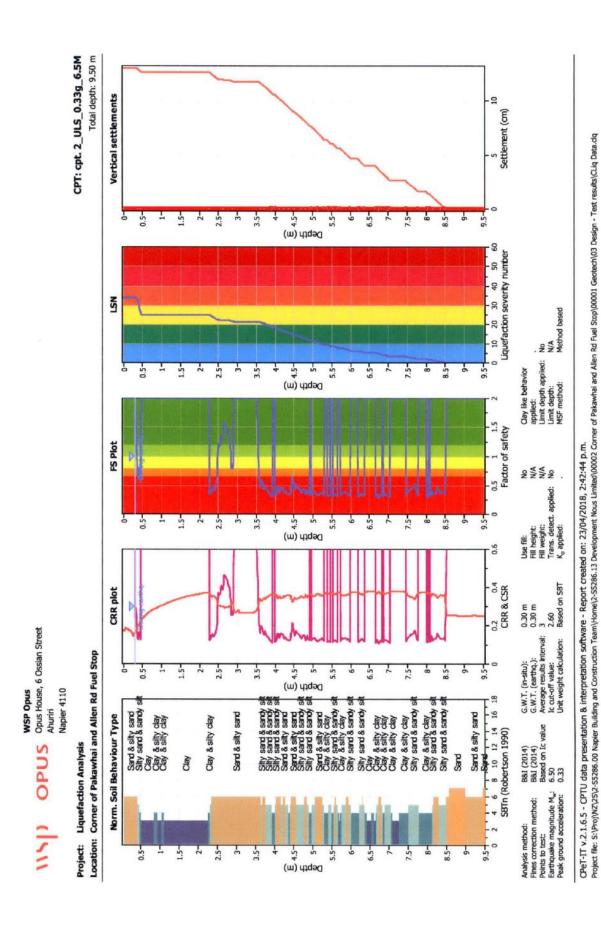
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Fines correction method:	B&J (2014)	Average results interval:	۳	Transition detect. applied:	No	
Points to test:	Based on Ic value	Ic cut-off value:	2.60	K, applied:	Yes	
Earthquake magnitude M:	6.50	Unit weight calculation:	Based on SBT	Clay like behavior applied:	Sands only	
Peak ground acceleration:	0.33	Use fill:	No	Limit depth applied:	No	
Depth to water table (insitu): 0.30 m	0.30 m	Fill height:	N/A	Limit depth:	N/A	

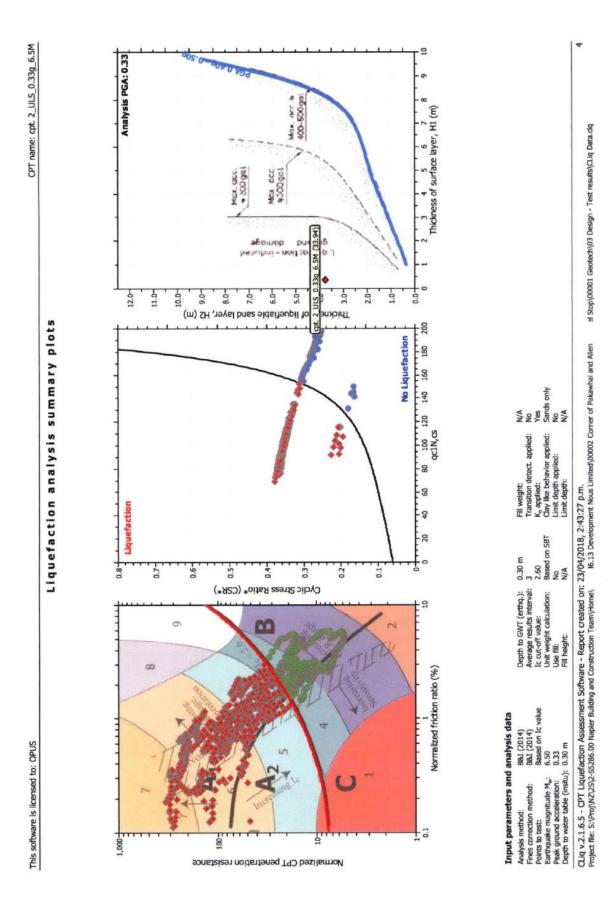


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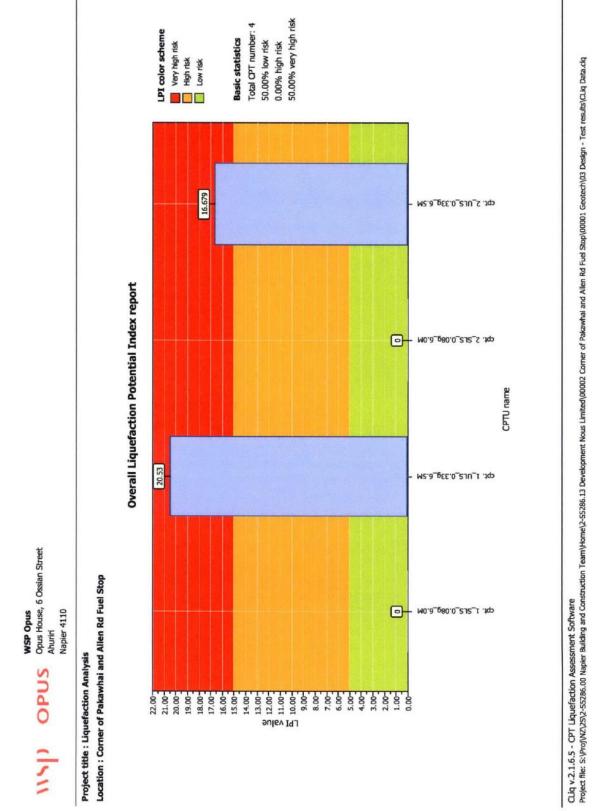


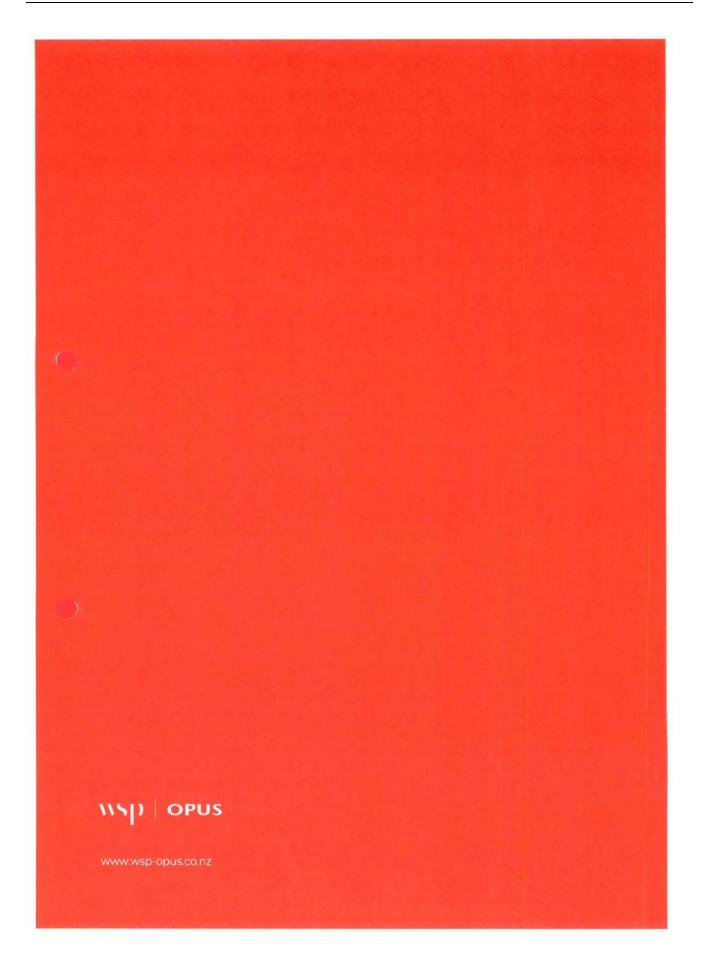
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Peak ground acceleration:	0.08	Use fill:	No	Limit depth applied:	No	
Depth to water table (insitu): 0.30 m	i): 0.30 m	Fill height:	N/A	Limit depth:	N/A	
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Ітем 2





Job number: H20180039 Project: Waitomo Service Station





Environmental Management Plan for
Hastings 24/7 Site
11 Allen Road
Pakowhai
Hastings

Table of Contents

- A protocol/method for identifying and stopping the discharge of environmentally hazardous substances to land or water and avoiding future events of this nature
- 2. Emergency containment and clean-up procedures
- A list of appropriate spill kit contents to enable the containment and/or absorption of spilt material and a plan showing the location of the spill kits
- A schedule of adequate training for personnel in the use of the emergency spill
 response plan and in anticipating and preventing the likelihood of spills.
- Up-to-date and accurate copies of all drainage plans for the land on which the ITA is undertaken showing the location of the final discharge point to the public storm water system or to land or water
- 6. A procedure for notifying as soon as practicable council's 24-hour emergency response service and the relevant storm water or wastewater network operator in the event of any discharge of environmentally hazardous substances that results in, or is likely to result in, contamination of any storm water system, or land or water.
- Methods for disposing of any spills in a secondary containment device. The plan must set out how it will be disposed of in an appropriate and authorised manner.

 A protocol/method for identifying and stopping the discharge of environmentally hazardous substances to land or water and avoiding future events of this nature.

Waitomo Staff

A staff member will visit the site on a monthly basis to clean the pumps and will inspect the interceptor, pumps and forecourt for any possible signs of spills.

Tanker Drivers

At each delivery drivers will inspect the interceptor by checking the bad in the interceptor, pumps and forecourt for any possible signs of spills. All Waitomo tanker drivers are fully training in emergency response procedures and carry a spill kit.

Training is provided for both Waitomo drivers and Petroleum Services staff by approved industry consultants.

Petroleum Services Limited Staff

Petroleum Services staff member to visit the site 6 monthly and undertake a full site inspection including; inspecting the interceptor, pumps and forecourt for any signs of spills; undertaking pump calibrations.

Record Keeping and Checks

Fill to fill records will be maintained for the underground tank. Fill to fills will be maintained for each bulk grade and details of each delivery and the loss / gain calculation will be entered electronically via the portable data terminals (PDT'S) installed in each truck. The fill to fill summaries will be monitored for any discrepancies, any ring on's (due to testing) or pump changes will be entered manually. When reviewing the fill to fill's any sudden losses noticed will be acted upon quickly as this could indicate equipment failure ie: holed tank or pipe failure or pump malfunction. A hard copy will be run off every 6 months and the tank record reviewed. The review is to prove the accuracy of the record, by calculating the cumulative discrepancy as a percentage of tank throughput.

Excessive variation is defined as losses / gains in excess of 0.5% of tank throughput.

Where there are excessive losses the first step of investigation will be for Waitomo Petroleum's maintenance contractor, Petroleum Services Ltd to check the pumps. If the loss/gain is not meter error or a leaking pump then the investigation is continued as per attached "Stage One Loss Procedure" flow

diagram. A register will be kept of all incidents where investigations are requested.

If stage one proves inconclusive and the lines test out okay then a Stage 2 is the next test. The fill and dip points are locked on the tank to stop unauthorised entry. The site will then be reconciled each day to check for losses. If the losses are significant then the Depot Manager will cease deliveries and arrange for the remaining product to be removed.

A 2,500L spill capacity SPEL interceptor will be installed to capture the hydrocarbons from forecourt run-off with an automatic shut off valve. The shut off valve will have an alarm installed that will automatically alert Waitomo head office if the shut off is activated. Cameras will be installed and operating at the site to enable Waitomo staff to immediately assess the incident.

2. Emergency containment and clean-up procedures

Major Spill

This can result from a burst delivery hose, host to tank coupling becoming free, tank overfill.

- Stop Pumping
- Close all tank wagon valves and isolate battery on the vehicle.
- Contain the spill. Use oil spill material, sand or dirt.
- Notify fire service and local Enforcement Officer for OSH and Regional Authorities.
- Evacuate / cordon off the area. (Emergency services will evacuate neighbours if deemed necessary)
- Notify contractor to recover spilt product.

Depending on each individual situation the following may be required:

- If product is in the ground/road but cannot be removed then sand should be laid.
- If product is contained above ground then a contractor with air pump, generator, hoses & vehicle/tank to receive product is required.
- If the product has seeped into the ground then the contractor may be requested to bore holes to locate the product.

Local knowledge of water tables and direction of flow should is obtained.

Depending on the results of the preliminary wells a larger well with a product recovery system may need to be installed.

Emergency Spill Procedures (Tankage / Dispensing Equipment)

Ring Petroleum Services Limited – 0800 22 11 40 Ring Bridged IT – 0800 247678

- In the event that free product is evidenced then immediate action must be taken to:
 - > Contain
 - Stop Source
 - Remove

Customer Response

- To avoid major spills at the dispenser the system has a maximum spend of (usually) \$150 so a pump cannot be left running for a long period of time, either intentionally or by accident.
- In the event a spill is identified by a customer they can:
 - Access the clearly marked 240L Wheelie Bin Spill Response Kit (contents listed below).
 - Emergency Spill Procedures in relation to tanking and dispensing equipment are clearly marked on forecourt wall (refer site plan attached) with emergency contact numbers identified i.e. ring Petroleum Services Ltd 0800 22 11 40 / Ring ECL Group 0800 830 831
- Operations plant staff has access to Oil Industry Spill Trailers which are strategically located throughout the country. In the event that containment or clean up of free product is necessary the delivery location should be involved.
- When on site clean-up is necessary and operations staff is involved whoever is the first company representative on site shall become the onsite co-ordinator.
- The onsite co-ordinator shall liaise closely with the Maintenance Contractor and other sections to ensure that the company's interests are

protected.

- The on site co-ordinator is responsible for ensuring the appropriate local authorities/emergency services are communicated with and that reporting procedures are complied with.
- A list of appropriate spill kit contents to enable the containment and/or absorption of spilt material and a plan showing the location of the spill kits
 - A 240L Wheelie Bin Spill response kit will be on site and clearly marked to be easily identified. (See site plan for Wheelie bin location).

Contents	Quantity
100 x 450mm Oil absorbent pads	50
6m Oil absorbent socks	2
1.2m Oil absorbent socks	5
Oil absorbent pillow	3
Plug n Dike 0.5kg tub	2
Disposal bag	3
PVC Glove - Pair	2
Caution Tape - 100m roll	1
Drain Mat	2
240L Wheelie Bin	1
Road Coned 450mm	2
"Spill Response Kit" Label	1
Instructions sheet & contents list	1

 All Waitomo delivery vehicles & Petroleum Services vehicles are also equipped with Spill Kits & Fire Extinguishers.

Manpower & Pumping Equipment

- · Petroleum Services Pumps, Hoses, Compressor)
- ECL Group (Fuelquip) (Pumps, Hoses)

Vehicles & Tankers

- · Waitomo Petroleum / Fuel Direct
- All tankers carry a spill kit / container.

Waste Products Removal

· Allen's United,

9 Wickham Place, Hamilton (07 846 1294/ 0800 361 155) (Suction trucks, digger, tip truck)

Ron Salter
 Auckland (09 278 6563 24hour)

Foam Stocks

· Hastings - Held by fire station

Absorbent Material

- Absorbent pads process lubricants Auckland, (09 444 5444)
- Absorbent pads Petroleum Services (0800 22 11 40)
- 4. A schedule of adequate training for personnel in the use of the emergency spill response plan and in anticipating and preventing the likelihood of spills.
- Petroleum Services Limited is our Contractors for our bulk fuels and is fully trained in the emergency spill response plan.
- All Petroleum Services staff are approved handlers.
- All Waitomo drivers are fully trained in emergency response procedures.
- Training for Waitomo drivers & Petroleum Services Limited staff is provided by approved industry consultants.
- Up-to-date and accurate copies of all drainage plans for the land on which the ITA is undertaken showing the location of the final discharge point to the public storm water system or to land or water

See attached site and drainage plan. Existing site interceptor to be upgraded to SPEL interceptor and connected to existing system.

6. A procedure for notifying as soon as practicable council's 24-hour emergency response service and the relevant storm water or wastewater network operator in the event of any discharge of environmentally hazardous substances that results in, or is likely to result in, contamination of any storm water system, or land or water

EMERGENCY CONTACTS
GOVERNMENT & LOCAL AUTHORITIES

Matamata / Piako District	CONTACT	PHONE 09
Hastings	Ready Response Department	06 835 9200
Dept of Labour		0800 20 90 20 834 3908
Hastings		04 496300
Hastings		06 831 0700
Hastings		06 871 5000
	Piako District Hastings Dept of Labour Te Atatu Hastings Hastings	Piako District Hastings Ready Response Department Dept of Labour Te Atatu Hastings Hastings

Methods for disposing of any spills in a secondary containment device.
 The plan must set out how it will be disposed of in an appropriate and authorised manner

DISPOSAL

Bulk

Allens United Hamilton have facilities to take 20,000 litres. Petroleum Services Hamilton have facilities to take 10,000 litres. Ron Salter Auckland, have facilities to take 50,000 litres. Allens United Rotorua

Soil

There is a soil remediation plant at Hampton Downs. Call Petroleum Services for disposal of contaminated soil and oil dry granules, sawdust, sand etc.)

Absorbent Pads

Contaminated mats or pads can be squeezed to recover product. The waste material should then be put into plastic bags and either disposed of in an approved landfill or disposed of in an appropriate waste disposal facility, in accordance with applicable laws and regulations.

Environmental Services

Prattle Delamore Partners Limited (PDP) and URS NZ Ltd have both worked with the oil industry providing environmental consulting services related to fuel spills. The companies have engineers and scientists that are experienced in the environmental management of fuel spills throughout New Zealand.

For tanker spills they can:

- Send an environmental specialist to the spill site to assess the environmental risk and to assist the tanker owner with safe management of the spill;
- Advise on cost effective clean-up methods to limit the environmental risk;

- Organise contractors to clean-up, to an appropriate level, ground and water affected by a spill;
- Arrange soil and water testing to show that spilled product has been removed sufficiently so that there is no risk to the environment;
- Provide a report on the incident to show local authorities that the spill has been safely managed;
- Liaise with landowners, local authorities and insurance representatives to assist with the management of the spill.

Contacts at PDP are:

Hamish Wilson	Work 09 523 6900
Keith Delamore	Work 09 523 6900

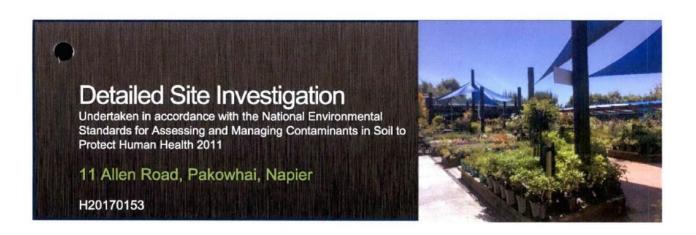
Contacts at URS are:

Andrew Walker	DD: 09 355 1371	029 355 1328
Andy Young	DD: 09 359 4649	021 240 6507
Other	09 355 1300	

Job number: H20180039 Project: Waitomo Service Station







Prepared for Expressway Development Limited By Development Nous Limited

March 18



Detailed Site Investigation 11 Allen Road, Pakowhai, Napier H20170153

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Hastings

PO Box 385 Hastings 4156

Telephone: (06) 876 2159

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Principle for Geosciences Ltd

Approved by:

Johan Faurie

Principle for Geosciences Ltd

Document Information

Prepared for **Expressway Development**

Limited

11 Allen Road, Pakowhai, **Project Name**

Napier

File Reference Document1 Job Reference H20170153 Date 28 March 2018

Version Number

Effective Date: 12 February 2018

Date Approved:

12 February 2018

28 March 2018

Development Nous Ltd & Geosciences Ltd

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Attachment C

Detailed Site Investigation 11 Allen Road, Pakowhai, Napier H20170153

Executive Summary

Development Nous Ltd (DNL), in collaboration with Geosciences Ltd (GSL), was engaged by the Expressway Development Limited (the Client) to conduct a Detailed Site Investigation (DSI) at 11 Allen Road, Pakowhai, Napier (the site) as part of confirming the suitability of the soil in regard to effects on human health given the proposed redevelopment at the site into a petrol station.

The subject site was developed as a plant nursery circa 1997 which included the development of greenhouses (HAIL A.10) and also the implementation of two fuel tanks (HAIL A.17). Under the Environment Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NES) greenhouses are considered a potentially hazardous land use due to the application of persistent pesticides that could have adversely affected the land.

Based on the conceptual model for potential contamination and site observations, DNL personnel collected four composite surface soil samples from across the areas of the site used to raise plants in greenhouses, and five discrete samples (including a field duplicate) from the areas of historic and current oil tanks and hazardous chemical store. Soil samples were analysed for heavy metals (including arsenic, lead and copper), organochlorine pesticides (OCPs), oganonitrogen and organophosphate pesticides (ONOP), acid herbicides and total petroleum hydrocarbons (TPH) depending on the historic use and potential for contamination.

All soil samples returned concentrations for contaminants of concern below NES soil contaminant standards and other relevant guideline criteria for the proposed commercial / industrial use. It is therefore considered highly unlikely that soil on site as well as the proposed development will pose any risk to human health and no further investigations will be required.

Attachment C

Detailed Site Investigation 11 Allen Road, Pakowhai, Napier H20170153

Disclaimer

This report is provided on the condition that Geosciences Ltd and Development Nous Ltd disclaims all liability to any person or entity other than the client and the Hastings District Council in respect of anything done or omitted to be done and of the consequence of anything done or omitted by any such person in reliance, whether in whole or part, on the contents of this report. Furthermore, Geosciences Ltd and Development Nous Ltd disclaim all liability in respect of anything done by the client, or any such person in reliance, whether in whole or any part of the contents of this report of all matters not stated in the brief outlined in our proposal and according to our general terms and conditions and special terms and conditions for contaminated sites.

Statement

This site investigation has been prepared in accordance with the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulation 2011. It has been managed by a suitably qualified and experienced practitioner (SQEP); with site investigations and analysis undertaken in accordance with the current edition of the Ministry for the Environments Contaminated Land Management Guidelines No.5 – Site Investigation and Analysis of Soils, and reported on in accordance with the current edition of the Ministry for the Environments Contaminated Land Management Guidelines No.1 – Reporting on Contaminated Sites.

28 March 2018 Development Nous Ltd & Geosciences Ltd

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Detailed Site Investigation

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Appendix C - Historic Aerial Images

Appendix D - Site Photograph

Appendix E - Soil Sampling Strategy

Appendix F - Chain of Custody Form

Appendix G - Lab Results

LIST OF ABBREVIATIONS AND UNITS

Chemical Names

BTEX	Benzene, toluene, ethylbenzene and xylenes
CCA	Chromated Copper Arsenate
OCP	Organochlorine Pesticides
OPP	Organophosphate Pesticides
PAH	Polycyclic Aromatic Hydrocarbons
PCB	Polychlorinated Biphenyls
PHC	Petroleum Hydrocarbons
TPH	Total Petroleum Hydrocarbons
TRH	Total Recoverable Hydrocarbons
VOC	Volatile Organic Compounds

	Technical Terms
ACM	Asbestos Containing Material
AEC	Area of Environmental Concern
AF	Asbestos Fines
AST	Aboveground Storage Tank
CoPC	Contaminants of Potential Concern
CSM	Conceptual Site Model
DSI	Detailed Site Investigation
EAA	Environmental Assessment Area
HAIL	Hazardous Activities and Industries List
LINZ	Land Information New Zealand
LUR	Land-use Register
MfE	Ministry for the Environment
NES	Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011
scs	Soil Contamination Standards
PSI	Preliminary Site Investigation
TIT	Triple Interceptor Trap
UST	Underground Storage Tank

March 18

6

1 Introduction

Development Nous Ltd (DNL), in collaboration with Geosciences Ltd (GSL), was engaged by Expressway Development Limited (the Client) to conduct a Detailed Site Investigation (DSI) at the property located at 11 Allen Road, Pakowhai, Napier (the 'Site') to confirm the suitability of the soil onsite with respect to the proposed change of use involving redevelopment of the site to form a service station.

The Ministry for the Environment Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NES Regulations) (Reference 1) applies to sites where an activity or industry identified on the Hazardous Activities and Industries List (HAIL) is, has, or is likely to have occurred.

The subject site was developed as a plant nursery circa 1997 which included the development of greenhouses (Item A.10 on the HAIL) and also the implementation of two above ground fuel tanks (Item A.17 on the HAIL), therefore the following report is required as part of the proposed redevelopment (change of use) and associated earthworks under the NES 2011. This report describes the levels of contaminants at the subject site with respect to the recommended guideline levels for the proposed commercial / industrial land use and has been prepared in general accordance with:

- Ministry for the Environment (MfE) Contaminated Land Management Guidelines (CLMG):
 - No. 1 "Guidelines for Reporting on Contaminated Sites in New Zealand (Reference 2)";
 - No. 5 "Site Investigation and Analysis of Soils" (Reference 3); and
- NZ Petroleum Guidelines 'Guidelines for Assessing and Managing Petroleum Hydrocarbon Contaminated Sites in New Zealand' (Revised 2011) (Reference 4).

2 Property Details

The Property is located at 11 Allen Road, Pakowhai, Napier. Table 1 below shows the details of the property. The location and features of the property are shown on *Figure 1*.

Table 1: Property Details

Property Address:	11 Allen Road, Pakowhai
Site Area:	The subject site title contains approximately 1.29ha
Legal Description:	Section 1 SO 9886
Current Site Owner:	Oderings Nurseries Chch Limited
District:	Hastings District Council
Current Zone:	Plains Production Zone

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Figure 1: The Location of the Property at 11 Allen Road, Pakowhai

2.1 Environmental Setting

Allen Road bounds the site to the south and Pakowhai Road bounds the site to the west. The site is located immediately to the south of the Pakowhai Road intersection with State Highway 50A.

The surrounding land use is predominantly horticultural / agricultural use.

The property is currently predominantly composed of hardstanding area used for a plant nursery and garden centre.

The nearest water body to the property is the Tutaekuri River approximately 1.35km to the east of the site while the Hawke's Bay is approximately 6km to the east of the site.

The geology of the site is described by Griffiths (Reference 8) as sandy loam / silt loam on old topsoil.

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3 Proposed Development

The plans for the site include redevelopment of the nursery into a fuel station, which is likely to include significant earthworks. Figure 2 below illustrates the proposed use, this is only a preliminary draft and may be subject to change.



Figure 2: Proposed Development Plan (Draft)

4 Standards and Regulations

As a result of the history of the site and proposed development outlined above it will be necessary to address the requirements of the following standards, rules and regulations applicable for the site.

4.1 National Environmental Standard

The 'National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health' (NES) (2011) (Reference 1) ensures that land affected by contaminants in soil is appropriately identified and assessed. When soil disturbance and / or land development activities take place it should be, if necessary, remediated or the contaminants contained to make the land safe for human use.

Under the NES, land is considered to be actually or potentially contaminated if an activity or industry on the Ministry for the Environment (MfE) Hazardous Activities and Industries List (HAIL) has been, is, or is more likely than not have been, undertaken on the land. Consequently, a change in landuse, subdivision, earthworks or development requires a site investigation of the land to determine if there is a risk to human health because of any current or former landuse activities.

4.2 Proposed Hastings District Plan

Previous provisions of the Operative District Plan have been suspended by the Proposed Hastings District Plan as amended by decisions which legal effect on this date on 12th

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September 2015 (under Section 86f of the RMA, 1991). Section 27.1.4 of the Proposed District Plan delegates the assessment of contamination to the national level NES (2011) instrument.

5 Scope of DSI

5.1 Objectives

The objectives of this investigation were to assess:

- The extent of any current or former HAIL activities on site;
- The soil quality and associated risk to human health and the environment resulting from former activities on the site;
- If the activity can comply with NES permitted activity conditions; and,
- . The need, if any, for further detailed investigation and / or remedial work.

5.2 Works

To achieve the objectives of the DSI, DNL and GSL have undertaken the following:

- A review of historic aerial photographs of the site;
- A review of the Certificate of Title for the property;
- A site visit for the purposed of inspection and of the collecting soil samples;
- The collection of composite and discrete soil samples from the site;
- The analysis of those soil samples for horticultural contaminants of concern, these being arsenic, coper, lead and a suite of organochlorine pesticides (OCPs); and
- The preparation of a report in accordance with MfE Contaminated Land Management Guidelines (CLMG); No. 1 – "Guidelines for Reporting on Contaminated Sites in New Zealand" detailing the findings of this investigation and the need, if any, for further work and/or remediation.

6 Site History

A desktop assessment of publicly available files and photographs was undertaken to determine the history of the site with respect to any current or historic potentially contaminating land uses. The findings of the assessment are presented below.

6.1 Certificates of Title

A search of Land Information New Zealand (LINZ) was conducted in order to obtain current and historic information for the subject site. The land record includes the Certificate of Title, Historic Titles and Cadastral Survey Plan and is provided in Appendix A. There were no identified details on the Certificates of Titles that are considered hazardous under the NES; previous site owners consist of a wool and skin merchant (1961) and a sheep farmer (1961).

6.2 Hastings District Council Records

A search in Hastings District Council TRIM portal identified the following relevant HAIL activities / information about the site history (documents presented in Appendix B);

TRIM Ref: Letter (March 1995) regarding query relocating residence onto site. Letter 53568#18 stating that site currently being used to graze horses.

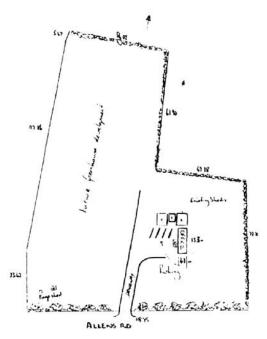
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RMA960372

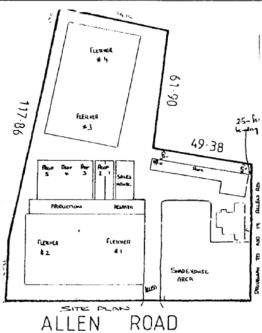
Consent granted to relocate building to Allen Road to be used as an office for the nursery on-site. A plan (see figure below) indicates the site layout at the time indicating existing buildings on site. A note on this file from 29.11.00 indicates that relocation was never carried out.



ABA9601735 Application to relocate office and build nursery in accordance with resource consent RMA960372.

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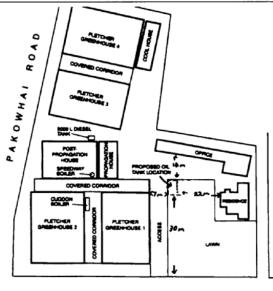


RMA970372 Relocate Dwelling onto site to be used as managers residence.

This application identified several small rudimentary buildings on the site, a pump shed and two concrete water tanks.

ABA20010559

Erect concrete bund and relocate oil fuel tank (50,000 litres of refined fuel oil), this application included a plan of the layout identifying the location of an existing and proposed oil tank (see plan below).



ALLEN ROAD

RMA20030151

Legitimise rural production and relocate a 273.6m² glasshouse onto the site. Reference to indoor plant nursery on level ground, Andersons Nurseries have been operating in Napier since 1997 on this site.

The specifications of the greenhouses provided mention no reference to asbestos containing materials (fibrolite etc).

With reference to hazardous substances, the application states:

'No change in oil burner, concrete bund in fuel shed for oil burner, concrete floor on storage shed, fertiliser coated controlled release, premixed in potting mix on concrete bund, in ultracoat. Similar to Osmocote. Soluble fertilisers, top feed fertilisers'

RMA20110203

Resource consent application from Oderings Nurseries Chch Ltd to assess the effects of retailing plants and products related to gardens and garden care and associated signage. The application proposes to establish a garden centre on part of a site which currently contains glasshouses and plant nursery.

The application identified the existing nursery was owned by Andersons Nursery, set up in 1997 which was considered a 'pot growing nursery'.

This consent proposed to retain 4,888m² of the existing glasshouse for seed plug tray production, potted colour plants and bedding plants.

This application included photographs of Oderings take over of the site (2011) including images of the location of one of the

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The glasshouses were developed (1997) and the use as a potted nursery and given that the use of most persistent pesticides have been phased out in New Zealand during the 1970s, it is unlikely that the underlying soils had been impacted by lead, arsenic, DDT or Diekdrin. However, under the NES surface soil from the glasshouses along with soil from the locations of the fuel storage tanks and hazardous chemical store will need to be investigated.

6.3 Aerial Photography

Historic aerial photographs from the Hastings District Council GIS System were searched in addition http://retrolens.nz to fill the gaps in the timeline on the HDC GIS System. The aerial photographs were chosen based on availability and clarity, and are presented in Appendix C. Key events relevant to site use are summarised in Table 2.

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Table 2: Historic Aerial Photos



Year Taken and Description

The site appears to be in use as pastoral land, with no identifiable structures on site.



1969

1949

The site still appears to be in to be in use as pastoral land. This aerial appears to show an access path leading through the site from the south west boundary to the north east boundary. Pakowhai Road has been established since 1949.



1977

This low resolution aerial appears to show the access path leading through the site in more detail and there are some disturbed areas and structures to the east of the site which could comprise development / buildings / other structures.

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1980

This aerial shows the site in a higher resolution and appears to show the site is in agricultural use. A group of buildings are clearly identifiable on the east of the site, one of which appears to be a dwelling. The 1996 application identified above (RMA960372) identifies a number of structures present on site, but not a dwelling, this must have been removed in the interim.

Approximate site boundary



1996

As identified above, the buildings on site have been reduced and match what was described as being present on site in RMA960372. The site appears to have been taken out of agricultural use and looks to be used as pastoral land, this corroborates evidence that the land was used to graze horses in 1995 (TRIM file reference 53568#18)

Approximate site boundary



2008

The site has been developed with glasshouses covering most of the site area. Visible in the centre of the site is the green fuel tank described in ABA20010559, there is also another fuel tank located to the north of the south-western green house (as identified in ABA20010559).

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2010

The site is in a very similar configuration to 2008



2014

The central most greenhouse has been removed to facilitate parking for the converted commercial garden centre that is now present at the eastern section of the site. The greenhouses to the western boundary are still in situ. The fuel tank in the centre of the site has been removed.

As identified in the historic aerial photo search the majority of the site has historically been, or currently has greenhouses in situ (HAIL A10 – persistent pesticide bulk storage or use including sports turfs, market gardens, orchards, glasshouses and spray sheds). Furthermore, two historic and current above ground fuel tanks have been identified on site (HAIL A17 – storage tanks or drums for fuel, chemicals or liquid waste).

7 Site Inspection

DNL personnel undertook inspection of the site on 18/12/17, in order to verify the findings of the desktop investigation and to collect soil samples.

Observations made during inspection of the property confirmed the assessment of the site history as described in Section 6 above.

The western half of the site is occupied by a plant nursery, consisting a number of partially covered greenhouses, while the central area of the site consisted of a tarmacked parking lot with the eastern extent being composed of a shop and outdoor retail area for plants (Plates 1 and 2 in Appendix D).

The site manager was able to provide some information about the site when Oderings took over the site in 2011. The building to the eastern extent of the site, currently housing the retail section of the site was previously used by Andersons for site offices and was re-clad by Oderings to facilitate the current shop, retail and sales arrangement.

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When some of the greenhouses were removed to make space for the parking lot (Plate 2 in Appendix D), a significant amount of surface soil was removed from site and replaced with engineered fill to allow the formation of the parking lot. This may have included the area beneath the identified oil tank at the east of the site.

The oil tank to the west of the site was still in situ and in use (Plates 3-6 in Appendix D). There was a concreted area directly beneath the hand pump and tank, however a small area of contamination was clearly visible on the ground surrounding the hand pump.

Inside the greenhouses the majority of floorspace is in use for raising plants (Plates 7-11 in Appendix D) with some plants raised in pots directly on the metalled ground and some grown in plants on raised tables. There are small areas of miscellaneous storage and also a number of electrical boilers used to heat the greenhouses during the cooler winter months (Plates 12 and 13 in Appendix D).

Personal experience of the SQEP has found that pesticides used for plant nurseries are unlikely to be on the same scale or extent of those used in horticultural practises for food production. Accordingly, a small chemical store was located in the northern section of the site (Plate 14 in Appendix D) with additional storage of chemicals on the floor around the chemical store (Plate 15 in Appendix D). Chemicals stored (Plates 16 and 17 in Appendix D) in the chemical store included, but were not limited to:

- Propagating material and fertiliser (agra-vermiculite, 'Triabon');
- Herbicides, fungicides and insecticides (Glyphosate 360, 'Bliztem', 'Confidor', 'Recoil', 'Decis Forte', ADAMA 'Afalon'); and,
- Ancillary products to use alongside pesticides (Grochem's 'Umbrella', designed to extend life of pesticides).

All plants were grown on metalled ground sitting on geotextile to prevent the growth of weeds, this further limits the exposure of the underlying soil to any contamination (Plate 18 in Appendix D).

8 Potential for Contamination (Conceptual Site Model)

8.1 Potential Contamination

The results of the desktop investigation and site observations have confirmed that the majority of the site has historically, and is currently, glasshouses developed circa 1997. Furthermore, two above ground fuel storage tanks have been identified on site, one current and one historic.

The bulk storage and use of persistent pesticides (including glasshouses) and fuel storage tanks are listed on the HAIL as items A10 and A17, respectively.

8.2 Potential Contaminants

Following the desktop investigation into the site history, it is considered that the risk of high levels of contamination to the soil from persistent pesticides is considered low. This is due to many of the primary contaminants of concern associated with glasshouses (DDT, dieldrin, lead arsenate etc) being restricted and banned in New Zealand through the 1970s and 1980s, therefore given the age of the glasshouses on site (developed circa 1997), it is considered unlikely that such pesticides were used for the control of pests at the site.

Furthermore, given the nature of the activities at the site (involving plants 'grown in pots' throughout the site history as a nursery) it is considered unlikely that this activity would have

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impacted the underlying soil detrimentally. The nature of the seedlings grown would not have warranted use of these pesticides and it is likely that the pots were grown on hardstanding / metalled areas to prevent weed growth and facilitate safe, easy access throughout. However, as glasshouses are identified as a HAIL activity, these areas should still be tested to ensure compliance with NES soil contaminant standards for the proposed industrial use.

GSL and DNL consider that any contamination, if present, is likely the result from the bulk use of pesticides, herbicides and fungicides on site through direct sprayed application and, spillage from spray units.

The direct contact with soil from the potential surface contamination sources (sprayed pesticides or spillages) is the primary contaminant pathway.

Based on this, GSL and DNL consider that the surficial topsoil layer is the most likely strata to have been impacted and that any impacts would likely be uniform across much of the glasshouse areas.

With respect to the contaminants of concern, it is noted that although most persistent pesticides were banned in New Zealand by the time the nursery was established, the NES define DDT, Dieldrin, lead and arsenic as priority pollutants, associated with glasshouse activities.

Furthermore, there is the potential for spillages of petroleum hydrocarbons around the storage tanks and spraying chemicals at the hazardous chemical store.

8.3 Soil Sampling Methodology

Based on the potential for contamination described above, a soil sampling plan was prepared for the full extent of the site to investigate whether the current and historic horticultural activities and the bulk storage of fuel have had an adverse effect on soil at the site.

The soil testing was completed by DNL personnel on 18/12/17. These targeted the areas of HAIL activities revealed during the desktop study and conversation with the owner as described above. Soil testing locations were confirmed by Johan Faurie, of Geosciences Ltd, suitably qualified and experienced professional (SQEP). The sampling plan for soil testing is identified in Figure 3 and also presented in Appendix E.

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Figure 3: Soil Sampling Strategy

The soil sampling regime was based on the potential wide spread and uniform chemical application associated with the horticultural spraying and application activities within the glasshouses. While the potential for contamination at locations of current and former storage areas of pesticides and fuel was also tested.

The rationale behind the composite and discrete samples taken are summarised below.

Given the uniform nature of the former and current horticultural use within the greenhouses located on the site, four composite samples were taken covering the majority of the current and historic greenhouse areas to provide an overview of the soil quality in this area. Although an additional greenhouse was historically in the area now occupied by the carpark, this area was considered difficult to sample due to the existing asphalt sealed surface that appears to be in good condition. GSL and DNL considered that any contamination is likely to be consistent across all the greenhouse areas and that if contamination was found in one, a similar level of contamination would likely be found across the site, therefore it was considered that if the other four greenhouses tested were below the NES SCS criteria for industrial use, the area

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under the current carpark would likely be clean as well. It was further confirmed by the site manager that all topsoil was removed from the area during construction to create a stable and level foundation for the carpark.

Composite Samples (COMP) 1 -4

The CLMG 5 guidelines states that the "investigation of horticultural land and broadscale contamination typically uses composite techniques, often with more than four sub-samples per composite. This method is appropriate where low-concentration, uniform contamination is present and can be confirmed by site history."

Composites consisting of four sub-samples evenly spaced throughout each greenhouse section (to allow for comparison with adjusted guideline values if necessary). However, as the application of agrichemicals to the plants in the nursery is predominantly through direct sprayed application to the crop and can generally be regarded as uniform in distribution (*Gaw*, *S.K.*, Reference 6), it is not considered necessary to adjust the values.

Comp 1 was tested was heavy metals and oganonitrogen and organophosphate pesticides (ONOP).

Comp 2 and 4 were tested for heavy metals and organochlorine pesticides.

Comp 3 was tested for heavy metals and acid herbicides.

As noted earlier the use of pesticides at plant nurseries is not nearly as intense as in vegetable or horticultural production. Furthermore, given that the nursery was established after most persistent pesticides were been banned in New Zealand and the visual observation of some herbicides stored on site, it was deemed necessary to substitute the analysis of OCPs in two soil samples with oganonitrogen and organophosphate pesticides and with a suite of acid herbicides, respectively.

Discrete Soil Samples SS2 - SS5

Soil Sample 2 (SS2)

SS2 was taken in front of the hazardous chemicals store which contained the afore mentioned propagating material that included, fertiliser, herbicides, fungicides and insecticides etc. It was reasoned that any leaks and spills would have collected in this location.

Soil Sample 3 (SS3)

Soil samples were taken at surface and 600mm below ground level in the location of the visible hydrocarbon contamination by the oil tank and handpump. There was concrete under the metal material below and the soil sample was taken towards the edge of the visible hydrocarbon stain. An additional sample was taken at 1,000mm below ground level but held in cold storage until the initial soil sample results were returned.

Soil Sample 4 (SS4)

A soil sample was taken at the approximate location of the historic oil tank at the west of the site. The area was almost entirely covered by concrete and a soil sample was taken as close to the original location of the storage tank as possible, however as mentioned above, the site manager noted that some soil in that area had been exported off site to establish the car park. A soil sample at depth (350mm) was also taken, however this was held cold until the initial soil samples were returned.

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Soil Sample 5 (SS5)

The MfE's CLMG No.5 Site Investigation and Analysis of Soils, requires that one duplicate sample should be collected for every ten samples and submitted to the laboratory as two separate samples (blind field duplicate). In accordance with this guideline, DNL collected a duplicate sample of soil at the location of SS2 and labelled SS5. This was tested for heavy metals only.

8.4 Soil Sampling Procedure

Soil sampling was undertaken by Sophia Edmead and Bo Robertson of DNL on 18/12//17 under instruction of Johan Faurie of Geosciences Ltd, SQEP.

All samples were collected from the 75mm surface horizon of soil using a stainless-steel foot corer following the removal of surficial metaled cover and the underlying geotextile fabric found in the greenhouses. Samples at depth were taken with a stainless steel hand auger.

Sampling equipment was decontaminated between each sample in accordance with GSL's quality control procedures. Soil samples were placed directly into laboratory provided glass jars with date, sample identification number, sample depth and job number noted on the jars.

The sampling protocol was in accordance with the *Contaminated Land Management Guidelines (CLMG) No. 5 – Site Investigation and Analysis of Soils* (Reference 3) and Pattle Delamore Partners Ltds' Agrichemical Use and Residential Development: Sampling Guidance (Reference 5).

8.5 Laboratory Analysis and Quality Control

Samples were placed in a box with a chain of custody form (COC) indicating the analysis to be performed and which samples needed compositing. Compositing was carried out by the laboratory.

The samples were dispatched via courier to *Analytica Laboratories* in Hamilton on 19/012/17 (COC forms are presented in Appendix F).

Analytica Laboratories is accredited by International Accreditation New Zealand (IANZ) for the analysis undertaken.

The MfE's CLMG No.5 Site Investigation and Analysis of Soils, requires that one duplicate sample should be collected for every ten samples and submitted to the laboratory as two separate samples (blind field duplicate). In accordance with this guideline, DNL collected a duplicate sample of soil at the location of SS2 and labelled SS5. The duplicate soil sample was tested for heavy metals only.

9 Analytical Results

9.1 Acceptance Criteria and Guidelines

The assessment criteria for contamination currently used in New Zealand for the analysis of soil contamination levels under the NES (2011) are presented in the *User's Guide National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health, Ministry for the Environment (2012)*. There are five standard land-use scenarios for which Soil Contamination Standards (SCS). The proposed development will see the land redeveloped into a fuel service station and the industrial / commercial use will remain. The laboratory results have therefore been compared with the commercial / industrial outdoor worker unpaved criteria as set out by the NES.

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9.2 Laboratory Results

The analytical results have been summarised and compared with the NES Soil Contamination Standards (NES SCS) which are presented in Table 3. Full laboratory transcripts are presented in Appendix G.

Heavy Metals

Table 3: Heavy Metal Concentrations (mg/kg)

Ref	Arsenic (As)	Boron (B)	Cadmium (Cd)	Chromiu m (Cr)	Copper (Cu)	Lead (Pb)	Nickel (Ni)	Zinc (Zn)
COMP 1	12.5	9.17	0.27	20.2	14.9	17.8	15.0	91.5
COMP 2	17.1	10.9	0.38	21.3	20.3	25.9	16.4	90.4
СОМР 3	15.9	10.4	0.28	22.1	25.1	27.2	16.6	201
COMP 4	11.5	11.9	0.55	21.0	19.6	23.0	15.2	119
SS2	13.5	11.0	0.40	20.9	20.0	20.4	14.8	82.2
SS3 (0- 75mm)	8.90	9.41	0.79	20.6	15.3	22.6	14.8	91.6
SS3 (600mm)	7.78	10.0	0.095	25.7	11.5	17.6	18.3	75.2
SS4	13.0	11.2	0.19	23.3	22.7	19.5	15.3	128
SS5 (Field Duplicate of SS2)	13.0	11.3	0.36	20.5	19.5	20.3	14.7	80.9
NES SCS for commerci al / industrial	70	>10,000	1,300	6,300	>10,000	3,300	4,000 ⁱⁱ	400,000 ^{III}

Notes:

- i. Red text colour indicates exceedances of NES SCS
- ii. NES SCS for commercial / industrial (unpaved)
- iii. NEPM (2013) criteria for commercial / industrial taken in absence of NZ NES criteria
- Adjusted value = guideline value / number of samples in composite (only applicable for composite samples)
- v. A '-' will indicate that the sample was not analysed for the particular contaminant

Analytical results for the soil samples (both discrete and composite soil samples) across the whole site returned low concentrations of heavy metals, including arsenic, copper and lead (concentrations below the NES SCS for industrial / commercial use). The application of horticultural chemicals within the glasshouses is considered to be uniform and the potential for soil contamination low, the adjustment of the guideline levels to account for the compositing is not deemed necessary, however, it is noted that the analytical results for the composite soil

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samples returned concentration levels below the NES SCS even if these are adjusted to account for compositing.

Organics

These analytical results have been summarised and compared with the NES Soil Contamination Standards (NES SCS) or appropriate guidelines and are presented in Table 5. Full laboratory transcripts are presented in Appendix G.

All soil samples submitted for analysis of ONOPs returned concentrations at the reporting limit. All soil samples submitted for analysis of acid herbicides returned concentrations at the reporting limit (apart from 2,4,6 – Tribomophenol which is used as a surrogate and not directly in the soil samples).

Table 4: OCP and TPH (mg/kg)

	00	OCPs		ТРН			
Sample Reference	ΣDDT	Dieldrin	C7-C9	C10-C14	C15-C36		
COMP 1	-	-	F	1.5	-		
COMP 2	0.22	<0.05	-	-			
COMP 3	-	-	-	-	-		
COMP 4	0.36	<0.05	-		-		
SS2	0.47	<0.05	-		-		
SS3 (0-75mm)	•	•	14	962	6,059		
SS3 (600mm)	*	-	31	<15	135		
SS4	-	-	16	<15	43		
Relevant Guidelines	1,0001	160 i	500 ⁱⁱ	1,700	N/A		

Notes:

- i. NES SCS for residential (10% produce per annum)
- New Zealand Petroleum Guidelines for Assessing and Managing Petroelum Hydrocarbon Contaminated Sites in New Zealand for commercial / industrial use at surface (<1m) in sandy silt soil (Griffiths describes the soil as sandy loam / silt loam)
- iii. A '-' will indicate that the sample was not analysed for the particular contaminant
- iv. Adjusted value = guideline value / number of samples in composite (only applicable for composite samples)

Dieldrin results were below the laboratory detection limit at screen level and well below the NES SCS. Likewise, the concentrations of \sum DDT in the all soil samples are well below the NES SCS criteria for commercial / industrial use.

Soil samples SS3 (0-75mm) and SS3 (600mm) were taken from the area below the current oil tank used on site where there was visual and odour evidence of oil within the soil. The

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analytical results show the contamination present is from diesel, but it does not appear to penetrate very deep into the soil profile. The results for the soil sample taken at the surface and 600mm were returned below the MfE Guidelines for Assessing and Managing Petroleum Hydrocarbon Contaminated Sites in New Zealand for commercial / industrial use at surface (<1m) in sandy silt soil.

SS4 was taken from an area approximately in the location of the historic oil tank and analysed for TPH. Results were returned below the MfE Guidelines for Assessing and Managing Petroleum Hydrocarbon Contaminated Sites in New Zealand for commercial / industrial use at surface (<1m) in sandy silt soil.

10 Quality Control

The MfE's CLMG No.5 Site Investigation and Analysis of Soils, requires that one duplicate sample should be collected for every ten samples and submitted to the laboratory as two separate samples (blind field duplicate), Soil sample SS5 was therefore submitted as a split duplicate of soil sample SS2 for analysis of heavy metals.

A comparison of the results from the two samples SS2 and SS5 (split duplicates) is provided below in Table 4.

Table 5: Duplicate Sample Analytical Results

Ref	Arsenic (As)	Boron (B)	Cadmium (Cd)	Chromiu m (Cr)	Copper (Cu)	Lead (Pb)	Nickel (Ni)	Zinc (Zn)
SS2	13.5	11.0	0.40	20.9	20.0	20.4	14.8	82.2
Duplicate	13.0	11.3	0.36	20.5	19.5	20.3	14.7	80.9
% Variation ²	3.8	2.6	10.5	1.9	2.5	0.5	0.7	1.6

Notes:

- All metal concentrations measured in mg/kg.
- 2. % Variation calculated in accordance with CLMG 5(Reference 2) using equation: ((Result 1 Result 2)/Mean Result) x 100

A relative percentage difference (RPD) of less than 30% - 50% is considered a suitable repeatability standard for blind replicate sampling. It is noted that all pairs revealed a RPD that below the acceptable limit indicating that the data set is consistent and the soil samples are representative of the site conditions.

11 Conclusion

Development Nous Ltd (DNL), in collaboration with Geosciences Ltd (GSL), was engaged by the Expressway Development Limited (the Client) to conduct a Detailed Site Investigation (DSI) at 11 Allen Road, Pakowhai, Napier (the site) as part of confirming the suitability of the soil in regard to effects on human health given the proposed redevelopment at the site into a petrol station.

The subject site was developed as a plant nursery circa 1997 which included the development of greenhouses (HAIL A.10) and also the implementation of two fuel tanks (HAIL A.17). Under

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Detailed Site Investigation 11 Allen Road, Pakowhai, Napier H20170153

the NES (HAIL A.10), greenhouses are considered a potentially hazardous land use due to the application of persistent pesticides that could have adversely affected the land.

Based on the conceptual model for potential contamination and site observations, DNL personnel collected four composite surface soil samples from across the areas of the site used to raise plants in greenhouses, and five discrete samples (including a field duplicate) from the area of historic and current oil tanks and the hazardous chemical store. Soil samples were analysed for heavy metals (including arsenic, lead and copper), organochlorine pesticides (OCPs), oganonitrogen and organophosphate pesticides (ONOP), acid herbicides and total petroleum hydrocarbons (TPH) depending on the historic use and potential for contamination.

All soil samples returned concentrations for contaminants of concern below NES soil contaminant standards and other relevant guideline criteria for the proposed commercial / industrial use.

It is therefore concluded that although soil on the site has been mildly impacted by the former and current site activities, it poses no risk to human health and to current and future land users.

12 Additional Requirements

As per the Health and Safety at Work (Asbestos) Regulation 2016 and Work Safe's 'Management and Removal of Asbestos' (November 2016), the person conducting a business or undertaking (PCBU) demolition or refurbishment of structures and plant constructed before 1 January 2000 should responsible for identification and removal of asbestos or asbestos containing material (ACM). This would initially entail a competent person inspecting the relevant area or areas for asbestos of ACM. Following the identification of asbestos likely to be disturbed by the demolition work, the PCBU must, so far as reasonably possibly, make sure the asbestos is removed before the work starts.

As the buildings on site were developed circa 1996/1997, the buildings and structures on site would come under the above requirements and the developer and constructor should ensure asbestos is identified and removed before construction begins.

13 Activity Status of Future Development

It is proposed to redevelopment of the nursery into a fuel station and based on the findings of the DSI described above it is concluded that it is highly unlikely that the development will be a risk to human health. Although, no earthworks plans for the proposed development have been cited as yet, as a result of the significant earthworks associated with the development of a fuel station it is unlikely that the development will comply with the NES permitted activity Regulation 8(3) and it will most likely be regarded as a controlled activity under the NES.

March 18

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Limitations

This report has been prepared solely for the use of the Client to whom this report is addressed and the Hastings District Council and must not be reproduced in whole or part or included in any other document without our express permission in writing. No responsibility or liability to any third party is accepted for any damages arising out of the use of this report by any third party.

The site should only be used for one or more of the beneficial uses and land-uses identified in the DSI as suitable. The conditions and qualifications may apply to the suitability of the site for use, and it is the responsibility of the Client to be cognisant of and accept these in accepting the report. DNL and GNL is only responsible for the issuing of this report but accepts no liability for the costs incurred in the implementation of the report findings.

The investigation provides a "snapshot" of the site conditions at the time of the site investigation. Consequently, the report may not be valid at a later time if there has been any change to the contamination status of the site in that time. Verification of the status of the site may be required in cases where a significant time has elapsed, or site conditions have changed since the assessment and audit.

The investigation is necessarily limited by constraints such as time, cost and available information; although normal professional practice at the time has been applied with all due care to prepare the report. There is a risk that contamination may occur at the site and not be identified by a competent investigation and assessment.

The sampling plan was based on information from a desktop investigation, which used information obtained from third party database sources, anecdotal information and a visual inspection of the site. Therefore, there is a possibility of gaps in the data and not all areas of potential concern may have been identified. Likewise, the information obtained from the intrusive investigation is only representative of the site conditions at that time and should not be inferred to represent site conditions at some point in the past or future.

This report is not and does not purport to be anything other than a contaminated land DSI. It is not a geotechnical report and bore logs reproduced are for interpretation of the likely distribution of contamination. They are not intended for geotechnical interpretations and may not be adequate for this purpose.

This investigation has been undertaken under the guidance of a Suitably Qualified and Experienced Person. Johan Faurie is a principle scientist with an MSc in Geology. He has more than 20 years' experience in contaminated site investigations and has advised the former Auckland Regional Council, Waitakere City Council and Franklin District Council on contaminated site issues for more than five years. He has also provided expert advice as witness in both the Environment and District Courts and meets the criteria for 'a suitably qualified and experienced practitioner' as defined by the National Environmental Standard.

March 18

References

- Ministry for the Environment (2011). Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NES). Ministry for the Environment, Wellington, New Zealand.
- Ministry for the Environment (2003). Contaminated Land Management Guidelines No.1: Reporting on contaminated Sites in New Zealand. Ministry for the Environment, Wellington, New Zealand.
- Ministry for the Environment (2003). Contaminated Land Management Guidelines No.5: Site Investigation and Analysis of Soils. Ministry for the Environment, Wellington, New Zealand.
- Hastings District Council (2005). The Hastings District Plan (Plan Change 28) Historic Persistent Chemical Residues in the Soil
- 5. Pattle Delamore Partners Ltd (2005). Agrichemical Use and Residential Development: Sampling Guidance, Prepared for Hastings District Council.
- 6. Pattle Delamore Partners Ltd (2004). Agrichemical Use and Residential Development.
- Ministry for the Environment (1999). Guidelines for Assessing and Managing Petroleum Hydrocarbon Contaminated Sites in New Zealand (Revised 2011). Ministry for the Environment, Wellington, New Zealand.
- 8. Health and Safety at Work (Abestos) Regulations 2016 (LI 2017/63)
- 9. Work Safe (2016) Management and Removal of Asbestos. New Zealand Government.

March 18 28



February 18 29

	vel 202 felle 73 iplicate Or	iginal PORM No. 2
	K.E. (Vol. 36 , Folio 96 (twlance)	54
	Reference: Transfer No.	PAUS a-book
	Order for N/C No. 163254 NEW ZEALAN	D H.B. 202 , fals 73
	CERTIFICATE OF TITLE UNDER	LAND TRANSFER ACT
		_ 3
	This Certificate, dated the fourth day of Kay under the hand and seal of the District Land Registrar of the Land Registration Di	one thousand nine hundred and nirty-one
	MAILINE CHRISTOPICE of "atupire Sheepfarmer.	since of PATY DIE PAY WITNESSETH &
	is seised of an estate in fee-simple (subject to such reservations, restrictions, encum	brances, liens, and interests as are potified by memorial und
	written or endorsed hereon, subject also to any existing right of the Crown to take a Assembly of New Zealand) in the land hereinafter described, as the same is delineate	nd lay off roads under the provisions of any Act of the Gener
	admeasurements, a little more or less that is to say: All that parcel of land contain less rituate in Blocks VII, VIII, XI and XII of the "eretain	ning 118 acres 3 roods and 14 perches more
	9.10.11.12.13.11 and 15 on Deposited Plan In. 10305 which sa	id parcel of land comprises portion of Water
	1C2B and 1D2A Blocks	
		aur ours ///
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		Thanks !
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	to Frederick Robert Watters produced 1.5.1961 of to Kaar	Yuen Young together with Drainage Rights o
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		203 Pol. 15 fillude 1
• .	CANCELLED	CVER

References H.B. Prior C/T. 202/73 (part)

Transfer No. 163469 N/C. Order No.



D

Land and Deeds 69

CERTIFICATE OF TITLE UNDER LAND TRANSFER ACT

This Certificate dated the 15 this of May one thousand nine hundred and Sixty-one under the seal of the District Land Registrar of the Land Registration District of HAWKE'S BAY

WITNESSETH that JOHN JOSEPH CUMMOCK of Dannevirke, Wool and Skin Merchant

is seised of an estate in fee-simple (subject to such reservations, restrictions, encumbrances, liens, and interests as are notified by memorial underwritten or endorsed hereon) in the land hereinafter described, delineated with bold black lines on the plan hereon, be the several admeasurements a little more or less that is to say: All that parcel of land containing 20 acres 1 rood and 15 perches more or less situate in Block XII of the Heretaunga Survey District being Lots 11 and 12 on Deposited Plan No. 10306 which said parcel of land comprises portion of Waiohiki 1028

L.S. C.C. Kennelly.

District Land Registrar.

Appurtenant hereto are Drainage Rights over Lot 13 Plan 10306 (C.T.H.B. 203/9) created in and by Transfer No. 163467

C.E. Kennelly.

D.L.R.

Appurtenant hereto are Drainage Rights over Lot 15 Plan 10306 (C.T.H.B. 203/16) created in any by Transfer No. 163468

41

0.05

C.C. Kennelly. D.L.R. Fencing Covenant contained in Transfer No. 163469

C.C. Kennelly.

D.L.R.

Appurtenant hereto are Drainage Rights over Lots 10 and 14 Plan 10306 (parts C.T.H.B. 202/73) created in and by Transfer No. 163469

C.C. Kennelly.

D.L.R.

Subject to Drainage Rights over Lot 12 Plan 10306 appurtenant to Lots 4,5,6,7,8,9 and 10 Plan 10306 (part C.T.H.B. 202/73) reserved in and by Transfer 163469.

C.C. Kennelly.

D.L.R.

Mortgage 174132 to the Bank of New Zealand produced 21.9.1962 at 11.15

G. Janisch.

A.L.R.

OVER

Total Area: 20. 1.15

Metric Grea. 8.2328 ha

Scale: 1 inch = 6 chairs

GN 442428-1- 1.4245

SETRIC AREA IS 8 232810

6.8083 ha

Ітем 2

No.203

CERTIFICATE OF TITLE

K.179289 Compensation Certificate
Pursuant to Section 17 of the Publice
Works Amendman Minister Children Produced 14.6.1963
at 2.34 2 3.

J.J. McCluskey.

A.L.R.

K. 181910 Gazette Notice taking the within land together with the benefits of Drainage Rights created in memoranda of transfers Nos. 163467, 163468 and 163469 and Subject to Drainage Rights created in memorandum of transfer No. 163469 for better utilisation produced 8.10.1963 at 10.56 a.m.

P.J. Thornton.

L.R

Certified a true copy of C.T.203/11 now converted cose leaf -3-4-1969.

394975.4-Gazette-Notice-declaring-that-part-of-State-Highway No.50(Napier-Takapau)=from-itsjametion-with-Allen-Road-westwards-along---Parowhai-Road-te-the-junction-of-Waiohiki-te-be-Almited-access-road-2477.1981-at-11-31a-m.

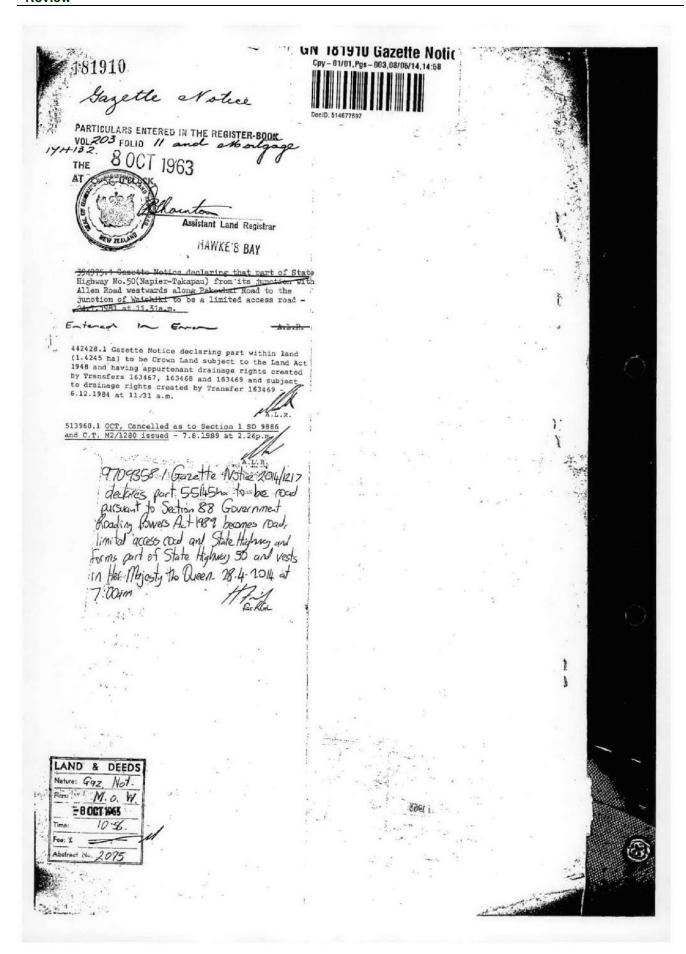
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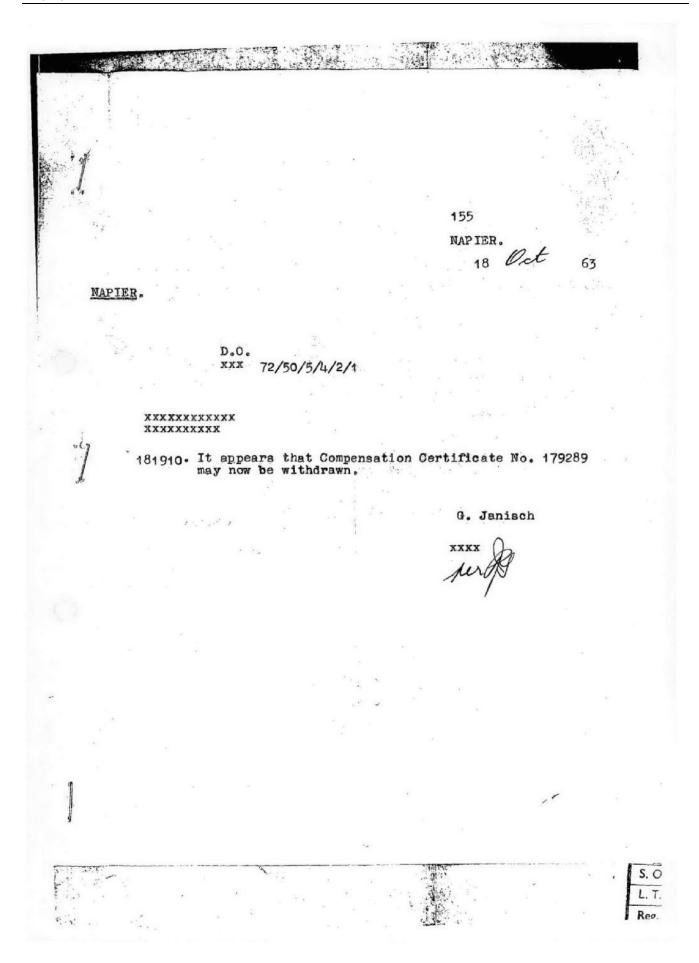
442428.1 Gazette Notice declaring part within land (1.4245 ha) to be Crown Land subject to the Land Act 1948 and having appurtenant drainage rights created, by Transfers 163467, 163468 and 163469 and subject to drainage rights created by Transfer 163469 - 6.12.1984 at 11.31 a.m.

CANCELLED

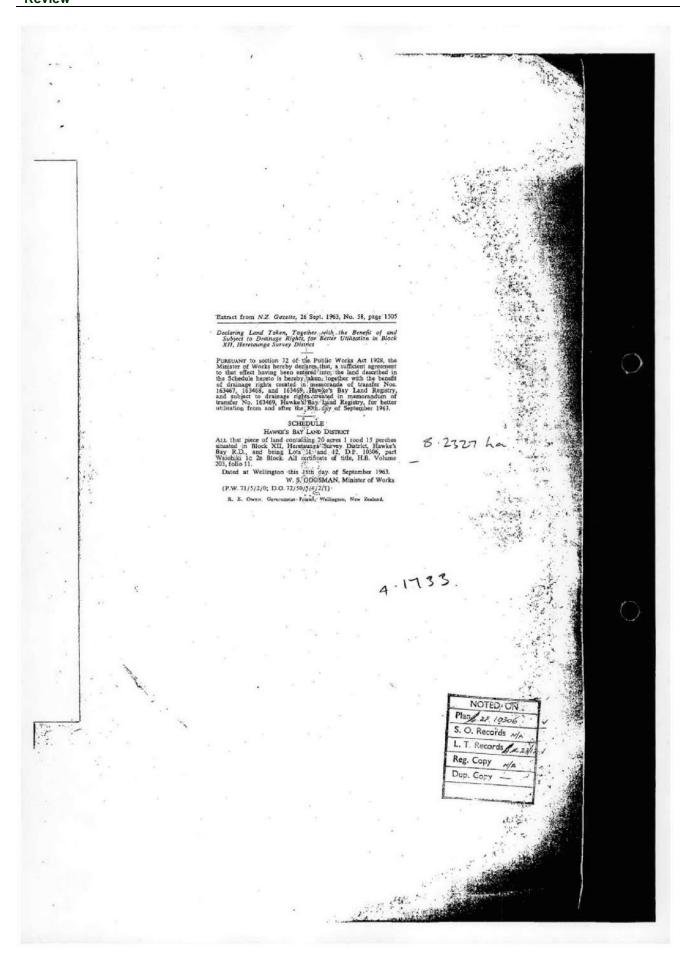
See Gaz 181910

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PAGE 177



References
Prior C/T
Gazette Notice 181910
Transfer No.
N/C. Order No. 513960.1



Land and Deeds 69

CERTIFICATE OF TITLE UNDER LAND TRANSFER ACT



This Certificate dated the 7th, day of August one thousand nine hundred and eighty-nine under the seal of the District Land Registrar of the Land Registration District of HAWKE'S BAY

WITNESSETH that HER MAJESTY THE QUEEN for Better Utilisation

is seised of an estate in fee-simple (subject to such reservations, restrictions, encumbrances, liens, and interests as are notified by memorial underwritten or endorsed hereon) in the land hereinafter described, delineated with bold black lines on the plan hereon, be the several admeasurements a little more or less, that is to say: All that parcel of land containing 1.2938 hectares more or less situate in Block XII Heretaunga Survey District being Section 1 S.O.9886

Interests as at Date of Issue:

54.02

- 1. Fencing Covenant in Transfer 163469.
- 2. Appurtenant hereto are Drainage Rights over (a) part Lot 13 D.P.10306 (pt.C.T.203/9) (b) part Lot 15 D.P. 10306 (pt.C.T.203/10) and (c) part Lot 10 and part Lot 14 D.P.10306 (pt.C.T. A2/1290) and Gazette Notice 317109.1 created by Transfers 163467,163468 and 163469 respectively.



623428.1 Transfer to McDonald Transport (1989) Limited at Napier - 2.5.1993 at 12.5p.m.

A.L.R.

Subject to Part IVA of the Conservation Act 1987 and Section 11 of the Crown Minerals Act 1991

A.L.R.

634146.1 Transfer to Richard Anderson Nurseries Limited at Napier - 11.12,1995 at 11.16a.m.

634146.2 Mortgagoro Westpar Booking Corporations C11.12.1999

662708.2 Mortgage to Bank of New Zea and

14.10.1997 at 11.17

for DLR

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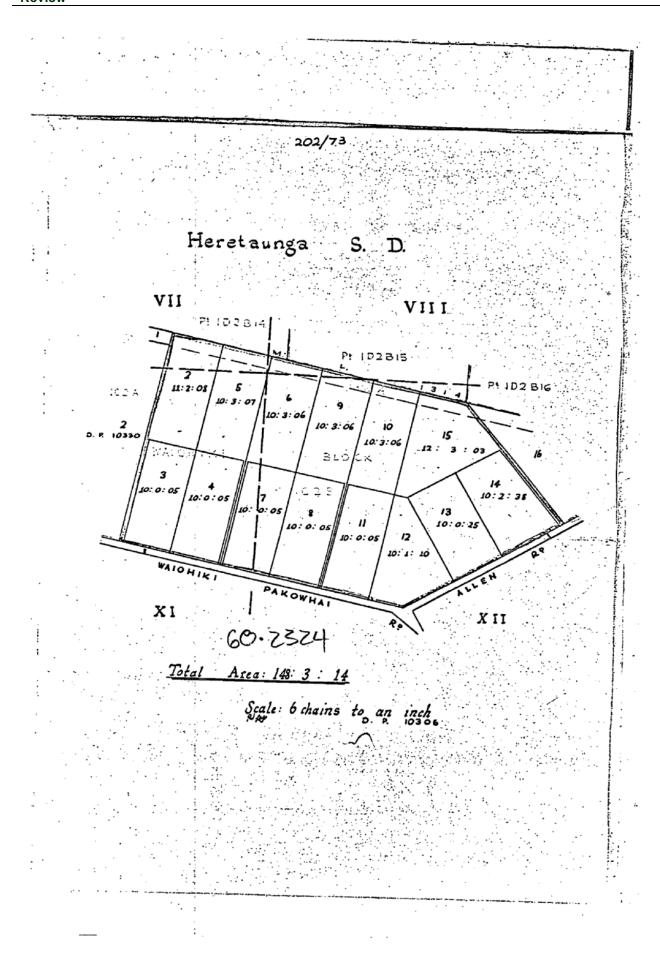
Measurements are Metric

1·2938 ha

Ітем 2

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CERTIFICATE OF TITLE No.





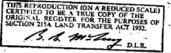
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E.F. Yol. 203 Fol. 16

Transfer 163476 of Lots 2 and 5 Plem 10305 Hallace
Shrimpton to Jarca Lum together with Drainage Rights
over Lot 14 Flan 10306 (port belance herein) appurtenant to said Lot 5 and recerving Drainage Rights
over Lot 5 Flan 10306 appurtenant to Lot Plan
10306 (part belance herein) produced 15.5.1961 at
11.38 a.m. (Pencing Corenat)
E.B. Vol. 203 Fol. 17

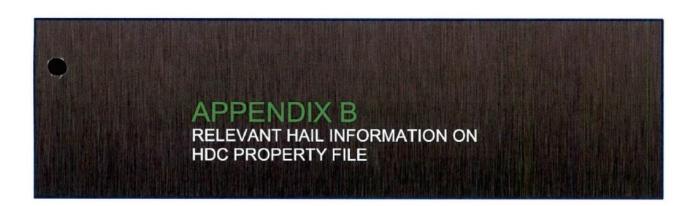
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Detailed Site Investigation 11 Allen Road, Pakowhai, Napier H20170153



February 18

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Hastings District Council

RESOURCE MANAGEMENT Heretaunga Haro te Kahu

If calling ask for: Lisa Poynton RFS No: RMA20030151

30 April 2003

ANDERSON NURSERIES LIMITED 11 ALLEN ROAD RD3 NAPIER 4021

Dear Sir/Madam

RESOURCE CONSENT APPLICATION - ALLEN ROAD, PAKOWHAI 4121

I am pleased to advise that your application to relocate greenhouse has been granted. A copy of the decision is enclosed.

This approval was granted under delegated authority from Council. If you are not happy with any condition of this consent you may lodge an objection. The objection needs to be made in writing within fifteen working days of you receiving this letter. The deposit is \$200.00 (inc GST).

You should note that under Section 125 of the Resource Management Act 1991 this consent will lapse if it is not given effect within two years of the above date.

Please also note that there are conditions attached to this consent. All conditions must be met before carrying out the activity that this consent is granted for. Compliance with these conditions will be monitored by Council.

This consent relates only to the District Plan requirements. A Building Consent needs to be obtained before any work commences. Building Officers will be happy to advise you in this regard.

An invoice is attached that outlines the costs of this application.

If you have any queries relating to this matter please feel free to contact me.

Yours-faithfully,

Lisa Poynton

ENVIRONMENTAL PLANNER

luc2 doc

Hastings - the Heart of Hawke's Bay

Lyndon Road East, Private Bag 9002, Hastings, DX MA75020, Telephone (06) 878-0500, Facsimile (06) 878-0515

www.hastinesde.govt.nz



RC No. 20030151 P. 5493

Decision:

Pursuant to Ordinances 4.7.4 and 5.4.1 of the Hawke's Bay Section of the Hastings District Plan (Transitional) and Rule 6.7.2 of the Proposed Hastings District Plan as Amended by Decisions on Submissions (July 2000), and Section 105(1)(a) of the Resource Management Act 1991, consent is granted to Anderson's Nurseries to legitimise the current Intensive Rural Production activity and relocate a 273.6 m² glasshouse to Allen Road, Pakowhal, being Sec 1 SO 9886.

Subject to the Following Conditions:

- That the development shall proceed substantially in accord with the plans and information submitted in the application (Ref: P. 5493 Resource Consent RMA 20030151, Application Dated 4/4/03), to the satisfaction of the Manager, Resource Management, Hastings District Council.
- That any damage to the exterior of the glasshouse caused by the relocation shall be repaired within 6 months of the date of relocation, to the satisfaction of the Manager, Resource Management, Hastings District Council.
- 3. That a monitoring deposit of \$105.00 (Including G.S.T) shall be payable to cover the reasonable costs of monitoring compliance with the above conditions in accordance with Council's schedule of charges. In the event of non-compliance being detected by monitoring or justified complaint and/or the costs of monitoring consent exceeding the deposit, the costs to Council of any additional monitoring shall be paid by the consent holder in accordance with the Council's advertised schedule of fees.

With the Reasons for this Decision Being:

- Conditions 1 and 2 ensure that any adverse effects on the amenity of the local environment are likely to be minor.
- Condition 3 ensures compllance with Conditions 1 and 2.
- 3. The adverse effects of this proposal are minor in that :
 - The glasshouse to be relocated is a similar style to those already on site;
 - The Intensive Rural Production Activity (the Nursery operation) will have insignificant
 effects on the surrounding uses, in terms of noise, traffic and odour.
- This application is consistent with the relevant Outcomes of the Proposed District Plan in that:
 - The glasshouse to be relocated will be screened from other properties and will not detract from the amenity of the area;
 - The Intensive Rural Production Activity is in keeping with the productive character of the Plains Zone.



HASTINGS DISTRICT COUNCIL NON NOTIFIED APPLICATION

Details of Application dated: 4/4/03	Days Expired: 6	TP File: 5493 RCNo. 2003/0151		
Applicant:	Andersons Nurseri	Andersons Nurseries		
Address of Site:	11 Allen Road, Pake	11 Allen Road, Pakowhai		
Legal Description:	SEC 1 SO 9986	SEC 1 SO 9986		
Area:	1.2938 hectares	1.2938 hectares		
Zoning:	Proposed Hastings (Transitional District Plan – Rural 1 Zone Proposed Hastings District Plan As Amended By Decisions On Submissions (2000) – Plains Zone		
Proposal:		To relocate a 273.6 m ² glasshouse and legitimise the intensive rural production activity being carried out on site.		
District Plan Provisions:	Hawkes Bay District Rule 6.7.2 of the Pro	Ordinances 4.7.4 and 5.4.1 of the Hawke's Bay Section of the Hawkes Bay District Plan (Transitional) Rule 6.7.2 of the Proposed Hastings District Plan As Amended By Decisions On Submissions (2000)		
Assessment of Status:	Proposed Hastings	Transitional District Plan - Controlled Proposed Hastings District Plan As Amended By Decisions On Submissions (2000) – Controlled		
Report Prepared By:	Lisa Poynton	Lisa Poynton		
Peer Reviewed By:	Sara Nicholson	Sara Nicholson		

1.0 THE PROPOSAL

The applicant wishes to relocate a 273.6 m² greenhouse to Andersons Nursery in Allen Road, from its current location at Fryer Road, Poraiti.

The applicant also wishes to legitimise the current greenhouse operation, which is classed as intensive rural production, thus requiring a resource consent. At the time the greenhouse operation was set up in 1997, 'pot grown nurseries', as they were known under the Transitional District Plan, were a permitted activity. This activity now requires a resource consent, because the proposed relocate discussed above, and the proposed new greenhouse and dispatch centre (ABA 20030462) will increase the scale of the activity. Due to the increase in scale, existing use rights will no longer apply.

2.0 THE SITE

The site is flat in contour and contains a number of buildings, including extensive greenhousing, a manager's dwelling and a fuel pump shed. The site has some existing landscaping along the road frontage.

ITEM 2



Surrounding properties include the Police Dog Training Academy on the site directly opposite, and a mix of residential and primary production uses.

3.0 PLAN STATUS

3.1 <u>District Plans Status</u>

The relevant provisions of the Proposed Plan have not been appealed and are therefore no longer under challenge. This application will be assessed under the Proposed Plan, but any approval will be given under both Plans.

3.2 Proposed District Plan Status and Rules

The site is zoned Plains under the Proposed District Plan.

Rule 6.7.2 allows for Relocated Buildings and Intensive Rural Production as Controlled Activities within this zone subject to fulfilling certain standards and terms.

A check of these standards and terms has revealed that the proposal fulfils these requirements. This application is therefore a **Controlled Activity** in terms of the Proposed District Plan.

3.3 Affected Parties and Notification

Rule 6.7.2(b) states that applications for Controlled Activities will be considered without notification or the need to obtain written approval of affected parties.

4.0 PLANNING ASSESSMENT

4.1 Resource Management Act 1991

As a Controlled Activity, Section 104 requires that subject to Part II of the Act the Council must have regard to the actual and potential effects on the environment, and the objectives, policies, and other provisions of a plan or proposed plan.

In accordance with Section 105(1)(a) of the Resource Management Act 1991, the Council must grant consent, but may impose conditions on it.

4.2 Assessment of Environmental Effects

Proposed Relocate

4.2.1 Relocation Assessment Criteria

As a Controlled Activity, Council will exercise its control over the assessment criteria contained in section 6.10.1 of the Plan. The assessment criteria ensure that relocated buildings are integrated into the amenity of the local environment, by ensuring that the building is compatible with the amenity of the surrounding area. In doing so, Council will determine the time frame for the completion of any works.

4.2.2 Building Style and Condition

The applicant has provided a letter from Graeme Harrison Consultants Limited as part of the application. The letter states that the green house is in good condition and is suitable for relocation.

The applicants have stated that the building is a Fletcher Brown-built relocatable building. It is approximately 25 years old and is clad in duralite clear panel. The building is a single-bay greenhouse, which is to be attached to the existing greenhouse that is currently already on the site.



Council's Senior Building Officer has examined photos of the building and does not think that any conditions need to be added to consent, apart from a condition to ensure that any damage caused by the relocation is repaired. It is recommended that such a condition be added to the consent.

4.2.3 Relevant Outcome of the Proposed District Plan

The District Plan requires that relocated buildings be integrated into the amenity of the local environment. It is considered that the building to be relocated will not detract from the amenity of the area, because the glasshouse is of the same style and a similar standard to those already on site. The building will be screened from the properties on the opposite side of the road, because it will be set back on the property, and there is existing mature landscaping at the front of the site. The glasshouse will be screened from the adjoining property by an existing mature shelterbelt.

Intensive Rural Production

4.3.1 Intensive Rural Production Assessment Criteria

As a Controlled Activity, Council will exercise its control over the assessment criteria contained in section 6.10.2 of the Plan. The assessment criteria ensure that the effects of intensive rural production activities relating to noise, traffic and odour effects are avoided, remedied or mitigated.

4.3.1.1 Noise effects

The current hours of operation of the site are 8.00am – 4.30pm Monday to Friday, with some Saturday mornings worked as required. Because of the nature of the operation, there is little noise associated with the activity.

A fuel pump shed is located on site, for which a Code Compliance Certificate was issued on 31 August 2001. According to Council's Environmental Health Officer, there have been no complaints relating to noise on the site.

As a Controlled Activity the activity is required to comply with the noise limits set out in the District Plan.

4.3.1.2 Traffic effects

The applicant has indicated that truck movements to and from the site are in the vicinity of 1-2 outbound trucks per day, and one inbound truck every 1-2 days. These are not propsed to increase as a result of the increase in floorspace. Such truck movements are considered to be insignificant, and are considered to be in keeping with the character of a productive area such as the Plains Zone.

There is no specific minimum car parking space requirement for intensive rural production activities. At present, there are 17 car parking spaces for 15 staff. As the nursery is not open to the public, it is considered that the only demand for car parking would be created by staff needs. The number of carparks currently exceeds the number of staff, so it is considered that the current number of parks provided is adequate.

4.3.1.3 Odour effects

The site visit to the property revealed that there is no composting done on site. Most of the fertilisers that are used on site come pre-mixed as potting mix. No other substances relating to the activity are considered to cause any offensive odour. It is therefore considered that there will be no adverse effects relating to odour as a result of the activity.

It is recommended that an advisory note be added to the consent informing the applicant of Performance Standard 6.9.1(b), which details the required setbacks for organic matter and effluent storage, treatment and utilisation. This will ensure that the applicant will be aware of the relevant standards, should they decide to start composting plant materials on-site.

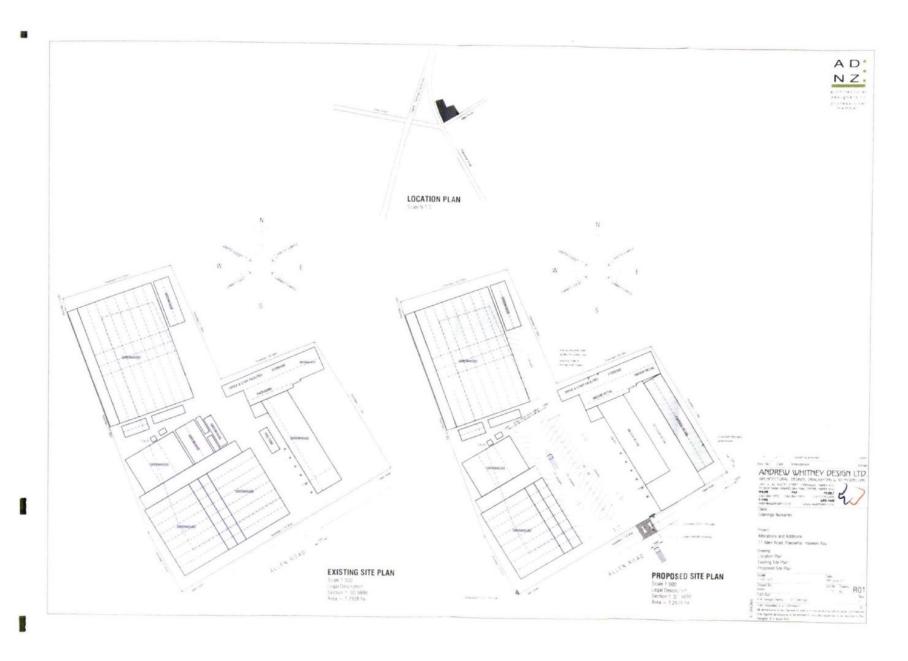
4.3.2 Relevant Outcome of the Proposed District Plan

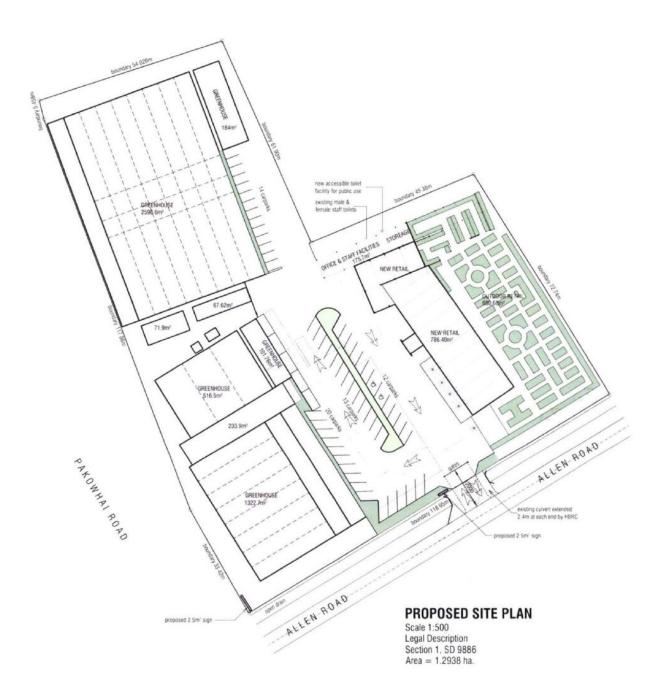
The District Plan requires that the character and amenity of the Plains Zone will be maintained. As there are no significant adverse effects resulting from noise, odour and traffic, it is considered that the character and amenity of the Plains Zone will be maintained.

5.0 CONCLUSION

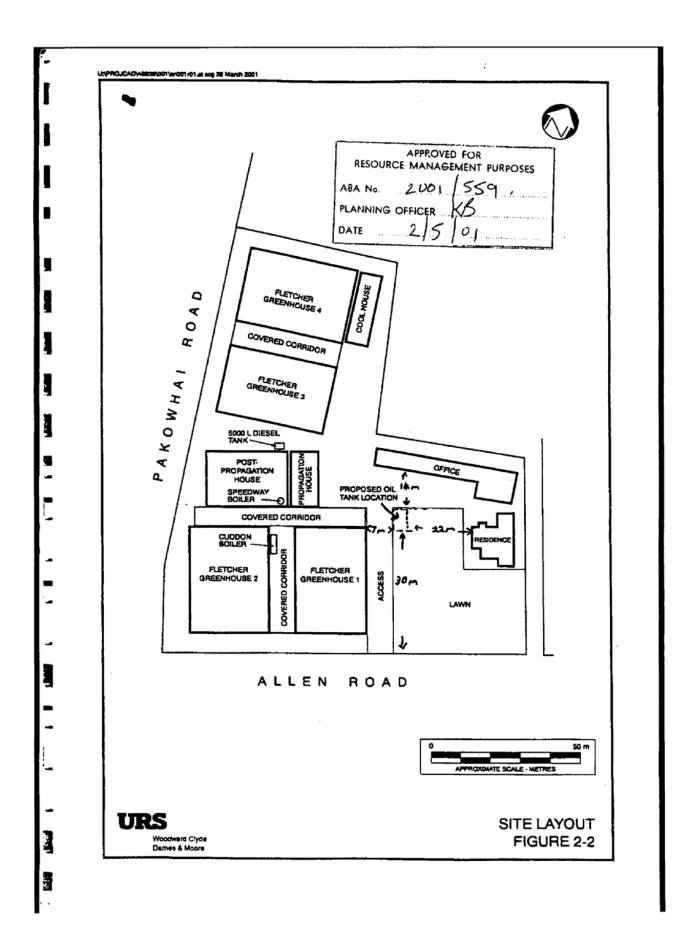
The proposal is consistent with the objectives and policies of the Plan, and is likely to have no significant adverse effects on the environment. It is recommended that consent to this application be granted, subject to conditions.

ITEM 2 PAGE 188





ITEM 2 PAGE 190





ODERINGS NURSERIES

11 Allen Road Resource Consent and Assessment of Environmental Effects

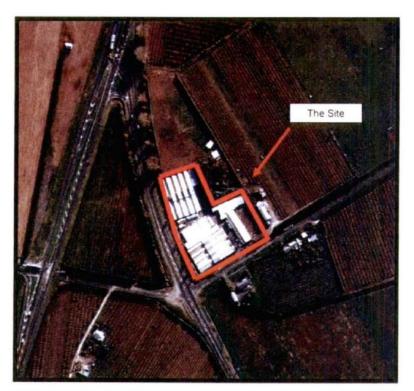
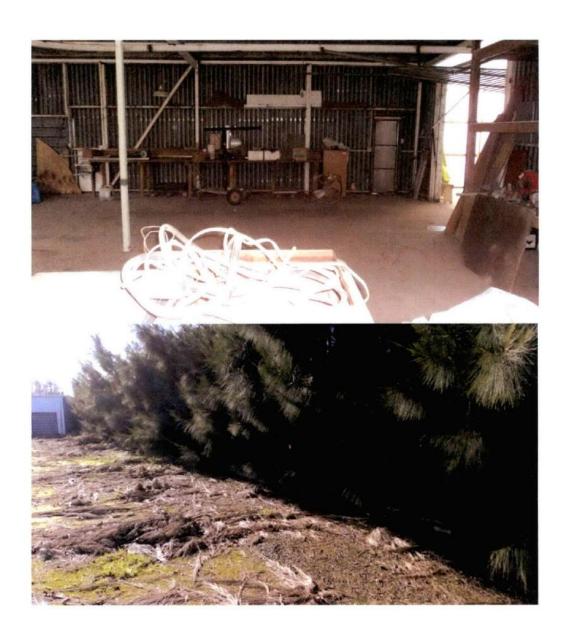


Figure 3-1: 11 Allen Road, Pakowhai



Status Final Project number Z1966400

July 2010
Our ref Oderings Resource Consent July 2011-FINAL docx





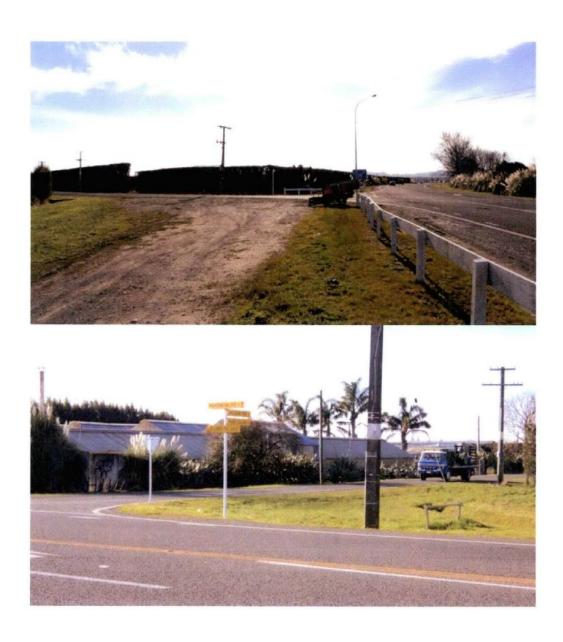


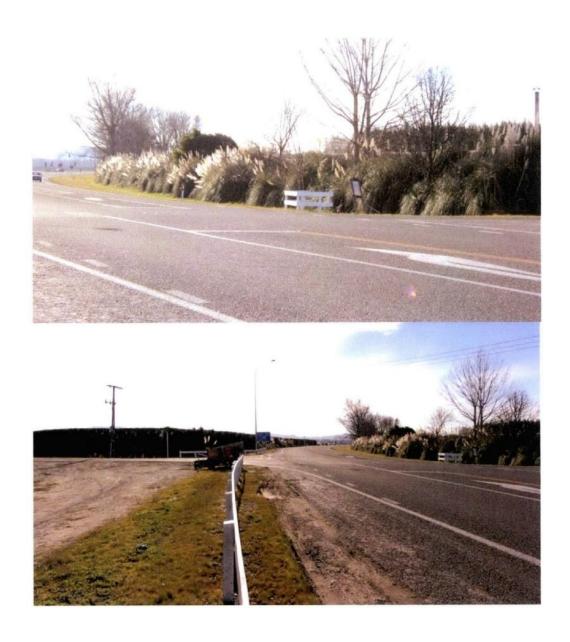
Ітем 2

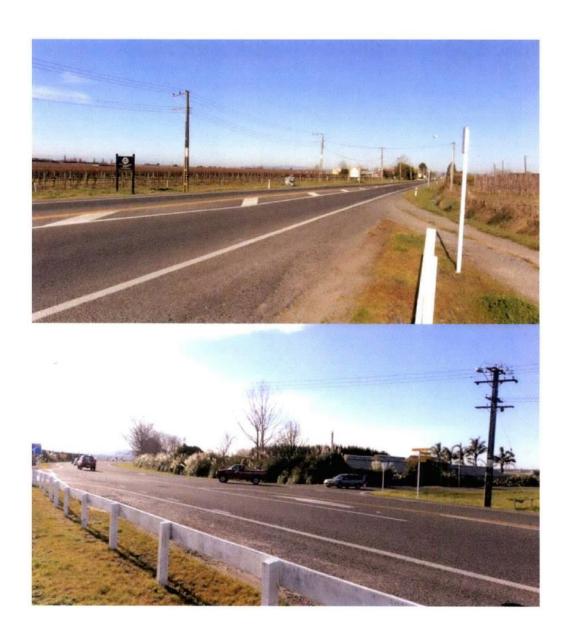


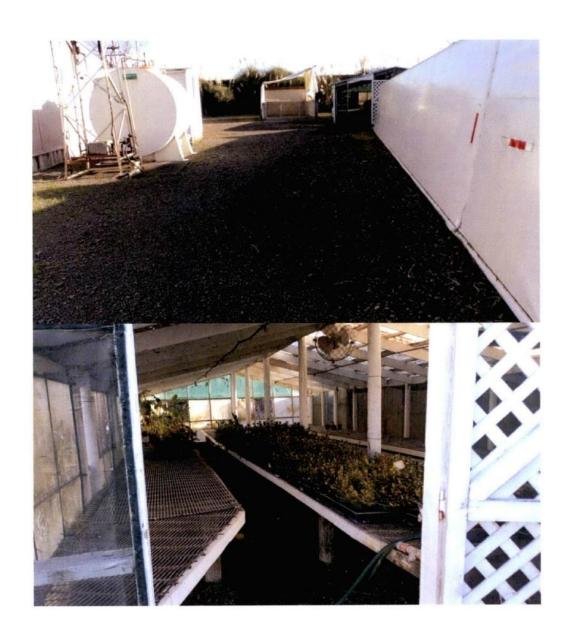


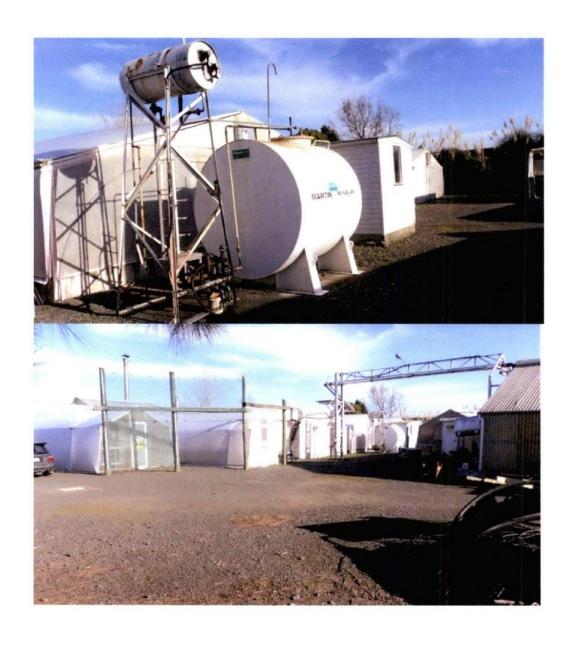






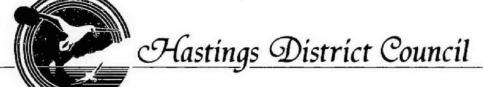






ITEM 2 PAGE 202





BUILDING CONSENT NO: ABA 20010559

Section 35, Building Act 1991

ISSUED BY: HASTINGS DISTRICT COUNCIL

ANDERSON NURSERIES LIMITED 11 ALLEN ROAD R D 3 NAPIER 4021

(Insert a cross in each applicable box. Attach relevant documents).

APPLICANT	PROJECT	
Name. ANDERSON NURSERIES LIMITED	All	Ø
Mailing Address: 11 ALLEN ROAD, R D 3, NAPIER 4021	Stage No of an intendedstages	W
PROJECT LOCATION	New Building	\boxtimes
Street Address:	Alteration	
ALLEN DOAD DAYOUMAN AND	Intended Use(s) in detail:	
ALLEN ROAD, PAKOWHAI 4121	ERECT CONCRETE BUND & RELOCATE OIL	FUEL TANK
LEGAL DESCRIPTION		
	Intended Life:	
Property Number: 53568	Indefinite, not less than 50 years	Ø
Valuation Roll No: 09600 24608	Specified as years	
Legal Description:	Demolition	
SECTION 1 SO 9886	Estimated Value: \$15000	
COUNCIL CHARGES	Signed for and on behalf of the Council:	
The balance of Council's charges payable on uplifting of this building consent, in accordance with the tax invoice are:	Name: Sue Fraser	
	Position: Consents Administrator (Building)	
-	Date: 22 May 2001	
ALL FEES ARE GST INCLUSIVE		

This building consent is a consent under the Building Act 1991 to undertake building work in accordance with the attached plans and specifications so as to comply with the provisions of the building code. It does not affect any duty or responsibility under any other Act nor permit any breach of any other Act.

This building consent is issued subject to the conditions specified in the attached pages headed "Conditions of Building Consent No: 20010559"



Hastings District Council

Hastings District Council - LIVE Conditions in respect of the Building Act 1991 Section 34(4), Building Act 1991

Conditions of Building ConsentNo: ABA 20010559

Page:

1

- 1) PURSUANT TO SECTION 34 OF THE BUILDING ACT 1991 THIS BUILDING CONSENT IS GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:
 - 1. THAT NO VARIATION FROM THE APPROVED PLANS, SPECIFICATIONS AND SUPPORTING DOCUMENTS, INCLUDING ANY CONDITIONS, RECOMMENDATIONS OR REQUIREMENTS CONTAINED WITHIN THEM, SHALL BE PERMITTED UNLESS FIRST APPROVED IN WRITING BY AN AUTHORISED OFFICER OF COUNCIL.

- COMPLIANCE WITH ANY AMENDMENT, ALTERATION, CHANGE OR NOTATION MADE BY ANY AUTHORISED OFFICER OF COUNCIL ON OR TO THE PLANS AND SPECIFICATIONS.
- 3. PAYMENT OF ANY OUTSTANDING FEES OR CHARGES NOTIFIED TO THE APPLICANT BY COUNCIL.
- 4. OWNER/AGENTS TO ADVISE IN WRITING ANY CHANGES OF THEIR AGENT OR TRADESMAN.
- 5. ALL INSPECTIONS AS TICKED ON STAMP AND/OR ATTACHED RED COVER SHEET ARE TO BE NOTIFIED. PLEASE QUOTE THE BUILDING CONSENT NUMBER WHEN REQUESTING INSPECTIONS.
- 6. ALL PLUMBING AND DRAINAGE WORK MUST BE DONE BY A SUITABLY QUALIFIED PERSON AS SET OUT IN THE PLUMBERS, GASFITTERS AND DRAINLAYERS ACT 1976.
- 7. THE APPLICANT RETURN TO THE COUNCIL, THE 'ADVICE OF COMPLETION OF WORK' FORM WHEN ALL WORK HAS BEEN COMPLETE, SO THAT A FINAL INSPECTION CAN BE UNDERTAKEN AND A CODE COMPLIANCE CERTIFICATE ISSUED.
- 8. THE OIL TANK IS NOT TO BE FILLED UNTIL THE ROOFING AND CLOSING IN OF THE BUNDED AREA HAS BEEN COMPLETED. NOTE: A SEPARATE BUILDING CONSENT WILL BE REQUIRED FOR THIS WORK.

Date: 22/ 5/01

Signed:

Sue Fraser

OJECT INFORMA	ATION MEMORANDUM NO: ABA 20010559
Sectio	n 31, Building Act 1991
ISSUED BY: F	ASTINGS DISTRICT COUNCIL
ANDERSON NURSERIES LIMITED 11 ALLEN ROAD R D 3 NAPIER 4021 (Insert a cross in each	h applicable box. Attach relevant documents).
APPLICANT	PROJECT
Name: ANDERSON NURSERIES LIMITED	New or Relocated Building: Alteration:
Mailing Address: 11 ALLEN ROAD, R D 3, NAPIER 4021	Intended Use(s) In detail: ERECT CONCRETE BUND & RELOCATE OIL FUEL TANK
PROJECT LOCATION	Intended Life:
Street Address: ALLEN ROAD, PAKOWHAI 4121	Indefinite, but not less than 50 yeers Demolition Specified es
LEGAL DESCRIPTION	This is: Confirmation that the proposed building work
Property Number: 53568 Valuation Roll Number: 09600 24608 Legal Description: SECTION 1 SO 9886	may be undertaken, subject to the provisions of the Building Act 1991 and any requirements of the building consent. Not yet applied for No: 20010559 attached
COUNCIL CHARGES	Notification that other authorisations must
The balance of Council's charges payable on uplifting of this building consent, in accordance with the tax invoice are: Total: S	be obtained before a building consent will be issued. Notification that the proposed building work may not be undertaken because a necessary authorisation has been refused.
information identifying relevant special feature.	s of the land concerned. ned notified to the Council by any statutory organisation nted. ed before a building consent will be issued.



Hastings District Council - LIVE Project Information Memorandum 200/ Page:

Project Information Memorandum is issued subject to the following Conditions

1) PLANNING:

THE DEVELOPMENT COMPLIES WITH THE RELEVANT STANDARDS OF THE DISTRICT PLAN. ANY CHANGES TO THE APPROVED PLANS (REF 20010559 DATED 01/05/2001) WILL NEED TO BE REASSESSED AGAINST THE PROVISIONS OF THE DISTRICT PLAN.

2) BUILDING:

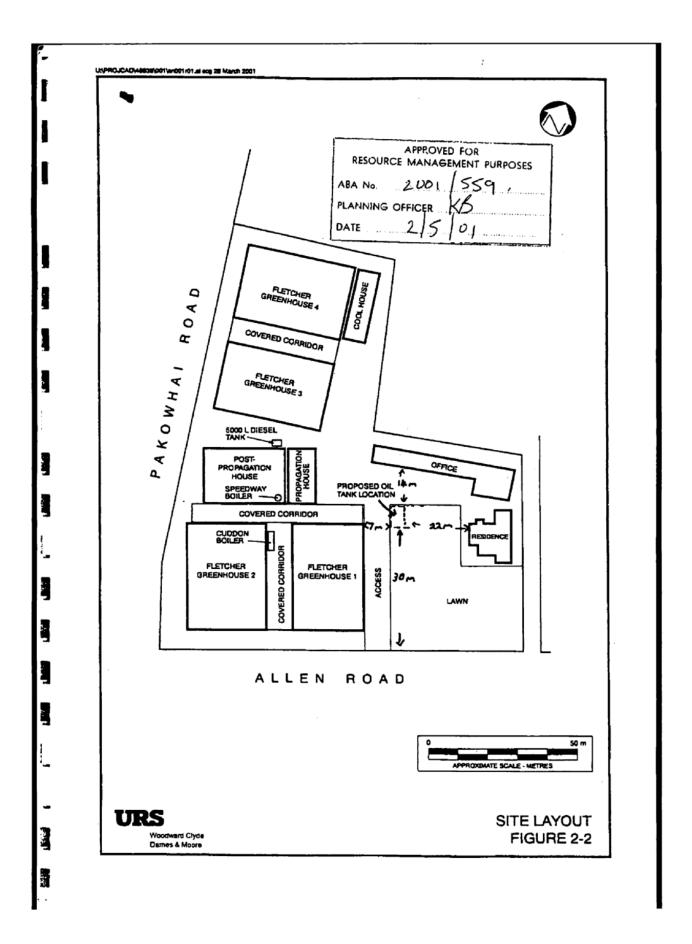
THE OIL TANK IS NOT TO BE FILLED UNTIL THE ROOFING AND CLOSING IN OF THE BUNDED AREA HAS BEEN COMPLETED. NOTE: A SEPARATE BUILDING CONSENT WILL BE REQUIRED FOR THIS WORK.

Date: 22/ 5/01

Signed:

Sue Fraser Consents Administrator (Building) Hastings District Council - LIVE

DI ANNING CHECKLIST FOR RUIL DING COVERN					
PLANNING CHECKLIST FOR BUILDING CONSENT					
PROPOSED HASTINGS DISTRICT PLAN - RURAL PLANS ZONE Residential Accessory & LERPO Activities					
OWNERS Andersons (H) CONTACT Touk Montes					
POCATION: 11 Allen Rd, Pakowhaj					
LEGAL DESCRIPTION ABANUMBER					
	38 ha 24/4	1 a 2001/559			
PROPOSAL Burd + re	locate fuel ta	nk.			
REQUIRED APROPOSED					
Maximum Height Residential Activities – Front Yards	10 metres 7.5 metres	m			
Residential Activities – Side Yards	Rural 5 m	Rural Plains Lotm			
100000	Lifestyle lot 15m	Lifestyle Lotm			
LBPP & Residential Accessory Buildings	Front Yard 7.5m Side Yards 5 m	m			
(May be reduced with neighbours consent)	1.5 m	□Neighbours consent provided			
Fence Height		m			
Distance to Water Course (HBRC) rule	1.8m max				
Secondary Residential Building	6m minimum 80m² max. floor area	PIM HBRC consent required			
Arch. & Waahi Tapu Sites:	If yes add PIM note	□No □ Yes Ref. No			
Financial contributions: (not 2 rd res dwgs.) Recreation: For all new dwellings GST inc	Plain's =\$208.13 Rural = \$95.63	\$(add PIM note)			
For second dwellings only: (not srd's) Roading: Plains	\$266+GST =\$299.25 \$399+GST =\$448.88	☐ 1st Dwelling = NA to next			
Roading: Plains Rural		Second Dwelling(as below)			
		Roading \$ (Add to Building consent sheet)			
Hazards: Flooding (RL 10 = mean sea level)	See section 12.3	,			
Notes:		,			
APPROVED_ ABOUT JANGE TONI DATE 2/5/01					
SO, 000 L of refined fined oil - Checked on spread sheet					
Papers des	FCOMONO	MACIN CARCA DIGETS AND ON HER PROMISED FOR Reviewed 181/0404			



5

RC No. 20030151 P. 5493

Decision:

Pursuant to Ordinances 4.7.4 and 5.4.1 of the Hawke's Bay Section of the Hastings District Plan (Transitional) and Rule 6.7.2 of the Proposed Hastings District Plan as Amended by Decisions on Submissions (July 2000), and Section 105(1)(a) of the Resource Management Act 1991, consent is granted to Anderson's Nurseries to legitimise the current Intensive Rural Production activity and relocate a 273.6 m² glasshouse to Allen Road, Pakowhai, being Sec 1 SO 9886.

Subject to the Following Conditions:

- That the development shall proceed substantially in accord with the plans and information submitted in the application (Ref: P. 5493 Resource Consent RMA 20030151, Application Dated 4/4/03), to the satisfaction of the Manager, Resource Management, Hastings District Council.
- That any damage to the exterior of the glasshouse caused by the relocation shall be repaired within 6 months of the date of relocation, to the satisfaction of the Manager, Resource Management, Hastings District Council.
- 3. That a monitoring deposit of \$105.00 (Including G.S.T) shall be payable to cover the reasonable costs of monitoring compliance with the above conditions in accordance with Council's schedule of charges. In the event of non-compliance being detected by monitoring or justified complaint and/or the costs of monitoring consent exceeding the deposit, the costs to Council of any additional monitoring shall be paid by the consent holder in accordance with the Council's advertised schedule of fees.

With the Reasons for this Decision Being:

- Conditions 1 and 2 ensure that any adverse effects on the amenity of the local environment are likely to be minor.
- Condition 3 ensures compllance with Conditions 1 and 2.
- 3. The adverse effects of this proposal are minor in that :
 - The glasshouse to be relocated is a similar style to those already on site;
 - The Intensive Rural Production Activity (the Nursery operation) will have insignificant effects on the surrounding uses, in terms of noise, traffic and odour.
- 4. This application is consistent with the relevant Outcomes of the Proposed District Plan in that:
 - The glasshouse to be relocated will be screened from other properties and will not detract from the amenity of the area;
 - The Intensive Rural Production Activity is in keeping with the productive character of the Plains Zone.



HASTINGS DISTRICT COUNCIL NON NOTIFIED APPLICATION

Details of Application dated: 4/4/03	Days Expired: 6	TP File: 5493 RCNo. 2003/0151		
Applicant:	Andersons Nurser	Andersons Nurseries		
Address of Site:	11 Allen Road, Pak	11 Allen Road, Pakowhai		
Legal Description:	SEC 1 SO 9986	SEC 1 SO 9986		
Area:	1.2938 hectares	1.2938 hectares		
Zoning:	Proposed Hastings	Transitional District Plan – Rural 1 Zone Proposed Hastings District Plan As Amended By Decisions On Submissions (2000) – Plains Zone		
Proposal:		To relocate a 273.6 m ² glasshouse and legitimise the intensive rural production activity being carried out on site.		
District Plan Provisions:	Hawkes Bay District Rule 6.7.2 of the Programme Company of the Programm	Ordinances 4.7.4 and 5.4.1 of the Hawke's Bay Section of the Hawkes Bay District Plan (Transitional) Rule 6.7.2 of the Proposed Hastings District Plan As Amended By Decisions On Submissions (2000)		
Assessment of Status:	Proposed Hastings	Transitional District Plan - Controlled Proposed Hastings District Plan As Amended By Decisions On Submissions (2000) - Controlled		
Report Prepared By:	Lisa Poynton	Lisa Poynton		
Peer Reviewed By:	Sara Nicholson	Sara Nicholson		

1.0 THE PROPOSAL

The applicant wishes to relocate a 273.6 m² greenhouse to Andersons Nursery in Allen Road, from its current location at Fryer Road, Poraiti.

The applicant also wishes to legitimise the current greenhouse operation, which is classed as intensive rural production, thus requiring a resource consent. At the time the greenhouse operation was set up in 1997, 'pot grown nurseries', as they were known under the Transitional District Plan, were a permitted activity. This activity now requires a resource consent, because the proposed relocate discussed above, and the proposed new greenhouse and dispatch centre (ABA 20030462) will increase the scale of the activity. Due to the increase in scale, existing use rights will no longer apply.

2.0 THE SITE

The site is flat in contour and contains a number of buildings, including extensive greenhousing, a manager's dwelling and a fuel pump shed. The site has some existing landscaping along the road frontage.

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Surrounding properties include the Police Dog Training Academy on the site directly opposite, and a mix of residential and primary production uses.

3.0 PLAN STATUS

3.1 District Plans Status

The relevant provisions of the Proposed Plan have not been appealed and are therefore no longer under challenge. This application will be assessed under the Proposed Plan, but any approval will be given under both Plans.

3.2 Proposed District Plan Status and Rules

The site is zoned Plains under the Proposed District Plan.

Rule 6.7.2 allows for Relocated Buildings and Intensive Rural Production as Controlled Activities within this zone subject to fulfilling certain standards and terms.

A check of these standards and terms has revealed that the proposal fulfils these requirements. This application is therefore a **Controlled Activity** in terms of the Proposed District Plan.

3.3 Affected Parties and Notification

Rule 6.7.2(b) states that applications for Controlled Activities will be considered without notification or the need to obtain written approval of affected parties.

4.0 PLANNING ASSESSMENT

4.1 Resource Management Act 1991

As a Controlled Activity, Section 104 requires that subject to Part II of the Act the Council must have regard to the actual and potential effects on the environment, and the objectives, policies, and other provisions of a plan or proposed plan.

In accordance with Section 105(1)(a) of the Resource Management Act 1991, the Council must grant consent, but may impose conditions on it.

4.2 Assessment of Environmental Effects

Proposed Relocate

4.2.1 Relocation Assessment Criteria

As a Controlled Activity, Council will exercise its control over the assessment criteria contained in section 6.10.1 of the Plan. The assessment criteria ensure that relocated buildings are integrated into the amenity of the local environment, by ensuring that the building is compatible with the amenity of the surrounding area. In doing so, Council will determine the time frame for the completion of any works.

4.2.2 Building Style and Condition

The applicant has provided a letter from Graeme Harrison Consultants Limited as part of the application. The letter states that the green house is in good condition and is suitable for relocation.

The applicants have stated that the building is a Fletcher Brown-built relocatable building. It is approximately 25 years old and is clad in duralite clear panel. The building is a single-bay greenhouse, which is to be attached to the existing greenhouse that is currently already on the site.



Council's Senior Building Officer has examined photos of the building and does not think that any conditions need to be added to consent, apart from a condition to ensure that any damage caused by the relocation is repaired. It is recommended that such a condition be added to the consent.

4.2.3 Relevant Outcome of the Proposed District Plan

The District Plan requires that relocated buildings be integrated into the amenity of the local environment. It is considered that the building to be relocated will not detract from the amenity of the area, because the glasshouse is of the same style and a similar standard to those already on site. The building will be screened from the properties on the opposite side of the road, because it will be set back on the property, and there is existing mature landscaping at the front of the site. The glasshouse will be screened from the adjoining property by an existing mature shelterbelt.

Intensive Rural Production

4.3.1 Intensive Rural Production Assessment Criteria

As a Controlled Activity, Council will exercise its control over the assessment criteria contained in section 6.10.2 of the Plan. The assessment criteria ensure that the effects of intensive rural production activities relating to noise, traffic and odour effects are avoided, remedied or mitigated.

4.3.1.1 Noise effects

The current hours of operation of the site are 8.00am – 4.30pm Monday to Friday, with some Saturday mornings worked as required. Because of the nature of the operation, there is little noise associated with the activity.

A fuel pump shed is located on site, for which a Code Compliance Certificate was issued on 31 August 2001. According to Council's Environmental Health Officer, there have been no complaints relating to noise on the site.

As a Controlled Activity the activity is required to comply with the noise limits set out in the District

4.3.1.2 Traffic effects

The applicant has indicated that truck movements to and from the site are in the vicinity of 1-2 outbound trucks per day, and one inbound truck every 1-2 days. These are not propsed to increase as a result of the increase in floorspace. Such truck movements are considered to be insignificant, and are considered to be in keeping with the character of a productive area such as the Plains Zone.

There is no specific minimum car parking space requirement for intensive rural production activities. At present, there are 17 car parking spaces for 15 staff. As the nursery is not open to the public, it is considered that the only demand for car parking would be created by staff needs. The number of carparks currently exceeds the number of staff, so it is considered that the current number of parks provided is adequate.

4.3.1.3 Odour effects

The site visit to the property revealed that there is no composting done on site. Most of the fertilisers that are used on site come pre-mixed as potting mix. No other substances relating to the activity are considered to cause any offensive odour. It is therefore considered that there will be no adverse effects relating to odour as a result of the activity.

It is recommended that an advisory note be added to the consent informing the applicant of Performance Standard 6.9.1(b), which details the required setbacks for organic matter and effluent storage, treatment and utilisation. This will ensure that the applicant will be aware of the relevant standards, should they decide to start composting plant materials on-site.



4.3.2 Relevant Outcome of the Proposed District Plan

The District Plan requires that the character and amenity of the Plains Zone will be maintained. As there are no significant adverse effects resulting from noise, odour and traffic, it is considered that the character and amenity of the Plains Zone will be maintained.

5.0 CONCLUSION

The proposal is consistent with the objectives and policies of the Plan, and is likely to have no significant adverse effects on the environment. It is recommended that consent to this application be granted, subject to conditions.



The application meets the requirements of the Resource Management Act 1991.

Recommended by:

LISA POYNTON COMPLIANCE OFFICE

Decision issued under Delegated Authority by:

I.J. MACDONALD **ENVIRONMENTAL MANAGER** RESOURCE MANAGEMENT

Date:

28 April, 2003

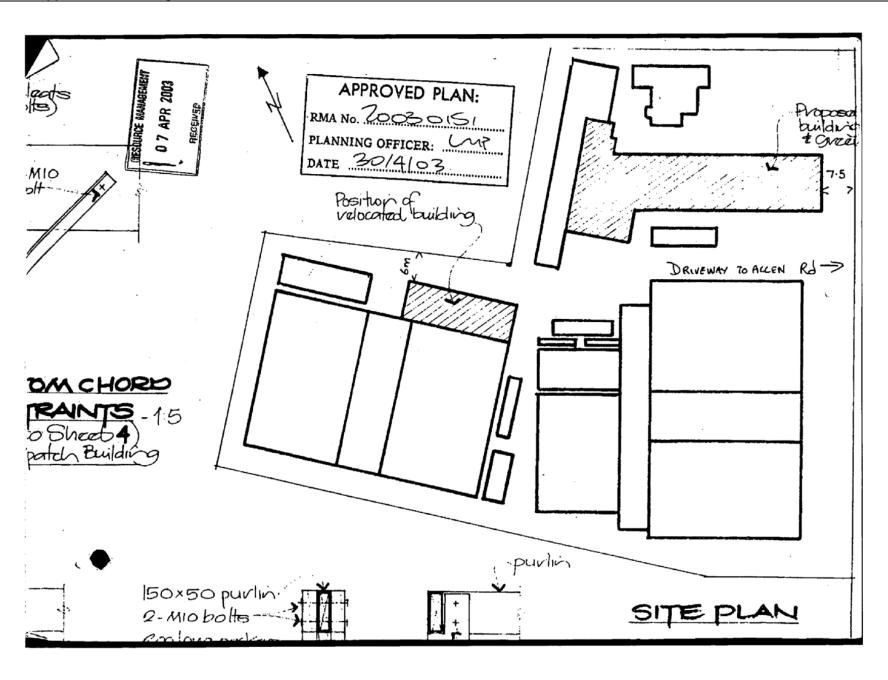
Advisory Note for Information Purposes:

Whilst plant materials are not currently composted on-site, should you wish to carry out such an activity, please be aware of Performance Standard 6.9.1(b), which states:

Organic matter and effluent storage, treatment and utilisation shall be located in accordance with the following minimum distances:

- 50 metres from a residential building on the same site.
- 150 metres from a residential building or any building being part of a marae, place of assembly, commercial activity or Industrial activity on another site.
- (iii) (Iv) 20 metres from a property boundary.
- 20 metres from a public road.

Consent for composting may also be required from Hawke's Bay Regional Council



Severn St-Pandova	
Resource Management Development Planning Site Visit Checklist	
Description of neighbouring properties Description of neighbouring properties	as then
extra um on extra greenhouse	

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	3.		Ty address:	Allen Rd Pake	atai		-
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		Legal	description:	PT 12 DP 10306	BUK KII		-
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3.	Vill the e be	hazardous substances to	used by the proposed activit	ty, and if so, what	will be done to
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,	غم	What vill screening	be the visual effects of of parking/storage areas	if the proposed (sevelopment and how	r will these be lis	nited (eg.
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	6.	Will there to and what a	be any wastes generated are the possible options f	d by the propose for treating and di	d activity and how mu- sposing of these wast	ch is likely ' i De g es?	enerared.
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	7.	What is the	e timeframe for establish	ing the proposed	activity?		
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RESOURCE MANAGEMENT ACT 1991



	,	APPLICATIO BUILDING REL	DISTRICT
		SOILDING KEL	RESOURCE MANAGEMENT
To: Ha	stings	District Council	Date Received: 0 7 APR 2003 RFS No.
1.	Applica	ant:	RECEIVED
2.	Proper	ty owner:	ANDGREONS NURSERIES
3.	Presen	nt location of building:	103 FRYER ROAD R.D.2 PORALTI GREEN HOUSE Growing HOT HOUSE PLANTS
4.	Propos	sed use of building:	GREEN HOUSE Growing HOT HOUSE PLANTS
5.	Proper	ty address:	II ALLAN ROAD PAKOWHAI
	Valuati	ion no.:	09600 24608
	Legal	description:	PT 12 DP 10306 BCK XII
6.	Enough	ation required with app h information must be s g will be in keeping with	olication: upplied to satisfy Council that the external appearance of the the neighbourhood into which it is going and must include:
	a)	Coloured photograph	of each side of the building.
	b)		g any proposed improvements which may affect the external lding. Expected dates of completion should be included. Repair of damage caused during relocation Repair or replacement of external cladding Replacement of roofing or spouting Repainting exterior
	c)	Site Plan - showing:	Site layout adequately dimensioned Driveways and Parking Areas Vehicle Access Scale preferably 1:200 or 1:100 North point Key to elevations Details of proposed landscaping All existing and proposed buildings
	d) e)	If the building to be r required from either	neights of the proposed building. elocated is located outside the Hastings District, a report will be a building officer from the local Council or a suitably qualified econdition of the building and its suitability for relocation
7.	A depo	osit of \$200 is required.	
NOTE:			for Demolition, Building, Plumbing and Drainage Consents and should be discussed ur weeks is needed to obtain all the necessary consents.
Addre	ss for s	service of applicant:	MI
11	ALLE	N RO	Signed: Oku-4
<u>_P</u>	AKOW	0	Date:
Phone	No:	8448094	Fax No: 844/818
		,	- Arrange and residence in the second and second se

08/04/2003 12:19 6469780515

HDC RESOURCE MGMT

PAGE 82/83

RESOURCE MANAGEMENT ACT 1991 ASSESSMENT OF ENVIRONMENTAL EFFECTS FOR BUILDING RELOCATIONS



EFFECTS FOR BUILDING RELOCATIONS COUNCIL
1. Describ the existing character of the area that the building will be relocated to (eg. a e of buildings, style of buildings, landscape of the area).
Inchar Plant Nursery on level amund. Existing buildings are approximately 25 years ald as is the building being relocated from Pociate.
2 Describ a the building that is to be relocated (eg. age, style, character, colour, conditio.).
The building is 25 years dd and is a Fletcher Brown Built relocatable building. It is covered in duralite clear panel and is in excellent condition.
3. Descrit e how the building to be relocated will be compatible with the existing style, character and amenit of the area that it is to be relocated into? Output Descrit e how the building to be relocated will be compatible with the existing style, character and amenit of the area that it is to be relocated into?
The existing buildings at the Nursery ore exactly the same size style and condition.
4.8. What inprovements are proposed to be made to the building and site for relocation to ensure that it will be compatible with the existing area (eg. landscaping, screening, renovation, re-roofing, repainting)?
The proposed site needs no preparation

	4 b. How lon	y will these proposed improvements take?		
÷	MIL			
,				
	5. Will the Plan? (advised	desired use of the building to be relocated be in compliance with the Rule in not, additional Resource Consent(s) may be required. Consultation with a Cultin this case).	of the District uncil Planner is	
	Yes			
	6. How fa	r will the relocated building be from the boundaries of the site? (A site $\mathfrak p$) of the building from the boundaries should be provided).	in showing the	
	-	plan has already been provided		
	At one	corner the hullding comes to	6 mtre	
	trans H	se boundary		
	from the			
			NEABOOTS NETWORK ME	•





11 Alle- Rol

Proposed relocate greenbeing

RNA 2007-0151





Proposed reliable greatures

RMA 2000-151

Pro 53568

02/04/2003 16:24 E4-6-0353306

G HARRISON CONSULTAN

PAGE 31





2 April 2003

Andersons Nurseries Allen Road PAKOWHAI

Attention: Thomas

Dear Sirs

re (A3019) PROPOSED RELOCATED FLETCHER GREENHOUSE

RESOURCE CONSENT APPLICATION

We write to report that we have inspected the single-span six-bay Fletcher Greenhouse standing at 103 Fryer Road, Poraiti. We have also inspected the proposed new site for this Greenhouse, adjacent to existing Greenhouses at Anderson Nurseries' Allen Road complex in Pakowhai.

In our opinion the structure of this Greenhouse is in good condition and is suitable for relocation at the proposed site.

Yours faithfully



GRAFIEL C. HARRISCH BE DIONS]. Corg. MICE, MIPENZ. Roge Eng. W. LED HALL BE NIZCE



HASTINGS DISTRICT COUNCIL

RESOURCE MANAGEMENT DIVISION

Heretaunga Haro te Kahu

Private Bag 9002 Hastings, Telephone (06) 878-0500, Fax (06) 878-0515

TO: Thomas King DATE: 15.4.03
ORGANISATION: HUMESOWS WUKERY
DESTINATION No: 844 18 18
SENDER: Lisa Poyman.
We are Transmitting pages (includes this cover sheet) FILE No: ! [All Pd.
The information contained in this message is CONFIDENTIAL and is intended only for the individual or entity named above. If you are not the intended recipient, any use, review, dissemination or copying of this document is strictly prohibited. If you have received this document in error, please immediately notify us by telephone (call collect to the person and number above) and destroy the original message. Thank you.
Dear Thomas,
I have looked into convents for the nursey of finel
Shed When set up, the nursey was able to be
Set up as of right, it was a penithed activity under
the old plan. Since then the plan was changed in 1997
and Intensive Rural Production now needs consent to you
are extending the area of the nursey, you will still
need consent for the nursey. (ould you please confirm whether or not you compost plant markals on sit.) Herording to the file, the fiel shed did not name
a resource convert from us, but may have required one
from the Regional Council. Regional Circ.
, 0

NO OF DAYS	GOAL DATE	BC NO	FILE NO	RFS NO
5 20	 	2003/0552	PIFE	2003/0151
	NON NOTIFI	ED RESOURCE CO	ONSENT	

SITE 11 Allen load PROPERTY ID 53568 __PROPERTY ID __ FIRST CONTACT <u>andersons</u> Ny/saries PERSONID 151443 2ND CONTACT __ PERSON ID __ PROPOSAL to relocate **REVIEW APPLICATION (STAGE 1)** DATE TIME ENTERED 101 ACCEPT AND ENTER - Enter RFS 414 - Invoice - Links 102 ASSIGN AND REVIEW 10/4 - Affected Persons Consents Provided - Site Plan, AEE & Other Info. Adequate - Extra Data, Stages, Actions, Referrals STAGE COMPLETED **EVALUATION (STAGE 4)** DATE TIME ENTERED 416 SITE INSPECTION 417 ASSESSMENT

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	28/4	4.	
soia anait	2914	2	
418 REPORT TO UM	3014.	1	
STAGE COMPLETED			
DECISION: NON NOTIFIED (STAGE 8)	DATE	TIME	ENTERED
801 APPLICANT NOTIFIED			
- Letter and Invoice - Building Consent - Notify Referrals			
-STAGE-COMPLETED			

HASTINGS DISTRICT COUNCIL RESOURCE MANAGEMENT Heroteurge Haro to Kethy Phrate Bog SOCZ HASTINGS, Teleptrone (06) 878 CSCO. FEW (16) 8 3-0515 TO: THOUMS KIND DATE ORGANISATION: AUDUSCUS DESTINATION No: SA4 15 16 SENDER: USA PRINTED EAT 865.2 We are Transmitting B pages (includes this cover sheet) FILE No: 11 Allow Red. The information contain of in this meacage is CONFIDENTIAL and is infended only for the incurdual or entity remed at the information and in discounted in entity personal and discounted in good manufacture of the organization of the present containing of the property of years of the organization of the present containing of the property of the property of the property of the present containing of the property of the present containing of the property of the present of the present containing of the present of the pre				· · · · · · · · · · · · · · · · · · ·	7
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February 18

Ітем 2

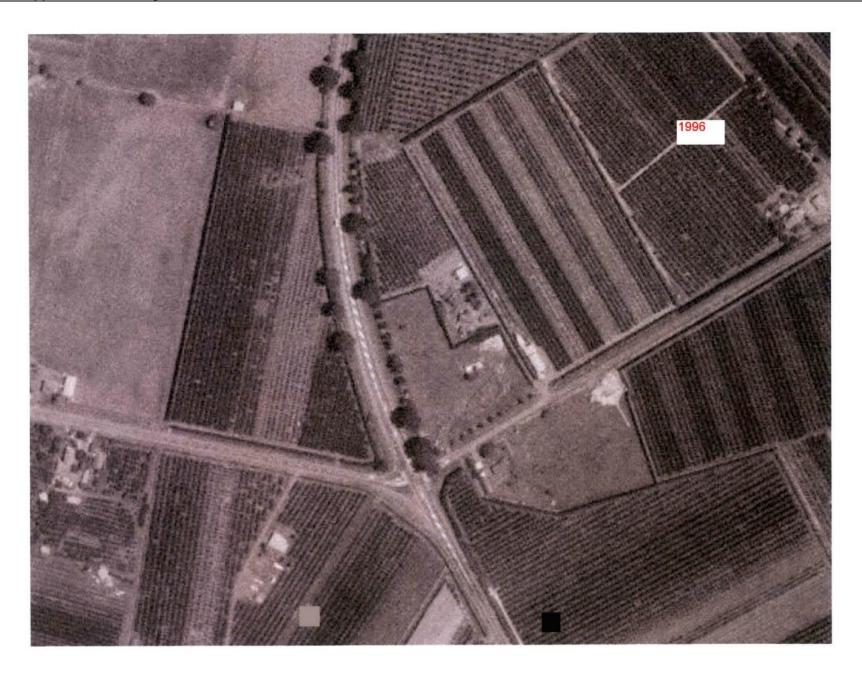
31



















February 18 32

Ітем 2



Plate 1: The site is as a plant nursery and a commercial garden centre



Plate 2: The car park in the centre of the site and the remaining structures housing the plant nursery (greenhouses) to the west of the site.

February 18 33



Plate 3: The existing oil tank and hand pump, visible on the ground beneath the hand pump is a small area of hydrocarbon contamination.



Plate 4: The hardstanding beneath the oil tank

February 18 3



Plate 5: The area of hydrocarbon contamination beneath the hand pump



Plate 6: The hand pump

February 18 35



Plate 7: Plants growing in pots inside the greenhouse



Plate 8: Plants growing in pots inside the greenhouse

February 18 3



Plate 9: Plants growing in pots on raised beds in the greenhouse



Plate 10: Example of the raised beds withouth plants growing

February 18 37



Plate 11: Un-utalised section of the greenhouse



Plate 12: Boiler used to heat the greenhouses

February 18 38



Plate 13: Boiler used to head the greenhouses

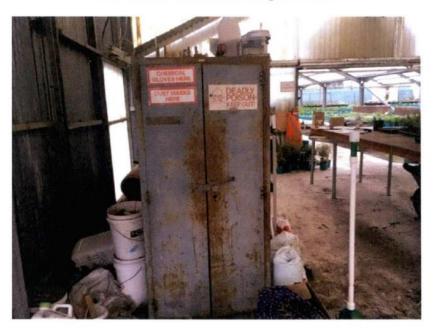


Plate 14: Hazardous chemcial store

February 18

39



Plate 15: Chemicals stored on the floor outside the hazardous chemcial store (location of SS2)



Plate 16: Examples of the type of chemcials stored in the chemical store on site (a nonexhastive list of the chemcials in the store)

February 18 40



Plate 17: Examples of the type of chemcials stored in the chemical store on site (a nonexhastive list of the chemcials in the store)

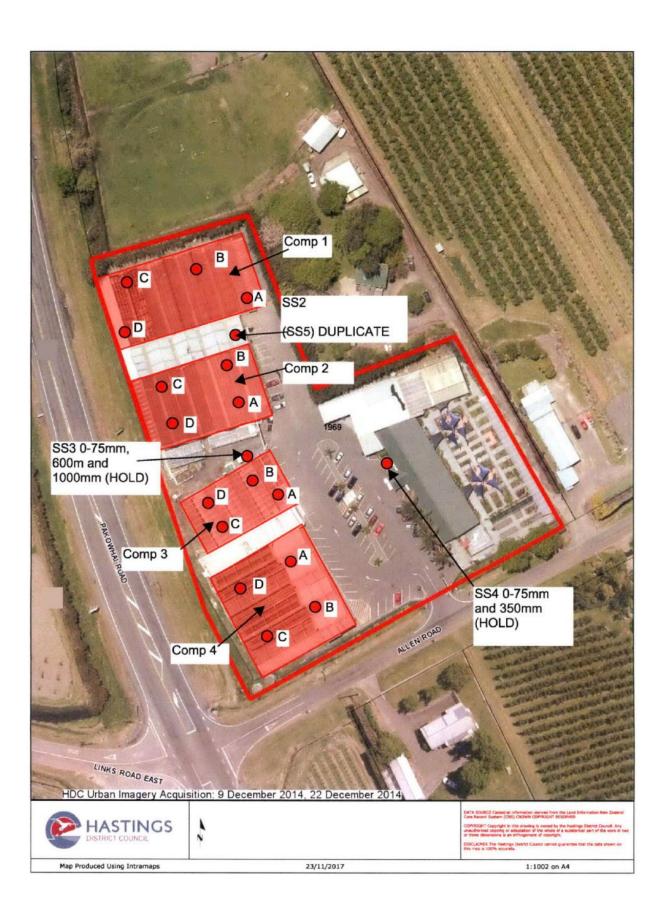


Plate 18: The metalled floor in the greenhouses ontop of a geotextile fabric to prevent weed growth, samples were taken below made ground.

February 18 41



February 18 42





February 18 43

Address roject Leader Project ID	Development Nous PO Box 385, Hastings 4156		CLIENT INFORMATION									
Project ID	PO Box 385, Hastings 4156	velopment Nous								Customer	Comments/In	istructions
Project ID	NO. 2011 - 100 - 1								011818		1 (66641))	H
	Sophia Edmead			Annual Property								N
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nceived	20/12/17		Received By	tan	Status Status		Routine	/	Urgent			
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								Analy	sis Requests	/Suites		
Lab ID	Sample ID	Depth	Date	Time	Matrix	# Cont.	Heavy Metals	900	ONOP	Acid Herbicide	H41	Sample Comments
							Heavy	0	8	Acid H	-	
	COMP 1	0-75mm	18.12.17	PM	SOIL		х		х			
	COMP 2	0-75mm	18.12.17	PM	SOIL		x	×				
	COMP 3	0-75mm	18.12.17	PM	SOIL		x			х		
	COMP 4	0-75mm	18.12.17	PM	SOIL		х	х				
	SS2	0-75mm	18.12.17	PM	SOIL		х	х	×	х		
	\$\$3	0-75mm	18.12.17	PM	SOIL		х				х	
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	S54	0-75mm	18.12.17	PM	SOIL		×				х	
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Ітем 2

Ruakura Research Centre

ENVIRONMENTAL TESTING: CHAIN OF CUSTODY



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		CLIENT INFO	RMATION					Page #			of	
Client	Development Nous									Customer	Comments/	Instructions
Address	PO Box 385, Hastings 4156											
Project Leader	Sophia Edmead							1				
Project ID	H20170153			PO#				1				
Site	11 Allen Road											I (B), Comp 1 (C) and Comp 1 (D) t mp 4. Please hold all subsamples t
Sampler	Sophia Edmead and Bo Robertson								alytis, if nec			
Phone	0273000262							100 0	. 1		a ⁱ	0 . 0
Email	sophia.edmead@developmentnou							If chilly kin 2 of 2				20+ Z
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	Laboratory Job #				Seal Status					Priority (r	mark with X)	X.
Date Received			Received By		Sample Temp Status		Routine		Urgent			
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	COMP 2	0-75mm	18.12.17	PM	SOIL		х	х				
	COMP 3	0-75mm	18.12.17	PM	SOIL		х			х		
	COMP 4	0-75mm	18.12.17	PM	SOIL		х	х				
	SS2	0-75mm	18.12.17	PM	SOIL		х	х	х	х		
	SS3	0-75mm	18.12.17	PM	SOIL		х				×	
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Analytica Laboratories Ltd Ruakura Research Centre

If Eldey Road, Frivare Bag Ity

Time

Phone visit / E-F4 4/41.
Email: environmente promition (b. 17)

estation en es

Detailed Site Investigation 11 Allen Road, Pakowhai, Napier H20170153



February 18

44



Analytica Laboratories Limited Ruakura Research Centre 10 Bisley Road Hamilton 3214. New Zealand Ph +64 (07) 974 4740 sales@analytica.co.nz www.analytica.co.nz

Certificate of Analysis

Development Nous Ltd

P.O Box 385 Hastings 4156

Attention: Sophia Edmead Phone: 0273000262

sophia.edmead@developmentnous.nz Email:

Sampling Site: 11 Allen Road Lab Reference: 17-31717

Submitted by: Sophia Edmead and Bo Robertson

20/12/2017 Date Received: Date Completed: 29/12/2017

Order Number:

Reference: H20170153

Heavy Metals in Soil

	Clien	t Sample ID	SS2	SS3 Depth 0-75mm	SS3 Depth 600mm	SS4	SS5
	Date Sampled		18/12/2017	18/12/2017	18/12/2017	18/12/2017	18/12/2017
Analyte	Unit	Reporting Limit	17-31717-17	17-31717-18	17-31717-19	17-31717-20	17-31717-21
Arsenic	mg/kg dry wt	0.125	13.5	8.90	7.78	13.0	13.0
Beryllium	mg/kg dry wt	0.013	0.77	0.72	0.85	0.79	0.74
Boron	mg/kg dry wt	1.25	11.0	9.41	10.0	11.2	11.3
Cadmium	rng/kg dry wt	0.005	0.40	0.79	0.095	0.19	0.36
Chromium	mg/kg dry wt	0.125	20.9	20.6	25.7	23.3	20.5
Copper	mg/kg dry wt	0.075	20.0	15.3	11.5	22.7	19.5
Lead	mg/kg dry wt	0.05	20.4	22.6	17.6	19.5	20.3
Mercury	mg/kg dry wt	0.025	0.076	0.069	0.077	0.085	0.078
Nickel	mg/kg dry wt	0.05	14.8	14.8	18.3	15.3	14.7
Zinc	mg/kg dry wt	0.05	82.2	91.6	75.2	128	80.9

Heavy Metals in Soil

	Clien	Client Sample ID		Comp 2 (2A, 2B, 2C & 2D)	Comp 3 (3A, 3B, 3C & 3D)	Comp 4 (4A, 4B, 4C & 4D)
	Da	te Sampled				
Analyte	Unit	Reporting Limit	17-31717-22	17-31717-23	17-31717-24	17-31717-25
Arsenic	mg/kg dry wt	0.125	12.5	17.1	15.9	11.5
Beryllium	mg/kg dry wt	0.013	0.72	0.75	0.82	0.77
Boron	mg/kg dry wt	1.25	9.17	10.9	10.4	11.9
Cadmium	mg/kg dry wt	0.005	0.27	0.38	0.28	0.55
Chromium	mg/kg dry wt	0.125	20.2	21.3	22.1	21.0
Copper	mg/kg dry wt	0.075	14.9	20.3	25.1	19.6
Lead	mg/kg dry wt	0.05	17.8	25.9	27.2	23.0
Mercury	mg/kg dry wt	0.025	0.077	0.084	0.081	0.082
Nickel	mg/kg dry wt	0.05	15.0	16.4	16.6	15.2
Zinc	mg/kg dry wt	0.05	91.5	90.4	201	119



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Report Date 29/12/2017 Report ID 17-31717-[R00] Page 1 of 6 This test report shall not be reproduced except in full, without the written permission of Analytica Laboratories

Ітем 2

Organochlorine Pesticides - Soil

	Clien	Sample ID	SS2	Comp 2 (2A, 2B, 2C & 2D)	Comp 4 (4A, 4B, 4C & 4D)	
	Da	te Sampled	18/12/2017			
Analyte	Unit	Reporting Limit	17-31717-17	17-31717-23	17-31717-25	
2,4'-DDD	mg/kg dry wt	0.005	<0.005	0.006	0.005	
2,4'-DDE	mg/kg dry wt	0.005	< 0.005	<0.005	<0.005	
2,4'-DDT	mg/kg dry wt	0.005	0.025	<0.005	0.024	
4,4'-DDD	mg/kg dry wt	0.003	0.013	0.047	0.025	
4,4'-DDE	mg/kg dry wt	0.005	0.180	0.128	0.146	
4,4'-DDT	mg/kg dry wt	0.005	0.253	0.040	0.159	
Total DDT	mg/kg dry wt	0.02	0.47	0.22	0.36	
alpha-BHC	mg/kg dry wt	0.005	< 0.005	<0.005	<0.005	
Aldrin	mg/kg dry wt	0.005	< 0.005	<0.005	<0.005	
beta-BHC	mg/kg dry wt	0.005	< 0.005	<0.005	<0.005	
cis-Chlordane	mg/kg dry wt	0.005	< 0.005	<0.005	<0.005	
cis-Nonachlor	mg/kg dry wt	0.01	<0.01	<0.01	<0.01	
delta-BHC	mg/kg dry wt	0.005	< 0.005	<0.005	<0.005	
Dieldrin	mg/kg dry wt	0.05	<0.05	<0.05	< 0.05	
- losulfan I	mg/kg dry wt	0.005	< 0.005	<0.005	0.006	
losulfan II	mg/kg dry wt	0.01	<0.01	<0.01	0.02	
Endosulfan sulphate	mg/kg dry wt	0.005	< 0.005	<0.005	0.007	
Endrin	mg/kg dry wt	0.05	<0.05	<0.05	<0.05	
Endrin aldehyde	mg/kg dry wt	0.01	<0.01	<0.01	<0.01	
Endrin ketone	mg/kg dry wt	0.005	< 0.005	<0.005	<0.005	
gamma-BHC	mg/kg dry wt	0.005	< 0.005	<0.005	<0.005	
Heptachlor	mg/kg dry wt	0.005	< 0.005	<0.005	<0.005	
Heptachlor epoxide	mg/kg dry wt	0.005	< 0.005	<0.005	<0.005	
Hexachlorobenzene	mg/kg dry wt	0.005	< 0.005	<0.005	<0.005	
Methoxychlor	mg/kg dry wt	0.01	<0.01	<0.01	<0.01	
trans-nonachlor	mg/kg dry wt	0.01	<0.01	<0.01	<0.01	
trans-Chlordane	mg/kg dry wt	0.01	<0.01	<0.01	<0.01	
Chlordane (sum)	mg/kg dry wt	0.02	<0.02	<0.02	<0.02	
TCMX (Surrogate)	%	1	105.7	108.0	99.0	

ONOPs in Soil

	Clien	t Sample ID	SS2	Comp 1 (1A, 1B 1C & 1D)	
HOVERNE	Da	ite Sampled	18/12/2017	17-31717-22	
Analyte	Unit	Reporting Limit	17-31717-17		
3-Hydroxycarbofuran	mg/kg dry wt	0.05	< 0.05	<0.05	
Acephate	mg/kg dry wt	0.05	<0.05	<0.05	
Acetochlor	mg/kg dry wt	0.05	< 0.05	< 0.05	
Alachlor	mg/kg dry wt	0.05	<0.05	<0.05	
Aldicarb	mg/kg dry wt	0.05	< 0.05	< 0.05	
Aldicarb sulfone	mg/kg dry wt	0.05	<0.05	< 0.05	
Aldicarb sulfoxide	mg/kg dry wt	0.05	<0.05	< 0.05	
Ametryn	mg/kg dry wt	0.05	< 0.05	< 0.05	
Atrazine	mg/kg dry wt	0.05	< 0.05	< 0.05	
Atrazine-desethyl	mg/kg dry wt	0.05	<0.05	< 0.05	
Atrazine-desisopropyl	mg/kg dry wt	0.05	< 0.05	< 0.05	
Avermectin B1a	mg/kg dry wt	0.05	< 0.05	<0.05	
Azaconazole	mg/kg dry wt	0.05	<0.05	< 0.05	
Azinphos-methyl	mg/kg dry wt	0.05	< 0.05	< 0.05	
Azoxystrobin	mg/kg dry wt	0.05	<0.05	< 0.05	
Benalaxyl	mg/kg dry wt	0.05	< 0.05	< 0.05	

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ONOPs in Soil

	Client	Sample ID	SS2	Comp 1 (1A, 1B, 1C & 1D)
	Da	te Sampled	18/12/2017	
Bendiocarb	mg/kg dry wt	0.05	<0.05	<0.05
Biterlanol	mg/kg dry wt	0.05	<0.05	<0.05
Bromacil	mg/kg dry wt	0.05	< 0.05	<0.05
Bupirimate	mg/kg dry wt	0.05	<0.05	<0.05
Buprofezin	mg/kg dry wt	0.05	<0.05	<0.05
Butachlor	mg/kg dry wt	0.05	<0.05	<0.05
Carbaryl	mg/kg dry wt	0.05	<0.05	<0.05
Carbendazim	mg/kg dry wt	0.05	<0.05	<0.05
Carbofuran	mg/kg dry wt	0.05	<0.05	<0.05
Chlorfluazuron	mg/kg dry wt	0.05	<0.05	<0.05
Chlorpyrifos	mg/kg dry wt	0.05	<0.05	<0.05
Chlorpyriphos-methyl	mg/kg dry wt	0.05	<0.05	<0.05
Chlortoluron		0.05	<0.05	<0.05
50 DA 1000 E F 10 207 A 100 T	mg/kg dry wt	0.05	<0.05	<0.05
Cyanazine	mg/kg dry wt			
Cyfluthrin	mg/kg dry wt	0.05	<0.05	<0.05
Cyhalothrin (lambda)	mg/kg dry wt	0.05	<0.05	<0.05
Cypermethrin	mg/kg dry wt	0.05	<0.05	<0.05
Cyproconazole	mg/kg dry wt	0.05	<0.05	<0.05
Cyprodinil	mg/kg dry wt	0.05	<0.05	<0.05
Deltamethrin	mg/kg dry wt	0.05	<0.05	<0.05
Diazinon	mg/kg dry wt	0.05	<0.05	<0.05
Dichlofluanid	mg/kg dry wt	0.05	< 0.05	<0.05
Dichlorvos	mg/kg dry wt	0.05	<0.05	<0.05
Difenoconazole	mg/kg dry wt	0.05	<0.05	<0.05
Dimethoate	mg/kg dry wt	0.05	<0.05	<0.05
Diuron	mg/kg dry wt	0.05	<0.05	<0.05
Emamectin B1a	mg/kg dry wt	0.05	< 0.05	<0.05
Fenarimol	mg/kg dry wt	0.05	< 0.05	< 0.05
Fenpropimorph	mg/kg dry wt	0.05	< 0.05	< 0.05
Fenpyroximate	mg/kg dry wt	0.05	< 0.05	< 0.05
Fenvalerate	mg/kg dry wt	0.05	<0.05	<0.05
Fluazifop-butyl	mg/kg dry wt	0.05	< 0.05	<0.05
Fluometuron	mg/kg dry wt	0.05	< 0.05	< 0.05
Flusilazole	mg/kg dry wt	0.05	< 0.05	< 0.05
Fluvalinate (tau)	mg/kg dry wt	0.05	<0.05	<0.05
Furalaxyl	mg/kg dry wt	0.05	<0.05	< 0.05
Haloxyfop-methyl	mg/kg dry wt	0.05	<0.05	<0.05
Hexaconazole	mg/kg dry wt	0.05	<0.05	<0.05
Hexazinone	mg/kg dry wt	0.05	<0.05	<0.05
Imazalil	mg/kg dry wt	0.05	<0.05	<0.05
Imidacloprid	mg/kg dry wt	0.05	<0.05	<0.05
Indoxacarb	mg/kg dry wt	0.05	<0.05	<0.05
IPBC	mg/kg dry wt	0.05	<0.05	<0.05
Iprodione	mg/kg dry wt	0.05	<0.05	<0.05
Kresoxim-methyl	mg/kg dry wt	0.05	<0.05	<0.05
Linuron	mg/kg dry wt	0.05	<0.05	<0.05
	mg/kg dry wt		<0.05	<0.05
Lufenuron		0.05		
Malathion	mg/kg dry wt	0.05	<0.05	<0.05
Metalaxyl	mg/kg dry wt	0.05	<0.05	<0.05
Methamidophos	mg/kg dry wt	0.05	<0.05	<0.05
Methiocarb	mg/kg dry wt	0.05	0.08	<0.05
Methomyl	mg/kg dry wt	0.05	<0.05	<0.05
Metolachlor	mg/kg dry wt	0.05	<0.05	<0.05
Metribuzin	mg/kg dry wt	0.05	< 0.05	<0.05

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ONOPs in Soil

	Client	Sample ID	SS2	Comp 1 (1A, 1B, 1C & 1D)	
	Dat	e Sampled	18/12/2017		
Mevinphos	mg/kg dry wt	0.05	<0.05	<0.05	
Molinate	mg/kg dry wt	0.05	< 0.05	<0.05	
Monocrotophos	mg/kg dry wt	0.05	< 0.05	<0.05	
Myclobutanil	mg/kg dry wt	0.05	< 0.05	<0.05	
Naled	mg/kg dry wt	0.05	< 0.05	<0.05	
Norfluazuron	mg/kg dry wt	0.05	< 0.05	<0.05	
Omethoate	mg/kg dry wt	0.05	< 0.05	<0.05	
Oxyflurofen	mg/kg dry wt	0.05	< 0.05	<0.05	
Paclobutrazol	mg/kg dry wt	0.05	< 0.05	<0.05	
Parathion-ethyl	mg/kg dry wt	0.05	< 0.05	<0.05	
Pendimethalin	mg/kg dry wt	0.05	< 0.05	<0.05	
Permethrin	mg/kg dry wt	0.05	< 0.05	<0.05	
Pirimicarb	mg/kg dry wt	0.05	<0.05	< 0.05	
Pirimiphos-methyl	mg/kg dry wt	0.05	<0.05	<0.05	
Prochloraz	mg/kg dry wt	0.05	<0.05	<0.05	
Procymidone	mg/kg dry wt	0.05	<0.05	<0.05	
metryn	mg/kg dry wt	0.05	<0.05	<0.05	
pachlor	mg/kg dry wt	0.05	<0.05	<0.05	
Propanil	mg/kg dry wt	0.05	<0.05	<0.05	
Propazine	mg/kg dry wt	0.05	<0.05	<0.05	
Propiconazole	mg/kg dry wt	0.05	< 0.05	<0.05	
Pyrimethanil	mg/kg dry wt	0.05	< 0.05	<0.05	
Pyriproxyfen	mg/kg dry wt	0.05	<0.05	<0.05	
Quizalofop-ethyl	mg/kg dry wt	0.05	< 0.05	<0.05	
Simazine	mg/kg dry wt	0.05	<0.05	<0.05	
Simetryn	mg/kg dry wt	0.05	< 0.05	< 0.05	
Sulfentrazone	mg/kg dry wt	0.05	<0.05	<0.05	
ТСМТВ	mg/kg dry wt	0.05	<0.05	<0.05	
Tebuconazole	mg/kg dry wt	0.05	<0.05	<0.05	
Terbufos	mg/kg dry wt	0.05	<0.05	<0.05	
Terbumeton	mg/kg dry wt	0.05	< 0.05	<0.05	
Terbuthylazine	mg/kg dry wt	0.05	< 0.05	< 0.05	
Terbuthylazine-desethyl	mg/kg dry wt	0.05	< 0.05	<0.05	
Terbutryn	mg/kg dry wt	0.05	<0.05	<0.05	
Tetrachlorvinphos	mg/kg dry wt	0.05	< 0.05	<0.05	
conazole	mg/kg dry wt	0.05	< 0.05	< 0.05	
Thiabendazole	mg/kg dry wt	0.05	<0.05	< 0.05	
Thiacloprid	mg/kg dry wt	0.05	<0.05	<0.05	
Thiobencarb	mg/kg dry wt	0.05	<0.05	<0.05	
Tolylfluanid	mg/kg dry wt	0.05	<0.05	<0.05	
Triazophos	mg/kg dry wt	0.05	<0.05	<0.05	
Triflumuron	mg/kg dry wt	0.05	<0.05	<0.05	

Acid Herbicides in Soil

Clie	SS2	Comp 3 (3A, 3B, 3C & 3D)		
	ate Sampled	18/12/2017	17-31717-24	
Analyte Un	t Reporting Limit	17-31717-17		
2,4,5- Trichlorophenoxyacetic mg/kg dry w acid	t 0.05	<0.05	<0.05	
2,4,5- Trichlorophenoxypropio mg/kg dry w nic acid	t 0.05	<0.05	<0.05	

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Acid Herbicides in Soil

	Client	Sample ID	SS2	Comp 3 (3A, 3B, 3C & 3D)	
	Dat	e Sampled	18/12/2017		
2,4- Dichlorophenoxyacetic acid	mg/kg dry wt	0.05	<0.05	<0.05	
(2,4- Dichlorophenoxy)butan oic acid	mg/kg dry wt	0.05	<0.05	<0.05	
Acifluorfen	mg/kg dry wt	0.05	< 0.05	<0.05	
Bentazone	mg/kg dry wt	0.05	< 0.05	<0.05	
Bromoxynil	mg/kg dry wt	0.05	< 0.05	<0.05	
Clopyralid	mg/kg dry wt	0.05	< 0.05	<0.05	
Dicamba	mg/kg dry wt	0.05	< 0.05	<0.05	
Dichlorprop	mg/kg dry wt	0.05	< 0.05	<0.05	
Fluazifop	mg/kg dry wt	0.05	< 0.05	<0.05	
Fluroxypyr	mg/kg dry wt	0.05	< 0.05	<0.05	
Haloxyfop	mg/kg dry wt	0.05	< 0.05	<0.05	
MCPA	mg/kg dry wt	0.05	< 0.05	<0.05	
МСРВ	mg/kg dry wt	0.05	< 0.05	< 0.05	
Mecoprop	mg/kg dry wt	0.05	< 0.05	<0.05	
Oryzalin	mg/kg dry wt	0.05	< 0.05	<0.05	
Pentachlorophenol	mg/kg dry wt	0.05	< 0.05	<0.05	
Picloram	mg/kg dry wt	0.05	< 0.05	<0.05	
Quizalofop	mg/kg dry wt	0.05	< 0.05	<0.05	
2,3,4,6- Tetrachlorophenol	mg/kg dry wt	0.05	<0.05	<0.05	
Triclopyr	mg/kg dry wt	0.05	< 0.05	<0.05	
2,4,6-Tribromophenol (Surrogate)	%	1	94.0	90.9	

Total Petroleum Hydrocarbons - Soil

	Clien	t Sample ID	SS3 Depth 0-75mm	SS3 Depth 600mm	SS4 18/12/2017 17-31717-20	
	Da	te Sampled	18/12/2017	18/12/2017		
Analyte	Unit	Reporting Limit	17-31717-18	17-31717-19		
C7-C9	mg/kg dry wt	10	14	31	16	
C10-C14	mg/kg dry wt	15	962	<15	<15	
C15-C36	mg/kg dry wt	25	6,059	135	43	
C7-C36 (Total)	mg/kg dry wt	50	7,036	166	59	

Moisture Content

	Clien	t Sample ID	SS2	SS3 Depth 0-75mm	SS3 Depth 600mm	SS4	Comp 1 (1A, 1B 1C & 1D)
	Date Sampled		18/12/2017	18/12/2017	18/12/2017	18/12/2017	
nalyte Unit Reporting		17-31717-17	17-31717-18	17-31717-19	17-31717-20	17-31717-22	
Moisture Content	%	1	22	21	25	27	19

Method Summary

Elements in Soil Acid digestion followed by ICP-MS analysis. US EPA method 200.8.

OCP in Soil Samples are extracted with hexane, pre-concetrated then analysed by GC-MSMS. In house

method.

(Chlordane (sum) is calculated from the main actives in technical Chlordane: Chlordane, Nonachlor

and Heptachlor)

Total DDT Sum of DDT, DDD and DDE (4,4' and 2,4 isomers)

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Method Summary

ONOPs in Soil Fresh soil is extracted in acetonitrile and analysed by GC-MS/MS and LC-MS/MS.

A portion of dried soil sample is extracted with acidified methanol and diluted with acetic acid Acid Herbicides in

followed by LC-MS/MS analysis. Soil

TPH in Soil Solvent extraction, silica cleanup, followed by GC-FID analysis. (C7-C36)

Moisture Moisture content is determined gravimetrically by drying at 103 °C.

Report Comments

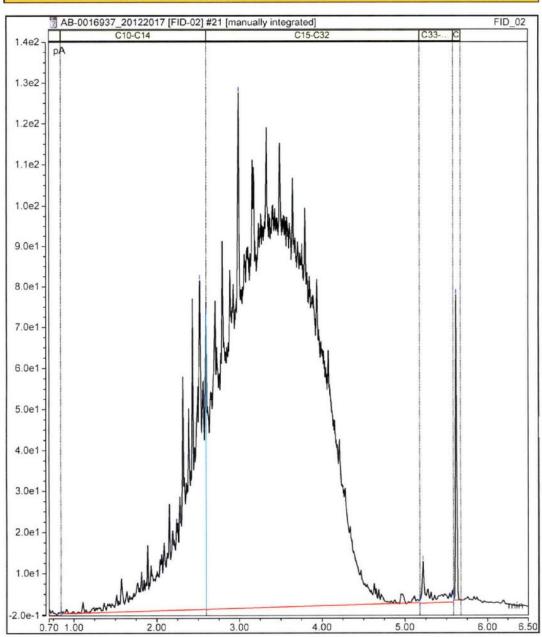
Samples were received by Analytica Laboratories in acceptable condition unless otherwise noted on this report.

Elizabeth Fitzgerald, B.Sc.

Inorganics Team Leader Technologist Instrument:FID-02 Sequence:AB-0016937_20122017 [FID-02]

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Chromatogram 17-31717-18



svTPH Report/Chromatogram

Chromeleon (c) Dionex Version 7.2.5.9624

Form 9

Waitomo Fuels at 11 Allen Road, Hastings

H20180039

Prepared for Waitomo Group Ltd

30th May 2018



Form 9 Application for Resource Consent

Section 88, Resource Management Act 1991

To The Chief Executive Hastings District Council Private Bag 9002 Hastings 4156

We, Waitomo Group Ltd C/- Development Nous Ltd, apply for the following type(s) of Resource Consent:

Land Use Consent is sought from the Hastings District Council to establish a self-service fuel stop on the site at 11 Allen Road, Pakowhai. While the commercial service activity is a permitted activity under the Proposed Hastings District Plan (as amended by decisions) and the proposal is well within the 100m² commercial building threshold, the total building coverage (including hardstand areas) for the site exceeds the maximum of 1,500m² in the Plains Production Zone and the proposal does not involve a resident on the site to carry out the activity. Overall, the signage exceedance and hours of operation is classified as a Non-Complying Activity under provisions of the Proposed Hastings District Plan (as amended by Decisions) by virtue of these secondary performance standards that attached to what is in nature a permitted activity.

The proposal is outlined in the application and plans are attached.

The names and addresses of the owner and occupier of land to which the application relates are as follows:

Oderings Nurseries Chch Limited

The location of the proposed activity is as follows:

11 Allen Road, Hastings, being that land legally described as Section 1 SO 9886 contained in Certificate of Title HBM2/1280 being approximately 1.2938 hectares in total area.

Additional Resource Consents are needed for the proposed activity:

- Nil

We attach, in accordance with the Fourth Schedule of the Resource Management Act 1991, an assessment of environmental effects in the detail that corresponds with the scale and significance of the effects that the proposed activity may have on the environment.

May 2018

We attach any information required to be included in this application by the district plan, the Resource Management Act 1991, or any regulations made under that Act:

•	Nil		

Damon Gibson for Development Nous Ltd

Manh_

Consultant to and duly authorised to sign on behalf of Waitomo Group Ltd

30th May 2018

Address for invoicing (debtor):	Waitomo Group Ltd Cl- Development Nous Ltd
Address for service of applicant:	C/- Development Nous Ltd PO Box 385 Hastings
Telephone:	06 876 2159
Email:	damon.gibson@developmentnous.nz
Contact person:	Damon Gibson

May 2018

Council's Request for Further Information (s92 RMA)

HASTINGS DISTRICT COUNCIL

If calling ask for Rebecca Jarman TRIM/File Ref 53568#0120

29th June 2018

Attention: Damon Gibson Development Nous Limited PO Box 385 Hastings 4156

Dear Sir,

Application for Resource Consent: 11 Allen Road PAKOWHAI 4183, RMA20180217

An initial assessment of your application for resource consent has been completed.

Under Section 92 of the Resource Management Act (RMA) 1991, the Hastings District Council requires further information to fully assess your proposed activity, its effect on the environment and the ways in which any adverse effects on the environment might be mitigated.

- The proposal includes earthworks, stockpiles and bunding. Further information is needed to
 better understand the extent and nature of these works and proposed finished levels across
 the site. As such please provide proposed earthworks plans showing cut and fill areas and
 volumes, showing all areas to be worked, and finished levels. Please also provide further
 information on proposed erosion and sediment controls proposed to be undertaken during
 the works.
- Please describe in detail what parts of the existing concrete pavement within the site will be removed, as the geotechnical report included within the application recommends strengthened concrete slabs with dowelled joint between for the new fuel stop pavement. No details of the existing concrete pavements are provided to suggest they are suitable for the redevelopment.
- The application information confirms that a controlled activity consent is required under the NESCS, but it does not appear to be expressly sought on the forms and other application information. Please confirm that this NESCS application is being sought as a part of the application bundle.
- 4. Page 13 of the DSI is missing the end of a sentence. Please clarify what this statement was to say?
- Please show on a plan the area that has been used for the existing and proposed site coverage calculations and to confirm the area of this.
- 6. Please provide a noise assessment of the proposal prepared by an appropriately qualified and experienced acoustic consultant. The assessment will need to address the proposed noise from the site as a result of the proposal. The assessment will need to address the existing noise and change resulting. The future noise environment resulting from the nearby road. The assessment will need to make reference to the relevant Proposed Hastings District Plan noise standards and address compliance or otherwise with these standards. The assessment will need to assess the noise effects on the surrounding parties to the site resulting from the proposal.

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- 7. While comments are made in the application information and a proposed Environmental Management Plan is provided with the application, further risk assessment is required to better understand the risks and probability of effects associated with the hazardous facility with specific reference to the specific site and specific site context and surrounding area. As such, please provide a risk assessment and analysis prepared by a suitably qualified and experienced person. This assessment will need to address the matters listed in Assessment Criteria 29.1.7A(1) of the Proposed Hastings District Plan.
- Please provide further explanation and description of the intended use and activity to occur on the eastern side of the site (where no pumps are located) and address any associated adverse effects that may be generated from the use of this area.
- Please provide further information regarding the sufficiency of the bore water supply to achieve the proposed direct supply for the necessary fire fighting water supply.
- 10. Significant works are being undertaken in the vicinity of the proposal by NZTA. The implications of the new proposal in respect of this altered roading design and implications of the proposal in respect of planned for traffic movements on this new roading, needs to be further understood.

There are currently works on Allen Road being undertaken. There are also proposed works to Allen Road as a part of the application. A better understanding as to how these road designs relate is necessary to understand. Further, the rationale for the proposed road design, the feasibility and implications of the road widening and associated works is necessary to understand. This includes implications for other road users and of the proposed roading layout to surrounding properties and their access and use.

As such, please provide further detailed information and assessment with respect of transportation and traffic matters from a suitably qualified and experienced person.

Without limiting the scope of the above information sought, the following information should be addressed in the above-sought further assessment:

- More specific drawings for road designs to widen the road and how this and all associated features will be achieved within the 20m wide corridor. This will need to be in comparison to currently being undertaken built features (note that the NZTA plans show a narrower road with pedestrian and lighting features at the junction and NZTA details show a shared path on both sides, and the intersection being raised to match the new level of Pakowhai Road). These will need to address the extent of modifications required in Allen Road to enable the activity to operate and address the level of impact on other road users.
- Show how the widened section of Allen Road will transition effectively with the current road works and with the existing road at the opposite end of the proposed widening.
- Clarification on the adequacy of the existing/proposed road pavement for the additional traffic movements and types of movements including large truck tracking.
- Clarification in terms of the adequacy of the currently being constructed right turn bay and the left turn lane (especially) will be adequate for the proposed service station (i.e. a verifiable SIDRA analysis showing the sufficiency of the stacking space provided and based on projected volumes rather than the 2016 counts).
- Tracking curves for movement in and out of the subject site to Allen Road, including HPV's
- Address stacking room in the event that vehicles (especially large trucks) are delayed in entering the site due to other vehicles waiting to exit and any implications for the intersection.
- · Any up to date feedback from NZTA.

Page 2 of 3

- Address street lighting, including whether Allen Road be left unlit or lit to the appropriate ASNZS standard.
- Information on the change in traffic numbers and types in comparison to the existing garden centre activity and during different times of day.

Note that Council reserves the right to have information peer reviewed.

In accordance with section 92A of the Act you must within <u>15 working days</u> of the date of this request, take one of the following options:

- 1. Provide the information; or
- Inform the Council in a written notice that you agree to provide the information; or specify a reasonable timeframe for providing the information for agreement of Council, or;
- 3. Inform the Council in a written notice that you refuse to provide the information.

Please note that Section 95C(2) of the Resource Management Act requires Council to <u>publicly</u> notify your application if:

- i) the information is not received within either 15 days, or;
- ii) the information is not received within any agreed timeframe, or;
- iii) if you decline to provide the information.

Council's deposit fee for public notification is \$15,000.00.

A decision on your application has been placed on hold awaiting your response to this request, in accordance with Section 88B of the Act. Where possible however, the application will continue to be processed as allowed by the information already supplied.

Please contact me if you have any questions regarding the above information request or the further processing of the application.

Yours sincerely

Rebecca Jarman

Environmental Planner (Consents)

Email: rebeccaj@hdc.govt.nz

Applicant's Reply to s92

Rebecca Jarman

From: Damon Gibson <damon.gibson@developmentnous.nz>

Sent: Tuesday, 3 July 2018 3:48 PM

To: Rebecca Jarman
Cc: Matthew Holder

Subject: RE: RMA20180217 - S92 Further Information Required Letter - 11 Allen Road,

Pakowhai - Vehicle Refuelling Station

Attachments: H20180039 - PROPOSED EARTHWORKS - C011_R1.pdf; Aerial - existing building

coverage.pdf; Proposed site coverage calc..pdf; Table 1 amend.pdf; Waitomo s92

full response final.pdf

Hi Rebecca,

Please find attached our response to the section 92 request, including a total of four attachments to the letter.

You will note that the three outstanding matters – roading/traffic, noise assessment & risk assessment – are currently being dealt with and we hope to have these responses with you at latest next week.

FYI - We have been in touch with HBRC and continue to work on the regional consenting requirements.

Kind Regards,

Damon Gibson Town Planning Consultant Development Nous Limited



Phone +64 6 876 2159

rile +64 21 0808 6615

Physical 212 Queen Street East, Hastings 4122, New Zealand

Postal P.O. Box 385 Hastings 4156

Email damon.gibson@developmentnous.nz

www.developmentnous.nz







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From: Rebecca Jarman < rebeccaj@hdc.govt.nz>

Sent: Friday, June 29, 2018 2:23 PM

To: Damon Gibson <damon.gibson@developmentnous.nz>

1

Subject: RMA20180217 - S92 Further Information Required Letter - 11 Allen Road, Pakowhai - Vehicle Refuelling Station

Hi Damon,

Please find attached Council's request for further information.

If you need further time to reply to this request, please advise as soon as possible.

At any time, I am happy to discuss the requirements of the request, or organise meetings between your specialists and ours to discuss relevant details sought. Just let me know.

I note for your information that the Hawkes Bay Regional Council have advised that under the RRMP:

- As noted in the application a consent under Rule 43 for the discharge of stormwater is required for the proposal.
- Consent is also needed to place any structures in or within 6m of the bed of the drain (Rule 71) (eg: pipes, outfall / discharge structures). The drain along Allen Road appears to be part of the HBRC drainage network (Allen Road drain).
- Consent may also need to be sought to dewater any pits associated with the existing pits associated with
 the existing tanks and to discharge this water to the drain (with no reticulated network in the vicinity).
- Consent may also be required to move / stockpile the contaminated soil on the site.

You're welcomed to forward any other feedback you've received from the HBRC on these matters. I trust this information is of use.

Regards



REBECCA JARMAN
ENVIRONMENTAL PLANNER (CONSENTS)

Phone (06) 871 5110 ext 5368

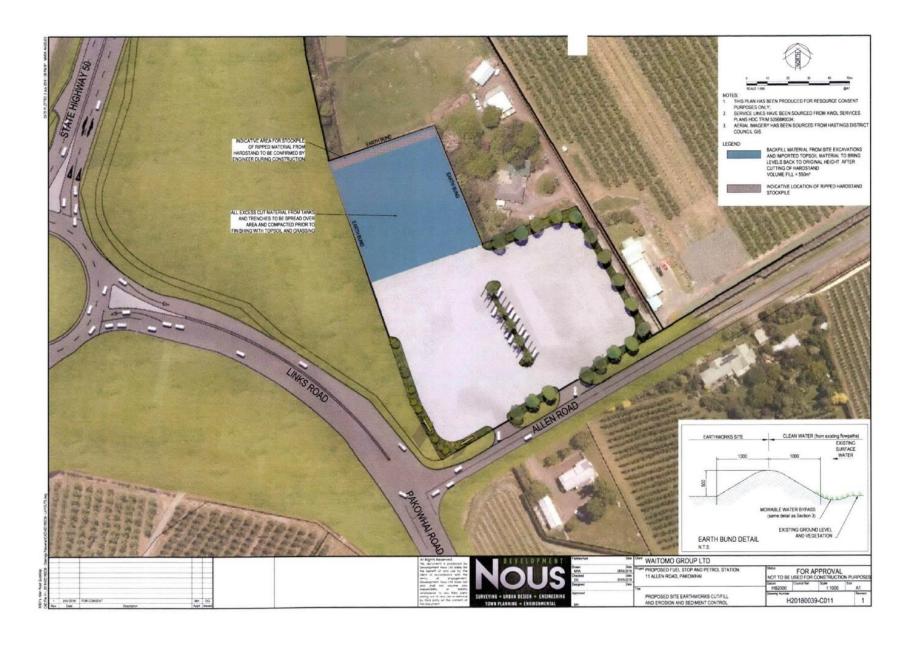
Email rebeccai@hdc.govt.nz Web hastingsdc.govt.nz

Hastings District Council, Private Bag 9002, Hastings 4156, New Zealand

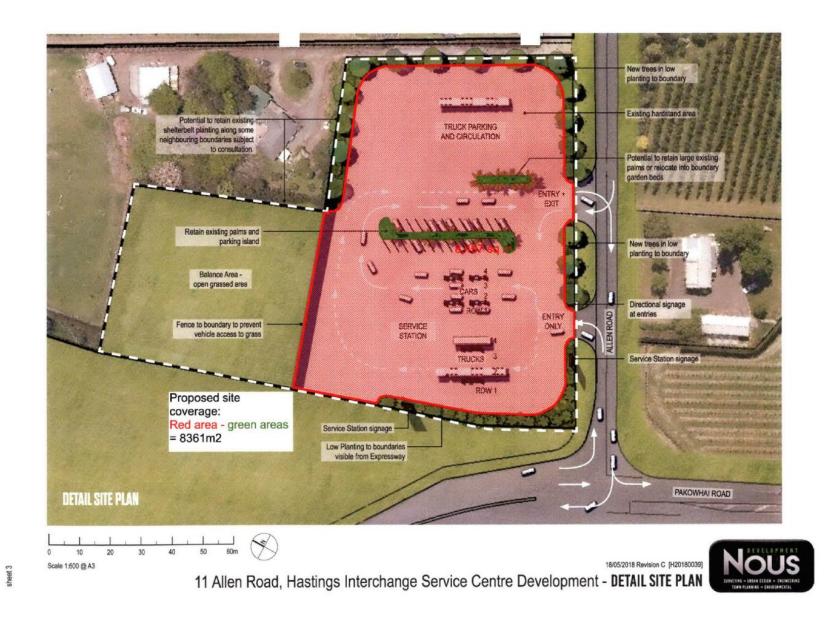
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Assessment of Environmental Effects Job No. H20180033 Waitomo Fuels 11 Allen Road, Hastings

As shown, more than half the site is covered by buildings, including greenhouses, retail areas and office space. The remainder of the site is covered by hardstand surface and provides parking and manoeuvring spaces for customers and the vehicles associated with the operation of the garden centre. The existing building coverage is therefore close to 100%. The indoor and outdoor retail elements account for 2,451m² of the total site area. A copy of decision RMA20110203 and the approved plans are included at Appendix C.

Of particular relevance is that the existing permitted activities onsite include a large retailing component, not simply limited to goods sold in nursery. Up to 1,111m² retail display is permitted.

The relevant permitted baseline pursuant to Section 104(2) therefore comprises the approved development (including its various activity components) as described above and this should be considered as a material consideration with regard to the assessment of the current application. In other words, the evaluation of the actual and potential effects on the environment should take into account that above the permitted baseline insofar as it is applicable to the proposed fuel stop.

<u>Figure 3</u> (above) also shows that many of the existing structures are sited within the yard setbacks prescribed by the District Plan within the Plains Production Zone. All of these buildings will be removed as part of the proposed development.

Characteristic	Existing	Proposed	District Plan	Change
Use	Garden Centre (IRP/Commercial Service Activity)	Fuel Stop (Commercial Service Activity)	Plains Production (underlying use permitted)	No change
Site coverage: Buildings (commercial)	7,134m²	>15m²	100m² max.	7,119m² less building coverage
Total (including hardstand)	12,938m²	8,361m²	1,500m²	4,577m² less site coverage
Retail Floor Area	2,451m²	None	100m² max.	2,451m² less retail floor area
Office Floor Area	187m²	None	n/a	187m² <u>less</u> office floor area
Personnel resident onsite	0	0	1 min.	No change
Car parking spaces	66	23	0 (no buildings)	33 less spaces (similar effect)
Access points	1	2	No standard	+1 (similar effect)

Table 1: Comparison existing and proposed activities

Contact: Damon Gibson Ref: H20170134

3 July 2018

The Chief Executive
Hasting District Council
Private Bag 9002
Hastings 4156

Development Nous Ltd

212 Queen Street East Hastings 4122 New Zealand PO Box 385 Hastings 4156 New Zealand 06 876 2159

Attention: Rebecca Jarman

Resource consent application (RMA20180217) – Waitomo Group, Proposed Fuel Stop – 11 Allen Road, Pakowhai

Dear Rebecca,

I write in response to your s92 request for further information in regard to the above application for resource consent. You have requested information or clarification around a number of different aspects of the proposal and this response shall address each of these aspects, with the same numbering used in your letter.

1. Earthworks, Stockpiles and Bunding

As you are aware, an Engineering Infrastructure Assessment Report has been submitted with the application and this provides a preliminary assessment with respect to earthworks, stormwater/wastewater, water supply, power and telecommunications. Section 4 of this assessment covers the proposed development works and provides further detail with regard to the required earthworks. It is stated here that the earthworks will be managed in accordance with an approved Construction Management Plan, which will include an approved Erosion & Sediment Control Plan.

Given the nature of the proposal, it is considered irregular and unreasonable to request specific information regarding cut and fill volumes and finished levels, as this will be established through final detail design. To carry out an in depth investigation and produce a detail design at this stage would incur significant costs to our client with no guarantee that land use consent will be granted.

It is further noted that the finished levels within the site will be determined in part in relation to the final levels along the Allen Road frontage and this works has not yet been completed.

Notwithstanding this stance, a proposed Earthworks Plan is attached to this letter.

2. Existing concrete pavement

Given that heavy vehicles have been used by the existing commercial activity, it is likely that parts of the entrance and existing car parking area can continue to accommodate such vehicles. Where necessary, the existing concrete surface will be removed and replaced. Again, this will be determined by the necessary site investigation and detail design and it is noted that there is no District Plan standard in this regard.



Ітем 2

As you rightly state, the Geotechnical Assessment by WSP Opus gives preliminary recommendations for the development and these will be fully adhered to, including soil-bearing capacity and ground improvement inspections to be undertaken by a suitably qualified Geotechnical Engineer.

3. NESCS

As stated in the Summary of the Assessment of Environmental Effects (Section 10, page 38), consent is sought under the NESCS as a Controlled Activity. We have attached an updated Form 9 as clarification of this matter.

4. DSI Report

The full sentence should read:

This application included photographs of Oderings take over of the site (2011) including images of the location of one of the fuel tanks.

5. Existing and Proposed Site Coverage Calculations

The site calculations provided at page 4, Table 1 of the AEE are based on aerial photographs and plans submitted with resource consent application RMA20110203. Aerial photographs clearly show that the existing use has a total site coverage (buildings and hardstand) of close to 100%. Please find attached a scaled <u>aerial photo</u> showing the baseline building-only coverage of 7,134m² (slightly lower than the figure shown in Table 1 of the AEE).

The proposed total site coverage is a calculation of that area of the site which will exist as hardstand surface following completion of the construction works. This equates to approximately 8361m², which is significantly less than shown in Table 1 of the AEE. The calculation is shown more accurately on the attached site plan.

The proposed building (only coverage) is based on the size of each pump and pay station canopy and equates to less than 15m².

I have also attached an amended version of Table 1 of the AEE to accurately reflect these calculations.

6. Noise

A Noise Impact Assessment is currently being undertaken by Malcolm Hunt Associates (Noise and Environmental Consultants) and this will be provided upon its completion.

7. Hazardous Facility/Risk Assessment

A Risk Assessment Analysis is currently being undertaken by Pattle Delamore Partners Ltd and this will be provided on its completion.

8. Eastern Part of the Site

As indicated on the Detail Site Plan, the eastern part of the site will be used for truck parking and circulation. It is not considered that there will be any adverse effects resulting from the use of the site for this purpose.

2

Bore Water Supply

There are two existing water bores on the site and these currently provide water for the extensive plant nursery operation which continues to be carried out on the site. This is more than adequate as a fire fighting water supply. If further proof of the adequacy of the water supply is necessary, our client would be happy to accept this as a condition of consent. A firefighting hose fitting is typically provided through this type of development and this can also be condition as part of the approval.

10. Roading and Traffic Matters

A response is being formulated by lan Constable and this will be provided upon its completion.

As a general point, it is our contention that much of the information requested incurs unreasonable and untimely costs to our client prior to the granting of resource consent. Some of the requested information surrounding earthworks and finished levels cannot reasonably be provided at this early stage, as this can only be formulated during the more in depth, detail design stage. We suggest than many of these matters can be effectively dealt with by way of conditions of consent.

As already raised separately, we reiterate our disappointment in receiving, on the 19th day of processing: a letter acknowledging the application, an extension of timeframe under section 37 and a section 92 request for further information. We should rightly have been expecting a decision in accordance with section 115 timeframes rather than be faced with an extension of time, which we have not endorsed.

Notwithstanding our disappointment, we are committed to representing the best interests of our client and working together with HDC to obtain consent for a high quality development. If you have any further queries surrounding the content of this letter or other information provided, please don't hesitate to contact us.

Yours faithfully Development Nous Ltd

Damon Gibson

Town Planning Consultant

021 0808 6615

damon.gibson@developmentnous.nz

Attachments:

- 1. Earthworks Plan cut/fill and erosion sediment control
- 2. Aerial photo existing building coverage calculation
- 3. Site plan proposed site coverage calculation
- 4. Amended Table 1 of AEE

To be provided separately:

- Noise Report Malcolm Hunt Associates
- Risk Assessment & Analysis Pattle Delamore Partners
- Traffic/roading lan Constable

Rebecca Jarman

From: Matthew Holder <matthew.holder@developmentnous.nz>

Sent: Monday, 16 July 2018 5:19 PM

To: Rebecca Jarman
Cc: Damon Gibson

Subject: Waitomo Fuels Resource Consent Application- further Infor4mation Acoustic

Attachments: Acoustic Report - Waitomo Fuel Stop_Final [for Issue].pdf

Good Afternoon Rebecca

Please find attached and Acoustic Report requested for our clients resource consent application on Pakowhai Road. The report confirms that the noise standards of the Plan will be meet. The recommendations for fencing are acceptable to our clients as a condition of consent.

This leaves 2 pieces of further information outstanding (we hope can be provided this week) to be forwarded as they become available- an updated traffic engineering response and a Hazardous Substances Risk assessment both '--ing undertaken at present.

Kind Regards

Matthew Holder Principal Planner Director



Phone: Mobile - 027 2888762 or Office - 06 8762159
vsical Address: 212 Queen Street East, Hastings 4122
. Jala Address: PO Box 385, Hastings 4156
Email matthew.holder@developmentnous.nz
www.developmentnous.nz







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Assessment of Environmental Noise Effects Waitomo Self-Service Fuel Stop



11 Allen Road Pakowhai | Hastings

Prepared By:

MalcolmHuntAssociates



First floor, Arco House, 47 Cuba Street, PO Box 11-294. Wellington Telephone 04-472-5689 Fax 04-473-0456 mha@noise.co.nz www.noise.co.nz

Prepared For/Applicant



In Association With



Malcolm Hunt Associates Report Reference 1123-07-18

Attachment C

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Assessment of Environmental Noise Effects Waitomo Self-Service Fuel Stop Hastings





Quality Control Statement

Date of Issue: 16 July 2017 **Project Reference:** \\Servermha\working documents\F to H\HOUSES+STRUCTURES\Commercial and Retail\Waitomo Fuel Stop Pakowhai Rd\Report\Acoustic Report - Waltomo Fuel Stop_Final [for Issue].docx Name of File: Document version: Rev 2.2 **Document Status** Final **Document Prepared** Malcolm Hunt and Lindsay Hannah Document Sign off Malcolm Hunt Lindsay Hannah. Consultant Malcolm Hunt. Principal Acoustic Consultant Professional Memberships: M.N.Z.A.S. M.E.I.H Professional Memberships: M.N.Z.A.S. M.E.I.H Professional Qualifications:
Bachelor of Building Science [BBSc.]
Post Graduate Diploma Sc [Acoustics [dist]].
Master of Phil [Sc] [Environmental Health and Acoustics] [dist.]]. Professional Qualifications: Bachelor of Science [B.Sc.] Master of Engineering[mechanical]
Diploma in Public Health RSH Diploma Noise Control Engineering.

The information contained in this document [AEE NOISE REPORT] produced by Malcolm Hunt Associates is solely for use of our Client for the purpose for which it has been prepared [AEE: Noise report for Resource Consent for Waitomo Group Limited Self Fuel Facility in Allen Road Hastings. The report is site and activity specific and no section or element of this document may be copied or removed from the document, reproduced, electronically stored or transmitted in any form without the written permission of Malcolm Hunt Associates. This work remains the property of Malcolm Hunt Associates at all times. All rights reserved. MHA Copy write July 2018.

It is recommended that you print this report in COLOUR.

All drawings in this report are not to scale and schematic only. Refer to Resource Consent Application for full drawing sets.

North symbols in diagrams are approx only.





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Assessment of Environmental Noise Effects Waitomo Self-Service Fuel Stop Hastings

Glossary of Noise Terms

dB[A]

A weighted Decibel. A measurement of sound which has its frequency characteristics modified by a filter [A-weighted] so as to more closely approximate the frequency bias of the human ear.

Lmax or Lm

The single highest sampled level of sound. Used in night time emission limits as a means of ensuring sleep protection.

Leg or Leg

The time-averaged sound level [or equivalent sound level] that has the same mean square sound pressure level as the time-varying sound level under consideration. Commonly referred to as an

"energy average" measure of sound exposure.

L_x as function of Time



NZS 6801:1991

NZ Standard 'Measurement of Environmental Noise'

NZS 6802:1991

NZ Standard 'Assessment of Environmental Noise'

Sound Power

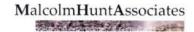
Sound Power Level. The 'energy' created by a sound is defined as its sound power. The ear cannot hear sound power nor can it be measured directly. Sound power is not dependent upon its surrounding environment. Sound power is the rate per unit time at which airborne sound energy is radiated by a source. It is expressed it watts [W]. Sound power level or acoustic power level is a logarithmic measure of the sound power in comparison to the reference level of 1 pW [picowatt]. The sound power level is given the letter Lw or SWL, it is not the same thing as sound pressure [Lo]. Any Lo value is dependent of the distance from the noise source and the environment in which it was measured. Lw values are preferred for noise prediction purposed as their value is independent of distance or environment. There are recognised formulas for converting L_w to L_p. A-weighted sound power levels are usually denoted L_{wA} [dB] or sometimes L_w [dBA] or SWL [dBA].

Sound Pressure

Sound Pressure Level is defined as varying pressure fluctuations caused by sound waves. The ear converts these fluctuations into what we call audible sound, which is the sensation [as detected by the ear] of very small rapid changes in the air pressure above and below a static value. This "static" value is atmospheric pressure.

REPORT STATUS

Name	Title/Company	Date of Issue	Report Status/Reference	
Matt Holder and Damon Gibson	Waitomo Group Limited C/- Development Nous Limited	16 July 2018	Final	





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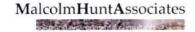
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Assessment of Environmental Noise Effects Waitomo Self-Service Fuel Stop Hastings

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Assessment of Environmental Noise Effects Waitomo Self-Service Fuel Stop Hastings

MalcolmHuntAssociates

1 Introduction

The Applicant [Waitomo Group Limited] is applying for land use consent from the Hastings District Council to establish a self-service fuel stop on the subject site at 11 Allen Road, Pakowhai, Hastings. Malcolm Hunt Associates [MHA] have been commissioned by the Project Manger [Development Nous] to review the noise-related aspects of the proposal and to prepare this Assessment of Environmental Noise Effects for the proposed development in accordance with the Forth Schedule of the Resource Management Act 1991. The Act requires that such reports include details as corresponds with the scale and significance of the effects that the activity may have on the environment [Section 88 [2] of the RMA]. The objective is to describe potential nature and scale of noise effects arising from the proposed development as may affect existing surrounding land uses and to assess these in the context of the relevant standards and guidelines. This acoustic report sets out;

- Information on noise-related aspects of the activity and site and the expected noise emission levels and characteristics;
- An assessment of noise from proposed activities, as received in the surrounding environment;
- An assessment of operational noise in terms of the Hastings District Plan;
- An assessment of temporary construction noise in terms of the Hastings District Plan;
- o An assessment of potential vibration effects including during operational and construction;
- Recommended noise mitigation measures [where required];

Malcolm Hunt Associates have based this assessment on measured noise emissions from similar operations, including measurements taken elsewhere at similar sites, of noise associated with similar movements of noise generated on-site due to light and heavy vehicle movements. The authors have experience in assessing similar service station, car parking and refuelling activities, including petrol station facilities with self-service components. All drawings in this report are schematic and not to scale. Refer to the Application for full detailed drawings and details. Distances referred to in this report have been sourced from Hastings City Council GIS system or taken from scaled drawings of the site development.

2 Background

In preparing this review we have considered documents provided, including the Consent Application prepared by Development Nous and appendices including the Architectural and Engineering Drawings and traffic Engineering Report. We have relied information provided in preparing the assessment. Any changes or departure from the activity or proposed development plans as detailed in this report may require noise effects to be re-assessed.

3 The Application Site

The subject site is located at Allen Road, Pakowhai, Hastings, the following indicates key site features;





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Property Address:	11 Allen Road, Pakowhai
Site Area:	The subject site title contains approximately 1.29ha
Legal Description:	Section 1 SO 9886
Current Site Owner:	Oderings Nurseries Chch Limited
District:	Hastings District Council
Current Zone:	Plains Production Zone

The site which is irregular in shape and flat in contour, is located on the northern side of Allen Road, at the junction with State Highway 50 [Hawkes Bay Expressway] and Links Road. The site currently contains the Oderings Nursery/Garden Centre consisting of large greenhouses, indoor and outdoor covered retail areas and other minor structures totalling some ~7,400m². Existing operations comprise a mix of Commercial, Retail, Office and Intensive Rural Production uses, which have been lawfully established onsite [refer to the Application for further details on existing activities conducted on the site and related consents].

Major road works are currently being undertaken at this intersection, involving realignment of the Pakowhai and Links Road approaches and construction of a single roundabout to replace two intersections previously controlled by traffic lights. The works which include upgrading a length of the state highway are scheduled for completion in August 2018. Following this road realignment, the site will adjoin Pakowhai Rd reserve to the west and its sole road frontage will be along Allen Road. This frontage extends approximately 118m, with the Pakowhai Road/road reserve boundary being approximately 157m in length. The surrounding area is rural in nature and displays a mix of horticultural, viticultural and pastoral uses.

There are four existing rural dwellings located in the area. They are located to the north, east and south of the application site, on the opposite side of Allen Road and Links Road. The site and closest adjacent rural residential sites are represented in the aerial photograph at Figure 1 below [with planned road works shown once completed].



Figure 1: Site location map indicating adjacent closest rural residential dwellings House 1 to House 4 and Police Dog Training Centre. Not to Scale. Reference: Development Nous.

The noise assessment has considered potential noise effects as may affect the following receiver locations shown in Figure 1:

- o House 1 13 Allen Road;
- House 2 16 Allen Road;
- House 3 983 Links Road;
- o House 4 47 Allen Road; and
- Police Dog Training Facility.

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Dwellings 1, 2 and 3 currently experience ambient sound levels affected by vehicle and traffic noise, in addition to typical rural activities found in the area and from established commercial activities. Although no site-specific readings have been taken, our research indicates ambient sound levels in the area are likely to be significantly affected by noise from road traffic on Pakowhai Road, Allen Road and the state highway. The effects of highway noise in the area are depicted within diagrams prepared by NZ Transport Agency who encourage sensitive activities are located away from state highways due to 'reverse sensitivity' effects on the operation of the highway. Note. The shaded areas do not include the noise from traffic using local roads [Pakowhai Road and Allen Road]. The area affected by highway noise are shown in Figure 2 below. Although most of the dwellings shown in Figure 1 lie outside the 'effects area', Figure 2 signals traffic noise is a major determination of ambient sound levels in the local area.



Figure 2: Site location map indicating NZTA's published state highway traffic noise "effects area" [red] and "effects area" Ref. NZATA website¹.

4 Site Development

The Application sets out details of the proposed activity which is to establish a self-service fuel stop on the site which has been used established commercial activity previously. Our assessment is based on there being no manned service-station or other retail activities such as a retail shop. We are advised that the proposed automated fuel stop is consistent with Waitomo's "no-frills" business model that has been implemented at numerous locations around New Zealand. We consider the self-service model to generate less noise than a typical service station. As a self-service facility, noise associated with retailing, trailer hire, refrigeration plant, carwashes, and possible workshop noise and compressor noise are all largely avoided under the self-service model.

The existing buildings onsite will be demolished and a majority of trees, plants and vegetation on site will be

 $^{^1\} https://www.nzta.govt.nz/roads-and-rail/highways-information-portal/technical-disciplines/noise-and-vibration/planning/reverse-sensitivity-buffer-and-effects-areas/$





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removed, except for a number of large palm trees within the car parking area and some boundary hedging. New landscaping is proposed as part of the overall development. Below we make a recommendation for an upgrade of planned fencing to become acoustic grade.

At the outset we expect some noise may be generated during daytime hours due to earthworks and construction activities including the installation of underground petroleum storage tanks, car parking, landscaping, rubbish disposal facilities, signage and lighting, all of which are described in more detail within the Application.

The key design features of the proposed activity are:

- Two-island, four-lane <u>car stop</u> with a total of eight service position each pump island serves all types of available fuels i.e. 91, 95 and diesel;
- o Two-island, four-lane truck stop with four service positions providing diesel fuel;
- o 23 car parks to be retained [including one for disabled persons];
- An underground tank area consisting of 2 x 70,000 litre Envirotanks;
- o Illuminated signage in Waitomo corporate colours and landscaping; and
- o Two access points for the site are proposed [one existing, one new] and landscaping and hardstands.

The fuel stop facility will operate 24 hours a day, seven days a week. Although it will be a self-service facility, we understand it will be monitored and maintained on a daily basis by **Waydgo Site Care** in accordance with strict protocols.

Traffic Solutions Ltd have provided a Traffic Impact Assessment and this is attached at Appendix E of the Application. This assessment considers two alternatives: Option 1 relates to an unmanned fuel/truck stop and Option 2 relates to the fuel/truck stop but also includes a convenience shop and café. This application therefore relates to Option 1 only.

Figure 3 below indicates a site plan as reproduced from the Development Nous Application document.



Figure 3: Site plan map. Not to Scale. Reference: Development Nous Application.





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The predictions below take into account the number of customer vehicles [light and heavy vehicles] expected to use the facility during daytime and night time. We understand fuel will be delivered by a tanker which involves the tanker pulling into site and using gravity feed to fill the underground tanks. An experienced operator will be able to operate the delivery vehicle at slow, safe speeds on-site and avoid impact sounds during the tank-filling process. Thus, re-fuelling will be a low-noise activity.

5 Noise Predictions

Acoustic predictions have been carried out in order to assess future worst case operational noise effects expected at or within the suite boundary. The prediction method is based on ISO 9613-2:1996 Acoustics - Attenuation of sound during propagation outdoors-- Part 2: General method of calculation which predicts sound under meteorological conditions favourable for the propagation of sound. This means enhanced sound propagation under a light following wind in all directions, although this cannot occur in real life [hence worst case].

The prediction method utilises various input variables including octave band sound power levels at source, air absorption values based on temperature and humidity. The ISO 9613-Part2:1996 method predicts equivalent continuous A-weighted sound level [As L_{Aeq 15 minutes}] and L_{AFmax} [night time].

The methods adopted to predict sound levels conform with the recommendations of NZS6801:2008 Acoustics – Measurement of Environmental Sound.

Modelling of noise has taken account of distance. Predictions have been carried out using on the following base equation:

 $L_p = L_W - 10 \log_{10} [2\pi R^2]$ [Equation 1]

Where;

Lp = The sound pressure level of noise received [in dBA] at distance R

 L_W = The sound power level of noise source[s] [in dBA]

R = The distance between the source and the receiver in metres

5.1 Prediction Parameters

The results have been based on day time, evening/night time operations. The difference between the three periods is defined as follows:

- o Daytime operations 7.00am to 7.00pm
- o Evening operations 7.00pm to 10.00pm and
- Night-time operations <u>10.00pm to 7.00am</u>

It is noted both daytime, evening and night operations have been treated as similar that is they all includes the use of the following facilities:

 Vehicle noise and manoeuvring on site i.e. vehicles [cars and trucks] in hardstand and car parks, including vehicles entering/leaving forecourt area, at service station fill point – based on;

Light vehicles

Daytime & evening – 8 light vehicles per 15 minutes [1 light vehicles per 8 service positions]

Night time - 4 light vehicle movements per 15 minutes

Heavy Vehicles

Daytime & evening – 4 heavy vehicle movements per 15 minutes [1 heavy vehicles per 4 service positions] Night time – 2 heavy vehicle movements per 15 minutes

These predictions include engine noise, door closing and opening etc;

2. Filling of underground tanks [which may occur any time of day]; and





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3. Customers using the car parking areas [people sounds];

5.2 Prediction Results

The following **Table 1** sets out predicted worst case noise levels for day, evening and night time operations respectively focusing on adjacent noise sensitive sites. The assessment here is that all non-residential sites can fully comply at all times with the District Plan noise limits for day and night time activity when suitable managed as proposed here.

Noise Assessment Location	Predicted Worst Case Sound Pressure Level	Predicted Worst Case Sound Pressure Level	Predicted Worst Case Sound Pressure Level
	L _{AEQ [15 minutes]} dB DAY TIME and EVENING	L _{AEQ [15 minutes]} dB NIGHT TIME	L _{AFmax} dB
	7.00am to 10.00pm	10.00pm to 7.00am	10.00pm to 7.00am
House 1 - 13 Allen Road	46 dB	43 dB	61 dB
House 2 – 16 Allen Road	39 dB	36 dB	54 dB
House 3 – 983 Links Road	34 dB	31 dB	48 dB
House 4 – 47 Allen Road	32 dB	29 dB	46 dB
Police Training Facility	47 dB	44 dB	58 dB

Table 1: Summary results of predicted worst case sound pressure levels

Assessment as per District Plan at or within the notional boundary of adjacent rural- residential sites [Houses 1 to 3]

All other dwellings located at distances further from the facility than Houses 1, 2 and 3 are predicted to receive low levels of sound, below the values indicated above in Table 1. All identified receiver sites are expected to receive noise from the facility at levels fully compliant with the District Plan noise limits [including the Police Dog Training Centre across the road, but not used for residential purposes].

6 Applicable Noise Criteria

In assessing potential noise impacts on nearby sites the following guideline / criteria and Standards apply.

6.1 Resource Management Act

Noise is an environmental effect identified in the Resource Management Act as a matter to be included in any assessment of environmental effects. Noise is defined as unwanted sound and can affect the residential amenity of an area. What constitutes a "reasonable level" is not prescribed by the Act. As a guide, noise limits prescribed by the relevant New Zealand Standards to determine limits of acceptability. The Resource Management Act [RMA, s.16] in particular is explicit in requiring the adoption of the "best practical option" to avoid unreasonable noise. The definition of the Best Practical Option under the Act means the best method for preventing or minimising adverse effects on the environment having regard, among other things to the nature of the discharge, financial implications and current technical knowledge.

6.2 Hastings District Plan and Site Zoning

Noise ranks highly on the list of environmental pollutants and is an increasing matter to which communities must have regard under the Hastings District Plan. The Plan specifically notes that if the emission of noise from the various land use and transportation activities is not controlled, this is likely to result in long term adverse effects on the acoustic environment and the amenity of individual properties, localities, and the wider District. The acoustic environment of the Hastings District varies from the low background noise levels in the rural areas of the District where there is little sound generated by human activity, to areas of significant Residential, Commercial and Industrial activities where noise levels are elevated. Although no specific background sound levels have been





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undertaken, as above, we expected the area to be significantly affected by noise from the adjacent Expressway and local roading network.

In assessing potential noise impacts from the site on nearby sites including adjacent residents there are various key documents to which one should refer for guidance including the Resource Management Act, District Plan and New Zealand Standards for acoustics. The site and all surroundings sites are zoned 'Plains Production Zone' under the Hastings. The following permitted noise emission rule applies for operational noise under the Proposed Hastings District Plan for the Rural Zone in which includes the Plains Production Zone.

6.3 Hastings District Plan - Rural Zone

[a] The following noise limits shall not be exceeded at any point within the notional boundary of any noise sensitive activity on any other site within a Rural Zone, or at any point within the boundary of any site, in any Zone other than an Industrial Zone:

 Control Hours
 Noise Level

 0700 to 1900 hours
 55 dB L_{Aeq [15 min]}

 1900 to 2200 hours
 50 dB L_{Aeq [15 min]}

2200 to 0700 hours the following day 45 dB $L_{Aeq\,\{15\,min\}}$ 2200 to 0700 hours the following day 75 dB L_{AFmax}

The Plan states that noise shall be measured in accordance with New Zealand Standard 6801:2008 Acoustics - Measurement of Environmental Sound and assessed in accordance with New Zealand Standard 6802:2008 Acoustics - Environmental Noise. Under NZS6802:2008 noise from vehicles on a public road are exempt from assessment, whereas noise generated by activities within a site are considered to be part of the land use activity and are to be included when assessing compliance with district plan noise rules. Under the district plan the above noise limits apply at the notional boundary of rural residential dwellings.

6.4 Hastings District Plan Requirements for Special Audible Character

The New Zealand acoustic standard NZS6802:2008 Acoustics –Environmental Noise Appendix B [B4.3 – Table B2] sets out objective means for testing for the presence of special audible characteristics by comparing the levels of neighbouring one-third octave bands in the sound spectrum. It is noted that the assessment for special audible characteristics is required to be undertaken at the measurement point i.e. site boundary. What is important to note is that a piece of plant or noise source could be judged to contain special audible characteristics within close proximity however the characteristics of the sound will change at the assessment location due to screening and distance affects. The assessment here concludes based on the noise sources noise received at the closest existing rural residential sites are not expected to contain any special audible characteristics.

6.5 Temporary Construction Noise

The Plan notes that construction noise shall be measured and assessed in accordance with NZS6803:1999 Acoustics - Construction Noise. The Plan further note that to avoid doubt, Standards 25.1.6C to 25.1.6H above shall not apply to construction noise. We understand that the construction activity for a project of this type would be "long duration" meaning under NZS 6803:1999 Acoustics Construction Noise any construction works more that 20 weeks or 5 months.

The Application notes that any potential noise levels will be controlled within the construction contract and that all construction work will only be carried out within normal daytime hours being 7.30am – 5.00pm Monday to Friday and 8.00am to 3.00pm Saturday with no work on Sundays or Public Holidays.

Earthworks will take place over approximately 3,580m² of the site. Within this area the following construction activities are proposed;

MalcolmHuntAssociates



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- clearing of buildings and structures within the area including the demolition of an approximate hardstand area of 3.500m²;
- The excavation of approximately 340m³ for the petrol tanks and API separator;
- The excavation for service island foundations as well as the signage foundations;
- The placement and compaction of approximately 350m³ of clean topsoil material for re-vegetation and landscaping.

Based on the proposed hours of operation, noise limits recommended within NZS6803:1999 Acoustics - *Construction Noise* of **75** L_{AEQ} dB and **85** dB L_{AFMax} **[0730-1800 Monday to Saturday]** are expected to be fully complied with at all rural dwellings in the area [and the Police Dog facility].

Construction and earthwork activities of the nature and scale proposed has the potential to generate appreciable noise in the immediate area however we are of the view that the expected length of construction period and being limited to daytime use only, noise emitted from the site during the construction phase will not be unreasonable will be unlikely to generate adverse noise effects in the area [especially considering the familiarity with this type of daytime noise experienced during the recent extensive road works undertaken in the area recently].

7 Assessment – Operational Noise

The proposed fuel stop will consist of a total of four pump islands [two car and two truck islands] and other structures. The main noise will be generated by vehicles manoeuvring on and off the site. The sound sources will be engine noise, door opening and closing as well as low level people-based noise and low levels of sound from the fuel pump themselves. As noted above there is no commercial or retail component to this activity.

Overall the sources of noise are considered relatively benign noise sources, especially given the similarity of vehicle sounds which will appear similar to the sounds generated from the nearby Expressway, and the available buffer distances between the on-site noise sources and residential dwellings.

Sound from vehicle or people forecourt may at times be audible off-site during quieter times of the day, however these levels are expected to remain fully compliant at all adjacent rural residential sites. Car parking movements are not normally considered to be inherently noisy. In addition, the car parking area lies at a significance distance receiver sites. We understand the yard will be surfaced with smooth asphalt [or similar] which will be a noise mitigation measure. Regarding vehicle speed, our observations from similar developments is that that drivers tend to operate vehicles slowly [10-20 km/hr] due to constraints of the site and for safety reasons.

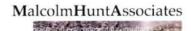
Table 1 above indicate that typical worst-case operations will emit noise levels for both day and night that will be received at residential receiver sites at levels fully compliant with the permitted activity noise limits of the Proposed Hastings District Plan. We therefore classify the acoustic effects of the proposal as less than minor.

Based on the assessment that no dwelling will receive noise from the consented activity above 55 dB $L_{AEQ\ [15\ minutes]}$ during day time or 50/45 dB $L_{AEQ\ [15\ minutes]}$ during evening and night time respectively. As noted above a permitted level of 75 dB L_{AFmax} is permitted during night time which will be complied with at all dwellings.

8 Noise Mitigation Measures

Sections 16 and 17 of the Resource Management Act require that activities adopt methods to avoid, remedy or mitigate potential adverse noise effects. The following mitigation measures are recommended to be included within the proposal to ensure noise effects are suitably mitigated. These measures form the BPO for this site and the proposed activities.

8.1 Acoustic Fence





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To assist in the attenuation of noise emissions from the site affecting the closest dwelling [House 1] it is recommended to construct a 2.0m high acoustic grade fence as shown along the common boundaries, we provide two possible options as follows for the common boundaries.



Figure 4: Recommended location of acoustic timber fence options. Not to Scale. Reference: Development Nous.

In both cases the above acoustic grade boundary fences should achieve the minimum acoustic requirements:

- The acoustic fencing shall be the minimum high height above local ground of 2.0m;
- The acoustic fencing should be positioned along the entire length of the boundary as either Option 1 or
 Option 2 as shown above to ensure no 'short circuiting around the ends';
- There will be no gaps in [or under] the acoustic barrier;
- There shall be no openings i.e. no gate openings;
- The acoustic fence will span their entire length of the boundary as shown so as to result in a continuous acoustic barrier result; and
- The barrier must have a minimum superficial mass will be no less than 12 kg/m² i.e. board and batten.

8.2 Signage

In order to ensure vehicles, avoid additional noise associated with elevated vehicle speeds, we recommend signage is erected adjacent to the site entrances which signal that vehicles operating on the site should keep their speeds below 20 km/hr.

9 Summary

An assessment has been undertaken of potential noise effects arising from cumulative noise effects arising from a proposed self-service fuel stop proposed to be located on a site at 11 Allen Road, Pakowhai, Hastings. The cumulative noise effects have been compared to the permitted Proposed Hastings District Plan noise limits. In addition, an





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assessment has been undertaken of potential construction noise effects.

This assessment has found that with the recommended acoustic fence and vehicle speed signs in place, noise from the operation of the facility, as received at any residential dwelling in the area [as well as non-residential sites such as the Police Dog Training Centre], will remain reasonable at all times. According to the investigations and calculations undertaken, cumulative operational noise from the site will be able to fully comply with District Plan permitted activity noise standards when measured and assessed using the appropriate New Zealand Acoustic standards.

The following noise mitigation measures have been recommended:

- o 2.0 m high acoustic grade fence using Option 1 or Option 2 [as per Figure 4]; and
- Signage to advise of a 20 km/hr speed limit to be placed adjacent to the site entrances.

These measures are considered consistent with the Best Practical Option [BPO] under the Resource Management Act for this site and proposed activity.

Malcolm Hunt Associates 16 July 2018





Rebecca Jarman

From: Matthew Holder < matthew.holder@developmentnous.nz>

Sent: Thursday, 19 July 2018 4:52 PM

To: Rebecca Jarman
Cc: Damon Gibson

Subject: Pakowhai Road Waitomo fuels - Traffic Response

Attachments: Traffic response.pdf

Importance: High

Dear Rebecca,

Further to your section 92 request and information provided to date, please find attached a formal response of Traffic Solutions Ltd with respect to the Traffic matters raised.

We trust this addresses any potential concerns in this regard.

we only piece of outstanding information is the Hazard Substances Risk assessment matters. A full response is being undertaken by Pattle Delamore Partners (Pdp) who are an authority in this area and a consultant firm regularly used by the Hastings District Council.

It is expected that this information will be available tomorrow.

Kind Regards

Matthew Holder Principal Planner Director



Phone: Mobile - 027 2888762 or Office - 06 8762159
Physical Address: 212 Queen Street East, Hastings 4122
Postal Address: PO Box 385, Hastings 4156
Email matthew.holder@developmentnous.nz
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19 July 2018



Ref: 916

Matthew Holder Development Nous Limited P O Box 385 Hastings 4156

Dear Matthew,

PAKOWHAI FUEL STOP, 11 ALLEN ROAD, PAKOWHAI RESPONSE TO FURTHER INFORMATION REQUEST

I refer to the transportation related requests for further information received from Hastings District Council in relation to the above development proposal.

Please find attached Figure 1 (Traffic Solutions Limited drawing 916/2), which is a more detailed plan than that which was included with my original traffic impact assessment report. The plan clearly shows the following items that the Council has requested:

- How the roadway widening will fit within the 20m wide corridor.
- How the widened section of Allen Road will transition with the current NZTA works and with the existing road at the opposite end of the proposed widening.
- Shared paths, noting that these terminate at the intersection corners at Pakowhai Road.

As recommended in the initial traffic assessment report, the Allen Road widening will extend along most of the frontage of the development site, with transitions tapering to the existing roadway width northeast of the northeastern-most vehicle access.

Figure 1 is just a scheme drawing showing what I consider should be done. It is anticipated that more detailed engineering design plans will be submitted to Council for approval at the building consent stage. The engineering design plans will include such details as pavement design, vertical alignment, drainage and other street features.

Figure 2 attached shows the tracking paths of 19m long semi-trailer trucks left and right turning into Allen Road from Pakowhai Road. The paths were generated using Autodesk Vehicle Tracking software. It can be seen that the left and right lanes on Pakowhai Road are adequate to accommodate these very large vehicles.

Also shown on Figure 2 is the tracking path of the same truck right turning out of the site. The tracking paths all show that the proposed widening of Allen Road, and the site accesses, will cater for these vehicles.

The Council has requested that SIDRA analysis be done of the intersection to determine the adequacy of the stacking space for vehicles left and right turning into

82 Hindmarsh Drive, Taupo 3330 T (07) 376-5031 • M: 021 315 882 • E: ian@tsol.co.nz

Traffic Solutions Limited

-2-

Allen Road. This request somewhat puzzling, firstly because the left turn movement into Allen Road has no opposing movements to give way to and therefore stacking will not occur. In any case, the left turn slip lane is 50m long, which is long enough to accommodate two articulated truck rigs or 7 normal cars before any tailback would obstruct the through traffic lane. With a maximum flow of approximately 125 tph (= 2 vehicles per minute) left turning into Allen Road, according to the traffic assessment, it is most unlikely that any queuing would exceed the length of the slip lane even if queuing were to occur.

Secondly, the right turn bay on Pakowhai Road is part of a flush median that extends for considerable distance along Pakowhai Road, providing virtually unlimited length for right turning vehicles to queue without obstructing the adjacent traffic lanes. In the traffic assessment I predicted that the maximum right turn flow into Allen Road would be about 30 tph (= 1 vehicle every 2 minutes). For such a flow, I would not expect more than 1 or 2 vehicles to queue to right turn into Allen Road at any time.

The proposed southwestern site access will accommodate entry movements only. The predominant movement at that access will be the left turn entry. Very few right turn entry movements are likely because there is very little traffic from that direction. Vehicles left turning into the site have right of way and will not queue back to the intersection at Pakowhai Road, which is some 40m away from the access.

The only circumstances where an entering vehicle may need to wait on Allen Road if another vehicle is exiting will be the right turn entry from the northeast. However, as already stated, there will be very few of these movements, and even if this were to occur, Allen Road has a local road classification where occasional obstruction to traffic flow as other vehicles access properties should be expected.

Lastly, a letter of approval from NZTA is attached, confirming they are comfortable with this proposal.

I trust these satisfy the Councils requests.

Yours Sincerely,

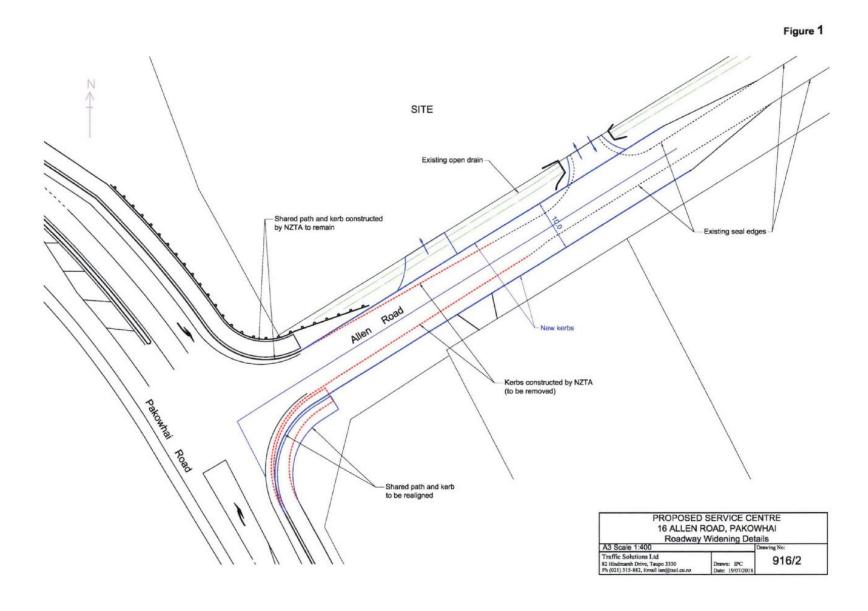
Ian Constable Traffic Engineer

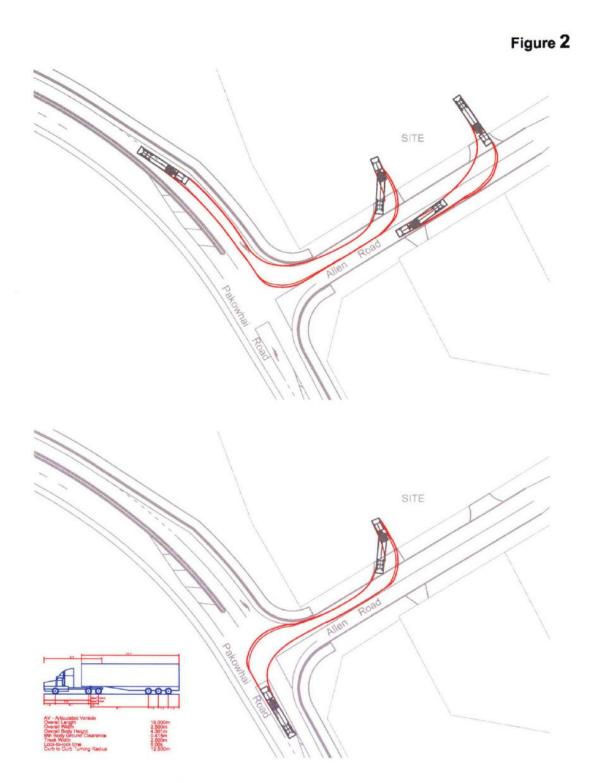
Copy to-

Brad Nicol

Expressway Development Limited

47 Napier Road Havelock North





PROPOSED SERVICE CENTRE AT 16 ALLEN ROAD, PAKOWHAI 19m Long Semi-Trailer Truck Tracking Paths
(A4 Scale 1:1000)



Form 8A

Affected person's written approval to an activity that is the subject of a resource consent application Section 95E(3), Resource Management Act 1991

To: Damon Gibson - Development Nous

Name of person giving written approval: the NZ Transport Agency

This is written approval to the following activity that is the subject of a resource consent application:

Proposed fuel stop at 11 Allen Road, Hastings.

The Transport Agency has read the full application for resource consent, the Assessment of Environmental Effects, and any site plans as follows:

- Email 21/06/2018 outlining proposal, attached resource consent application and scheme plan.

In signing this written approval, the Transport Agency understands that the consent authority must decide that it is no longer an affected person, and the consent authority must not have regard to any adverse effects on the Transport Agency.

The Transport Agency understands that it may withdraw its written approval by giving written notice to the consent authority before the hearing, if there is one, or, if there is not, before the application is determined.

Date: 29/06/2018

Signature:

Alan Catchpole - Principal Planner - System, Design and Delivery, on behalf of the NZ Transport Agency.

Address for service of person giving written approval: NZ Transport Agency, Level 5, 43 Ashley Street, PO Box 1947, Palmerston North Central, Palmerston North 4440

Telephone: (06) 953 6072

Fax/email: (06) 953 6203/Kelsey.armstrong@nzta.govt.nz

Contact person: Kelsey Armstrong - Planning Advisor

Rebecca Jarman

From: Matthew Holder <matthew.holder@developmentnous.nz>

Sent: Friday, 27 July 2018 12:21 PM

To: Rebecca Jarman

Subject: FW: Final Section 92 Information - Waitomo Fuels Pakowhai Road

Attachments: PDP Haz Sub Risk assessment.pdf

Hi Rebecca

Further to the information provided last week, can you please advise on progress with our clients application.

Kind Regards

Matthew Holder Principal Planner Director



Phone: Mobile - 027 2888762 or Office - 06 8762159
Physical Address: 212 Queen Street East, Hastings 4122
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Email matthew.holder@developmentnous.nz
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From: Matthew Holder

Sent: Friday, 20 July 2018 11:41 a.m.

To: Rebecca Jarman < rebeccaj@hdc.govt.nz>

Cc: Damon Gibson <damon.gibson@developmentnous.nz>

Subject: Final Section 92 Information - Waitomo Fuels Pakowhai Road

Dear Rebecca

Please find attached the final piece of information on behalf of our client, in respect of your section 92 request after 19 working days.

This now **completes all information required** of your request, which in response provided (staggered as information became available) an information letter from Development Nous (including NZTA affected persons consent), and acoustic report from Malcolm Hunt and Associates, traffic comments from Traffic Solutions, and finally a Hazardous Substances Risk assessment report from Paddle Delamore Partners (attached).

We trust that this information covers off all issues raised. The responses are by suitably qualified and experienced professionals in each specific area.

We look forward to the continued processing of our clients application and a decision in due course.

Kind Regards

Matthew Holder Principal Planner Director



Phone: Mobile - 027 2888762 or Office - 06 8762159
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20 July 2018

James Ormsby
Waitomo Energy Limited
15 Ellis Street
Frankton
HAMILTON 2304

Dear James

S.92 RESPONSE - PROPOSED FUEL STOP/SERVICE STATION AT 11 ALLEN ROAD, PAKOWHAI

1.0 Introduction

Pattle Delamore Partners Limited (PDP) has been requested via Waitomo Energy Limited (Waitomo) to provide responses to the Hastings District Council (HDC) via a Section 92 request (dated 29 June 2018), in relation to the proposed truck stop/service station located at 11 Allen Road, Pakowhai.

The site is located with the Plains Production Zone (Proposed Hastings District Plan – Decisions Version (PHDP)). The nearest residential dwellings located at 13 and 16 Allen Road (these dwellings are between 70 and 122 meters from the proposed fuel tanks) are situated north and southeast of the site, respectively. To the east of the site the closest building (use unknown) is located at 15 Allen Road - 71.5 m metres away. To the south of the site there is a police dog training centre at 4 Allen Road. Farm land is located to the north of the site.

HDC has requested that a risk assessment of the proposed hazardous facility be completed to address the matters listed in Assessment Criteria 29.1.7A(1) of the PHDP. Section 29.1.7A(1) states:

A risk assessment shall be provided, focussing on the following issues:

- (i) Assessment of the probability and potential consequences of an accident leading to the release or loss of control of hazardous substances. This assessment should focus on the ability of the design and management of the site to avoid accidents, such as spill containment measures, fire safety and fire water management, emergency management, site drainage and off-site infrastructure (e.g. stormwater drainage system, sewer type and capacity) and the disposal of waste containing hazardous substances.
- (ii) Potential risk and effect on people and neighbouring activities, with emphasis on sensitive activities such as residential zones, educational facilities and community facilities.
- (iii) Potential risk and effect on natural ecosystems and the life supporting capacity of land and water, including the Heretaunga Plains Unconfined Aquifer, waterbodies and sources of potable water.



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(iv) Potential risk and effect on sites of significance to Tangata Whenua, sites of historical or archaeological significance, Recommended Areas for Protection, Outstanding Natural Features and Landscapes or Significant Landscape Character Areas.

- (v) The potential for natural hazards to impact on the operation of the hazardous facility.
- (vi) The potential for cumulative adverse effects of hazardous substances.

Each of the sub-sections will focus on each of the above issues.

2.0 Hazardous Facility Screening Procedure:

A hazardous facility screening procedure (HFSP) has been undertaken for the proposed truck stop/service station (refer to Appendix A for the calculations). The following values have been calculated and are discussed further in the following sections:

- Fire/Explosion Quantity Ratio (FQ) = 1.04
- : Human Health Quantity Ratio (HQ) = 0.47
- : Environmental Quantity Ratio (EQ) = 5.19

The PHDP does not have permitted activity criteria for effects ratios calculated by the HFSP. However, the Operative Hastings District Plan (OHDP) does have a consent status matrix (Table 13.8.8-1) which allows the above effects ratio to be assessed. The site is zoned as Plains Zone in the OHDP.

2.1 Human Health Quantity Ratio

The calculated human health ratio is less than the permitted activity criteria (< 0.75) outlined in the OHDP for the Plains Zone. Emissions of volatile organic compounds for service station refuelling operations are low and the nearest residential neighbours are located over 70 metres from the proposed fuel dispensers and vents.

According to Waitomo, VR2 recovery units will be installed. These will capture fuel vapours at the tank when vehicles are refuelling (i.e. it is a closed system). The VR2 units will decrease the amount of VOC emissions and minimise the risk to people living or working in adjacent areas. It is therefore, unlikely that customers and/or contractors will be exposed to petrol/diesel for extended periods of time. Furthermore, the Underground Petroleum Storage System (UPSS) will be installed in accordance with the Code of Practice for the Design, Installation and Operation of Underground Petroleum Systems (Department of Labour, 1992). It is likely that the limited exposure to either petrol or diesel will not pose a significant human health risk to users of the site or neighbouring residences.

2.2 Environmental Quantity Ratio

The calculated environmental effect ratio is higher than the permitted activity criteria (< 0.75) outlined in the OHDP for the Plains Zone. However, there are several modifying factors which significantly reduce the environmental risk of the proposed facility. These are:

- The facility is to be designed in accordance with the Code of Practice for the Design, Installation and Operation of Underground Petroleum Systems (Department of Labour, 1992). This means it would meet the requirements outlined within the OHDP (Section 13.8.8.1).
- As noted in Waitomo's site-specific environmental management plan (EMP), appended to the
 Assessment of Environmental Effects (AEE; Appendix H), the refuelling areas are to be located on
 impervious surfaces which are to be sloped to direct all stormwater into a 2,500 L spill capacity
 SPEL interceptor fitted with an automatic shut off valve. SPEL interceptors have been tested and

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approved to meet the requirements of European Standard BS EN 858-1:2002 and meet the UK Environment Agency Pollution Prevention Guidelines 'Use and Design of Oil Separators in Surface Water Drainage Systems - PRG 3'. Therefore these oil/water separators are designed to discharge hydrocarbon concentrations of 5 mg/L, which is more stringent than the MfE¹ or API criteria of 15 mg/L. The 2,500 L capacity of the interceptor meets MfE¹recommended sizing for a retail service station and truck stop, which is based upon a spill risk assessment for petroleum sites (see Spill Risk Assessment Data within Appendix A of MfE (1998) Environmental Guidelines for Water Discharges from Petroleum Industry Sites in New Zealand). Therefore, the site has adequate capability to capture and treat any spills which could occur on-site.

- 3. As noted in the AEE (Section 6; Page 27) the individual fuel transactions will be capped at 75 litres (or ~ \$150), which avoids fuel continuing to pump from a fuel dispenser in the event of an accident. This limits the amount of hydrocarbons that could be spilt, such that they are well within the capacity of the SPEL interceptor.
- The SPEL interceptor is equipped with a shut-off alarm which will automatically alert Waitomo
 head office if the shut off valve has been activated. Waitomo staff will be able to immediately
 assist and assess the incident.
- 5. As stated in the EMP, emergency spill procedures including emergency contact details will be clearly displayed in the forecourt. All Waitomo delivery vehicles and their accredited petroleum industry contractors are equipped with spill kits and fire extinguishers and are fully trained in emergency response procedures. Customer safety procedures will be detailed on a sign board adjacent to each fuel dispenser. These will outline the location and contents of the 240 L Wheelie Bin Spill Response Kit.
- 6. All fuel tanks are located underground comprising fibreglass double skin tanks which are designed not to leak and will not corrode in the ground. Furthermore all underground pipework and fittings are also double contained. Waitomo notes that the tanks will also be Levno monitored and wetstock monitoring is regularly completed.
- The system will be pressure tested before fuel is placed into the tanks to ensure that there are no leaks within the refuelling system before petroleum products are introduced into the tanks.

The above measures are considered adequate to contain any spills or accidental releases into surface water or groundwater.

On the basis of the above, the risk to the surrounding environment is therefore considered to be very low and will be acceptable.

2.3 Fire/Explosion Risks

The underground diesel fuel tank has a fire/effect ratio of 0.04, which is lower than the permitted activity criteria outlined in the OHDP for the Plains Zone of 0.1. The petrol underground storage tanks have a fire/explosion quantity ratio of 1.0, which exceeds the permitted activity criteria outlined in the OHDP for the Plains Zone. However, there are a number of modifying factors in the design and proposed operation of the fuel stop/service station that will significantly reduce the potential fire/explosion risks. These are:

 The facility is designed in accordance with the Code of Practice for the Design, Installation and Operation of Underground Petroleum Systems (Department of Labour, 1992). This means it would meet the requirements outlined within the OHDP.

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¹ MfE (1998) Environmental Guidelines for Water Discharges from Petroleum Industry Sites in New Zealand.



S.92 RESPONSE - PROPOSED FUEL STOP/SERVICE STATION AT 11 ALLEN ROAD, PAKOWHAI

- The maximum individual fuel transaction will be capped at 75 litres which minimises the fire/explosion risks by minimising the amount of fuel. The number and type of fire extinguishers available on-site are capable of putting out a fire of this size.
- The VR2 units will decrease the amount of VOC emissions to below the lower explosive limit for petrol and diesel, thereby eliminating the risks associated with fuel vapour explosion/fire during refuelling events.
- The number, type and class of fire extinguishers meet the requirements as specified in Regulation 21 of Schedule 3 Hazardous Substances (Emergency Management) Regulations 2001.
- According to Waitomo there are two existing bores located within the site area which have been
 proposed to supply water to the site. One bore will be dedicated for the fire-fighting service. All
 water supply reticulation will be designed and constructed in accordance with the New Zealand
 Building Code and the New Zealand Fire Service Firefighting Water Supplies Code of Practice (SNZ
 PAS 4509:2008).
- 6. As stated in the EMP, emergency spill procedures including emergency contact details will be clearly displayed in the forecourt. All Waitomo delivery vehicles and their accredited petroleum industry contractors are equipped with spill kits and fire extinguishers and are fully trained in emergency response procedures.
- 7. Waitomo delivery vehicles and their accredited petroleum industry contractors are trained not to undertake refuelling operations if there is an ignition source present within the hazardous atmosphere zone and there are adequate measures in the design of the site (i.e. design of intrinsically safe electrical equipment) and operational procedures to control ignition sources within the hazardous atmosphere zones.
- The fuel tanks are located underground which makes them significantly less vulnerable to a surface fire.
- 9. Residential dwellings are over 70 m from the proposed tanks and refuelling area.

The above measures should be adequate to minimise the fire/explosion risks to surrounding landowners to an acceptable level of risk.

3.0 Section 92 Response

(i) Assessment of the probability and potential consequences of an accident leading to the release or loss of control of hazardous substances. This assessment should focus on the ability of the design and management of the site to avoid accidents, such as spill containment measures, fire safety and fire water management, emergency management, site drainage and off-site infrastructure (e.g. stormwater drainage system, sewer type and capacity) and the disposal of waste containing hazardous substances.

Waitomo has produced an EMP for the proposed fuel stop/service station at 11 Allen Road, Pakowhai (Appendix H in the AEE). The EMP details the following:

- Emergency Spill Response Plans (containment and clean-up procedures);
- > Spill kit contents and proposed location;
- Training requirements for staff and contractors;
- : Monitoring, record-keeping and notification;
- : Disposal; and

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 Contact details for environmental contractors; who will organise and manage clean-up, undertake soil and water testing and produce reports.

As noted in Section 2.0 of this letter, the risk to off-site receptors with respect to the potential release or loss of control of hazardous substances is considered to be very low. There are a number of measures proposed which include:

- Adequate spill containment measures (i.e. oil water separator, automatic shut-off, automatic alarms):
- The UPSS will be installed in accordance with the Code of Practice for the Design, Installation and Operation of Underground Petroleum Systems (Department of Labour, 1992);
- : Adequate fire safety measures and adequate volumes of fire water if required; and
- Waitomo's staff (and contractors) is trained in emergency response procedures and their vehicles will be equipped with spill kits and fire extinguishers.

(ii) Potential risk and effect on people and neighbouring activities, with emphasis on sensitive activities such as residential zones, educational facilities and community facilities.

The surrounding area of the proposed site is rural in nature and is a mix of horticultural, viticultural and pastoral uses. The nearest residential dwellings are located on the adjacent properties at 13 and 16 Allen Road (these dwellings are between 70 and 122 meters from the proposed fuel tanks). A police dog training centre is located at 4 Allen Road. There are no known sensitive facilities (such as schools, rest homes or hospitals) in the vicinity of the site. There are no other known hazardous facilities in the immediate vicinity.

As stated in Section 2 of this letter and within the EMP, there are a number of procedures and design measures that will be followed (and in place) to ensure there is minimal risk to people and neighbouring activities.

(iii) Potential risk and effect on natural ecosystems and the life supporting capacity of land and water, including the Heretaunga Plains Unconfined Aquifer, waterbodies and sources of potable water.

Surface Water

As noted in Section 2.0 it is considered that the risk of potential fuel spills affecting nearby surface waterbodies will be very low due to the proposed site contingency measures.

The Engineering Infrastructure Assessment Report produced by Development Nous (Appendix F of the AEE) states that the potential change in landuse will result in a decrease in impervious surface across the entire site, resulting in no increase in the quantity of stormwater collected onsite.

As noted in the AEE, Waitomo will be obtaining all necessary stormwater discharge consents from the Hawke's Bay Regional Council (HBRC) prior to site development.

Land

Currently the site is almost completely covered in impervious surfaces; including buildings and sealed areas. For the site redevelopment works, impervious surfaces will be removed, which may also include the removal of existing buildings. Although a large concrete forecourt has been proposed, it is intended that the northern section of the site, approximately 3,500 m² will be reinstated to grass and used for primary productive use (as outlined in the AEE).

The forecourt will be graded and any stormwater will flow through an API prior to discharge. Therefore no contaminant-laden water or a spill event will affect the soil underneath the forecourt or the proposed

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S.92 RESPONSE - PROPOSED FUEL STOP/SERVICE STATION AT 11 ALLEN ROAD, PAKOWHAI

grassed section. Page 11 of the AEE concluded that the life-supporting capacity of the Plains soil resource will be safeguarded.

Groundwater

The site is not located within the Heretaunga Plains Unconfined Aquifer (Appendix B).

A search of the HBRC bore database, indicates that there are five registered bores within 200 m of the site; including two located within the proposed site boundaries. Information presented in Appendix C has been provided directly from HBRC, and information presented in Table 1 incorporates additional information obtained from the HBRC GIS Viewer.

Wells 2152 and 8460 are potentially being used for irrigation purposes and are identified by HBRC to be potentially within 200 m of the site (depending upon where the bore is located on the actual property). Well 3309, is reportedly located at 15 Allen Road but PDP is not aware what this well is being used for or if it is operational.

Table 1.	Bore Details			
Well ID	Address	Consent Number	Consented Use	Well Depth (m
2152	2087 Pakowhai Road	WP140185T	To take and use water from well no. 551 and well no. 2152 to irrigate 12 hectares of Pip fruit	Unknown
3309	15 Allen Road	Unknown	Unknown	37.2
8460	15 Allen Road	WP0601771	To take water from well no. 8460 (100 mm diameter) to irrigate 4 hectares of orchard	16.15
8500	11 Allen Road	Unknown	Unknown	12.8
15917	11 Allen Road	Unknown	Unknown	36.38

As noted in Section 5.23 of the MfE Guidelines², following a fuel release to groundwater, dissolved phase hydrocarbons rarely extend greater than 100 m from the source location. According to the HBRC GIS viewer, the bore located at 2087 Pakowhai Road is situated greater than 100 m south of the site, and as such a bore on this property is highly unlikely to be impacted by hydrocarbons in the unlikely event they should be released to groundwater. Similarly, the bores (3309 and 8460) noted to be at 15 Allen Road, must be at least 70 m from the site. Bore logs (including well construction details) were not able to be provided for these wells; however information about screen lengths was provided (refer Appendix C) and both wells are noted to be within the confined aquifer, further reducing the potential risk of hydrocarbon impact.

As stated in the AEE, the new underground petroleum tanks will be designed, installed and will operate in accordance with the following Environmental Protection Authority standards:

Below Ground Stationary Container Systems for Petroleum – Design and Installation, HSNOCOP 44, June 2013;

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² MfE (2011) Guidelines for Assessing and Managing Petroleum Hydrocarbon Contaminated Sites in New Zealand Module 5 – Tier 1 Groundwater Acceptance Criteria.



Below Ground Stationary Container Systems for Petroleum - Operation, HSNOCOP 45, May 2012.

The two 70,000 litre Envirotanks will be constructed with fibreglass and will be double-skinned to prevent leaks. The dispensers are to be fitted with sumps, leak detection, shear valves, auto-shut off nozzles and impact protection. All pipe work will be double skinned and undergo an integrity test prior to the joins being electrofused together. Prior to commissioning, all underground services will undergo integrity testing. All these measures significantly reduce the potential for petroleum leaks to adversely impact groundwater quality.

Due to the construction and design of the underground storage tanks and the fact the entire fuel system will undergo integrity testing before the commissioning of the site, it is considered highly unlikely that there will be significant discharges of petroleum hydrocarbons from the site that have the potential to adversely impact on groundwater quality.

Waitomo Head Office will receive real-time monitoring of fuel levels and will be notified of any immediate change in volume. This will allow Waitomo to effectively respond to any significant leaks from the petroleum storage system.

The 2,500 spill capacity SPEL interceptor will be installed with an automatic shut off valve and an alarm will automatically alert Waitomo if the shut off is activated. All Waitomo staff and their contractors have been trained in emergency spill response procedures and each will have their own spill kits. These measures shall minimise the potential of any surface spill adversely affecting any nearby surface or groundwater body.

It is proposed that the two existing bores (Well ID 8500 and 15917) will be used to supply water to the fuel stop/service station. One bore will be dedicated for the fire-fighting service. The service station is proposed to be a self-service fuel stop; as there will be no employer or customer facilities (i.e. no toilets or food preparation areas) the on-site bore water will not be used for potable purposes.

The forecourt will be graded and any stormwater will flow through an API prior to discharge. Therefore no contaminant-laden water or a surface spill event will have the potential to extend to the groundwater table.

Given the above, the likelihood of a spill event or stormwater contaminating groundwater (and any potable water supply) is considered to be very low, due to the design of the underground tank system and the proposed contingency measures outlined. Therefore the siting of the proposed activity is considered unlikely to have a significant effect on nearby watertakes.

(iv) Potential risk and effect on sites of significance to Tangata Whenua, sites of historical or archaeological significance, Recommended Areas for Protection, Outstanding Natural Features and Landscapes or Significant Landscape Character Areas.

A review of the Hastings District Council GIS Viewer shows there are none of the following on the proposed site or on adjacent sites:

Archaeological sites; notable trees, sites of significance; Wahi Tapu, historical heritage features or any outstanding natural features.

The site and adjacent properties are not zoned as an outstanding natural landscape area, significant amenity landscape area or a rural landscape character area.

It can be concluded that the proposed activity will not have an adverse effect on any sites of significance to Tangata Whenua, sites of historical or archaeological significance, outstanding natural features and landscapes or significant landscape character areas.

W02232800L005_F docs, 70/07/2018



5.92 RESPONSE - PROPOSED FUEL STOP/SERVICE STATION AT 11 ALLEN ROAD, PAKOWHAI

(v) The potential for natural hazards to impact on the operation of the hazardous facility.

A Hawke's Bay hazards report for 11 Allen Road has been produced using the HBRC Hazard Information Portal (Appendix D). The site has been classified as the following:

- : Liquefaction damage is possible High liquefaction vulnerability
- : Earthquake Amplification Alluvial sand, silt and gravel
- Finely to moderately interlayered silt and fine sand deposits; (overbank flood deposits)
- The site was not included in the flood risk area investigation
- : A review of the HSC GIS Viewer states that there is no risk of tsunami inundation.

A liquefaction assessment has been undertaken by WSP-Opus (Appendix G of the AEE) which concluded that the site is susceptible to liquefaction. Recommendations were provided to limit damage to the foundations and Waitomo has indicated that a structural analysis for the tank installation will be completed by Waitomo prior to earthworks commencing.

Email correspondence from Craig Goodier of Hawkes Bay Regional Council (dated 5/07/2018; Appendix E) indicates that there is a risk of flooding at the proposed site, if the open drain located along Allen Road were to overflow. Although there is a risk of flooding; it is unlikely for the underground tanks to be affected as they will be held in place at approximately 4.5 m in depth.

The Engineering Infrastructure Assessment Report produced by Development Nous (Appendix F of the AEE) determines that the overland flow paths will not be affected by the proposed works. The report concludes that in an extreme rainfall event (exceeding the capacity of the piped system), secondary flow will flow from the developed and undeveloped areas to the side drain along Allen Road.

(vi) The potential for cumulative adverse effects of hazardous substances.

There are no other hazardous facilities in the immediate area; therefore the potential for cumulative adverse effects of hazardous substances is regarded as negligible.

4.0 Conclusion

Based upon the risk assessment, it is considered that any potential risk to human health or environmental receptors can be appropriately managed and will be minimised by the structural and procedural controls outlined within the AEE and this letter.

We trust that the above responses provide the Hastings District Council with sufficient information to address the S92 queries raised on 29th June 2018.

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5.92 RESPONSE - PROPOSED FUEL STOP/SERVICE STATION AT 11 ALLEN ROAD, PAKOWHAI

5.0 Limitations

This letter-report has been prepared by Pattle Delamore Partners Limited (PDP) on the basis of information provided by Waitomo Energy Limited and others not directly contracted by PDP for the work including Development Nous Ltd, Hawkes Bay Regional Council and Hastings District Council. PDP has not independently verified the provided information and has relied upon it being accurate and sufficient for use by PDP in preparing the report. PDP accepts no responsibility for errors or omissions in, or the currency or sufficiency of, the provided information.

This letter-report has been prepared by PDP on the specific instructions of Waitomo Energy Limited for the limited purposes described in the report. PDP accepts no liability if the report is used for a different purpose or if it is used or relied on by any other person. Any such use or reliance will be solely at their own risk.

PATTLE DELAMORE PARTNERS LIMITED

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Reviewed by

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Environmental Chemist

Approved by

Erin Richards

Technical Director - Contaminated Land

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S.92 RESPONSE - PROPOSED FUEL STOP/SERVICE STATION AT 11 ALLEN ROAD, PAKOWHAI

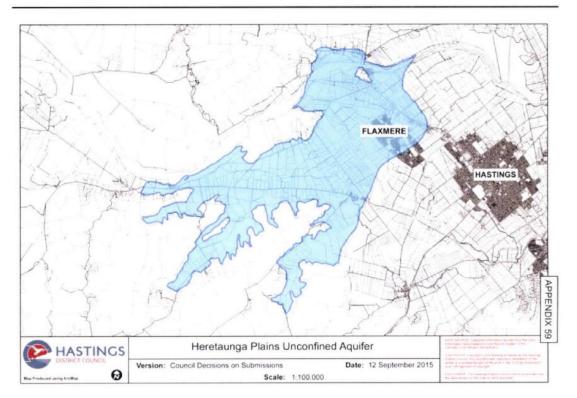
Appendix A: Site-Specific HFSP

Ітем 2

APPLICANT	Waltomo Enel	nergy Limited														
CONTACT NAME POSTAL ADDRESS SITE ADDRESS	15 Ells Street, 11 Allen Road	Paul Easton 15 Eilis Straet, Frankton Hamilton 3204 11 Alien Road, Pakowhai	Hamilton	3204												
PHONE NUMBER FAX NUMBER E-MAIL																
COMMENT	Proposed	Proposed Truck Stop/Service Station	rvice Stati	no												
Substances on this site	CAS No.	Effect Type	Hazard	Base Quantity B torm ³	Substance Form	Distance to boundary less than 30 metres? YES	Adjacent to water? YES NO	Type of Activity A/Above B/Underground Use	Adjustmen F1 F	Adjustment Factors F1 F2 F3	Product of Adjustment Factors	Adjusted Quantity A	Proposed Quantity P t or m ³	Fire/ Explosion Quantity Ratio FQ	Human Health Quantity Ratio HQ	Environment Quantity Ratio EQ
							1							1.04	0.47	5.19
DIESEL	various	Firs/Explosion	row	100	liquid	*		8	1.0	1.0 10.0	10	1000	40	90.0		
-		Human Health	row	30					Н	Н	Ц	300			0.13	
		Environment	Medium	30			*		+	+	1	12				1.48
PETROL	86280-61-5	Fire/Explosion	High	10	liquid	-		n	1.0	1.0	0 0	100	100	1.00	0.13	
		Environment	Medium				*		+	+	1	27			2000	3.70
		Fire/Explosion		L					╀	╀						
3		Human Health														
		Environment														
		Fire/Explosion														
7		Human Health							+	+						
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40		Human Health								-						
		Environment							-	-						
		Firs/Explosion				X 7 17 28		ľ								
9		Human Health														
		Environment					I		+	+						
1		Himmen Health							+	+						
		Environment								-						
		Firs/Explosion							-	-						
8		Human Health														
		Environment														
		Fire/Explosion														
6		Human Health								+						
		Environment					1		+	+	1					
10		Human Health							+	+						
		Environment						30		100						The state of the s

Notified: 06-Apr-2018

Appendices / Appendix 59 Heretaunga Plains Unconfined Aquifer



Hastings District Council

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S.92 RESPONSE - PROPOSED FUEL STOP/SERVICE STATION AT 11 ALLEN ROAD, PAKOWHAI

Appendix C: Bore Search Records

Well ID	Easting (NZTM)	Northing (NZTM)	Well Depth (m)	Well Diameter (mm)	Orll Date	Top Screen (m)	Bottom Screen (m)	Driller	Location	Casing Diameter (mm)	Bore Depth (m)	Aquifer Lithology	Aquifer Condition	Initial Water Level (m)
2152	1931210.343	5613392.739		100	07-10-86			Baylis Brothers Limited	_ ·	100		Unknown	Unknown	
3309	1931186.206	5613739.061	37.2	75	22-12-92	35.48	36.58	Honnor Drilling Limited	0 ALLEN RD	75	-	Gravels	Confined	-4.57
8460	1931220.261	5613670.007	16.15	100	27-04-70	16.15		Baylis Brothers Limited	O ALLEN RD	100	-		Flowing confined	1.83
8500	1931172.256	5613545.872	12.8	50	25-09-70	12.8		Boag & Hill Ltd	11 ALLEN RD	50		-	Flowing confined	2.43
15917	1931144.212	5613597.912	36.38	100	13-10-11	34.58	36.38	Hill Well Drillers Ltd	11 ALLEN RD	100	36.38	Gravels		5

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Appendix D: Natural Hazard Property Report

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HAWKE'S BAY NATURAL HAZARD PROPERTY REPORT

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Tuesday, 17 July 2018

11 Allen Road, Pakowhai Hastings District Section 1 SO 9886 0960024608

This report summarises the known hazards intersecting this property, based on research commissioned to assess regional risk – these research reports are summarised below. The hazard assessment methodologies, information compilation and presentation techniques used for these assessments include certain qualifications and limitations on the use, noting:

- a) The hazard information provided is based on the best information available at the time of the studies and was supplied under specific contract arrangements including financial and time constraints.
- b) The hazard information may be liable to change or review if new information is made available.
- c) Councils and other organisations may hold more detailed hazard information than provided here. This Natural Hazard Property Report is not a substitute for a Land Information Memorandum (LIM).
- d) The precision and accuracy of the data varies, therefore it is important that you obtain expert advice to help to interpret the information.

The hazard maps in this report are based on the following referenced research reports. Online Natural Hazards Resource Database contains a register of the hazard documents, research material, and publications from either the Council or external organisations and this database may contain other pertinent information related to this area: The referenced reports are:

(i) Earthquake Fault lines

- Earthquake hazards in Hawke's Bay Initial assessment
- Earthquake hazard analysis Stage 1. Recurrence of large earthquakes determined from geological and seismological studies in the Hawke's Bay area
- Hawke's Bay region earthquake hazard analysis programme, Stage 2 a numerical assessment of the earthquake hazard in the Hawke's Bay region.
- Active Fault Mapping and Fault Avoidance Zones for Central Hawkes Bay District: 2013 Update
- Active Fault Mapping and Fault Avoidance Zones for Hastings District and environs
- Fault Avoidance Zone Mapping for Wairoa District, Napier City and surrounds

(ii) Earthquake Liquefaction

- Assessment of liquefaction risk in the Hawke's Bay: Volume 1: The liquefaction hazard model
- Assessment of liquefaction risk in the Hawke's Bay: Appendices for Volume 1

(iii) Earthquake Amplification

- Hawke's Bay Regional Council earthquake hazard analysis program, Stage III: evaluation of ground shaking amplification potential Volume 1
- Hawke's Bay Regional Council earthquake hazard analysis program, Stage III: evaluation of ground shaking amplification potential Volume 2: Appendices

(iv) Quaternary Geology

 Hawke's Bay Regional Council earthquake hazard analysis program, Stage III: evaluation of ground shaking amplification potential Volume 2: Appendices

(v) Tsunami Inundation Extents

- Hawkes BayTsunami Inundation by Attenuation Rule
- Review of Tsunami Hazard in New Zealand

(vi) Flooding Extents

- Wairoa River Flood Hazard Study
- TeNgaru Catchment Flood Hazard Study
- Waipatiki Catchment Flood Hazard Analysis
- Kopuawhara Opoutama Flood Hazard Analysis

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HAWKE'S BAY NATURAL HAZARD PROPERTY REPORT

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(vii) Coastal Hazard

- Regional Coastal Environmental Plan
- Clifton to Tangoio Coastal Hazards Strategy 2120 Coastal Hazard Assessment
- Clifton to Tangoio Coastal Hazards Strategy 2120 Coastal Risk Assessment
- Other Coastal Hazard Reports
- Cliff Hazard Zone Delineation

(viii) Wairoa River Bank Stability Zones

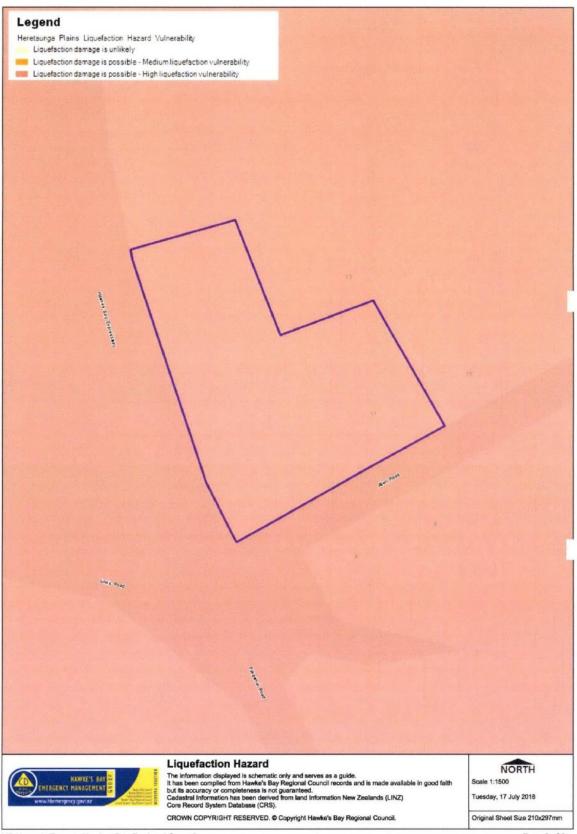
- Wairoa River Bank Stability Assessment

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- Hawke's Bay Regional Council's Hazard maps have been compiled using the best information available to the council. The maps indicate the extent of the hazard from analysis of information only. They do not necessarily reflect the greatest extent of the hazard suffered in the past, or likely to be suffered in the future.
- The hazard information provided does not imply any actual level of damage to any particular structure, utility service or other infrastructure.
- 4. These maps should not be relied upon as the sole basis for making any decision in relation to potential risk.
- The hazard information provided is regional in scope and cannot be substituted for a site-specific investigation. A suitably qualified and experienced practitioner should be engaged if a site specific investigation is required.
- Hawke's Bay Regional Council makes no representations, warranties or undertakings about any of the information in these maps and/or electronic files including, without limitation, their accuracy, completeness, quality or fitness for any particular purpose.
- The Hawke's Bay Regional Council shall not be liable for any loss or damage arising out of, or in connection with, the use of the information contained in these maps and/or electronic files.
- Hawke's Bay Regional Council reserves the right to change the content and/or presentation of any of the information contained in these maps at its sole discretion, including these notes and disclaimer.
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Natural Hazards Report

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Liquefaction Report

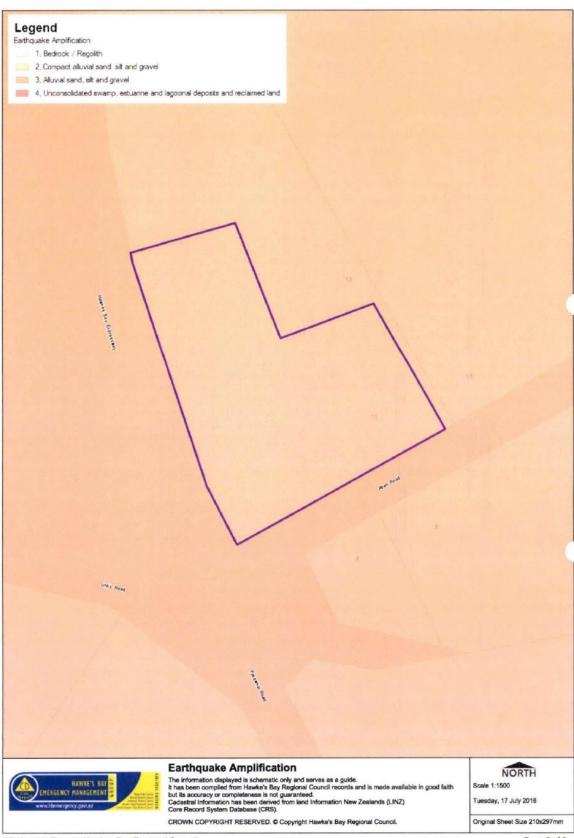
Liquefaction occurs when waterlogged sediments are agitated by an earthquake. As a result, the soil behaves like a liquid, has an inability to support weight and can flow down very gentle slopes. This condition is usually temporary, but buildings can sink and underground pipes may rise to the surface. When the shaking stops, groundwater is squeezed out of the ground causing flooding, which can leave areas covered in mud.

Liquefaction most often occurs when three conditions are met:

- 1. loose, granular sediment or fill
- saturation by groundwater
- 3. strong shaking

There is a liquefaction hazard present in several areas of Hawke's Bay, and the region has numerous earthquake sources (see earthquake return periods in table below), and liquefaction effects have been reported in the Hawke's Bay region during four historical earthquakes since 1840 at Modified Mercalli (MM) shaking intensities between MM7 and MM10, including in 1931. Low-lying areas in the region, especially these near the coast, and reclaimed land are ticularly susceptible.

It is important to understand that having land included in a particular zone does not unequivocally mean that the land is "good", "medium" or "bad." The maps indicate what is a strong possibility across those areas. The best areas (cream) have a very low probability of having a liquefaction problem, but there may still be some localised places where the hazard exists. The only sure way of showing whether a specific site has low (cream), medium (orange), or high (brown) liquefaction vulnerability is a site specific geotechnical investigation. If building, it is recommended you reference the Ministry of Business, Innovation & Employment (MBIE) and the Ministry for the Environment document "Planning and engineering guidance for potentially liquefaction-prone land" and if necessary obtain expert advice from a qualified and experienced geotechnical engineer. On a property already developed, there are options to mitigate the risk of liquefaction which can be found here https://www.eqc.govt.nz/canterbury/ground-improvement-programme and owners are recommended to obtain expert advice from a qualified and experienced geotechnical engineer if pursuing these options. But the easiest way to mitigate risk of liquefaction if your house is located on land with a high liquefaction hazard, is to ensure your insurance sum-insured is sufficient to rebuild with heavier duty foundations in the event of total loss (noting this could be fire or flood - not just earthquake).



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Amplification Report

Most of the damage during an earthquake is caused by ground shaking. The amplification map indicating the regional hazard from ground shaking in Hawke's Bay.

Seismic waves, travelling through the earth at different speeds and amplitudes because of a fault rupture, cause the ground to vibrate and shake in an earthquake. The intensity of the shaking is measured on the Modified Mercalli (MM) scale of 1 to 12, although MM10 is the maximum ever observed in New Zealand. The intensity of ground shaking at any location is affected by the magnitude of the earthquake, proximity to the source of the earthquake, and the geological material underneath that location. Larger earthquakes generally produce greater shaking and shaking is usually more pronounced nearer the source of the earthquake. Deep earthquakes generally produce less shaking because the source is deep in the earth. Fault ruptures often start at one point and propagate along the fault, rather than breaking the whole fault at once. In that case, shaking may be more intense at locations towards which the rupture is propagating, and less intense at locations in the opposite direction, that is, in the direction from which rupture is propagating. The damage caused by shaking depends on how large the ground motion is, how long it lasts, and its frequency. Large motions put great stresses on structures that sit on or in the moving ground and the longer the shaking lasts, the more likely the structures are to sustain serious or permanent damage.

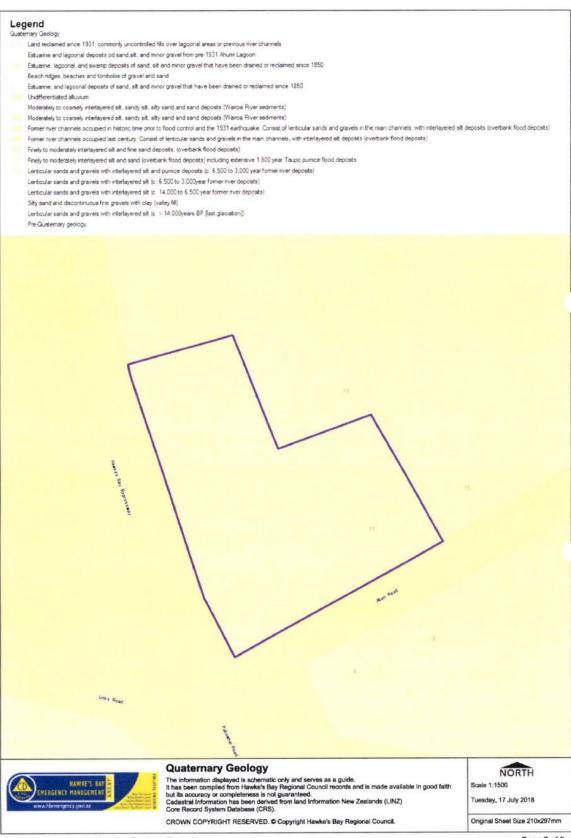
Differently - in general, low frequency motions affect taller buildings more, while high frequencies affect shorter buildings. The type of material underlying the site can have a great effect on the nature and intensity of the shaking. Sites underlain by hard, stiff material such as bedrock or old compacted sediments usually experience much less shaking than sites located on young, loosely consolidated sediment, which tends to amplify shaking.

Closed basins filled with soft sediment overlying bedrock, such as the Poukawa basin, are especially vulnerable to amplification of shaking, as earthquake waves can become trapped within the basin, travelling back and forth increasing the shaking rather than being dissipated. Water-saturated sites, such as river banks and lagoons, are particularly susceptible to shaking-induced ground damage such as liquefaction.

WHAT CAN YOU DO?

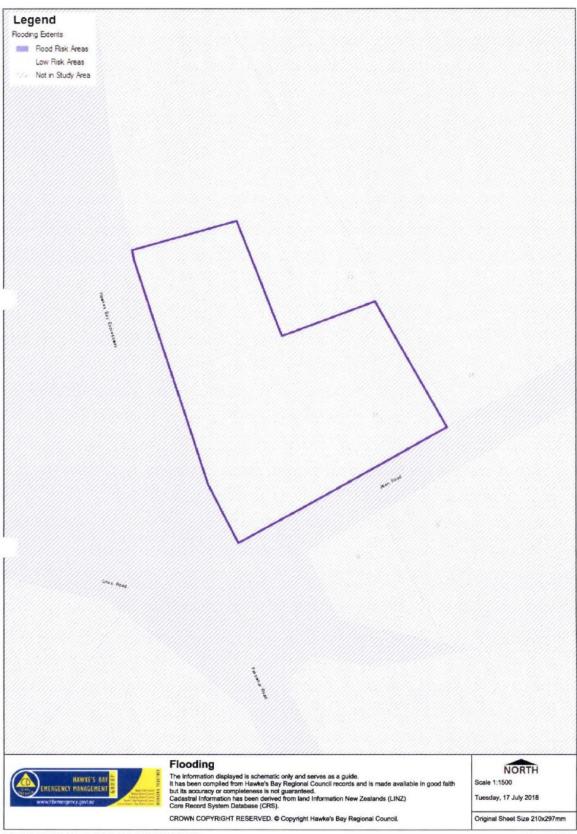
Most people in Hawke's Bay will survive a large earthquake with some loss, but some people will be severely affected. Action you take now can help reduce damage to your home and business and help you survive. Practice Drop, Cover and Hold

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Flooding Report

Information provided on the flooding maps shows general details about flooding patterns and areas at risk. They have been produced using computer models using verification with actual events where possible. Flood extents shown in the maps are not meant to show specific flooding details on each property.

These maps should not be relied upon as the sole basis for making any decision in relation to potential flood risk. Contact the Hawke's Bay Regional Council Engineering Department if further information is required with regards to a specific property.

Urban pipe networks and flooding on the street network in the urban areas have not been considered in the flood modelling. Urban areas show flood risk areas that are the result of the capacity of open drains being exceeded.

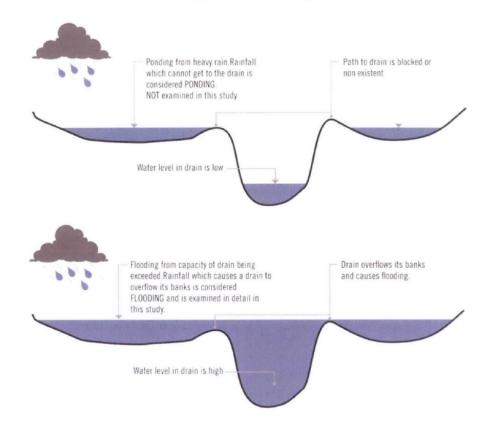
In some flood risk areas, houses and other structures may be elevated above the ground, and would be considered not floodable. These cases are not identified in this flood modelling.

Flood modelling is based on 100 year return period events (1% annual exceedance probability) for river flood risk areas, and 50 year return period events (2% annual exceedance probability) for floodplain flood risk areas.

The effects of climate change have not been included in this flood modelling

Flooding vs. Ponding

Major flooding happens when the capacity of a stream or drain is exceeded. Small scale, localised ponding may occur in areas where water cannot get to the stream through the normal paths of overland flow when the streams are not in flood. The flood hazard study does not consider this type of localised ponding in detail.



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Appendix E: Email Correspondence HBRC

ITEM 2

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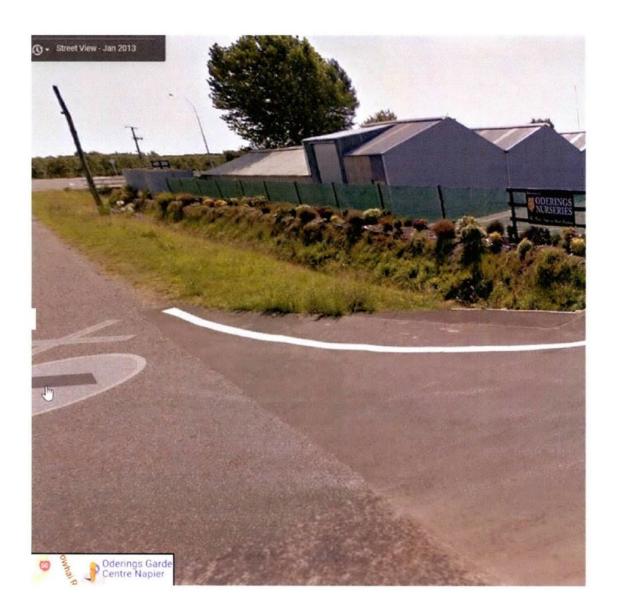
Natalie Wood

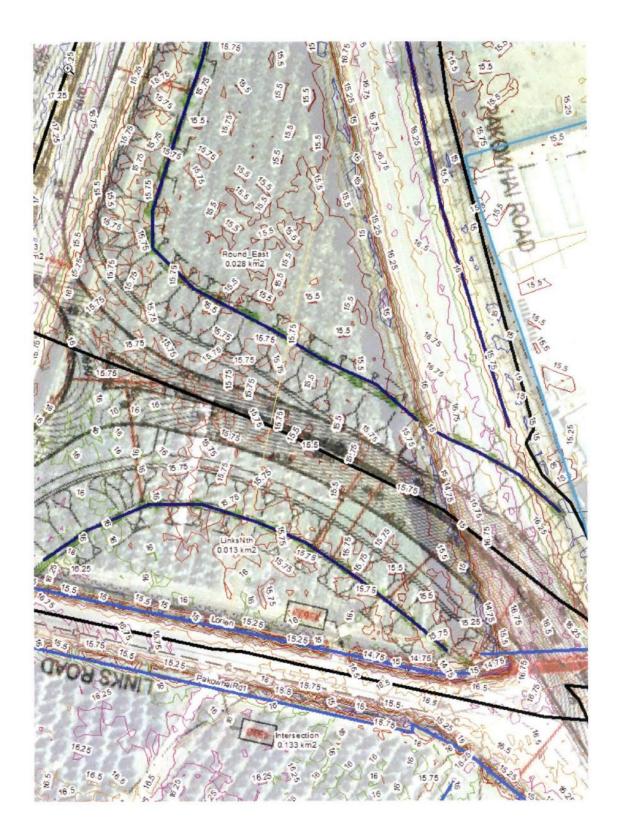
From: Craig Goodier < Craig@hbrc.govt.nz>
Sent: Thursday, 5 July 2018 1:55 p.m.

To: Natalie Wood
Cc: Info Request
Subject: 11 Allen Road

Hi Natalie,

I remember now a concern I had when I was looking at the NZTA roundabout at this location.
I notice the entrance to the nursery has a culvert and nicely paved flat entrance as you can see in google earth.
I think the culvert is 1.05 m diameter. I've included a contour plan which shows the entrance at about elevation RL 15m, which is lower than the other side of the road. If the drain were to overflow, it looks to me like this water would flow into the nursery car park. I didn't look any further into this, but it does make me think there is a risk of flooding on this site, we just don't know the depth or extents.





3

Regards,

Ir. Craig Goodier, CPEng, CMEngNZ Principal Engineer / Team Leader Engineering 06 833 8016 | 021 045 7288



Hawke's Bay Regional Council | Te Kaunihera ā-rohe o Te Matau a Māui A 159 Dalton Street, Napier 4110

P 06 835 9200 W hbrc.govt.nz FB HBRegionalCouncil

Enhancing Our Environment Together | Te Whakapakari Tahi I To Tatau Taiao

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Rebecca Jarman

From: Matthew Holder <matthew.holder@developmentnous.nz>

Sent: Thursday, 6 September 2018 12:03 PM

To: Rebecca Jarman
Cc: Caleb Sutton

Subject: Additional Noise Information

Attachments: Noise Addenda-Waitomo Fuel Stop RMA20180217 _Resource Consent Final.pdf

Importance: High

Rebecca

Please find attached additional noise information requested last night (noting the acoustic report was supplied to council in mid July). You will not the additional (yet to be occupied secondary dwelling) will not be adversely affected by our clients operations.

Can you please proceed with some urgency on this decision.

Kind Regards

Matthew Holder Principal Planner Director



Phone: Mobile - 027 2888762 or Office - 06 8762159
ysical Address: 212 Queen Street East, Hastings 4122
. _stal Address: PO Box 385, Hastings 4156
Email matthew.holder@developmentnous.nz
www.developmentnous.nz







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Date of Issue: 6 September 2018

Client Name: Waitomo Group Limited

C/- Development Nous Limited

Name of File: Z-\(\forall \text{ to H\NOUSES-STRUCTURES\Commercial and Retail\(\Waitomo Fuel Stop Pakowhai Rd\\\Further Information Request\\\Noise Addenda \\
Waitomo Fuel Stop RMA20180377 Resource Consent Final door.

Waitomo Fuel Stop RMAZ0180217 _Resource Consent Final.do

Document version: Rev 1 - RMA20180217

Document Reference and Status Final

Waitomo Self-Service Fuel Stop Hastings

Response to Further Information Request Environmental Noise: Secondary Dwelling 16 Allen Street

1.0 Background

Malcolm Hunt Associates [MHA] prepared the original assessment of noise effects¹ that accompanied a Resource Consent Application to Hastings District Council [Council] to establish a self-service fuel stop on the subject site at 11 Allen Road, Pakowhai, Hastings.

Malcolm Hunt Associates [MHA] have been commissioned on behalf of the Applicant by the Project Manger [Development Nous] to respond to a recent request by Hastings District Council to provide an assessment for a proposed new secondary dwelling/granny flat currently under construction at 16 Allen Road, Pakowhai.

This addenda is fully consistent with, should be read in conjunction with, the Malcolm Hunt Associates Noise Impact Report submitted with the planning application prepared by Development Nous.

2.0 Review

We are advised of the location of a secondary dwelling under construction at 16 Allen Road, Pakowhai, as shown in **Figure A** below. This dwelling lies adjacent to (and on the same lot as) 'House 2 – 16 Allen Road' shown in Figure 1 of the original AEE report.

Malcolm Hunt Associates August 2018 Page | 2

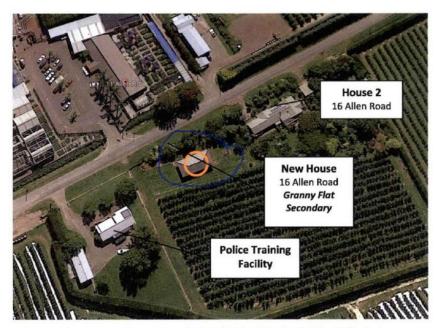


Figure A: Site location map indicating adjacent closest rural residential dwellings including 16 Allen Road. Not to Scale. Reference: Development Nous.

Although the 'notional boundary' to this secondary dwelling lies at a similar distance (20.4 metres) to the subject site as that of the main dwelling (House2) already assessed, this new receiver location does lie slightly closer to the on-site noise sources for which noise effects have been assessed. Therefore, we have conducted a separate acoustic prediction for operational noise associated with the proposed activity relevant to the closest point of the notional boundary for this secondary dwelling at 16 Allen Road. Future worst-case operational noise expected within the notional boundary is set out in **Table 1** for day and night from activities carried out on the application site.

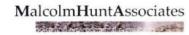
Noise Assessment Location	Predicted Worst Case Sound Pressure Level	Predicted Worst Case Sound	Predicted Worst Case Sound
Nose Assessment Location	Tressure teres	Pressure Level	Pressure Level
	LAEQ [15 minutes] dB	LAEQ [15 minutes] dB	L _{AFmax} dB
	DAY TIME and EVENING	NIGHT TIME	NIGHT TIME
	7.00am to 10.00pm	10.00pm to 7.00am	10.00pm to 7.00am
6 Allen Road [Granny lat/Secondary Dwellings]	48 dB	41 dB	64 dB

Table 1: Summary results of predicted worst case sound pressure levels. Assessment as per District Plan at or within the notional boundary of adjacent rural- residential sites at 16 Allen Street Secondary Dwelling

Potential effects at this secondary dwelling/granny flat for cumulative noise arising from the proposed selfservice fuel stop facility will comply with the Proposed Hastings District Plan noise limits, and thus represent no greater noise impact other possible activities taking place on the site that are permitted under the district plan.



Waitomo Self-Service Fuel Stop



Malcolm Hunt Associates August 2018

Page | 3

In summary, with noise control measures in place [as recommended the original Noise Impact Report] noise from activities taking place on the proposed site, and received at the secondary dwelling referred to within Council's request, will fully comply with permitted activity noise standards at this location, when measured and assessed using the appropriate New Zealand Acoustic standards as defined in the plan.

Considering potential noise effects during the construction period, our assessment is that the relevant construction noise standards of the Proposed Hastings District Plan will be able to be fully complied with at the location of this secondary dwelling at 16 Allen Road.

Malcolm Hunt Associates

6 September 2018



Waitomo Self-Service

Fuel Stop

MalcolmHuntAssociates posterior de la companya de la constitución de la c

Refer to Malcolm Hunt Associates Assessment of Environmental Noise Effects entitled Waitomo Self-Service Fuel Stop, prepared for Waitomo Group Limited, Malcolm Hunt Associates Report Reference 1123-07-18

Council's s92(2) RMA Letter

If calling ask for Rebecca Jarman

HPRM File Ref. 53568#0126



Attention: Damon Gibson / Matthew Holder Development Nous Limited PO Box 385 Hastings 4156

Dear Sir/s,

Application No: RMA20180217

Site Address: 11 Allen Road PAKOWHAI 4183

Section 92(2) RMA Commissioning of a Report

Under Section 92(2) of the Resource Management Act (RMA) 1991, the Hastings District Council intends to commission an independent traffic expert, Mr Tony Harrison of Urban Connection, to undertake a peer review of the traffic impact assessment information provided with the application.

It is intended that the report be commissioned as soon as reasonably practicable once the applicant has accepted the commissioning of the report. It is envisaged that the report will take about a week to be undertaken.

The fee estimate provided for the peer review is: \$3,450.00 including GST.

Reasons for the peer review:

Council considers it appropriate to commission the report for the following reasons:

- The proposal may, in Council's opinion, have significant traffic related effects on the environment.
 This is in terms of the operation of the vehicles associated with activities proposed on the site, traffic
 generation, and impact on the public roading network, occurring cumulatively with other vehicle
 movements on the roading network.
- . The Council does not have sufficient in-house expertise in the field of traffic engineering matters.

We request that, in accordance with section 92B of the RMA you advise me within 15 working days (by the 24th August 2018) if the applicant accepts the commissioning of this report. It is noted that the cost of the peer review assessment will be included in the final invoice for the resource consent application.

If the applicant does not agree to the commissioning of the report (or fails to respond to this request within the time period) then the application will be publicly notified in accordance with Section 94C of the RMA and a decision will be made under section 104 of the RMA.

Please contact me if you have any questions regarding the above information request or the further processing of the application, and reply to me directly to confirm the acceptance of the commissioning of the peer review.

Yours sincerely

Rebecca Jarman

Planner Environmental Consents

rebeccaj@hdc.govt.nz

HASTINGS DISTRICT COUNCIL

9.7 pridos Readinas Hasto gr. 41/2 Private Bag 9010 Hastings 415c

Phone 15 8 11 9000 Fax 15 8 3 1 1 1 1

Hastingsdc govt nz

TE KAUNIHERA O HERETAUNGA

Peer Review Comments and Applicant's Additional Information correspondence

Rebecca Jarman

From: Matthew Holder <matthew.holder@developmentnous.nz>

Sent: Tuesday, 21 August 2018 4:30 PM

 To:
 Rebecca Jarman

 Cc:
 Glen Randall

 Attachments:
 916-180821Let.pdf

Importance: High

Good Afternoon Rebecca

Please find attached the traffic SIDRA modelling requested by Stantec (Glen cc'd in) required to enable the completion of a peer review of our clients traffic impact assessment.

Can you please formally provide to Stantec

Kind Regards

Matthew Holder Principal Planner Director



Phone: Mobile - 027 2888762 or Office - 06 8762159
Physical Address: 212 Queen Street East, Hastings 4122
Postal Address: PO Box 385, Hastings 4156
—ail matthew.holder@developmentnous.nz
w.developmentnous.nz







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21 August 2018



Ref: 916

Matthew Holder Development Nous Limited P O Box 385 Hastings 4156

Dear Matthew,

PAKOWHAI FUEL STOP, 11 ALLEN ROAD, PAKOWHAI INTERSECTION TRAFFIC MODEL

Further to previous correspondence I have prepared a "traffic model of the intersection of Allen Road with Pakowhai Road. The following scenarios are considered:

- 2026 traffic flows existing garden centre remains
- 2026 traffic flows Option 1 development
- 2026 traffic flows Option 2 development

The Options 1 and 2 developments are described in the traffic impact assessment (TIA) I originally provided with the resource consent application. For convenience, these are described as follows:

- Option 1 service station and truck stop self service. Existing garden centre to be removed.
- Option 2 service station and truck stop, existing garden centre to be retained.

In the TIA I predicted that the Option 1 development will generate about 120 vehicle trips per hour (vph) in a peak hour, and Option 2 will generate about 306 vph in a peak hour. I also estimated that the existing garden centre could generate 120 vph in a peak hour if it is trading well. Thus if Option 1 were to proceed then traffic flows on Pakowhai Road and Allen Road will not change significantly. Therefore I have only modelled the Option 2 scenario, because it is the only scenario that will increase traffic on the network.

In the "existing" scenario I have used future 2026 traffic flows on Pakowhai Road, as predicted in a Transportation Report¹ provided to me by the Council.

82 Hindmarsh Drive, Taupo 3330 T (07) 376-5031 • M: 021 315 882 • E: ian@tsol.co.nz

¹ Hastings District Council, Whakatu Arterial Link, Transportation Assessment – GHD Limited dated June 2014

-2-

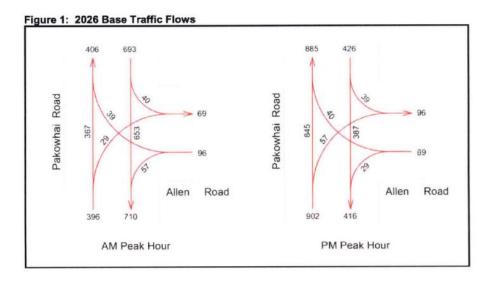
The report predicts the following directional traffic flows on Pakowhai Road in 2026, with the Whakatu link in place:

- AM peak hour 653 vph southbound, 367 vph northbound
- PM peak hour 387 vph southbound, 845 vph northbound

There are no hourly counts available on Allen Road. Council advises its daily volume was 283 vehicles per day in 2010, from its RAMM database. Allowing for some traffic growth I estimate that the road will carry about 450 vehicles per day in 2026. Assuming that peak hourly flows are 10% of daily flows, then the weekday peak hourly flows will each be 45 vph.

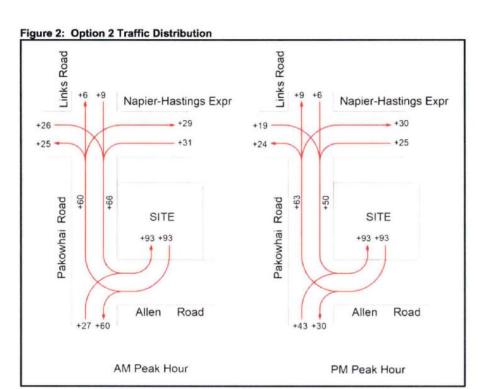
To predict 2026 individual turn movements at the intersection I have assumed 80% will exit from Allen Road to Pakowhai Road in the AM peak hour, and 80% will enter Allen Road from Pakowhai Road in the PM peak hour. In addition to these I add the traffic flows that the garden centre could generate, because the site is very close to the intersection and I suspect these are not included in the Council's original count.

Figure 1 summarises the 2026 turn movements at the intersection, should the service centre not proceed and the existing garden centre remains on the site as it is.



I predict that the additional traffic flows that Option 2 will generate will be distributed on the surrounding road network as indicated in Figure 2 as follows:

- 3 -



The following traffic model results show the expected performance characteristics of the intersection of Allen Road with Pakowhai Road using Sidra Intersection software Version 8.0. The model is based on the 2026 year, with and without the Option 2 development, and uses the "existing 2016" turn movements shown in Figure 1, and the additional flows that Option 2 will generate as shown in Figure 2.

As discussed in the original traffic report, much of the traffic that the development will generate will be "pass-by" and "diverted-linked" trips, which are already on the road network but call into the development on the way past. For simplicity of the model I have ignored these trips, so in reality the traffic effects of the development on the intersection will be less than the model results suggest.

Results of the analysis for the weekday AM and PM peak traffic periods are summarised in Table 1 as follows:

Ітем 2

-4-

Table 1: Intersection Performance Characteristics

Scenario	Average (max) delay (sec)	Max Queue (veh)	Max Deg of Sat (%)	Max Level of Service
AM Peak hour		_		
- existing 2026	1 (15)	1 1	35%	C
- with Option 2	3 (19)	1	35%	С
PM Peak hour				
- existing 2026	1 (22)	1	45%	С
- with Option 2	3 (34)	2	59%	D

Full movement summary Tables are attached to this report as Appendix A.

Table 1 shows the average delay in seconds of the total traffic flow using the intersection. The maximum delays for the worst case movements are shown in brackets, which in this situation is the right turn exit from Allen Road. Maximum queue lengths, maximum degrees of saturation and level of service for the worst case turn movement are also shown.

Level of Service is a useful measure which provides an indication of the performance of an intersection or specific turning movement based on a scale of A to F, based on delay. Level of Service A indicates excellent performance with free flow conditions and almost no delay, while Level of Service F indicates congestion with long delays and often long queue lengths.

Based on a comparison of the "existing 2026" and "with Option 2" scenarios summarised in Table 1 above, it is anticipated that the performance characteristics of the intersection would change as follows:

- Average delay to all traffic using the intersection will increase by 2 seconds.
- In the AM peak the delay to vehicles right turning out of Allen Road will increase by 4 seconds. The level of service will remain C.
- In the PM peak the delay to vehicles right turning out of Allen Road will increase by 12 seconds. The level of service will decrease from C to D.
- Maximum queue lengths will remain almost unchanged for any movement.
- With a maximum degree of saturation not exceeding 60%, the intersection will remain well within its available capacity.

The most significant effect of the service centre on the operation of the intersection will be the increased delay to vehicles right turning out of Allen Road in the PM peak. However, even in 2026 the movement will still operate at an acceptable level of service D at that time.

-5-

I trust this satisfies the Council's request.

Yours Sincerely,

Ian Constable Traffic Engineer

Copy to-

Brad Nicol Expressway Development Limited 47 Napier Road Havelock North

Appendix A

MOVEMENT SUMMARY

▽ Site: 101 [Pakowhai/Allen 2026 AM "existing"]

Existing garden centre remains Site Category: (None) Giveway / Yield (Two-Way)

Mov	Turn	Demand	Flows	Deg.	Average	Level of	95% Back	of Queue	Prop.		Aver. No.	
ID	Ium	Total	HV	Satn	Delay	Service	Vehicles	Distance	Queued	Stop Rate	Cycles	Speed
		veh/h	%	v/c	Sec		veh	m	EN SAIN			km/h
South	: Pako	whai S										
2	T1	386	5.0	0.197	0.0	LOS A	0.0	0.0	0.00	0.00	0.00	60.0
3	R2	31	5.0	0.040	9.3	LOS A	0.2	1.2	0.60	0.75	0.60	50.5
Appro	ach	417	5.0	0.197	0.7	NA	0.2	1.2	0.04	0.06	0.04	59.2
East:	Allen											
4	L2	60	5.0	0.083	9.2	LOS A	0.3	2.2	0.57	0.79	0.57	50.7
6	R2	41	5.0	0.125	15.0	LOS C	0.4	2.8	0.76	0.90	0.76	47.1
Appro	ach	101	5.0	0.125	11.6	LOS B	0.4	2.8	0.65	0.83	0.65	49.2
North:	Pakov	vhai N										
7	L2	42	5.0	0.023	5.6	LOS A	0.0	0.0	0.00	0.58	0.00	53.4
8	T1	687	5.0	0.351	0.0	LOS A	0.0	0.0	0.00	0.00	0.00	59.9
Appro	ach	729	5.0	0.351	0.4	NA	0.0	0.0	0.00	0.03	0.00	59.5
All Ve	hicles	1247	5.0	0.351	1.4	NA	0.4	2.8	0.07	0.11	0.07	58.4

Site Level of Service (LOS) Method: Delay (SIDRA). Site LOS Method is specified in the Parameter Settings dialog (Site tab).

Vehicle movement LOS values are based on average delay per movement.

Minor Road Approach LOS values are based on average delay for all vehicle movements.

NA: Intersection LOS and Major Road Approach LOS values are Not Applicable for two-way sign control since the average delay is not a good LOS measure due to zero delays associated with major road movements.

SIDRA Standard Delay Model is used. Control Delay includes Geometric Delay.

Gap-Acceptance Capacity: SIDRA Standard (Akçelik M3D).

HV (%) values are calculated for All Movement Classes of All Heavy Vehicle Model Designation.

Ітем 2 PAGE 344

MOVEMENT SUMMARY

▽ Site: 101 [Pakowhai/Allen 2026 PM "existing"]

Existing garden centre remains Site Category: (None) Giveway / Yield (Two-Way)

Mov	Turn	Demand	Flows				95% Back	of Queue	Prop.		Aver. No.	
ID "	10111	Total veh/h	HV %			Service	Vehicles veh	Distance	Queued	Stop Rate	Cycles	Speed km/h
South	: Pakov	whai S										
2	T1	889	5.0	0.454	0.1	LOS A	0.0	0.0	0.00	0.00	0.00	59.9
3	R2	60	5.0	0.054	7.4	LOS A	0.2	1.7	0.48	0.65	0.48	51.8
Appro	ach	949	5.0	0.454	0.5	NA	0.2	1.7	0.03	0.04	0.03	59.3
East:	Allen											
4	L2	31	5.0	0.029	7.1	LOS A	0.1	0.8	0.43	0.62	0.43	52.1
6	R2	42	5.0	0.204	22.5	LOSC	0.6	4.5	0.86	0.95	0.92	42.9
Appro	ach	73	5.0	0.204	16.1	LOS C	0.6	4.5	0.68	0.82	0.71	46.3
North	Pakov	vhai N										
7	L2	41	5.0	0.023	5.6	LOS A	0.0	0.0	0.00	0.58	0.00	53.4
8	T1	407	5.0	0.208	0.0	LOS A	0.0	0.0	0.00	0.00	0.00	60.0
Appro	ach	448	5.0	0.208	0.5	NA	0.0	0.0	0.00	0.05	0.00	59.3
All Ve	hicles	1471	5.0	0.454	1.3	NA	0.6	4.5	0.05	0.08	0.05	58.5

Site Level of Service (LOS) Method: Delay (SIDRA). Site LOS Method is specified in the Parameter Settings dialog (Site tab).

Vehicle movement LOS values are based on average delay per movement.

Minor Road Approach LOS values are based on average delay for all vehicle movements.

NA: Intersection LOS and Major Road Approach LOS values are Not Applicable for two-way sign control since the average delay is not a good LOS measure due to zero delays associated with major road movements.

SIDRA Standard Delay Model is used. Control Delay includes Geometric Delay.

Gap-Acceptance Capacity: SIDRA Standard (Akçelik M3D).

HV (%) values are calculated for All Movement Classes of All Heavy Vehicle Model Designation.

Ітем 2 PAGE 345

MOVEMENT SUMMARY

▽ Site: 101 [Pakowhai/Allen 2026 AM Option 2]

Option 2: Service station + garden centre Site Category: (None) Giveway / Yield (Two-Way)

Mov	Turn	Demand	Flows	Deg.	Average	Level of	95% Back	of Queue	Prop.	Effective	Aver. No.	Average
ID	Turn	Total veh/h	HV %	Satn v/c	Delay	Service	Vehicles veh	Distance m	Queued	Stop Rate	Cycles	Speed km/h
South	: Pako	whai S										
2	T1	386	5.0	0.197	0.0	LOS A	0.0	0.0	0.00	0.00	0.00	60.0
3	R2	59	5.0	0.085	10.0	LOS A	0.3	2.4	0.63	0.82	0.63	50.1
Appro	ach	445	5.0	0.197	1.3	NA	0.3	2.4	0.08	0.11	0.08	58.4
East:	Allen											
4	L2	123	5.0	0.171	9.5	LOS A	0.6	4.6	0.59	0.83	0.59	50.6
6	R2	104	5.0	0.347	18.6	LOSC	1.2	9.0	0.83	0.98	1.02	45.0
Appro	ach	227	5.0	0.347	13.7	LOS B	1.2	9.0	0.70	0.90	0.79	47.8
North:	Pakov	vhai N										
7	L2	112	5.0	0.062	5.6	LOS A	0.0	0.0	0.00	0.58	0.00	53.4
8	T1	687	5.0	0.351	0.0	LOS A	0.0	0.0	0.00	0.00	0.00	59.9
Appro	ach	799	5.0	0.351	0.8	NA	0.0	0.0	0.00	0.08	0.00	58.9
All Ve	hicles	1472	5.0	0.351	3.0	NA	1.2	9.0	0.13	0.21	0.15	56.7

Site Level of Service (LOS) Method: Delay (SIDRA). Site LOS Method is specified in the Parameter Settings dialog (Site tab).

Vehicle movement LOS values are based on average delay per movement.

Minor Road Approach LOS values are based on average delay for all vehicle movements.

NA: Intersection LOS and Major Road Approach LOS values are Not Applicable for two-way sign control since the average delay is not a good LOS measure due to zero delays associated with major road movements.

SIDRA Standard Delay Model is used. Control Delay includes Geometric Delay.

Gap-Acceptance Capacity: SIDRA Standard (Akçelik M3D).

HV (%) values are calculated for All Movement Classes of All Heavy Vehicle Model Designation.

Ітем 2 PAGE 346

MOVEMENT SUMMARY

Site: 101 [Pakowhai/Allen 2026 PM Option 2]

Option 2: Service station + garden centre Site Category: (None) Giveway / Yield (Two-Way)

Mov ID	Tum	Demand Total		Deg. Satn		Level of Service	95% Back Vehicles	of Queue Distance	Prop. Queued	Effective Stop Rate	Aver. No. Cycles	Average Speed
		veh/h	%	v/c	Sec		veh	m				km/n
South	: Pakov	whai S										
2	T1	889	5.0	0.454	0.1	LOS A	0.0	0.0	0.00	0.00	0.00	59.9
3	R2	105	5.0	0.100	7.7	LOS A	0.4	3.2	0.52	0.70	0.52	51.7
Appro	ach	995	5.0	0.454	0.9	NA	0.4	3.2	0.05	0.07	0.05	58.9
East:	Allen											
4	L2	62	5.0	0.059	7.2	LOS A	0.2	1.6	0.44	0.65	0.44	52.1
6	R2	108	5.0	0.588	33.7	LOS D	2.2	15.9	0.93	1.08	1.39	37.9
Appro	ach	171	5.0	0.588	24.1	LOSC	2.2	15.9	0.75	0.92	1.04	42.1
North	Pakov	vhai N										
7	L2	94	5.0	0.052	5.6	LOS A	0.0	0.0	0.00	0.58	0.00	53.4
8	T1	407	5.0	0.208	0.0	LOSA	0.0	0.0	0.00	0.00	0.00	60.0
Appro	ach	501	5.0	0.208	1.1	NA	0.0	0.0	0.00	0.11	0.00	58.6
All Ve	hicles	1666	5.0	0.588	3.3	NA	2.2	15.9	0.11	0.17	0.14	56.5

Site Level of Service (LOS) Method: Delay (SIDRA). Site LOS Method is specified in the Parameter Settings dialog (Site tab).

Vehicle movement LOS values are based on average delay per movement.

Minor Road Approach LOS values are based on average delay for all vehicle movements.

NA: Intersection LOS and Major Road Approach LOS values are Not Applicable for two-way sign control since the average delay is not a good LOS measure due to zero delays associated with major road movements.

SIDRA Standard Delay Model is used. Control Delay includes Geometric Delay.

Gap-Acceptance Capacity: SIDRA Standard (Akçelik M3D).

HV (%) values are calculated for All Movement Classes of All Heavy Vehicle Model Designation.

Rebecca Jarman

From: Matthew Holder <matthew.holder@developmentnous.nz>

Sent: Thursday, 23 August 2018 1:25 PM

To: Rebecca Jarman

Cc: Brad [Earth Group]; Ian Constable

Subject: RE: RMA20180217 - Comments attached from Traffic Peer Review

Rebecca

Ill get our engineer to discuss directly with Glen (ethical obligation on both to chat) and ensure he's conformable with our approach.

I just want this resolved, hence why we provided Glen with SIDRA so there wasn't a letter issued that didn't incorporate our SIDRA work. Nevertheless we will address the letter to make sure everything's covered off. I cant understand it to take a great amount of time.

" will respond in due course with an outcome

Matthew

From: Rebecca Jarman <rebeccaj@hdc.govt.nz>
Sent: Thursday, 23 August 2018 12:03 p.m.

To: Matthew Holder < matthew.holder@developmentnous.nz>

Subject: RMA20180217 - Comments attached from Traffic Peer Review

Hi Matthew,

Please find attached the Peer Review on the traffic related matters for your information. This document was received today. The peer review does not include comment on the SIDRA analysis (copy attached recently provided) as this was unfortunately not included in the package of information and scope of works sought of the peer reviewer at the time.

There are a range of matters raised in the peer reviewers comments, as well as confirming that the SIDRA analysis should be provided. We would be happy to receive the further comments to all the matters in the letter (including already received SIDRA analysis) and obtain revised peer review comments on these.

If you wish to provide further comment in reply to all the reviewers comments, please let me know as soon as possible. To allow this please also advise your agreement to continuing proceed with the application on review under s92(2), and confirm the additional costs that would be incurred. In terms of the additional charges, I understand these would be likely based on an hourly rate basis and possibly be in the vicinity of an additional \$1000.00 depending on the extent of the reply. I'm waiting on a formal estimate from Stantec currently, which should not be far away.

Please forward all documentation and comments to me in the first instance.

Also I noted that no determination on notification or otherwise has been made at this time, thus at this point any discussion around conditions would not be appropriate.

I trust this is of use and look forward to receiving further traffic comments.

Regards

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Page 349



REBECCA JARMAN ENVIRONMENTAL PLANNER (CONSENTS)

Phone (06) 871 5110 ext 5368

Email rebeccaj@hdc.govt.nz Web hastingsdc.govt.nz
Hastings District Council, Private Bag 9002, Hastings 4156, New Zealand

From: Matthew Holder [mailto:matthew.holder@developmentnous.nz]

Sent: Thursday, 23 August 2018 10:23 a.m.
To: Rebecca Jarman <<u>rebeccaj@hdc.govt.nz</u>>
Cc: Glen Randall <<u>glen.randall@tdg.co.nz</u>>

Subject: RE: Importance: High

HI Rebecca

Can you please advise on below with some urgency. My clients are here from Auckland today and I need to update them on matters.

Alternatively I need your permission to discuss with the Peer reviewer direct to see what (if any) further information is required (or whether conditions of consent can satisfy)

Regards

Matthew Holder Principal Planner Director



Phone: Mobile - 027 2888762 or Office - 06 8762159
Physical Address: 212 Queen Street East, Hastings 4122
Postal Address: PO Box 385, Hastings 4156
Email matthew.holder@developmentnous.nz
www.developmentnous.nz







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ITEM 2

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From: Matthew Holder [mailto:matthew.holder@developmentnous.nz]

Sent: Wednesday, 22 August 2018 10:21 a.m.
To: Rebecca Jarman < rebeccaj@hdc.govt.nz >
Cc: Glen Randall < glen.randall@tdg.co.nz >

Subject: RE:

Hi Rebecca

Can you please formally provide the SIDRA modelling results to Peer reviewer and advice of the other matters they wish to see addressed (or alternatively as conditions of consent).

I would like to keep this moving

Kind Regards

""-"thew Holder icipal Planner Director



Phone: Mobile - 027 2888762 or Office - 06 8762159
Physical Address: 212 Queen Street East, Hastings 4122
Postal Address: PO Box 385, Hastings 4156
Email matthew.holder@developmentnous.nz
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From: Matthew Holder [mailto:matthew.holder@developmentnous.nz]

Sent: Tuesday, 21 August 2018 5:50 p.m.

To: Randall, Glen <glen.randall@stantec.com>; Rebecca Jarman <rebeccaj@hdc.govt.nz>

Subject: RE:

Hi glen

No problems

Ітем 2

I sent to enable you to complete your letter etc

Kind Regards

Matthew Holder Principal Planner Director



Phone: Mobile - 027 2888762 or Office - 06 8762159
Physical Address: 212 Queen Street East, Hastings 4122
Postal Address: PO Box 385, Hastings 4156
Email matthew.holder@developmentnous.nz
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From: Randall, Glen [mailto:glen.randall@stantec.com]

Sent: Tuesday, 21 August 2018 4:45 p.m.

To: Matthew Holder < matthew.holder@developmentnous.nz >; Rebecca Jarman < rebeccaj@hdc.govt.nz >

Subject: RE:

Hi Matthew,

Perhaps best to hold off until Hastings formally issue their letter which includes other items to consider.

I'll chat to Rebecca to see what is the correct procedure to follow.

Thanks

Glen Randall MEng (Transport), BSc (Civil) Traffic and Safety Lead – Hawkes Bay

Direct: 06-929-0520 Mobile: 021-960-401 Stantec New Zealand Level 1, Cnr 143 Dalton/60 Station Street Napier 4110

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From: Matthew Holder [mailto:matthew.holder@developmentnous.nz]

Sent: Tuesday, 21 August 2018 4:30 p.m.
To: Rebecca Jarman <<u>rebeccaj@hdc.govt.nz</u>>
Cc: Glen Randall <<u>glen.randall@tdg.co.nz</u>>

Subject:

Importance: High

Good Afternoon Rebecca

Please find attached the traffic SIDRA modelling requested by Stantec (Glen cc'd in) required to enable the completion of a peer review of our clients traffic impact assessment.

Can you please formally provide to Stantec

Kind Regards

Matthew Holder Principal Planner Director



Phone: Mobile - 027 2888762 or Office - 06 8762159
Physical Address: 212 Queen Street East, Hastings 4122
Postal Address: PO Box 385, Hastings 4156
Email matthew.holder@developmentnous.nz
www.developmentnous.nz







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Memo

To: Rebecca Jarman

From: Glen Randall

Hastings District Council

Stantec - Napier Office

File: RMA20180217

August 23, 2018

Reference:

RMA20180217 - Peer Review of Waltomo Refuelling Station at 11 Allen Road, Pakowhai

Date:

Stantec have undertaken a peer review on the Traffic Solutions Ltd Traffic Impact Assessment (TIA) for the proposed new Refuelling Station at 11 Allen Road, Pakowhai.

The applicant is proposing various improvements to the existing site including the demolition of existing buildings to provide an unmanned refuelling station comprising 12 pumps. Two options have been considered; the first being the refuelling station together with 23 car parks; the second option is the refuelling station, provision of 29 car parks and the retention of the existing garden centre building for future use. It is understood that the application is for Option 1 only.

The peer review has the following comments:

Part 4 - Traffic Environment

The report states 12,000 vehicles per day are expected on Pakowhai Road. It is unclear of the source of this information. Given that this data is for 2016 it is assumed that no allowance has been made for the impact of the Whakatu Arterial Link (WAL) and associated traffic increase/decrease has been accounted for. As the WAL now forms part of the permitted baseline network, this should be accounted for when discussing existing conditions of roads directly affected.

Part 5 – Trip Generation

It is accepted that the refuelling station will comprise significant pass by / diverted -linked trips. It is further accepted that the nett increase for this development would be low. However, the change in character doesn't result in the effects described within the TIA. This is predominately due to differences in trip distribution. It is recommended that a table be provided comparing the existing against the proposed development to assist in understanding the nett impact.

Part 5 - Trip Distribution

It appears from the TIA that no traffic is assumed to use Links Road. A proportion of the trips should be assigned to/from this direction based either on assumptions or existing turning volumes.

While the 11A has applied the expected trip generation to the intersection (i.e. 120 tph) it has not assessed the change in the intersection performance between the existing situation and the proposed. In summary, the right furn manoeuvre out of Allen Road is the most contrived movement and will in the most part govern the overall Level of Service associated with the performance of the intersection. It is predicted that 123 vehicles (Option 1 turning volumes are not provided) are expected to turn right, which is a significant increase over the existing situation. This change in volume and subsequent performance of the intersection has not been assessed.

Part 6 - Site Access

It is unclear from Table 2 whether the available sightlines are in excess of 300m in both directions. It would be useful to provide the Stopping Sight Distance requirements for the southern entry only access and Sightline Distances in both directions for the northern access.

It is supported that the southern access be restricted to an entry only. It is further recommended that the northern access be restricted to an exit only and suitable signage be in place to enforce the access di\\rate_101\projects_2012 onwards\harting district council\dilance\80001153 oil rd 9.3\80009989 hdc roading h\\100001 - peer rev ima20180217\3. deliverable\180623 peer review - review-review20180217 watarno traffic review 180623 doox



Memo

arrangement. The warrant for a left turn slip should be checked using Figure A10 of Austroads Part 4A to ensure that the typical driveway crossing proposed is deemed adequate to service the development.

The widening of Allen Road and provision of kerblines is supported. Further details are requested with regards to how the road will tie into the existing cross-section. The supplied plan shows taper lengths that appear to very short.

With regards to safety, it is recommended that once the preliminary designs of the accesses and roadway have been completed, that a Road Safety Audit be undertaken at the developers cost. Items to consider would include streetlighting levels, visibility and other hazards such as the existing open drain. It is accepted that these details would only be considered during the design stage.

It is further recommended that the TIA consider RTS13 – Guidelines for Service Stations to ensure that the appropriate traffic engineering principles have been adopted/considered in developing the proposed development masterplan.

S92 Response

The swept paths supplied do not include a 8-double vehicle, despite this vehicle being on the cover of the planning application. The client should confirm what vehicle types are intended to be used for refuelling purposes.

Conclusion

The major concern is that the TIA fails to demonstrate how the Pakowhai Road / Allen Road intersection will operate both post construction of the new Link Road roundabout as well as post development. Given that 100% of the refuelling station traffic will poss through this intersection, the development could have a significant impact on the future capacity of this intersection.

Recommendation

It is recommended that a SIDRA traffic model assessment be undertaken to demonstrate the changes in effect on the Pakowhai Road / Allen Road intersection during the Peak hours, given the substantial changes in turning movements associated with the proposed development. Furthermore, base volumes used in the assessment should account for expected increases in volume on Pakowhai Road associated with the completion of the Whakatu Aerial Link which will be operational prior to the opening of this development.

Yours sincerely

Stantec New Zealand

Glen Randall Traffic and Safety Lead – Hawke's Bay Phone: 021 960 401

Email: glen.randall@stantec.com

Reviewed By:

Cobus de Kock

Approved to Issue:

dj\nzhas1501\projects_2012 onwards\hastings district council\alliance\80001153 all rd 9.3\80505989 hdc roading hr\100001 - peer rev ima20180217\3. deliverable\180823 peer review - revised\ma20180217 wartomo traffic review 180823.docx

Rebecca Jarman

From:

Matthew Holder <matthew.holder@developmentnous.nz>

Sent:

Wednesday, 29 August 2018 5:48 PM

To: Cc: Rebecca Jarman Randall, Glen

Subject:

Waitomo Fuel Stop- Response to Stantecs Traffic Peer Review

Attachments:

916-180829Let.pdf

Importance:

High

Dear Rebecca

Please find attached the response to the Peer Review matters raised by Stantec with respect to our clients Resource Consent application.

We believe that it provides the necessary information in order to satisfy the matters raised.

ase confirm receipt and formally provide to Glen at Stantec (CC'd in) in order to confirm matters have been addressed. Obviously Section 108 (conditions of consent) also allow for any matters outstanding to be considered (if at all necessary)

I would ask that some urgency is now given to this application given the time its been in with council (not withstanding the information request periods)

Kind Regards

Matthew Holder Principal Planner Director



Phone: Mobile - 027 2888762 or Office - 06 8762159 Physical Address: 212 Queen Street East, Hastings 4122 Postal Address: PO Box 385, Hastings 4156 Email matthew.holder@developmentnous.nz

www.developmentnous.nz







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29 August 2018



Ref: 916

Matthew Holder Development Nous Limited P O Box 385 Hastings 4156

Dear Matthew,

PAKOWHAI FUEL STOP, 11 ALLEN ROAD, PAKOWHAI FURTHER TRAFFIC ASSESSMENT

Introduction

Subsequent to my supplementary report dated 21 August 2018, which provided traffic model results for the Option 2 service station and garden centre, I have received the peer review report dated 23 August 2018 from Stantec Limited. The peer review raises the following matters:

- Request for further trip assignment details and intersection modelling for the garden centre and Option 1
- 2. Seeking clarification on various aspects of the site accesses
- Request to consider the development against RTS 13 "Guidelines for Service Stations"
- Request to provide swept paths for B-train and confirm vehicle types that will access the service station.

In this supplementary report I provide response to teach of these matters.

Additional Trip Assignment/Traffic Model

My previous report dated 21 August 2018 provided traffic model results for the Option 2 scenario, in which the proposed service station and existing garden centre would both be operating. Option 1, which included the service station only, with the garden centre no longer operating, was not modelled because I concluded that the traffic flows each would generate will be similar, with the result that Option 1 will have very little traffic effect on the operation of the transport network.

To fulfil the request in the peer review, I now assess the trip characteristics of Option 1 and compare with the garden centre. To determine how much traffic the garden centre generates, or could potentially generate, I have used the same data sources as were used in my original traffic impact assessment report (TIA).

82 Hindmarsh Drive, Taupo 3330 T (07) 376-5031 • M: 021 315 882 • E: ian@tsol.co.nz

-2-

For the garden centre I use the following peak hourly traffic flows:

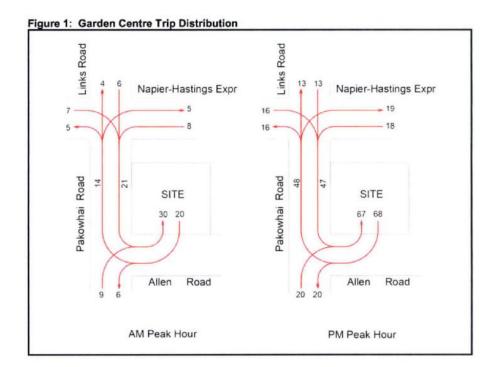
- AM peak hour 50 tph
- · PM peak hour 135 tph

For the Option 1 service station:

- · AM peak hour 120 tph
- · PM peak hour 120 tph

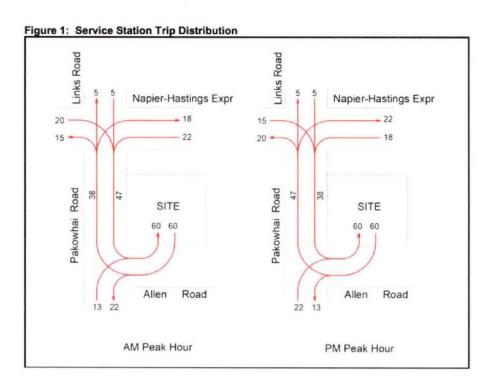
Mostly, these are the same flows as I predicted in the TIA for the two land use scenarios. The only difference is that I have reduced the number of trips the garden centre generates in the AM peak hour, since in reality this is a more likely scenario at that time.

Figure 1 shows how I consider the trips that the garden centre generates are distributed on the nearby transport network. In determining this distribution I have taken into consideration the locations of other garden centres in the surrounding area.



-3-

For Option 2, I use the following distributions:



In the above assignments I have allowed for some traffic to and from Links Road, as requested in the peer review report. In the case of the service station these will be low because existing traffic flows on Links Road are low compared to those on the Expressway and on Pakowhai Road.

Table 1 shows summary results of Sidra modelling of the intersection of Allen Road with Pakowhai Road for the year 2026, using the trip distributions shown in Figures 1 and 2 above. The through traffic flows using Pakowhai Road are those that were predicted in the Council's 2026 traffic model for Whakatu arterial link report, which I used in my previous traffic model for Option 2. I have also allowed for existing turn movements at the intersection plus some growth to 2026.

As in the previous traffic model for Option 2, I have ignored "pass-by" and "diverted-linked" trips at the service station.

-4-

Table 1: Intersection Performance Characteristics

Scenario	Average (max) delay (sec)	Max Queue (veh)	Max Deg of Sat (%)	Max Leve of Service	
AM Peak hour				_	
 existing 2026 	1 (14)	1	35%	В	
- Option 1	1 (15)	1	35%	С	
PM Peak hour					
- existing 2026	2 (24)	1	45%	С	
- Option 1	1 (24)	1	45%	С	

Full movement summary Tables are attached in Appendix A.

Comparing the "existing 2026" and "Option 1" scenarios, average delays, delays to the right turn exit movement, queue lengths, saturation levels and levels of service, will all remain almost unchanged, if the Option 1 service station were to operate at the site.

Sight Distances

I confirm that the available sight distance at the proposed northern site access exceeds 300m in the northerly direction. In the southerly direction the available sight distance will be about 90m, to the intersection at Pakowhai Road. In both directions the recommendation in the Land Transport Guideline RTS 6 is exceeded.

The sight line from the southern access exceeds 300m northwards, and is about 45m southwards, to the intersection. However, this has little relevance because the southern access will be an entry only.

Site Access

The peer review report recommends restricting the northern access to an exit only. While it is agreed that the access will be used predominantly as an exit, I disagree it should be a forced restriction. The access is wide enough to accommodate two-way vehicle flow, and entry movements at that location are unlikely to cause a traffic issue.

To determine whether the development warrants construction of an auxiliary left turn lane on Allen Road, I refer to the methodology given in Austroads¹. This methodology relies on the number of left turn movements into an access and the number of following through movements. According to Figure 2 above, the number of left turn movements into the southern site access will be 60 tph in both peak hours. I have predicted that the number of northbound through movements on Allen Road will be 9 tph in the AM peak hour and 36 tph in the PM peak hour in 2026. For these volumes the site entry warrants a "basic" left turn treatment, which effectively means no auxiliary left slip lane is required. This is understandable, given the low through flows on Allen Road.

¹ Austroads Guide to Road Design Part 4A: Unsignalised and Signalised Intersections

Traffic Solutions Limited

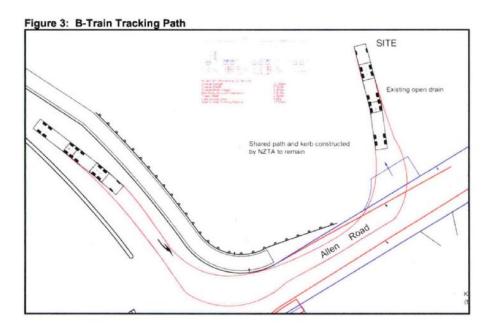
-5-

I note that the service station will not necessarily increase the number of left turn movements into the site access compared to the existing garden centre that has operated there for a number of years.

A comparison was made of the proposed service station against the traffic engineering principles in the Land Transport Guideline RTS 13. These include consideration of turn movement conflicts on and off Allen Road, visibility at vehicle accesses, potential conflict with pedestrians although there are very few pedestrians at this location and no pedestrian facilities, and proximity of site accesses to intersection corners. It is my opinion that the development conforms with the principles in RTS 13.

Swept Path of B-Train

Figure 3 shows the swept path of a 22.45m long B-train. This is a "high productivity vehicle" and the longest legal truck rig that could access the site.



Conclusion

I trust this satisfies the matters raised in the Council's peer review report.

Yours Sincerely,

Ian Constable Traffic Engineer

Item 2

Traffic Solutions Limited

-6-

Copy to-

Brad Nicol Expressway Development Limited 47 Napier Road Havelock North

Appendix A

MOVEMENT SUMMARY

 ∇ Site: 101 [Pakowhai/Allen 2026 AM with garden centre]

Existing garden centre remains Site Category: (None) Giveway / Yield (Two-Way)

Mov ID	Tum	Demand Total	HV	Satn	Average Delay	Level of Service	95% Back Vehicles	of Queue Distance	Prop. Queued	Effective Stop Rate	Aver. No. Cycles	Average Speed
1000	a Conta	veh/h	%	v/c	sec		veh	m		3850000	5715000	km/h
South	: Pakov	whai S										
2	T1	386	5.0	0.197	0.0	LOS A	0.0	0.0	0.00	0.00	0.00	60.0
3	R2	14	5.0	0.018	9.1	LOS A	0.1	0.5	0.59	0.71	0.59	50.7
Appro	ach	400	5.0	0.197	0.3	NA	0.1	0.5	0.02	0.02	0.02	59.6
East:	Allen											
4	L2	29	5.0	0.041	9.1	LOSA	0.1	1.1	0.56	0.75	0.56	50.8
6	R2	29	5.0	0.087	14.5	LOS B	0.3	1.9	0.75	0.89	0.75	47.4
Appro	ach	59	5.0	0.087	11.8	LOS B	0.3	1.9	0.66	0.82	0.66	49.0
North	: Pakov	vhal N										
7	L2	27	5.0	0.015	5.6	LOSA	0.0	0.0	0.00	0.58	0.00	53.4
8	T1	687	5.0	0.351	0.0	LOS A	0.0	0.0	0.00	0.00	0.00	59.9
Appro	ach	715	5.0	0.351	0.3	NA	0.0	0.0	0.00	0.02	0.00	59.6
All Ve	hicles	1174	5.0	0.351	0.9	NA	0.3	1.9	0.04	0.06	0.04	59.0

MOVEMENT SUMMARY

 ∇ Site: 101 [Pakowhai/Allen 2026 AM with Option 1]

Existing garden centre remains Site Category: (None) Giveway / Yield (Two-Way)

Mov	Turn						95% Back		Prop.		Aver. No.	
ID		Total veh/h	HV %			Service	Vehicles veh	Distance	Queued	Stop Rate	Cycles	Speed km/h
South	: Pakov	whai S			- Charleston			and the second				
2	T1	386	5.0	0.197	0.0	LOS A	0.0	0.0	0.00	0.00	0.00	60.0
3	R2	18	5.0	0.024	9.3	LOS A	0.1	0.7	0.60	0.73	0.60	50.5
Appro	ach	404	5.0	0.197	0.4	NA	0.1	0.7	0.03	0.03	0.03	59.5
East:	Allen											
4	L2	46	5.0	0.064	9.2	LOS A	0.2	1.7	0.57	0.78	0.57	50.8
6	R2	55	5.0	0.165	15.1	LOSC	0.5	3.7	0.77	0.90	0.77	47.0
Appro	ach	101	5.0	0.165	12.4	LOS B	0.5	3.7	0.68	0.84	0.68	48.7
North	Pakov	vhai N										
7	L2	55	5.0	0.030	5.6	LOS A	0.0	0.0	0.00	0.58	0.00	53.4
8	T1	687	5.0	0.351	0.0	LOS A	0.0	0.0	0.00	0.00	0.00	59.9
Appro	ach	742	5.0	0.351	0.5	NA	0.0	0.0	0.00	0.04	0.00	59.4
All Ve	hicles	1247	5.0	0.351	1.4	NA	0.5	3.7	0.06	0.10	0.06	58.4

MOVEMENT SUMMARY

 ∇ Site: 101 [Pakowhai/Allen 2026 PM with garden centre]

Existing garden centre remains Site Category: (None) Giveway / Yield (Two-Way)

Mov ID	Turn	Demand I Total	Flows	Deg. Satn	Average Delay	Level of Service	95% Back Vehicles	of Queue Distance	Prop. Queued	Effective Stop Rate	Aver. No. Cycles	Average Speed
		veh/h	%	v/c			veh					km/h
South	: Pakov	whal S			17250							
2	T1	889	5.0	0.454	0.1	LOS A	0.0	0.0	0.00	0.00	0.00	59.9
3	R2	44	5.0	0.041	7.4	LOS A	0.2	1.3	0.49	0.65	0.49	51.8
Appro	ach	934	5.0	0.454	0.4	NA	0.2	1.3	0.02	0.03	0.02	59.4
East:	Allen											
4	L2	25	5.0	0.024	7.1	LOSA	0.1	0.6	0.43	0.62	0.43	52.1
6	R2	56	5.0	0.271	23.7	LOSC	0.8	6.2	0.87	0.97	0.99	42.3
Appro	ach	81	5.0	0.271	18.5	LOS C	0.8	6.2	0.74	0.86	0.81	44.9
North	Pakov	vhal N										
7	L2	64	5.0	0.035	5.6	LOS A	0.0	0.0	0.00	0.58	0.00	53.4
8	T1	407	5.0	0.208	0.0	LOS A	0.0	0.0	0.00	0.00	0.00	60.0
Appro	ach	472	. 5.0	0.208	0.8	NA	0.0	0.0	0.00	0.08	0.00	59.0
All Ve	hicles	1486	5.0	0.454	1.5	NA	0.8	6.2	0.05	0.09	0.06	58.3

MOVEMENT SUMMARY

Site: 101 [Pakowhai/Allen 2026 PM with Option 1]

Existing garden centre remains Site Category: (None) Giveway / Yield (Two-Way)

Mov ID	Turn	Demand Total	HV	Satn		Level of Service	Vehicles	Distance	Prop. Queued	Effective Stop Rate	Aver. No. Cycles	
South	: Pako	veh/h	%	v/c	sec	100000	veh	m		The state of the s	10000000	KIIVII
2	T1	889	5.0	0.454	0.1	LOS A	0.0	0.0	0.00	0.00	0.00	59.9
3	R2	46		0.042	7.4	LOSA	0.2	1.3	0.49	0.65	0.49	
Appro		936	5.0	0.454	0.4	NA	0.2	1.3	0.02	0.03	0.02	59.4
East:	Allen											
4	L2	18	5.0	0.017	7.1	LOS A	0.1	0.5	0.43	0.61	0.43	52.1
6	R2	55	5.0	0.264	23.5	LOS C	0.8	6.0	0.87	0.97	0.98	42.4
Appro	ach	73	5.0	0.264	19.4	LOSC	0.8	6.0	0.76	0.88	0.84	44.5
North	: Pakov	vhai N										
7	L2	55	5.0	0.030	5.6	LOS A	0.0	0.0	0.00	0.58	0.00	53.4
8	T1	407	5.0	0.208	0.0	LOS A	0.0	0.0	0.00	0.00	0.00	60.0
Appro	ach	462	5.0	0.208	0.7	NA	0.0	0.0	0.00	0.07	0.00	59.1
All Ve	hicles	1471	5.0	0.454	1.4	NA	0.8	6.0	0.05	0.09	0.06	58.3



Memo

To:

Rebecca Jarman

From:

Glen Randall

Hastings District Council

Stantec - Napier Office

File:

RMA20180217

Date:

August 31, 2018

Reference:

Reference RMA20180217

Peer Review of Supplementary Traffic Information for Waitomo Refuelling Station at 11 Allen Road, Pakowhai

Stantec undertook a peer review on the Traffic Solutions Ltd Traffic Impact Assessment (TIA) for the proposed new Refuelling Station at 11 Allen Road, Pakowhai. Out comments were noted in a memo issued on 23rd August 2018 noting some comments for further clarification. This clarification has been received in the form of two letters by Traffic Solutions Ltd, the one dated 21st August and the other the 29th August 2018. This peer review has considered both letters.

The peer review is satisfied that the concerns raised previously have been adequately answered in the supporting letters. We are therefore confident that the proposed refuelling station can be accommodated safety on the road network and should not lead to any capacity issues in the future.

Recommendation

It is recommended that the Council accept the further information received by Traffic Solutions Ltd and that these letters be attached to the original traffic report for future reference. It is further recommended that from a transport and traffic perspective, this application allowed.

Yours sincerely

La salt

Gien Randall Traffic and Safety Lead – Hawke's Bay Phone: 021 960 401 Email: glen randall@stantec.com

dj\nzhas 1501\projects_2012 onwards\hastings district council\alliance\80001153 all rd 9.3\80505989 hdc roading hr\100001 - peer rev rma20180217\3. deliverable\15723 waitomo traffic review no2 180831.docx

Attachment D - Council's Development Engineers Comments

Ітем 2



MEMORANDUM

File Ref

53568#0162

HASTINGS DISTRICT COUNCIL 207 Lyndon Road East Hastings 4122 Private Bag 9002 Hastings 4156

Phone 06 871 5000 Fax 06 871 5100 www.hastingsdc.govt.nz

TE KAUNIHERA O HERETAUNGA

To:

Rebecca Jarman

From:

Nick Bruin

Copy to:

Date:

28 March 2019

Subject:

RMA 20180217 Engineering Comments

Comments

The proposed earthworks will consist of approximately 340m3 of excavation for the petrol and diesel tanks and the API Separator, to a depth of 4.5m below ground, this is to be reused on site. Approximately 350m3 of clean topsoil is proposed to be imported for re-vegetation and landscaping. The current proposal seeks to upgrade a portion of Allen Road and create a new access onto the property. This upgraded road, new access and the existing access shall be constructed in accordance with the Engineering Code of Practice.

There are no reticulated Council service in the vicinity of the property. Servicing for the supply of potable water and for the disposal to ground of waste water and excess storm water shall need to be achieved by "on-site" methods in accordance with the requirements of the Hawkes Bay Regional Council.

The parent lot has been identified as having high liquefaction vulnerability (Land Vulnerability Map GNS Science report 2015/186, October 2017). A comprehensive geotechnical report, dated 24th April 2018, has been prepared by WSP Opus Ltd in respect of the proposed construction of the service station, stating any limitations with regard to the siting of the proposed underground tanks, along with specific foundation design considerations.

The applicant has supplied a Traffic Assessment Report, which has been peer reviewed, that has indicated that the effects on the roading environment of this proposed development will have a major change, both myself and our Transportation Team accept this report. But we hold reservations that the provisional designs put forward with this application will provide safe and effective access to the site, we therefore recommend that a Safety Audit be undertaken to address these issues.

If a revised roading design indicates further widening of the existing road is necessary, this may require consent from the Hawkes Bay Regional Council for any works involving their roadside

If consent is granted I recommend that the application have the following conditions imposed to ensure the works are undertaken in an appropriate and timely manner.

Suggested Conditions

- That engineering design (inclusive of traffic signage, vehicle crossings, and road marking & lighting) details produced by a suitably qualified and experienced professional for all the proposed construction works and earthworks shall be submitted for approval, by the Environmental Consents Manager, Planning and Regulatory Services Hastings District Council (or nominee), prior to commencement of works on site. Details to include cross sectional profiles, storm water attenuation and management design, culvert details and sizing and details of discharge points complete with details of scour prevention; tracking curves of the proposed vehicles to use the service station. That this design shall also, detailing the earthworks to be carried out, overland flow paths and proposed finished ground levels within the Lot. This earthworks plan shall not include any changes in the existing ground level of the external boundaries of the site.
- 2) That work shall not commence until engineering design plan approval has been given.
- That all construction works shall be constructed to conform to the Hastings District Council Engineering Code of Practice 2011.
- 4) That prior to the commencement of construction works the applicant shall submit a construction management plan, for approval by Hastings District Council, detailing the ways in which the proposed construction works will occur.
- 5) That all works within the boundaries of the public road shall be undertaken by a contractor who is pre-approved to work within the road reserves.
- 6) That all work within the boundaries of the public road shall require a Corridor Access Request application to be submitted and approved prior to commencement of the specific work items.
- That top soil shall not be used to backfill any trench.
- 8) That the works shall be tested in accordance with the Hastings District Council Engineering Code of Practice 2011 in the presence of a Council Officer. Items covered by this include, but are not limited to, inspections of subgrade prior to backfill; inspection of basecourse prior surfacing, includes deflection testing; inspection of foundations for kerb & channel and footpath construction prior to any concrete placement.
- 9) That as-built plans and documents (including RAMM information) showing the construction of all road engineering works including street lighting, road markings and signage, in accordance with the requirements the Hastings District Council Engineering Code of Practice 2011, shall be submitted to Council once construction is completed and shall be certified as a complete and correct record by a Chartered Professional Engineer.
- 10) That the applicant shall meet all the costs associated with the provision of any road signage, road marking and lighting.
- 11) That all proposed industrial vehicle crossings shall be designed by a suitably qualified engineer or other appropriately qualified person.
- 12) That as part of the earthworks' no filling shall take place that will obstruct overland flow from higher ground/upstream.
- That the applicant shall submit a sediment control plan by an appropriately qualified person to Council, for approval by the Development Engineer, Planning and Regulatory Services Hastings District Council (or nominee), prior to the commencement of any work on the site. The plan shall detail how sediment and erosion controls will be carried out at the site in accordance with current engineering best practice. A statement shall be included with the plan stating the author's qualifications and experience in this area.
- 14) That the applicant shall install sediment and erosion controls in accordance with the approved plan prior to the commencement of the earthworks and that these controls shall be maintained throughout the period of the works, to the satisfaction of the Environmental

- Consents Manager, Planning and Regulatory Services Hastings District Council (or nominee).
- 15) That a registered and professionally qualified engineer shall certify that the sedimentation works have been designed and constructed in accordance with the approved design.
- 16) That all earthworks operations shall be so conducted as to comply with the provisions of New Zealand Standard NZS 6803: 1999 Acoustics – Construction Noise.
- 17) That noise levels will be measured in accordance with the New Zealand Standards NZS 6803: 1999 Acoustics – Construction Noise.
- 18) That all areas of earthworks shall be re-grassed with a minimum cover of 90% for road berms and 90% for rural sites, to the satisfaction of the Environmental Consents Manager, Planning and Regulatory Services Hastings District Council (or nominee).

 Please ensure that those managing works have due consideration of this condition and manage works so that there is sufficient time to allow grass to grow before 224c is sought. This will include having regard to any seasonal limitations and water requirements.
- 19) That there shall be no changes to ground levels on neighbouring boundaries
- 20) That there shall be no off-site deposit of sediment or detritus from the area of the works and no deposit of sediment or detritus into any watercourse or storm water drain.
- 21) That all unsuitable soils and fill materials uncovered during the earthworks shall be removed off site to an appropriate land fill facility.
- 22) That while the earthworks are being undertaken and prior to re-vegetation, areas of exposed earth shall be regularly dampened with water to ensure that no wind born dust is deposited outside the property boundaries.
- 23) That the applicant shall confirm in writing that only 'clean fill' shall be imported onsite (i.e. no rubbish, no stumps, no concrete, bricks any no other substance containing; combustible, putrescible, degradable or leachable components, hazardous substances, products or materials derived from hazardous waste treatment, hazardous waste stabilisation or hazardous waste disposal practices, medical and veterinary waste, asbestos or radioactive substances or liquid waste).
 - Please note that imported 'clean fill' will also need to comply with the relevant standards in the NES for Assessing and Managing Contaminants in Soils to Protect Human Health.
- 24) That the location and dimensions and depth of any area of fill shall be identified on an As Built plan of the subdivision and provided to the Environmental Consents Manager, Planning and Regulatory Services Hastings District Council (or nominee). The final earthworks plan shall confirm the new overland flow paths, and shall confirm that there are no changes to ground levels on neighbouring boundaries.
- 25) That the applicant shall submit a completion report and Form 4 (Appendix 62 of the Hastings District Plan) from a Chartered Professional Engineer specialising in geotechnical matters confirming the stability and suitability of the land for the development. This statement of professional opinion and completion report shall pay particular regard to the liquefaction risks affecting the site, and the impact of any irregularities that may exist in the subsoil arising from the previous recent earthworks.

Nick Bruin
Development Engineer – Projects
nickb@hdc.govt.nz

Item

ttachment H

Attachment H - Copy of RMA20190051 - 1003 Links Road Pakowhai



Decision:

Pursuant to:

- Rule EM6, PP24 and PP32 of the Proposed Hastings District Plan (As Amended by Decisions 12 September 2015);
- Sections 9(1) and (3) of the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011; and
- · Sections 104 and 104B of the Resource Management Act 1991;

Consent as a Discretionary Activity is GRANTED to Melita Honey Limited to establish a honey processing plant and carry out earthworks for the purpose of the construction of the plant at 1003 Links Road PAKOWHAI 4183 (RT HBW2/995).

Subject to the Following Conditions:

- That unless otherwise altered by the conditions of this consent, the development shall proceed in accordance with the plans and information submitted as part of the resource consent application RMA20190051 (PID 53630):
 - a) The application and assessment of environmental effect titled "Construction of a honey processing, packaging and storage facility at 1003 Links Road, Hastings", dated February 2019, prepared by Development Nous (HDC reference:53630#0007, agent's reference: H20180119);
 - Appendix C to the abovementioned report, which contains the plans showing the design and the extent of the works required for the proposed development;
 - Applicant's response to further information request, prepared by Matthew Holder of Development Nous, dated 15 March 2019 (HDC reference: 53630#0017);
 - d) Detailed site Investigation titled "Detailed Site Investigation Undertaken in accordance with the National Environmental -Standards for Assessing and Managing Contaminants in Soil to - Protect Human Health 2011 - 1003 Links Road, Pakowhai, Hastings", dated 26 February 2019 prepared by Geosciences Ltd (HDC reference: 53630#0012, agent's reference: H20180119) Particularly Section 15 of the report which outlines recommendations for the earthworks; and
 - e) Any other information submitted as part of this application.

Visual screening

- That except where otherwise required for the safe operation of the road network, vehicle
 crossing and/or driveway servicing the site, a shelter belt compromised of unbroken lines of
 trees of no less than 6 metres in height shall be maintained along the western, southern, and
 eastern boundaries of the site.
- That the shelter belts longer than 20 metres located within 5 metres of any public road shall be maintained at a height of less than 9 metres in accordance with Rule 6.2.5(2) of the Proposed Plan.
- 4. That in the event that the designated portion of the site is taken by the New Zealand Transport Agency, a new shelter belt shall be established as soon as it is practical along the new boundary of this site. The new shelterbelt shall be comprised of species that will reach the minimum height of 6 metres when matured.

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Page 1 of 9



Building exterior

 That the proposed building shall be constructed of materials painted or finished in visually muted, recessive colours generally in accordance with the following BS5252 colour codes:

Walls: B17 to B25

Roofs: A11 to 14, B25 to 28 and C40; or

Or similar colour/s approved by the Environmental Consents Manager

Confirmation of the colour scheme shall be provided to the Environmental Consents Manager, Hastings District Council (or nominee), with any application for a building consent.

Hours of operation

- 6. That the hours of operation for the proposed processing plant shall be limited to:
 - . 8:00 am to 5:00 pm, Mondays to Fridays; except:
 - 6:00 am to 10:00pm, Mondays to Fridays from the start of December to the end of February.

Environmental nuisance

- 7. That the consent holder shall ensure that the proposed activity will comply with the following performance standards contained within the Proposed Hastings District Plan at all times:
 - Rule 25.1.6D of the Proposed Plan outlining the maximum noise limit for activities in Rural Zones; and
 - Rule 6.2.5E of the Proposed Plan outlining the lighting and glare requirements for activities in Plains Production zone.

Parking spaces

- That all parking demand generated by the proposed activity shall be fully contained within the site;
- That the consent holder shall ensure that the number of parking spaces will continue to meet the minimum requirement of "1 space per 2 persons usually employed on the site at any one time", as specified by Table 26.1.6.1-4 of the Proposed Plan;

Engineering conditions

10. That a new vehicle crossing shall be constructed and the first 10m of the access formed in a permanent surface, in accordance with the approved plans attached to this decision, NZTA's written approval (HDC Ref: 53630#0018), and the HDC Engineering Code of Practice, prior to occupation of the building.

That the position, size, geometry and compaction of the vehicle crossing shall be approved during construction, and prior to permanent surfacing by Hastings District Council. All works within the boundaries of the legal road shall be undertaken by a contractor being preapproved by Hastings District Council to do so.

11. That engineering design details produced by a suitably qualified and experienced professional for all the proposed construction works and earthworks shall be submitted for approval prior to commencement of works on site.

The design details shall be consistent with the recommendations made within the following reports:

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- The geotechnical investigation report titled "Report On: 1003 Links Road Project: Geotechnical Investigation" dated 19 February 2019 prepared by Britkin Consulting Ltd (HDC reference: 53630#0015); attached as Appendix E to the applicant's Assessment of Environmental Effects;
- The detailed geotechnical investigation report, as required by Section 6 of the abovementioned report.
- That all works shall be completed in accordance with the Hastings District Council Engineering Code of Practice 2011.
- 13. That the applicant shall submit a sediment control plan by an appropriately qualified person to Council, for approval by the Development Engineer, Planning and Regulatory Services Hastings District Council (or nominee), prior to the commencement of any work on the site. The plan shall detail how sediment and erosion controls will be carried out at the site in accordance with current engineering best practice. A statement shall be included with the plan stating the author's qualifications and experience in this area.
- That all earthworks operations shall be so conducted as to comply with the provisions of New Zealand Standard NZS 6803: 1999 Acoustics – Construction Noise
- Noise levels will be measured in accordance with the New Zealand Standards NZS 6803: 1999 Acoustics – Construction Noise.
- 16. That earthworks shall be limited to the hours of 7.00 am 5.00 pm Monday Friday, and 8.00 am 5.00 pm Saturday.
- 17. That all areas of earthworks shall be either permanently surfaced or re-grassed with a minimum cover of and 90%, to the satisfaction of the Environmental Consents Manager, Planning and Regulatory Services Hastings District Council (or nominee)within 6 months of completion of earthworks.
 - Please ensure that those managing works have due consideration of this condition and manage works so that there is sufficient time to allow grass to grow. This will include having regard to any seasonal limitations and water requirements.
- 18. That there shall be no off-site deposit of sediment or detritus from the area of the works and no deposit of sediment or detritus into any watercourse or storm water drain.
- 19. That while the earthworks are being undertaken and prior to re-surfacing or re-vegetation, areas of exposed earth shall be regularly dampened with water to ensure that no wind born dust is deposited outside the property boundaries.
- 20. That the applicant shall install sediment and erosion controls in accordance with the approved plan prior to the commencement of the earthworks and that these controls shall be maintained throughout the period of the works, to the satisfaction of the Environmental Consents Manager, Planning and Regulatory Services Hastings District Council (or nominee).
- That a registered and professionally qualified engineer shall certify that the sedimentation works have been designed and constructed in accordance with the approved design.
- 22. That at completion of earthworks the applicant's contractor shall confirm in writing that only 'clean fill' has been imported onsite (ie no rubbish, no stumps, no concrete, bricks any no other substance containing; combustible, putrescible, degradable or leachable components, hazardous substances, products or materials derived from hazardous waste treatment, hazardous waste stabilisation or hazardous waste disposal practices, medical and veterinary waste, asbestos or radioactive substances or liquid waste).

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Monitoring

23. A monitoring deposit of \$190 (including GST) shall be payable to cover the reasonable costs of monitoring compliance with the consent conditions in accordance with Council's schedule of charges. In the event of non-compliance being detected by monitoring or justified complaint and/or the costs of monitoring the consent exceeding the deposit, the costs to Council of any additional monitoring shall be paid by the consent holder in accordance with the Council's advertised schedule of fees.

With the Reasons for this Decision Being:

- As identified by the Section 95 and 104 report for this application, there are no affected persons in terms of Section 95E of the Resource Management Act 1991.
- The following potential adverse environmental effects were considered through the Section 95 and 104 report:
 - · Visual and landscape effects;
 - · Environmental nuisance effects;
 - · Traffic effects, including the increase in parking demands;
 - · Earthworks and NESCS matters;
 - · Site serviceability; and
 - · Loss of productive soil;

Those effects were considered in detail in Sections 4 and 8 the Section 104 report. It was concluded that the overall effects of the proposal will be less than minor. A summary of the assessment is provided below:

- The existing shelter belt will mitigate the potential visual and landscape effects.
 Conditions imposed by the consent will also require a new shelterbelt be established should the site boundaries change in the future;
- The consent condition requiring the exterior of the proposed buildings to be painted in recessive colours will ensure the visual effect will be minimised during the winter months.
- The proposed activity will be unlikely to generate significant noise, glare or odour due
 to its simple nature. Conditions of this consent will ensure that the no unanticipated
 effects will adversely affect the surrounding and the wider environment.
- The traffic generated by the proposal will not be unusual in a rural setting, with the
 adjoining state highways. Parking demands can be fully contained within the site.
 NZTA has provided its approval to the proposal;
- With conditions imposed by this consent, the temporary effects associated with the proposed earthworks will be fully contained within the site; and
- 3. The proposal is therefore consistent with the objectives and policies of the Proposed Plan:
 - Detailed discussions on how the activity will be consistent with those objectives and policies can be found in Section 8 of the Section 104 report.
- 4. The Council has also considered the other relevant matters contained in Part 2 in assessing this proposal. The application gives rise to no matters of national importance listed in Section 6, or any other matters contained in Section 7 of the Resource Management Act or any Treaty of Waitangi Matters as required by Section 8 of the Resource Management Act.

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5. For the reasons discussed above, the Council is therefore satisfied that any adverse environmental effects of this activity will be less than minor and can be suitably avoided, remedied or mitigated by the conditions of this resource consent. The application meets the requirements of the Resource Management Act 1991.

Advice Notes (Land use):

- To avoid doubt, except as otherwise allowed by this resource consent, all landuses must comply with all remaining standards and terms of the relevant Hastings District Plan. The proposal must also comply with the Building Act 2004, Engineering Code of Practice and Hawke's Bay Regional Plans. All necessary consents and permits shall be obtained prior to development.
 - In particular, it is advised that the applicant should contact the Hawke's Bay Regional Council in regard to the potential requirements around on-site stormwater and sewage disposal.
- Under Section 125 of the Resource Management Act 1991 a resource consent will lapse if not given effect to within 5 years of the date the consent was granted, unless an extension is authorised under Section 125(1A)(b).

Recommended by: Liam Wang

ENVIRONMENTAL PLANNER (CONSENTS)

<u>Decision issued under Delegated</u> Authority by:

Murray Arnold

ENVIRONMENTAL CONSENTS MANAGER PLANNING AND REGULATORY SERVICES

<u>Date:</u> 15 April 2019

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Attachment H



RMA20190051

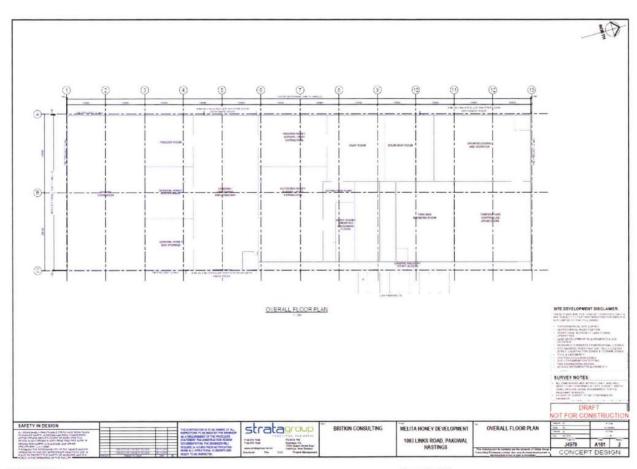
Approved Plan(s) (HDC reference: 53630#0008)





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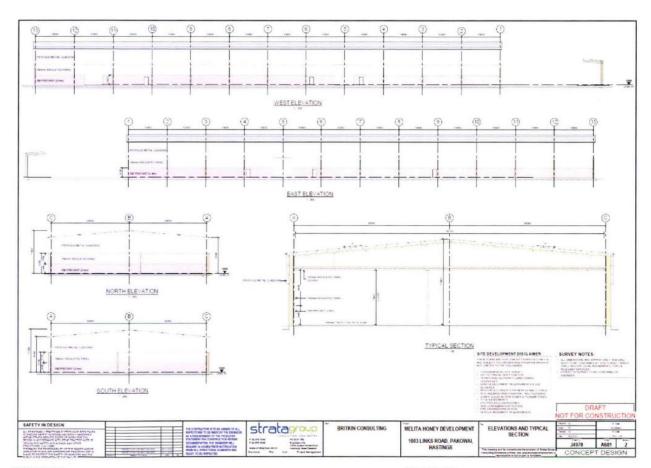




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Item

vttachment H

Attachment I - Copy of RMA20150318-317 Farndon Road

8.2 Pursuant to Rule 6.7.3 of the Operative Hastings District Plan (2003), Rule PP33 of the Proposed Hastings District Plan (As Amended by Decisions 12 September 2015), Regulation 11 of the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protection Human Health and Sections 104, 104B, 104D and 108 of the Resource Management Act 1991, consent is GRANTED for an oversize Industrial activity within the Plains Production zone, at 315 Farndon Road, Hastings.

Subject to the following conditions:

General

- The industrial activity on the site shall be operated in accordance with the plans and information submitted as an amended proposal to the objection hearing (HDC reference 101712#0083, 0085), unless otherwise altered by the conditions of this consent.
- 2. Pursuant to section 134(1) of the Resource Management Act 1991 this consent is for the benefit of and may only be exercised by Bevin Satherley while he is resident on the site, and may not be enjoyed or given effect to by any other entity, owner or occupier or lessee of the land, and under section 134(3) of the Act the resource consent is expressly recorded to be not transferable.
- That within 6 months of the date of this section 357 objection decision the consent holder shall:
 - a. Rehabilitate the soils in the area of the site located to the south of the area of hardstand and buildings. The area of hardstand and buildings is indicated by white hatching shown on the approved plan Cheal 15334-LU001 Rev C (HDC Reference 101712#0085). The area to be rehabilitated includes the area shown as "temporary log storage" and extends to the southern boundary of the subject site. The rehabilitation of the soils on the site shall be planned and supervised by a suitably qualified expert in soils management.
 - b. Construct the sediment ponds (shown adjoining the southern boundary on the approved plan) and associated drainage, in a location that abuts the southern edge of the industrial activity, designed to collect the stormwater from the industrial activity hardstand.
 - c. Construct a permanent fence to separate the rehabilitated area from the area of hardstand and buildings used by the industrial activity. This permanent fence shall be erected along the full length of the southern boundary of the area of hardstand and buildings indicated by white hatching on the approved plan.
 - d. An internal partition shall be constructed within the building, shown as industrial shed on the approved plan, to separate the private storage area from the industrial workshop.

- 4. The activity shall be undertaken by no more than 5 staff employed from the site who are not also resident upon the site.
- 5. One employee of the activity shall be resident upon the site.
- The gross floor area of all buildings used in support of the Industrial Activity shall not exceed 100m².
- The total area of hardstand and building coverage associated with the industrial activity shall not exceed 2345m², as identified as white hatching on the approved plan (HDC reference 101712#0085).
- 8. A minimum of 5 onsite carparking spaces shall be provided.
- 9. No more than six logging trucks shall be parked on the site.
- 10. Apart from as allowed by condition 9 above no other machinery associated with the industrial activity shall be stored or operated on the site.
- 11. The servicing and maintenance of vehicles and the storage and use of hydrocarbons shall only occur within the building or on the concrete apron as shown on the approved plan.
- 12.At all times the industrial activity occurs on the site the consent holder shall maintain an emergency spill kit in a readily accessible location, for the cleanup of hydrocarbon spills.
- 13. The consent holder shall ensure that any existing, and future hydrocarbon contamination or spills on the hardstand area shall be cleaned up and removed from site for disposal at an approved facility. The cleanup, including confirmation of disposal, shall be undertaken to the satisfaction of the Environmental Consents Manager (or nominee).
- 14. There shall be no storage of logs (temporary or permanent) on the site.

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

15. The consent holder shall ensure that personal protective equipment shall be used for personnel who are involved in the rehabilitation of the site where disturbance of the soil could expose them to contaminants in the soil.

Access

- 16. That a permanently surfaced vehicle crossing shall be provided for the proposed activity in accordance with drawing C24 of the Engineering code of Practice.
- 17. That the width of the vehicle crossing shall be restricted to 10 metres at the road boundary, and the crossing shall have 9 metres radii from the edge of road seal.

- 18. That the position, size, geometry and compaction of the vehicle crossing shall be approved during construction, and prior to permanent surfacing by Hastings District Council.
- 19. That the pavement design for the vehicle crossing shall be completed by a suitably qualified engineer experienced in roading infrastructure design.
- 20. That all works within the boundaries of the legal road shall be undertaken by a contractor being pre-approved by Hastings District Council to do so.
- 21. In the event that the existing access can no longer be used the consent holder shall notify the Environmental Consents Manager and construct a new vehicle entrance and access in accordance with the Engineering Code of Practice and to the satisfaction of the Environmental Consents Manager.

Cessation of the activity

- 22. That within 6 months of the ceasing of the activity on the site the consent holder shall ensure that:
 - i) Any, and all hardstand or gravel (including material comprising an all weather surface) shall be removed from the southern part of the site commencing from a point 5 metres south of the southern wall of the existing industrial building continuing back to the permanent fence constructed as per condition 3(c) above. This area is approximately 1080m².
 - ii) Upon removal of the surface material, as required by condition 22(i), the consent holder shall rehabilitate the remaining soils in a manner recommended by a suitably qualified experts in soils management.
 - iii) The rehabilitation of the soil shall be undertaken in accordance with the recommendations, be supervised and certified by the soil expert.

Note: the consent holder is advised that the rehabilitation of the site may require a separate resource consent under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health

Advice Notes:

- Please Note: To avoid doubt; except as otherwise allowed by this resource consent, all landuses must comply all remaining standards and terms of the relevant Hastings District Plan. The proposal must also comply with the Building Act 2004, Engineering Code of Practice and Hawkes Bay Regional Plans. All necessary consents and permits shall be obtained prior to development.
- This site has been identified as previously, and currently, containing activities on the Hazardous Activities and Industries List (orchading activities). Compliance with the NES for Assessing & Managing Contaminants in Soil to Protect Human Health 2011 will be required for any future land use change, earthworks

Attachment H

or subdivision. Please note that these are only the identified Hazardous Activities that Council is aware of, additional Hazardous Activities maybe occurring onsite.

3. Under section 125 of the RMA, this consent lapses five years after the date it is granted unless:

The consent is given effect to; or

The Council extends the period after which the consent lapses

Chairperson:	Councillor Mick Lester					
Date:	21st July 2016					

HASTINGS DISTRICT COUNCIL

Decision following hearing of an objection to a decision to refuse resource consent

SUBJECT: Decision on an objection to a decision to refuse resource consent for a non-complying land use consent in the Plains Zone/Plains Production Zone – 315 Farndon Road – Satherley Logging Ltd (Council reference **RMA20150318**)

PURSUANT TO SECTION 357D OF THE RESOURCE MANAGEMENT ACT 1991, THIS OBJECTION IS <u>UPHELD IN PART.</u>

THE FULL DECISION IS SET OUT BELOW

HEARING PANEL: The application was heard by the Hearings Committee

on Monday 20th and Wednesday 29th June 2016:

Chair: Councillor Mick Lester

Councillor George Lyons

Community Board member: Bayden Barber

COUNCIL OFFICERS: Lauren Clews - Reporting Planner

Caleb Sutton: Team Leader Environmental

Consents/Subdivision

Christine Hilton - Committee Secretary

OBJECTOR: Bevin Satherley – Applicant

Roger Wiffin - Planning consultant

1.0 INTRODUCTION

- 1.1 Under section 357A of the Resource Management Act 1991, Satherley Logging Ltd (the applicant) lodged an objection to Hastings District Council's decision to refuse, under officer delegated authority, a non-notified non-complying activity resource consent application for a logging truck depot with associated outdoor storage on a site in the Plains Production Zone (Council application reference RMA20150318).
- 1.2 The reasons for the objection included that the adverse effects on the environment are no more than minor, that the operation of the industrial activity is not entirely contrary to the objectives and policies of the Hastings District Plan, and granting of consent for the activity is unlikely to establish an adverse precedent or to undermine Plan integrity.
- 1.3 At the commencement of the hearing the applicant's planning consultant outlined a number of notable changes (reductions in size and scale) to the application as originally assessed and decided upon by the Council.
- 1.4 After listening to the applicant's evidence the hearing was adjourned by the Hearings Committee to allow Council officers to consider the amended application and provide an addendum to the reporting officer's report.
- 1.5 The addendum to the officer's report maintained the same recommendation, based on similar reasons, to dismiss the objection as per the original officer's report.

2.0 BACKGROUND

2.1 The Amended Application

The applicant applied to the Hastings District Council for retrospective resource consent for an oversize industrial activity (logging truck depot) in the Plains Production Zone (Hastings Proposed District Plan – September 2015) on the subject site at 315 Farndon Road. As part of the activity, up to 6 truck and trailer units (18 metre trucks) are stored on the site overnight and when not on forestry plantations. The site contains several buildings associated with the industrial activity. In addition to this, the site is used to store forestry machinery and harvested logs.

- 2.1.1 The total gross floor area of all industrial buildings on the site is 96m² made up of the following:
 - Workshop (60m² used for industrial activity and the other 60m² is used for personal storage (not associated with the industrial activity)
 - Office building 36m²
 - A pump shed (excluded from definition of gross floor area)
 - Fuel storage (excluded from definition of gross floor area)
- 2.1.2 The total outdoor use/storage area is 1100m² (made up of the area used to store the trucks overnight, the log storage area, and the machinery storage area). The total hardstand on the site is 2345m². The total hardstand area includes the buildings, outdoor use and storage area, and truck access and turning areas. The activity employs 7 people (6 truck drivers and one administrator), two of whom reside on the site.

2.1.3 At present, the site is accessed via a formed vehicle crossing and driveway on the adjacent property. However, the applicant does not have any formal right to use this. The legal access to the property is via a vehicle crossing, gate, and farm track on the eastern side of the property.

3.0 GROUNDS OF OBJECTION

- 3.1 The applicant objected to the decision to refuse consent for the following reasons:
 - a) The effects on the environment are no more than minor,
 - b) The operation of the industrial activity is not entirely contrary to the objectives and policies of the Hastings District Plan,
 - The granting of consent for the activity is unlikely to establish an adverse precedent or to undermine Plan integrity.

No further details of the grounds of the objection were provided, and for that reason, the reporting officers section 357 report largely summarised and applied the main findings of the previous officer's report regarding the application and the decision to refuse consent itself, in addressing each ground of the objection raised.

4.0 STATUTORY CONTEXT

4.1 Section 357 - Right of Objection

4.1.1 Section 357A(1)(g) RMA allows a resource consent applicant to object to a consent authority in respect of the consent authority's decision on an application for resource consent if the application was not notified. Section 357A(1)(g) provides:

357A Right of objection to consent authority against certain decisions or requirements.

- (1) There is a right of objection to a consent authority,—
 - (g) in respect of the consent authority's decision on an application or review described in subsections (2) to (5), for an applicant or consent holder, if the application or review was not notified
- 4.1.2 Section 357A(2) provides that section 357A(1)(g) will apply to an application for resource consent made under section 88 RMA and provides:
 - (2) Subsection (1)(f) and (g) apply to an application made under section 88 for a resource consent. However, they do not apply if the consent authority refuses to grant the resource consent under sections 104B and 104C. They do apply if an officer of the consent authority exercising delegated authority under section 34A refuses to grant the resource consent under sections 104B and 104C.
- 4.1.3 The application in this instance was non-notified and was refused consent under s104B RMA by an officer exercising delegated authority. Therefore, the applicant has a right of objection under s 357A(1)(g) in respect of Council's decision to refuse the application.

4.2 Section 357C - Procedure for Hearing Objections

- 4.2.1 Section 357C sets out the procedures for making and hearing objections under 357A and 357B. In the case of an objection under section 357A the Council must consider the objection within 20 working days. This timeframe was extended under s37 of the RMA 1991 at the request of the applicant.
- 4.2.2 If the objection has not been resolved, the person or body to which the objection was made must give at least 5 working days written notice to the objector of the date, time and place for a hearing of the objection. The hearing was set down to be held in the Hastings District Council Chambers on 20th June 2016, commencing at 09.30am.

4.3 Section 357D - Decision on Objections

4.3.1 Section 357D sets out possible decisions that can be made in relation to an objection under s375A and the procedural requirements for making a decision.

357D Decision on objections made under sections 357 to 357B

- (1) The person or body to which an objection is made under sections 357 to 357B may—
 - (a) dismiss the objection; or
 - (b) uphold the objection in whole or in part; or
 - (c) in the case of an objection under section 357B(a), as it relates to an additional charge under section 6(3),remit the whole or any part of the additional charge over which the objection was made.
- (2) The person or body to which the objection is made must, within 15 working days after making its decision on the objection, give to the objector, and to every person whom the person or body considers appropriate, notice in writing of its decision on the objection and the reasons for it.
- 4.3.2 Pursuant to section 358 RMA, any person who has made an objection under s357A may appeal to the Environment Court against the decision on the objection.

5.0 EVIDENCE PRESENTED

The Committee heard evidence from the applicants Planning Consultant and the applicants legal counsel (the legal evidence was in written form only and read by the planning consultant). The Committee took the Council's reporting officers' section 357 report as read.

5.1 Applicants Planning Consultants Evidence

The applicant's planning consultant, Roger Wiffin, read through this written statement of evidence. In brief this evidence stated:

The reasons for the objection

- Summarised the officers section 104 report and Council decision to refuse consent
- Noted that it was common ground between the Council officer and the applicant that the effects of the proposed activity would be no more than minor
- Outlined primary matters of contention being whether the activity was contrary to the relevant District Plan's objectives and policies, the approach and weight placed on the principle of precedent and the likely impact on the integrity of the District Plans
- Clarified the reduced scale and nature of the activity now proposed
- Introduced proposed conditions to mitigate effects
- Included opinion on soils effects from a soil expert
- Further considered the application based of the amendments introduced in terms of effects, objectives and policies, precedent effect and District Plan integrity, and Part 2 of the Resource Management Act 1991
- Concluded that the consent should be granted subject to proposed conditions

5.2 Applicants Legal Counsel Evidence

The applicants Legal Counsel, Lara Blomfield, prepared a written statement of evidence that was read by Roger Wiffin: In brief this evidence stated:

- The proposal does not present a 'significant challenge' to the key objectives and policies of the district plan because it is a small scale industrial activity within a limited life which does not pose a threat to the life-supporting capacity of the Heretaunga Plains soil resource
- In terms of precedent effect and District Plan integrity there are factors in this application that take it outside the generality of cases including small site size, small scale of activity and the proposal to limit the grant of consent to a specific person

5.3 Reporting Officer Evidence (following adjournment)

The Councils reporting officer, Lauren Clews, summarised the addendum to her original report following the hearing adjournment. In brief this evidence stated:

- Despite amendments to the activity, the outdoor storage was still 11 times larger than what is provided for in the District Plan for non-plains related activities
- The activity did not support land based primary production
- The activity would set a precedent
- There were no unique characteristics in this situation
- Granting consent would be contrary to the objectives and policies of the Operative and Proposed District Plan and would undermine the integrity of the Plan

6.0 THE PRINCIPAL ISSUES IN CONTENTION

The principal issues in contention can be summarised as follows:

- a. Whether the Activity is Contrary to the Objectives and Policies of the Hastings District Plans
- b. Whether the Activity is likely to Establish an Adverse Precedent or Undermine Plan Integrity

Our findings in respect of these issues are discussed below.

7.0 FINDINGS

7.1 Whether the Activity is Contrary to the Objectives and Policies of the Hastings District Plans

- 7.1.1 The second ground of objection stated that the proposed activity is not "entirely" contrary to the objectives and policies of the Hastings District Plan. The first ground of objection related to adverse effects of the environment which both Council officer and the applicant agreed were no more than minor thus this first ground is not in contention.
- 7.1.2 Both the officer's report and the applicants planning evidence stated the proposal does not conflict with objectives and policies related to maintaining the open character and amenity of the Plains Production Zone. The Committee agrees with this conclusion as the large setback of the activity from the road ensures that it is not easily seen from the surrounding environment.
- 7.1.3 Both the officer's report and the applicant's report identified that the principal objectives and policies for the Plains Production Zone seek to protect the versatile soil and the versatile land resource. The overall focus of the Plains Production Zone, and the Plains Strategic Management Area (SMA) and the Rural Resource Strategy of the Proposed District Plan, is to protect the finite, valuable soil resource from inappropriate uses.
- 7.1.4 In terms of this matter the Committee consider that the reduced scale, and evidence presented that the land can be rehabilitated, notably reduces the degree of conflict with the key objectives and policies of both the District Plans. This rehabilitation relates to both the amended area in the short term and the entire industrial area should the activity cease to operate. In regard to the key direction of avoiding fragmentation of the versatile land we note that policy PPP3 of the Proposed Plan supports the key objective PP01 which states:

Limit the number and scale of buildings impacting on the versatile soils of the District.

The amended application will result in an amount of industrial building which is comparable to the permitted levels allowed in both the Operative and Proposed District Plan.

7.1.5 Having considered the evidence, while there may be some provisions of the District Plan that the proposal is not consistent with, The Committee considers that

the reduced scale format of the amended activity proposed (subject to 7.1.6 below) is overall not contrary to the important strategic objectives and policies of the Operative Plan and the Proposed District Plan and does satisfy the second test under Section 104D(1)(b).

- 7.1.6 In order to reach this conclusion The Committee consider it necessary that more specific limits should be placed on the proposed activity to ensure it is not contrary to the relevant objectives and policies. These include:
 - That there is to be no storage of logs on the site on either a temporary or permanent basis. The Committee consider the storage of logs makes the activity more industrial in nature as it involves the storage of a good/product.
 - No industrial machinery (other than the 6 logging trucks and their trailers) shall be allowed on the site.
 - That the area no longer allowed to be used as part of the activity (i.e. as a
 result of the amended application) is rehabilitated within 6 months of the
 issue of this decision. In addition, the rehabilitation of the land shall be in
 accordance with recommendations from, and supervised and certified by,
 a suitably qualified soil expert.
 - That a permanent fence is constructed at the southern extent of the reduced scale industrial activity. This is to assist in the separation and protection of the rehabilitated areas from the areas that will continue to be used as part of the industrial activity.
 - That in the event that the activity ceases on the site that the area of hardstand and gravel is rehabilitated within 6 months. This area is defined as commencing from a point 5 metres south of the southern wall of the existing industrial building continuing back to the permanent fence constructed as above. This area is approximately 1080m². The rehabilitation shall be in accordance with recommendations from, and supervised and certified by, a suitably qualified soil expert.

7.2 Whether the Activity is likely to Establish an Adverse Precedent or Undermine Plan Integrity

- 7.2.1 The third and final ground for objection was that the proposal is unlikely to establish an adverse precedent or undermine Plan integrity.
- 7.2.2 As a non-complying consent application, adverse precedent and integrity of the District Plan are relevant 'other matters' to be considered under s 104(1)(c).
- 7.2.3 The Council reporting officer did not believe either the proposal or subject site have any exceptional or unusual characteristics which would prevent an adverse precedent from being set.
- 7.2.4 The applicant's planning consultant and legal counsel both stated that there were sufficient reasons to distinguish this activity from other activities in terms of potential precedent effect.
- 7.2.5 In the Committee's view, there are (subject to 7.2.6 below) sufficient distinguishing elements to the proposed activity. Most notably the applicant has proposed to limit

the grant of consent to a specific party. This activity is different from a more typical industrial manufacturing activity that may occur within the District. In addition, removing the log storage component significantly reduces the scale of the proposal and eliminates the industrial storage component of the applications. Furthermore, the applicant (owner operator) and his family live on the site.

- 7.2.6 However, in order to reach this conclusion The Committee consider it necessary that a more specific limit should be placed on the proposed activity to ensure it does not set an adverse precedent effect or undermine District Plan integrity. This was also offered by the applicant as a means of mitigating potential effects on the environment. This includes:
 - That the consent is issued pursuant 134(1) of the Resource Management Act 1991 so this consent is for the benefit of and may only be exercised by Bevin Satherley while he is resident on the site and may not be enjoyed or given effect to by any other entity, owner or occupier of the land. In addition under section 134(3) of the Act the resource consent is expressly recorded to be not transferable.

8.0 DECISION

- 8.1 That the objection made by Bevin Satherley to the decision to refuse resource consent RMA20150318 at 315 Farndon Road, Hastings, under section 357D of the Resource Management Act 1991, be upheld in part, for the following reasons, and the reasons contained in the Findings section of this decision:
 - (a) The adverse effects on the environment are no more than minor.
 - (b) The proposal is not contrary to the relevant Objectives and Policies of the Operative and Proposed District Plans.
 - (c) The activity will not set an adverse precedent and will not undermine plan integrity of either the Operative or Proposed District Plan.



Decision:

Pursuant to Rule 6.7.5 of the Operative Hastings District Plan (June 2003), Rule P33 of the Proposed District Plan, and Section 104 and 104D of the Resource Management Act 1991, consent is **Declined** for Satherley Logging to operate an oversize industrial activity (logging truck depot) at 315 Farndon Road CLIVE 4102, being LOT 2 DP 425005 (CFR 506061)

With the Reasons for this Decision Being:

- The proposed activity is contrary to the relevant objectives and policies of the Operative Hastings District Plan (June 2003), the Proposed Hastings District Plan (September 2015) and the Regional Policy Statement.
- 2. The grant of consent for the establishment of a relatively large scale industrial activity with no relationship to crops grown in the Plains Zone, on Plains Zoned land, would establish an adverse precedent for such applications. While this activity alone would not result in more than minor effects on the total soils resource, the repetition of this type of activity being established on Plains Zone land would undermine the Plan's strategy of protecting and maintaining the soils resource.
- The proposed activity will not give effect to Part 2 of the Resource Management Act 1991 and in particular Sections 5(2)(c) and 7(g) with respect to safeguarding the life-supporting capacity and finite characteristics of the Heretaunga Plains versatile soil resource.

Recommended by:

Lauren Clews ENVIRONMENTAL PLANNER (CONSENTS)

<u>Decision issued under Delegated</u> Authority by:

Murray Arnold Environmental Consents Manager

Date:

11 February 2016

HASTINGS DISTRICT COUNCIL

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TE KAUNIHERA O HERETAUNGA

Trim Ref: 101712#0057

HASTINGS DISTRICT COUNCIL APPLICATION

Application Received: 01/10/2015	PID: 101712	RMA20150318					
Applicant:	Satherley Logging						
Address of Site:	315 Farndon Road CLIVE 4102						
Legal Description:	LOT 2 DP 425005 (CFR 506061)						
Area:	2.9948 Ha (CFR 506061)						
Zoning:	Plains (Operative Hastings District Plan) Plains Production (Proposed Hastings District Plan – September 2015)						
Proposal:	Operate a truck depot exceeding Plains Zone threshold standards for Industrial Activities						
District Plan Provisions:	Rule 6.7.5 (Operative Hastings District Plan) Rule PP 33 (Proposed Hastings District Plan)						
Assessment of District Plan Status:	Non-Complying (Operative & Proposed District Plans)						
Assessment of NES Soils Status:	Discretionary (Regulation 11)						
Report Prepared By:	Lauren Clews						

1.0 THE PROPOSAL

The applicant seeks retrospective resource consent for an oversize industrial activity in the Plains Zone on the subject site at 315 Farndon Road. The site is used as a forestry logging truck depot. Up to 10 truck and trailer units (18 metre trucks) are stored on the site overnight and when not on forestry plantations. The site contains several buildings associated with the industrial activity. In addition to this, the site is used to store forestry machinery and harvested logs.

The total gross floor area of all industrial buildings on the site is 192.5m² made up of the following:

- Workshop
- Two shipping containers
- Office building
- A pump shed
- Fuel storage shed.

The total outdoor use/storage area is 1530m² (made up of the area used to store the trucks overnight, the log storage area, and the machinery storage area). The total hardstand on the site is 4320m².

At present, the site is accessed via a formed vehicle crossing and driveway on the adjacent property. However, the applicant does not have any formal right to use this. The legal access to the property is via a vehicle crossing, gate and farm track on the eastern side of the property.

Since the time the Section 95 report was prepared, the applicant made an addendum to the application, offering the following conditions:

- That vehicle access speed shall be limited to a maximum of 15km/h and the limit shall be signposted.
- The driveway surface shall be maintained to a level grade as required to limit the development of potholes and irregular surfaces.

2.0 THE SITE AND SURROUNDING ENVIRONMENT

The pan handle shaped 2.99 hectare site is located on the southern side of Farndon Road. The rear (main part of the site) of the site is bordered by the Clive River, with the Whakatu industrial area on the south side of the river. The site is approximately 7km from Hastings CBD.

When considering the lawfully established activities on the site, it is fairly typical of a Plains Zone site. The site is flat, of a regular shape and contains an existing dwelling. Surrounding properties are also very typical of the Plains Zone, with horticultural production being the clearly predominate land use. The site contained a fruit orchard until at least 2009.

Although the Industrial Zone at Whakatau is geographically close, it is separated from the subject site by the Clive River. In terms of travelable distance and accessibility, the Industrial Zone is distant from the subject site.

In terms of character and visual amenity, the surrounding environment is characterised by low density built development, orchard trees, and very flat land parcels.

Within the immediately surrounding environment, a number of resource consents have been granted. These are as follows:

- RMA920286 (80 Kohupataki Road, site approximately 770m to the east of the subject site) to increase the number of children attending a Kohanga Reo to 15.
- RMA20080254 (79 Kohupataki Road, site approximately 625m to the east of the subject site) to install a frost protection fan of 13.5m high.
- RMA20080522 (Farndon Road, site approximately 800m to the west of the subject site) to install a frost protection fan.
- · Several resource consents for relocated dwellings.

There are no resource consents for commercial or industrial activities on sites within the immediate vicinity of the subject site.

3.0 REASONS FOR CONSENT AND ACTIVITY STATUS

3.1 National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NES)

The applicant has identified that the site contained a productive orchard up until 2009. This is a 'HAIL' activity. Although the industrial activity has been operating since 2010, prior to the NES taking effect, it was not lawfully established. Therefore, it is considered that the proposal is a 'change of use' on a HAIL site and the NES applies accordingly. As the site has contained a HAIL activity, and neither a Preliminary Site Investigation nor Detailed Site Investigation have been provided, the site requires consent under the NES as a **Discretionary Activity** (regulation 11).

3.2 Operative District Plan

The site is zoned Plains. Industrial activities are provided for in this zone as a permitted activity on a limited basis.

The District Plan defines 'Industrial Activity' as the following:

"the use of land or buildings for the manufacturing, fabricating, processing, packing or storage of substances, into new products and the servicing and repair of goods and vehicles, whether by machinery or hand and includes transport depots and the production of energy but excludes helicopter depots and renewable electricity generation activities"

As the activity is for a logging truck depot, if falls within the above definition. It is noted that the industrial activity proposed on the site is not related to crops grown in the Plains Zone.

Industrial activities (not related to processing, storage, and/or packaging of agricultural, horticultural, and/or viticulture crops and/or produce) are limited to the following:

- Maximum gross floor area of 100m²
- Maximum of 4 employees (one of whom must be resident on the site)
- Maximum outdoor storage area of 1500m²
- All industrial buildings must be setback from boundaries by 15 metres

The proposal cannot comply with the above standards in that:

- The gross floor area of the industrial buildings on the site is 192.5m²
- There are 11 employees, being 10 trucks drivers and 1 administrator (two staff are resident on the site)
- There is 1530m² of outdoor storage
- One of the industrial buildings (workshop) is located 8.3 metres from the western boundary

Note: The Operative District Plan does not have a limit on hardstand for sites over 1ha (refer to below).

In accordance with Rule 6.7.5 of the Operative District Plan, the proposal is a Non-Complying Activity.

3.3 Proposed District Plan

The Proposed District Plan as amended by decisions on submissions was publically notified on 12th September 2015 and took legal effect from this date. The application was lodged on the 1st October 2015 and therefore requires assessment under the Proposed District Plan. Since the time the Section 95 report was prepared, Council received appeals against the Proposed

District Plan, appeals that relate to this application (in so far as the District Plan zoning and standards applicable to the subject site). Where provisions of the Proposed District Plan have been appealed, the corresponding Operative District Plan provisions continue to remain operative, meaning that application requires assessment under both the Operative and Proposed District Plans. The appeals that relate to this application are as follows:

- Farmers Transport have appealed the industrial threshold limits and request that 'All
 Other Industrial Activities' be increased to the same Gross Floor Area as applies to
 processing, storage and/or packaging of agricultural, horticultural and/or viticultural
 crops and/or produce (being 2,500m² GFA), with consequential amendments to
 objectives and policies to provide for rural servicing industries.
- Balance Agri-Nutrients have appealed the hardstand area limit as it relates to sites over 1ha, requesting that the limit be increased to 40%. The Operative District Plan does not limit total hardstand area on sites over 1ha and extent of hardstand area would not be a reason for consent under the Operative District Plan.

The site is zoned Plains Production under the Proposed District Plan. Industrial activities are provided for in this zone on a limited basis. Industrial activities (not related to processing, storage, and/or packaging of agricultural, horticultural, and/or viticulture crops and/or produce) are limited to the following:

- Maximum gross floor area of 100m²
- Maximum of 4 employees (one of whom must be resident on the site)
- Maximum outdoor storage area of 100m²
- Maximum of 1500m² hardstand area (including outdoor storage)
- All industrial buildings must be setback from boundaries by 15 metres

The proposal cannot comply with the above standards in that:

- The gross floor area of the industrial buildings on the site is 192.5m²
- There are 11 employees, being 10 trucks drivers and 1 administrator (two of whom are resident on the site)
- There is 1530m² of outdoor storage
- There is 4320m² of hardstand area
- One of the industrial buildings (workshop) is located 8.3 metres from the western boundary

Therefore, the proposal must be assessed as a **Non-Complying Activity** in accordance with Rule PP33.

4.0 NOTIFICATION

The Section 95 report (HDC ref 101712#0049) concluded that adverse effects on the wider environment were no more than minor and no special circumstances exist to warrant public notification. As such, public notification was not required.

The Section 95 report concluded that the adverse effect on the following adjacent properties may be minor:

- · Owners and occupiers of 307 Farndon Road
- Owners and occupier of 313 Farndon Road
- Hawkes Bay Regional Council

As a result, limited notification would have been required. The applicant was given the opportunity to obtain written approvals from the above parties. The applicant was able to obtain written approvals from all identified parties. As such, the proposal can be assessed on a **Non-Notified Basis.** All following assessments disregard effects on the properties listed above.

5.0 SECTION 104 AND 104D ASSESSMENT

5.1 Non-Complying Activity

As a Non-Complying Activity, subject to Part II of the Resource Management Act, Section 104 sets out those matters that Council must have regard to. These are:

- (a) Any actual and potential effects on the environment of allowing the activity; and
- (b) Any relevant provisions of:
 - (iv) a plan or proposed plan; and
- (c) Any other matters the consent authority considers relevant and reasonably necessary to determine the application.

Section 104D of the Act states that a consent authority shall not grant resource consent for a Non-Complying Activity unless it is satisfied that:

- (a) The adverse effects of the activity on the environment will be minor; or
- (b) The application is for an activity, which will not be contrary to the objectives and policies of
 - the relevant plan, if there is a plan but no proposed plan in respect of the activity.

5.2 Section 104(1)(a) – Actual and Potential Effects on the Environment

Traffic, noise, and amenity were considered as part of the Section 95 assessment. Taking into account the conditions offered by the application and the written approvals from all adversely affected parties, effects on these matters were considered to be no more than minor for the following reasons:

Traffic

• Given the context of the site in a rural productive environment, heavy vehicle movements are not uncommon. While heavy vehicle movements associated with horticultural production may only reach the levels proposed during the harvest season, the receiving environment is considered to be relatively accepting of traffic of this nature and therefore adverse effects associated with the proposed activity on traffic are considered to be no more than minor. Furthermore, comments from Councils Transportation Engineer did not raise any concerns about the receiving transport network's ability to accommodate the traffic generation associated with the proposed activity, provided the vehicle crossing is upgraded in accordance with Engineering Code of Practice requirements.

Noise

 The proposed activity is largely limited to the repair and servicing of trucks, and the storage of harvested logs, trucks, and machinery. As there will be minimal noise associated with the storage aspects of the activity and the trucks are serviced and

repaired within a workshop, it is considered unlikely that the activity will generate noise that exceeds what could occur as a result of land based primary production.

Amenity

- The size, scale, and design of the buildings are not dissimilar to accessory buildings
 on sites used for land based primary production. Therefore, the buildings on the site
 are not considered to result in an adverse effect on the visual character of the wider
 environment that is any more than minor.
- Although storing 10 logging trucks on the site may be somewhat out of character with
 what is generally observed on Plains zone properties, the application identifies that the
 trucks are generally off site during the day. The trucks return to the site only for
 servicing and repair, which occurs inside the workshop, and to be stored overnight or
 when not required. The trucks will not generally be visible from wider environment due
 to the large separation of approximately 420m between the truck storage aspect of the
 activity and the road.
- · Adverse effects on those who provided written approval cannot be considered.

Soil Resource

The Section 95 assessment considered the adverse effect the proposal may have on the soil resource in relation to the wider environment. This concluded that given the site represents a very small proportion of the Plains Zone resource and would not interrupt productive operation beyond the subject site, adverse effects would be no more than minor. However, adverse effects on the soil resource in relation to the subject site were not able to be considered as part of the notification assessment pursuant to section 95D(a)(i) of the RMA. The scale and nature of the activity limits the potential for a productive use to occur on the site. Therefore, the proposal is considered to adversely affect the soil resource of the subject site. It is noted that the prior to this activity occurring on the site that the site contained an orchard. Several sites in the immediate vicinity of the subject site currently contain apple orchards.

It is acknowledged that the proposal has a relatively small area of built coverage which may increase the likelihood of a productive activity being re-established on the site should the activity cease, when compared to an activity that required large areas of built coverage. However, the proposal is nonetheless considered to represent a shift away from land based primary production and would have an adverse effect on the productive functionality of the subject site in terms of the soil resource. The use of hardstand and outdoor storage may compromise the qualities of the soil through compaction. It is not known whether this can be remediated, or whether continued compaction will further compromise the qualities of the soil (beyond what has already occurred since the activity began on the site).

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

The subject site has previously contained an orchard, which is considered a HAIL activity. As the proposal is a change of use and the applicant did not provide either a Preliminary Site Investigation or Detailed Site Investigation consent is required under the NES. Given the dwelling on the site does not form part of this application (in that it is already lawfully established) the proposal does not involve activities that would be particularly sensitive to potentially contaminated soils. People visiting the site associated with industrial activity do so for short periods of time, only to pick up and drop off trucks, unload logs, or service and repair trucks. If consent is granted, it is considered that any risks associated with the potential soil contaminants can be appropriately managed through conditions (such as requiring a report that

quantifies these risks and (if necessary) outlines how these risks, including control of dust, can be managed.

Alternative locations

The application did not identify possible alternative sites. However, given the proposal seeks to lawfully establish an oversize dry industrial activity that bears no relationship to crops produced in the Plains Zone, it is considered that there are alternative locations for the activity within the District that would be more appropriate, such as within dry industrial zones.

Conclusion

Overall, it is concluded that subject to appropriate conditions of consent the adverse effects of the proposed activity on the environment will be no more than minor. As such, the first test under Section 104D(1)(a) is satisfied and the application can proceed to be substantially assessed under section 104 of the RMA.

5.3 Section 104(1)(b) - Relevant Statutory Instruments

5.3.1 Operative Hastings District Plan

As discussed above, there have been two appeals received against Proposed District Plan provisions that relate to this application:

- Farmers Transport have appealed the industrial threshold limits and request that 'All Other Industrial Activities' be increased to the same Gross Floor Area as applies to processing, storage and/or packaging of agricultural, horticultural and/or viticultural crops and/or produce (being 2,500m² GFA). The appeal also seeks that objectives and policies that recognise rural service industries be included in the Plains Zone. As the industrial activity threshold limits and the corresponding outcomes and assessment criteria in the Proposed District Plan are very similar to the Operative District Plan, the assessment provided in Section 5.3.2 below is considered sufficient. As such, the assessment of the activity against the Operative District Plan will be limited to objectives and policies.
- Balance Agri-Nutrients have appealed the hardstand area limit as it relates to sites over
 1ha, requesting that the limit be increased to 40%. The Operative District Plan does
 not limit total hardstand area on sites over 1ha and extent of hardstand area would not
 be a reason for consent under the Operative District Plan. As such, this aspect of the
 activity cannot be assessed under the Operative District Plan.

5.3.1.1 Relevant Operative District Plan Objectives and Policies

Rural Resource Strategy

RO1 To promote the maintenance of the life-supporting capacity of the Hastings District's rural resources at sustainable levels.

RP3 Provide for a wide range of activities to establish which complement the resources of the rural area, provided that the sustainability of the natural and physical resources of the area is safeguarded

Comments

While the District Plan affords high levels of protection to the rural areas of the District through controlling the scale and nature of non-productive activities that occur outside of urban areas,

it does anticipate that non-rural activities in these areas may be appropriate in instances where they complement the resources of the area and they will not compromise the long term sustainable use of the rural resource. While activity is considered to pose a risk to the longer term sustainability of the site, both the site and the scale of the activity represent only a very small area of the total Plains resource and in isolation will not result in a significant reduction of the total versatile soil resource of the Plains Zone.

The activity, being a dry industrial activity, could locate in dry industrial areas such as Irongate as a permitted activity. These are the same areas identified in the Plan for timber processing activities. The activity falls within the definition of an industrial activity and therefore its location in the Plains Zone represents ad-hoc industrial development which, if replicated, could pose a risk to the sustainability of both the Plains Zone and the Industrial Zone.

On this basis, the proposal is considered to be contrary to the relevant objectives and policies of the Rural Resource Strategy as they relate to the application.

Plains Zone

PLO1 To maintain the life-supporting capacity of the unique resource balance of the Heretaunga Plains.

PLO2 To avoid, remedy or mitigate potential adverse effects of land use activities on the rural community, adjoining activities, marae, and the economy.

PLP1 Enable the establishment of a wide range of activities provided they maintain the life supporting capacity of the soil resource of the Heretaunga Plains for future use.

PLP4 Control the adverse effects of activities on the community, adjoining activities, and the environment

PLP7 Provide for the establishment and development of Industrial Activities on the Plains Zone, in a manner that complements the sustainable management of the soil resource, adjacent activities and protects the amenity of the zone.

PLP17 Restrict Forestry activities in the Plains Zone so that adverse effects on existing horticultural, viticultural and cropping activities, visual amenity, soil resource and the environment generally are avoided or mitigated.

Comments

The proposal is not considered out of character with the zone in terms of noise, traffic, or visual effects. However, as an industrial activity that bears no relationship to the Plains Zone, the proposal does not complement the soil resource.

The scale of the proposed activity exceeds the level permitted for industrial activities associated with storage and processing of crops by 1800m^2 and therefore fails to safeguard or maintain the life-supporting capacity of the soils resource in two ways. Firstly, the scale of the activity results in a much greater area of land being taken out of production than what is anticipated by the plan and secondly that there is an absence of any relationship between the activity and land based primary production associated with the Plains Zone. Therefore, the proposal is considered contrary to PLO1 and PLP1.

The Plan specifically acknowledges that forestry activities pose a threat to land based primary production activities and the soil resource. While the District Plan definition of 'forestry' activities does not include truck depots, the Plan articulates that industrial activities in the Plains Zone should complement the soil resource. Therefore, industrial activities which support land uses specifically identified as posing a threat to the soil resource present a clear challenge to the intention of PLP7.

Taking into account the written approvals, the proposal will not result in adverse effects on adjoining activities and does not pose a threat the amenity of the zone. However, the industrial activity does not complement or support any activity associated with the Plains Zone and therefore represents ad-hoc industrial development in the Plains Zone. Furthermore, the scale of the activity does not safeguard or maintain the life-supporting capacity of the soil resource. On the basis of the above, proposal is considered contrary to the overall intention of the objectives and policies of the Plains Zone which is to sustainably manage the versatile soil resource.

Industrial Zone

IZO1 To facilitate efficient and optimum use and development of existing industrial resources within the Hastings District

IZP2 The optimal use and rationalisation of existing industrial areas and resources in the District will be preferred over further greenfield industrial development.

IZP20 Provide for the establishment of dry industrial activities on larger sites in the Irongate Industrial Area.

Comments

The Plan anticipates that dry industrial activities locate in areas have been designed to support these activities. Furthermore, there is vacant land in these area on which the activity could establish such as industrial sites (scheduled under the Proposed District Plan) on Maraekakoho Road and the Irongate dry industrial area.

Allowing an industrial activity of this scale on a Plains Zone site that is isolated from existing areas set aside for industrial development presents a significant challenge to the Plan's vision for industrial development in the District.

Therefore, the proposal is considered contrary to the objectives and policies of the Industrial Zone as they relate to this proposal.

5.3.1.2 Summary of Operative District Plan Objectives and Policies Assessment

The activity represents ah-hoc greenfield industrial development in the Plains Zone, and an inefficient use of existing industrial resources. Furthermore, the activity does not complement or safeguard the soil resource and diverts industrial development away from areas which have been zoned for this purposes.

Overall, the proposal is considered contrary to the relevant objectives and policies of the Operative District Plan.

5.3.2 Proposed Hastings District Plan

5.3.2.1 Relevant Proposed District Plan Outcomes

The open character and amenity of the Plains Production Zone will be maintained.

As outlined in the Section 95 and Section 104(1)(a) assessments, the proposal is not considered to detract from the open character and amenity of the Plains Zone. This is because the activity is setback from the road by over 400 metres. There are a number existing accessory buildings associated with the activity (noting that these are accessory to an unconsented non-complying land use and are therefore not considered to be lawfully established) that are of a similar character to accessory buildings associated with permitted activities. These characteristics of the site partially screen the trucks and outdoor storage areas from view.

The nature of the activity mean that the trucks are often off site during the day, returning to the site to be stored overnight or as dictated by bad weather or vehicle servicing and repair requirements. Furthermore, the high level of land based primary production in the area means that the receiving environment is relatively accepting of heavy vehicles movements and vehicle and machinery storage. This is particularly true of the zone during the harvest season.

The activity does not result in a level of built intensity or land use intensity that is inconsistent with the open character or amenity of the Plains Production Zone. Therefore, the proposal is considered to meet this outcome.

The life-supporting capacity of the Plains soil resource will be safeguarded and the amenity of the Plains Production Zone will be protected by limiting the total scale of buildings on and sealed areas over all sites.

The proposal involves 190m² of building coverage and over 4320m² hardstand. This is significantly greater than what is provided for in the District Plan (limit of 1500m² total hardstand) and therefore represents a loss of land able to be used for productive purposes. As noted previously, the site has supported an orchard in the past and surrounding land currently supports such activities. Although the majority of hardstand areas are gravel and could be converted back to a productive use more easily than if the hardstand areas were made up of built coverage, the proposal nonetheless represents the conversion of productive land for non-productive uses. As such, the proposal does not support or achieve the above outcome in that the extent of hardstand areas associated with the proposed activity does not safeguard the life supporting capacity of the Plains Zone soil resource.

The potential negative environmental effects associated with the increase in stormwater runoff created by the development activity will be avoided, remedied or mitigated.

Although the site exceeds the maximum hardstand area on the site by almost 3000m² this is not considered likely to result in negative environmental effects associated with stormwater runoff. This is because the hardstand area is separated from the boundaries and the site is large enough to dispose of stormwater onsite. As such, the hardstand areas on the site will allow for stormwater drainage. Therefore, the proposal is considered to achieve this outcome.

Industrial Activities which have a relationship to crops produced in the Zone will have the opportunity to establish. The lifesupporting capacity of the plains soil resource will be safeguarded by limiting the size of Industrial activities to a size and scale that have a potential for minor adverse effects and is compatible with the character of the Plains Zone.

As a logging truck depot, the activity bears no relationship to crops produced in the Plains Zone and has no locational requirement to situate in this area. The proposal also greatly exceeds the

scale anticipated by the Plan for this zone. It is considered that the scale and nature of the activity is such that is does not safeguard the Plains soil resource and may have a minor, or more than minor, adverse effect on said soil resource.

The proposal is considered contrary to this outcome in two ways. Firstly, the outcome clearly articulates that the Plan envisions that industrial activities in the zone have a relationship to crops produced in the zone (which the proposal does not) and secondly because the scale of the activity exceeds what the Plan anticipates even for industrial activities associated with processing and storage of crops (2,500m² gross floor area).

While the activity is considered compatible with the character of the Plains Zone, the proposal does not achieve the broad intention of this outcome, which is to safeguard the soil resource through limits on the scale and nature of industrial activities in the zone.

5.3.2.2 Relevant Proposed District Plan Assessment Criteria (6.2.8J)

(a) The ability of the activity to achieve the particular stated outcome of the General or Specific Performance Standard(s) and Terms which it fails to meet. Within the Plains Production Zone the outcomes principally relate to the soil effects and the effects on amenity. In this Zone the amenity centres around the open nature of the landscape, the low scale and intensity of buildings and the use of the land for orchards and cropping.

Section 5.3.2.1 above provides an assessment of the proposal against all relevant District Plan Outcomes.

The above assessment against District Plan outcomes concluded that the proposal achieved the following outcomes:

- The open character and amenity of the Plains Production Zone will be maintained.
- The potential negative environmental effects associated with the increase in stormwater runoff created by the development activity will be avoided, remedied or mitigated.

The above assessment against District Plan outcomes further concluded that the proposal does not achieve the following outcomes:

- The life-supporting capacity of the Plains soil resource will be safeguarded and the amenity of the Plains Production Zone will be protected by limiting the total scale of buildings on and sealed areas over all sites.
- Industrial Activities which have a relationship to crops produced in the Zone will have
 the opportunity to establish. The life supporting capacity of the plains soil resource will
 be safeguarded by limiting the size of Industrial activities to a size and scale that have
 a potential for minor adverse effects and is compatible with the character of the Plains
 Zone.

5.3.2.3 Relevant Proposed District Plan Objectives and Policies

Rural Resource Strategy

RRSO1 To promote the maintenance of the life-supporting capacity of the Hastings District's rural resources at sustainable levels.

RRSP2 Provide for a wide range of activities to establish, which complement the resources of the rural area, provided that the sustainability of the natural and physical resources of the area is safeguarded.

Explanation

The District Plan will enable a wide range of activities both within and beyond the traditional agricultural field to be established throughout the rural areas. However, their establishment and the scale of them, will not be allowed to occur in a manner that threatens the long term sustainable and economic use or enjoyment of the Hastings District's natural and physical resources, including the versatile land of the Heretaunga Plains. The Council will ensure that activities of a commercial or industrial nature will not have an adverse effect on the sustainability of the established Commercial and Industrial Zones in the District.

Comments

The relevant Rural Resource Strategy objectives and policies of the Proposed District Plan are the same as the relevant Rural Resource Strategy objectives and policies of the Operative District Plan. Therefore, the assessment provided above in section 5.3.1.1 of this report is considered to apply here. The assessment provided in section 5.3.1.1 is repeated below:

"While the District Plan affords high levels of protection to the rural areas of the District through controlling the scale and nature of non-productive activities that occur outside of urban areas, it does anticipate that non-rural activities in these areas may be appropriate in instances where it will not compromise the long term sustainable use of the rural resource. While activity is considered to pose a risk to the longer term sustainability of the site, both the site and the scale of the activity represent only a very small area of the total Plains resource and in isolation, will not result in a significant reduction of the versatile soil resource of the Plains Zone.

The activity, being a dry industrial activity, could locate in dry industrial areas such as Irongate as a permitted activity. These are the same areas identified in the Plan for timber processing activities. The activity falls within the definition of an industrial activity and therefore its location in the Plains Zone represents adhoc industrial development which, if replicated, could pose a risk to the sustainability of both the Plains Zone and the Industrial Zone. On this basis, the proposal is considered to be contrary to the relevant objectives and policies of the Rural Resource Strategy as they relate to the application"

Industrial Strategy/Industrial Zone

ISP6 Restrict the scale of industrial activity within the Plains Production Zone to limit the effect on the versatile land resource.

Explanation

Industrial activities are permitted within the Plains Production Zone with strict controls on the floor area of the buildings and hard stand areas associated with such activities. The provisions are designed to allow for small home occupation type industries and once the business grows beyond this scale the expectation would be that the business would re-locate to a property with an appropriate industrial zoning

IZP14 Provide for the establishment of dry industrial activities on larger sites in the Irongate Industrial Area.

ITEM 2

Explanation

The infrastructure for the Irongate Industrial Area has been designed to support dry industrial activities such as timber processing activities and transportation depots. No provision has been made for trade waste. A minimum site size has been set at 1 hectare as this is the density of development that service infrastructure and roading has been designed to accommodate. Some flexibility in lot size may be able to be accommodated provided a 1 hectare average site size density is retained. The limited access nature of Maraekakaho Road and the lack of profile on Irongate Road means that this area is not appropriate for activities seeking smaller sites with a high profile and access to passing traffic.

Comments

The activity is an industrial activity with associated building, outdoor storage, and hardstand areas which greatly exceed that which is provided for in the Plains Zone. As such, the Plan does not anticipate industrial activities of this scale in the Zone. As ISP6 relates specifically to protecting the versatile soil resource for future productive use (as opposed to visual character and amenity), the proposal is considered to be contrary to the intent of this policy in that it will result in the loss of productive land through the establishment of an activity that could locate in an industrial zone and has no link to the productive use of the site. While the activity is best suited to an industrial zone where they are specifically provided for, it is acknowledged that the activity may pose less of a threat to the overall policy direction of the Plan if it were to locate on a Rural Zone site which would provide locational benefits in terms of proximity to production forestry activities and where there is less protection afforded to the soil resource.

The Plan specifically anticipates that truck depots and timber processing activities, which the proposed activity logically has a strong relationship to, will be located on land zoned for dry industrial activities as these areas have been designed to support these activities. Furthermore, there is vacant land in these zones on which the activity could establish such as scheduled sites on Maraekakoho Road and the Irongate dry industrial area. Allowing a forestry truck depot on a Plains Zone site that is a significant distance from the dry industrial areas of the District presents a significant challenge to the Plan's vision for industrial development in the District. Industrial zones are set aside specifically for industrial activities, with provision made for the required services and infrastructure. Therefore this application and any other similar applications that follow, represent an inefficient use of existing and planned infrastructure and services.

For these reasons, the proposal is considered contrary to the policies of the Industrial Strategy and Industrial Zone, as they relate to this proposal.

Plains SMA

PSMO1 The land based productive potential and open nature of the Plains environment is retained.

PSMP2 Require that activities and buildings in the Plains environment be linked to land based production and are of a scale that is compatible with that environment.

Explanation

There are a number of buildings on the Heretaunga Plains that have been constructed on the basis that they service some permitted land use, that together with their curtilages and service areas, have large footprints and therefore utilise large areas of versatile soils. Others have found their way into the Zone by means of community facility provisions. The Council has

become increasingly aware of the importance of the versatile Plains soils and the part that they play in the regional economy. As a result the Council has adopted a sustainability approach to this resource which is clearly enunciated in the vision for the District. The approach is to ensure that only the buildings that are directly associated with the productive nature of the Zone should be permitted and those that meet this criteria need to be restricted to a scale that will not have adverse effects on the area of versatile soils available for production on the block. If the development reaches this level it should be looking to relocate to a suitably zoned site. The use of land within the Plains Production Zone for activities other than land based production (commercial or industrial) also undermines the Zones where these activities are specifically provided for.

PSMP3 Require that activities and buildings in the Plains environment do not compromise the open nature and amenity arising from land based production.

Explanation

There are a number of characteristics which contribute to the character and amenity of the Plains environment. There is an appreciation by the community of these characteristics and what sets the Plains apart from other areas of the District. These include the open nature of the environment, the producing orchards, vineyards and cropping, the small number of large buildings, and the views through to the hills that form the backdrop to the Plains. There are times where buildings are required on the Plains Zone but they should not be of a scale that makes them stand out in their environment.

PSMP4 Limit commercial and industrial activities to those that have a direct relationship to crops grown and/or stock farmed within the Plains environment.

Explanation

The Objectives of the Plains Production Zone are clearly linked to that part of the Council's Vision which is for the Hastings District to be the primary production area for the southern hemisphere. In order to achieve this, the versatile soils of the District must be preserved. Because of the proximity of the versatile soils to the urban centres it is attractive for commercial or industrial activities to establish within the Plains Production Zone. It is therefore intended that the provision for commercial or industrial uses is directly related to the use of the land. The justification for this is two-fold, with the first being that activities that bear no relationship to the primary land based use should not impact on the potential of the land to be used for that purpose, and the second being that such activities have an impact on the existing parts of the District that are specifically zoned for commercial or industrial purposes. The integrity and viability of the commercial and industrial areas of the district can be negatively eroded by activities establishing out of zone.

Comments

The proposal is not considered to pose a threat to the visual amenity of the Plains Zone, due largely to the fact that it is setback from the road is so large that the extent of outdoor storage and hardstand areas are barely discernable from the road. The number of buildings on the site does not exceed the number or scale that could occur as a result of a permitted activity (for example residential buildings and accessory buildings). The buildings are setback from the boundaries well in excess of the District Plan requirements. Therefore, the proposal does not adversely affect the open character or visual amenity of the Plains Zone. The proposal is therefore considered to be consistent with policy PSMP3.

However, the activity has no relationship to land based primary production and is of a scale that far exceeds what is anticipated even for commercial and industrial activities that bear a

relationship to produce grown in the Plains Zone. The Plan affords high levels of protection to the finite Plains Zone resource, by requiring that industrial activities be related to crops produced in the Plains Zone and that they occur at a limited scale. The Plan articulates that once industrial activities exceed these limitations, they should relocate to a suitably zoned site. Given the scale of the proposed activity, it is considered inconsistent with the objectives and policies of the Plan in a way that is twofold; firstly that it significantly exceeds the industrial activity limits and secondly that is bears no relationship to the Plains Zone. The activity therefore represents a loss of Plains Zone land for an industrial activity that bears no relationship to crops grown, or stock farmed in the Plains Zone. This is considered to be contrary to PSMP3 and PSMP4 and, if replicated could pose a risk to the sustainable management of the Plains Zone.

Given the overarching purpose of the Plains Strategic Management Area (Plains SMA) is to protect the soil resource, the proposal is considered contrary to the overall policy direction of the Plains SMA despite the fact that it does not detract from the character or amenity of the zone.

Plains Production Zone

PPO1 To ensure that the versatile land across the Plains Production Zone is not fragmented or compromised by building and development

PPP2 Restrict Forestry activities in the Plains Production Zone

Explanation

Production Forestry does not result in the most sustainable use of the versatile land of the District as the economy is inextricably linked to food production. Production Forestry within the Plains Production Zone would result in reduced employment opportunities and it is likely to result in reduced water yield in the long term. For these reasons the Council will restrict production forestry in the Plains Production Zone.

PPP3 Limit the number and scale of buildings impacting on the versatile soils of the District.

Explanation

There have been a number of instances where buildings have impacted on the versatile land of the Plains Production Zone as a result of their scale. Some of these buildings are still associated with food production such as those used for intensive rural production activities. These are subject to resource consent with assessment of the effects on the soil resource. While it is beneficial to allow for industrial or commercial activities that add value to the produce coming off the land it is important that these activities are not allowed to reach such a scale as to impact on the versatile soils that the activity originally relied on at its inception. While the policy does not apply to buildings accessory to land based primary production these buildings can become an issue if their use becomes redundant. While there is value in providing for the re-use of these buildings, the situation should not be allowed where farm buildings are constructed and then their uses change within a relatively short time period.

Comments

The Plan outlines that commercial and industrial activities in the Plains Zone should support the productive operation of the zone. Policy PPP2 identifies that forestry activities are an inappropriate use of Plains Zone land. Although the District Plan definition of 'forestry' does not include forestry truck depots, the Plan does state that industrial activities in the Plains Zone should be supportive of Plains Zone production. If production forestry is specifically identified as being inappropriate in the zone, natural order would suggest that industries that support

forestry operations would also be inappropriate in the Plains Zone. On this basis, the proposal is considered to be inconsistent with PPP2.

The proposal does not involve large areas of building cover. The activity is primarily comprised of hardstand and outdoor storage areas. While this still represents a loss of Plains Zone land, it is more easily reversible than built coverage. This allows the opportunity for a productive use to be re-established on the site in the future (given that the site is currently operating as a truck depot without resource consent). As the number of scale of buildings on the site associated with the activity do not exceed what could occur as a result of a range of permitted activities, the proposal is not considered to be inconsistent with PPP3.

PPO2 To provide for flexibility in options for the use of versatile land

PPP7 Provide for industrial and commercial activities in the Plains Production Zone with limits on scale and intensity to protect soil values, water values and rural character

Explanation

The ability to establish industrial and commercial activities within the Zone as Permitted Activities is for the purpose of allowing primary producers to add value to produce that has been grown on the site. It is not intended that the Plains Production Zone should provide commercial or retail opportunities for owners who may wish to take advantage of a high profile location or area of high amenity. Any commercial or industrial activity should be directly linked to the use that is undertaken on the site. The scale of commercial and industrial development is an important consideration as it should not be such as to adversely impact on the versatile land on which the activity is sited, and to ensure that adverse effects on neighbouring properties, such as noise or traffic generation, are not experienced. Furthermore there are specific Zones within the District that provide for both commercial and industrial activity, and limits on the scale and intensity of these activities within the Plains Production Zone will assist in maintaining the efficiency and effectiveness of the Commercial and Industrial Zones. The limits on scale will also ensure that the character of the Zone is protected. It is also recognised that the use of resources.

Comments

As outlined above, the site's activities bear no relationship to produce grown on the subject site, or in the Plains Zone generally. In addition, the scale of the activity exceeds the scale that is provided for in the Plan. Whilst flexibility of use is sought by the objective it is not considered that this extends as far as what results from the proposed activity in terms of compromising the versatility of the land. The site has previously contained a productive orchard and is therefore the soil is assumed to be of a quality appropriate for productive uses. On this basis, the activity is considered to pose a threat to the policy direction of the Plan and if the situation were to be repeated across the Plains Zone, a threat to the soil resource. As such, the proposal is inconsistent with PPO2 and PPP7.

PPO3 To retain the rural character and amenity values of the Plains Production Zone

PPP10 Require that any new development or activity is consistent with the open and low scale nature that comprises the rural character and amenity of the Plains Production Zone

Explanation

The Plains Production Zone is topographically flat but does have a distinctive rural character. This relates to the openness of the environment and to the low scale of any development within

the Zone. Generally the property sizes within the Plains area are of a size that supports production. These features help to accentuate the flat and open topography of the Plains.

PPP11 Require that any new activity locating within the Plains Production Zone shall have a level of adverse effects on existing lawfully established land uses that are no more than minor

Explanation

The District Plan introduces a range of Standards to protect adjoining properties from the effects of activities carried out on any site. The standards reflect the present agricultural nature of the Zone, and the management standards accepted in the Zone. In many cases these have been established over a long period of time and have evolved through a number of District Plan review processes

Comments

The proposal is not considered to pose a threat to the open character or rural amenity of the Plains Zone. This is because the activity is setback from the road by over 400 metres. As such, the scale of the activity, including hardstand and outdoor storage areas are barely visible from the road. As the determine in the Section 95 assessment, adverse effects associated with the activity are considered to be no more than minor and within the expected character and amenity for the zone. Therefore, the proposal is considered consistent with PPO3, PPP10, and PPP 11.

Summary of Objectives and Policies Assessment

The proposal is considered unlikely to compromise the open character of the Plains Zone, or result in adverse effects on the amenity of the zone that are any more the minor. On this basis, the proposal is consistent with PPO3, PPP10, PPP11. However, despite this the proposal is considered contrary to the overall policy direction for both the Plains Zone and the Industrial Zone, which seek to protect the soil resource of the Plains Zone and the sustainability of the industrial areas of the District Plan, by avoiding ad-hoc industrial development that is unsuited to the Plains Zone due to the risk these types of activities pose to the sustainable management of versatile soils in the area. The overall focus of the Plains Zone and the Plains SMA is to protect the finite, valuable soil resource from inappropriate uses that are not dependant on this resource. The proposal is considered to present a significant challenge to the relevant objectives and policies of the District Plan in that the proposal is considered contrary to this overall policy direction of the Plains. The is because the activity bears no relationship to crops grown in the Plains Zone, greatly exceeds the scale anticipated by the Plan, and is an activity which the Plan specifically articulates as being most appropriate in a dry industrial area, such as Irongate. As such, the proposal is considered to compromise the sustainable management of both the Plains and Industrial Zones.

5.3.2.4 Weighting of the Operative and Proposed Hastings District Plans

The overall policy direction for the Plains Zone has not changed dramatically between the Operative and Proposed District Plan in that the primary intended outcome for the zone is to protect the versatile soil resource. The Proposed District Plan includes a number of stronger objectives and policies to secure this outcome.

As discussed above, there are two appeals against the Proposed District Plan that are relevant to this application. As such, the Operative District Plan must still be considered and afforded some legal weight. The conclusion of this assessment was that the proposal is contrary to the relevant objective and policies of the Operative District Plan.

An assessment was also made against the Proposed District Plan. As the Proposed District Plan is the more recent document and has been through the submissions process it is considered to reflect the vision of both the Council and community for the Plains Zone for the next ten years (although the appeals discussed above are acknowledged). For this reason, the Proposed District Plan should be given more weight than the Operative District Plan.

Matters of weight aside, the above assessment concluded that the proposed activity is contrary to the overall policy direction of both the Operative and Proposed District Plan.

5.3.3 Regional Policy Statement (RPS)

Objectives

OBJ UD3

Identify and provide for the land requirements for the growth of business activities in the Heretaunga Plains sub-region in a manner that supports the settlement pattern promoted in OBJ UD1.

Comments

The proposal is for an industrial activity that bears no relationship to crops produced in the Plains Zone. There are no existing (lawfully established) industrial activities on the site and there is no locational requirement for the activity to establish in the proposed location, other than the convenience of having the administration base co-located with the residence. There are identified dry industrial areas within the District and identified areas for industrial expansion. Therefore it cannot be considered necessary in the broad sense of the term for this proposal to encroach onto the Heretaunga Plains. Industrial activities which have no link to the crops produced in the District and no requirement to locate in the Plains Zone may pose a threat to planned development patterns in respect of both the Heretaunga Plains and industrial areas in the District. Therefore, the proposal is considered contrary to the relevant objectives of the RPS, which seek to concentrate industrial activities within particular areas in order to prevent unnecessary encroachment onto the Heretaunga Plains.

Policies

POL UD2

In the Heretaunga Plains sub-region, district plans shall provide for business activities to 2045, in a manner which:

 a)Reinforces the role of Napier and Hastings cities as the commercial and business core of the Heretaunga Plains, whilst supporting adequate capacity in defined rural towns and settlements for a range of day-to-day services and activities;

- c)Promotes the utilisation, redevelopment and intensification of existing industrial land, and provides sufficient additional greenfields industrial land to ensure demand for new land can be met by supply;
- d) Promotes the utilisation of existing infrastructure availability, capacity and quality as far as reasonably practicable;
- e) Avoids unnecessary encroachment onto the versatile land of the Heretaunga Plains

POL UD4.5

Within the Heretaunga Plains sub-region, areas where future industrial greenfield growth for the 2015-2045 period have been identified as appropriate, subject to further assessment referred to in POL UD10.1, POL UD10.3, POL UD10.4 and POL UD12, are:

- a) Irongate industrial area
- b) Omahu industrial area
- c) Whakatu industrial area
- d) Tomoana industrial area
- e) Awatoto industrial area

Comments

As discussed above, the RPS states that industrial activities within the Heretaunga Plains be avoided. This reason for this, as they relate to the application, is twofold; firstly that the finite soil resource be sustainably managed so as to provide for land based primary production. Secondly is to ensure that industrial activities are located in appropriate areas so as to utilise existing infrastructure and to follow planned development patterns. As a dry industrial activity of this scale and nature that will occur in isolation within the Heretaunga Plains, the proposal fails to satisfy the overarching policy objective on both of these counts. The proposal, by seeking to establish a dry industrial activity on the Heretaunga Plains which bears no relationship to versatile soils, is considered contrary to the policies of the RPS as they relate to this application.

6.0 OTHER MATTERS RELEVANT MATTERS REASONABLY NECESSARY TO DETERMINE THE APPLICATION

As a non-complying consent application, the setting of adverse precedent effects and challenges to the integrity of the District Plan and are relevant 'other matters' to be considered under s 104(1)(c).

6.1 Precedent Effects

It is considered that the grant of consent for the establishment of a relatively large scale industrial activity on Plains Zoned land could establish a precedent for such applications. While this activity alone would not result in more than minor effects on the soil resource, the repetition of this type of activity with no connection to productive land uses, being able to establish on Plains Zone land would undermine the Plan's strategy of protecting the soils resource and is considered likely to give rise to serious ramifications for the soil resource.

Industrially zoned land is likely to have a higher land value/cost to establish than Plains Zone land, and development in the Industrial Zone is subject to careful controls. Given establishment within the Plains Zone could therefore be considerably less expensive, there is likely to be a high demand for industrial development in the Plains Zone if a precedent allowing such activities is established. Anecdotally, business owners frequently enquire about the possibility of establishing commercial or industrial activities on Plains Zone land. Support for this is recent enquires from other transport businesses and other industrial activities.

I have considered whether there are any exceptional qualities that would distinguish the Satherly Logging application from other applications to establish an industrial activity on Plains zoned land. It is not considered that there are any such qualities. This is for the following reasons:

- The site, although relatively small, is considered to be a fairly typical Plains Zone site in that it does not contain any lawfully established commercial or industrial activities. The only lawfully established non-productive use on the site is the residential dwelling. This was lawfully established and residential activities are commonly found on Plains Zone sites. This site is very flat and uniform in shape. Although the site is below the minimum site size for the zone, this is a common feature of Plains Zone properties and does not mean that the site cannot be used productively.
- The surrounding environment is typical of the Plains Zone, with land based primarily
 production being the clearly predominate land use.
- The site is separated from the nearest industrial zone by a river.
- Although the site, being 2.9ha, is well below the minimum site size for the zone, the
 District Plan does not suggest that non-productive land uses are appropriate on
 undersized sites, simply because the site is undersized. The Plan instead incentivises
 the amalgamation of existing undersized sites in the Plains Zone through the lifestyle
 site subdivision provisions, in order to make them more functional for land based
 primary production activities.
- There are a large number of sites within the Plains Zone of a similar size to the subject site that are used productively, as was the subject site up until approximately 2009. It is considered that allowing activities of this nature on the basis that they are below the minimum site size for the zone would have serious ramifications for the integrity of the District Plan and would work against District Plan incentives to amalgamate these titles to create larger land holdings that better support land based primary production activities.

In my opinion, the grant of consent to this application would lead to significant pressure on Council to grant further applications which would be materially indistinguishable from this one, notwithstanding the fact that each case is to be assessed on its own merits.

3.2 District Plan Integrity

While this application itself may not result in adverse effects that are more than minor, the ongoing repetition of this type of activity establishing across the Plains zone would undermine the integrity of the District Plan.

Several Environment Court cases have considered applications for development in the Plains Zone and their impact on the integrity of the District Plan, although it is noted that each of these following applications were assessed under a different planning document (Operative District Plan) to this particular application, which requires detailed assessment under the Proposed District Plan (September 2015), they are still considered relevant as a guide for the assessment of this application.

In McKenna v Hastings District Council (W106/2008), the Environment Court declined an appeal against Council's decision to refuse consent to a non-complying subdivision application in the Plains Zone. The proposal was to create one lot of 4,018m² containing an existing house, and a balance lot of 2.5ha. The Court held that while the subdivision would have no adverse effects on the environment that were more than minor (at [27]):

... the proposal is not only contrary to Policy PLP3 but also the overall thrust of the objectives, policies and other provisions of the District Plan. Those provisions aim to promote the sustainable management of the Heretaunga Plains land resource, finite in nature and with a productive and life-supporting capacity not just for the

present, but also for future generations. The type of ad hoc subdivision and associated residential development of the land resource that is proposed would run directly counter to those provisions.

The Court went on to emphasise that "Things do not begin and end with effects, and it must be the case that on occasion, the terms of a planning document may prevail, even if adverse effects are not decisive" (at [37]).

On appeal, the High Court upheld the Environment Court's approach, noting at [65]) that the lower court had found "that notwithstanding this particular subdivision would have adverse effects that were no more than minor, it would run directly counter to the provisions of the Plan in that it would result in a land holding that could not accommodate a wider range of activities that can support the life-supporting capacity of the Plains resource; it is contrary to the intention of the Plan, which is to retain the land in rural use rather than urban use".

While the current application does not involve residential development, I consider this case to be relevant in describing the nature and importance of the Plains Zone provisions, and the strong preference for the Plains Zone to be used for rural, productive uses.

In McHardy v Hastings District Council [2011] NZEnvC 339, the applicant sought to subdivide an 8.2456 ha Plains Zone site to create an additional title of 2300m³ containing an existing visitor accommodation unit. While the Court agreed there were no adverse effects on the environment, the subdivision would contribute to the fragmentation of rural land and was inconsistent with various objectives and policies. It noted:

Our conclusion is that the overarching intent of the relevant plan provisions is to at least maintain, and if possible increase, the availability of land with suitable soils for productive use and to seek the sustainable utilisation of the soil resources of the Plains. Loss or damage to soils, as well as fragmentation of Plains land, are seen as threats to that resource.

In considering whether the application would undermine the integrity of the District Plan, the Court noted that landowners could potentially develop visitor accommodation on their land and then seek subdivision approval, "as a mechanism to circumvent the Plan provisions seeking to restrict further ad hoc residential development and urbanisation of the Plains" (at [39]). The Court declined the appeal on the basis that the proposed subdivision would not sustain the potential of the Heretaunga Plains lands to meet the needs of future generations (at [43]).

While McHardy concerned residential subdivision, it is considered that the Court's emphasis on the importance of the Plains' soil resource and the strength of the objectives and policies are relevant to this application.

The Environment Court in *Bunnings v Hastings District Council* [2011] NZEnvC 330 declined an appeal against the Council's decision to grant consent to allow the establishment of a commercial activity on the Plains Zone. In that case there were adverse effects that were more than minor as well as the proposal being contrary to the objectives and policies of the Plan, however the Court went on to consider other matters, including the integrity of the District Plan under s 104(1)(c). It held, at [156] – [157]:

The principal other matters to which we have had regard are issues of precedent and consistent administration of the District Plan. It is well recognised that the granting of a resource consent application may give rise to an expectation that

similar proposals will be similarly treated and that local authorities should demonstrate a degree of consistency in the manner in which they apply the provisions of their planning documents. We accept the evidence of Messrs Matheson and Holder that approving this application would have a precedent effect or give rise to issues of plan interpretation and integrity.

Bunnings contended that this was a truly exceptional situation which took it beyond the ambit of the objectives and policies and removed any precedent aspect to the grant of consent. We accept the evidence of Mr Matheson that ... there are no qualities in the Bunnings proposal that distinguish it from other commercial service/large format retail proposals of this type.

In JARA Family Trust v Hastings District Council [2015] NZEnvC 208 the Environment Court upheld an appeal against the Council decision to decline consent to construct an industrial workshop of 2,400m² and a canopy of 1,200m² for the construction, storage, and sale of prefabricated residential and commercial buildings, and to utilise existing office and sales buildings of 110.4m² on a Plains Zone property at 1139 Maraekakaho Road.

The Council's decision was that although adverse effects on the environment were no more than minor, the activity was contrary to the objectives and policies of the Plan and would undermine the integrity of the Plan to the point that the application should be declined.

The Court determined at [12]

We consider that the reality is that this node around the intersection of Maraekakho and Irongate Roads has, de facto, ceased to be Plains zone land in a true sense. This piece of land, and those to its north, west and south, have, by their inherent nature in terms of productivity, and by the consent decisions that have affected them, become something of an anomaly in the Plains or Plains Production zones, and a simple recognition of that will not, we consider, do harm to the integrity of the Plains.

This proposal is considered to differ significantly from particular case outlined above for a number of reasons. Firstly is that the subject site does not contain any lawfully established commercial or industrial activities on the site. Up until 2009, the site contain an orchard and was a fairly typical Plains Zone site. The same comments can be made about surrounding properties. The Clive River provides a clear delineation between the subject site and the geographically close Whakatu industrial area. Considering the policy direction of the District Plan and the RPS, it is considered highly unlikely that the subject site and surrounding environment would be rezoned to Industrial in the foreseeable future. For these reasons, the subject site is not considered an anomaly in the Plains Zone and therefore, the proposal is inherently different to the JARA Family Trust application. As such, the issue of District Plan integrity remains a valid consideration in the assessment of this proposal. In addition the comments made by the Court in this case illustrate the importance of not making ad-hoc decisions on resource consents in the Plains Zone that overtime make it a de facto industrial zone. It is considered this particular finding by the Court was an important factor in the hearing and ultimate the decision to uphold the appeal.

In my view, there is an irreconcilable clash with important provisions of the Plan when read overall and a clear perception there will be materially indistinguishable and equally clashing further applications to follow. In the circumstances, it is considered that the grant of consent to this application will undermine the integrity of the Plan to the point that the application should be declined.

7.0 PART II OF THE RESOURCE MANAGEMENT ACT 1991

The Act seeks to promote the sustainable management of natural and physical resources. Part II of the Act deals with the purposes and the principles of the Act.

In Section 5 of the Act, "sustainable management" is defined as:

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

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

It is considered that the proposed development will have social, cultural and economic benefits for the District by providing employment. Any potential adverse effects on the environment in relation to landscape and visual amenity, noise, vibration, dust, glare, the character and amenity of the surrounding area and traffic safety and efficiency will be avoided, remedied or mitigated.

However, the proposed development will result in a loss of versatile soil through establishing an industrial activity that has no relationship to the Plains Zone. While affecting only a small percentage of the total Plains soil resource, it will not be consistent with Section 5(2)(b) as it will not safeguard the life-supporting capacity of the Plains versatile soil resource.

<u>Section 6</u> of the Act requires all persons exercising functions and powers under the Act to recognise and provide for matters of national importance. There are no section 6 matters of relevance to this application.

<u>Section 7</u> of the Act sets out the matters the Council shall have particular regard to in achieving the purpose of the Act. Those matters of relevance to this application are:

- (b) the efficient use and development of natural and physical resources:
- (c) the maintenance and enhancement of amenity values:
- (f) maintenance and enhancement of the quality of the environment:
- (g) any finite characteristics of natural and physical resources:

In regard to Section 7(b) the proposal will not be an efficient use of the Plains Zone soil resource and will not facilitate the efficient and optimum use of existing industrial resources.

In regard to Section 7(c) and (f) the issue of amenity values has been discussed in previous sections. It has been concluded that the proposal will not detract from the existing character and amenity of the wider environment.

Section 7(g) requires particular regard to be had to any finite characteristics of natural and physical resources. The Plains soil resource is recognised as being a finite natural resource. The proposed oversize industrial activity, and in particular the oversize outdoor storage and hardstand areas, will result in the loss of Plains versatile soil resource, which is not consistent

with Section 7(g). It would also create a precedent for other applications which, in combination, would further threaten the finite Plains resource

<u>Section 8</u> of the RMA states that, in relation to managing the use, development and protection of natural and physical resources, the principles of the Treaty of Waitangi (Te Tiriti o Waitangi) must be taken into account.

There are no known Treaty of Waitangi issues associated with the proposed development.

8.0 CONCLUSION AND RECOMMENDATION

Overall, it is concluded the adverse effects of the proposed activity on the environment will be no more than minor. As such, the first test under Section 104D(1)(a) is satisfied and the application could proceed to be substantially assessed under section 104 of the RMA.

The proposal is contrary to the relevant objectives and policies of the Operative Hastings District Plan, the Proposed Hastings District Plan, and the Regional Policy Statement. It therefore does not satisfy Section 104D(1)(b).

It is considered that the grant of consent for the establishment of an industrial activity of this scale and nature on Plains Zoned land would establish a precedent for other similar applications. The repetition of this type of activity being able to establish on Plains Zone land would undermine the Plan's strategy of protecting and maintaining the soils resource.

The proposal will not give effect to Sections 5(2)(c) and 7(g) of Part 2 of the Act, as it does not safeguard the life-supporting capacity and finite characteristics of the Plains versatile soil resource.

Therefore it is recommended that consent to this application be declined.

Attachment I

Attachment I - RMA20150318 - Copy of Resource Consent for 317 Farndon Road

Ітем 2

HASTINGS DISTRICT COUNCIL

Decision following hearing of an objection to a decision to refuse resource consent

SUBJECT: Decision on an objection to a decision to refuse resource consent for a non-complying land use consent in the Plains Zone/Plains Production Zone – 315 Farndon Road – Satherley Logging Ltd (Council reference **RMA20150318**)

PURSUANT TO SECTION 357D OF THE RESOURCE MANAGEMENT ACT 1991, THIS OBJECTION IS UPHELD IN PART.

THE FULL DECISION IS SET OUT BELOW

HEARING PANEL: The application was heard by the Hearings Committee

on Monday 20th and Wednesday 29th June 2016:

Chair: Councillor Mick Lester

Councillor George Lyons

Community Board member: Bayden Barber

COUNCIL OFFICERS: Lauren Clews - Reporting Planner

Caleb Sutton: Team Leader Environmental

Consents/Subdivision

Christine Hilton - Committee Secretary

OBJECTOR: Bevin Satherley – Applicant

Roger Wiffin - Planning consultant

1.0 INTRODUCTION

- 1.1 Under section 357A of the Resource Management Act 1991, Satherley Logging Ltd (the applicant) lodged an objection to Hastings District Council's decision to refuse, under officer delegated authority, a non-notified non-complying activity resource consent application for a logging truck depot with associated outdoor storage on a site in the Plains Production Zone (Council application reference RMA20150318).
- 1.2 The reasons for the objection included that the adverse effects on the environment are no more than minor, that the operation of the industrial activity is not entirely contrary to the objectives and policies of the Hastings District Plan, and granting of consent for the activity is unlikely to establish an adverse precedent or to undermine Plan integrity.
- 1.3 At the commencement of the hearing the applicant's planning consultant outlined a number of notable changes (reductions in size and scale) to the application as originally assessed and decided upon by the Council.
- 1.4 After listening to the applicant's evidence the hearing was adjourned by the Hearings Committee to allow Council officers to consider the amended application and provide an addendum to the reporting officer's report.
- 1.5 The addendum to the officer's report maintained the same recommendation, based on similar reasons, to dismiss the objection as per the original officer's report.

2.0 BACKGROUND

2.1 The Amended Application

The applicant applied to the Hastings District Council for retrospective resource consent for an oversize industrial activity (logging truck depot) in the Plains Production Zone (Hastings Proposed District Plan – September 2015) on the subject site at 315 Farndon Road. As part of the activity, up to 6 truck and trailer units (18 metre trucks) are stored on the site overnight and when not on forestry plantations. The site contains several buildings associated with the industrial activity. In addition to this, the site is used to store forestry machinery and harvested logs.

- 2.1.1 The total gross floor area of all industrial buildings on the site is 96m² made up of the following:
 - Workshop (60m² used for industrial activity and the other 60m² is used for personal storage (not associated with the industrial activity)
 - Office building 36m²
 - A pump shed (excluded from definition of gross floor area)
 - Fuel storage (excluded from definition of gross floor area)
- 2.1.2 The total outdoor use/storage area is 1100m² (made up of the area used to store the trucks overnight, the log storage area, and the machinery storage area). The total hardstand on the site is 2345m². The total hardstand area includes the buildings, outdoor use and storage area, and truck access and turning areas. The activity employs 7 people (6 truck drivers and one administrator), two of whom reside on the site.
- 2.1.3 At present, the site is accessed via a formed vehicle crossing and driveway on the adjacent property. However, the applicant does not have any formal right to use

this. The legal access to the property is via a vehicle crossing, gate, and farm track on the eastern side of the property.

3.0 GROUNDS OF OBJECTION

- 3.1 The applicant objected to the decision to refuse consent for the following reasons:
 - a) The effects on the environment are no more than minor,
 - b) The operation of the industrial activity is not entirely contrary to the objectives and policies of the Hastings District Plan,
 - c) The granting of consent for the activity is unlikely to establish an adverse precedent or to undermine Plan integrity.

No further details of the grounds of the objection were provided, and for that reason, the reporting officers section 357 report largely summarised and applied the main findings of the previous officer's report regarding the application and the decision to refuse consent itself, in addressing each ground of the objection raised.

4.0 STATUTORY CONTEXT

- 4.1 Section 357 Right of Objection
- 4.1.1 Section 357A(1)(g) RMA allows a resource consent applicant to object to a consent authority in respect of the consent authority's decision on an application for resource consent if the application was not notified. Section 357A(1)(g) provides:

357A Right of objection to consent authority against certain decisions or requirements.

(1) There is a right of objection to a consent authority,—

holder, if the application or review was not notified

- (g) in respect of the consent authority's decision on an application or review described in subsections (2) to (5), for an applicant or consent
- 4.1.2 Section 357A(2) provides that section 357A(1)(g) will apply to an application for resource consent made under section 88 RMA and provides:
 - (2) Subsection (1)(f) and (g) apply to an application made under section 88 for a resource consent. However, they do not apply if the consent authority refuses to grant the resource consent under sections 104B and 104C. They do apply if an officer of the consent authority exercising delegated authority under section 34A refuses to grant the resource consent under sections 104B and 104C.
- 4.1.3 The application in this instance was non-notified and was refused consent under s104B RMA by an officer exercising delegated authority. Therefore, the applicant has a right of objection under s 357A(1)(g) in respect of Council's decision to refuse the application.
- 4.2 Section 357C Procedure for Hearing Objections

- 4.2.1 Section 357C sets out the procedures for making and hearing objections under 357A and 357B. In the case of an objection under section 357A the Council must consider the objection within 20 working days. This timeframe was extended under s37 of the RMA 1991 at the request of the applicant.
- 4.2.2 If the objection has not been resolved, the person or body to which the objection was made must give at least 5 working days written notice to the objector of the date, time and place for a hearing of the objection. The hearing was set down to be held in the Hastings District Council Chambers on 20th June 2016, commencing at 09.30am.

4.3 Section 357D – Decision on Objections

4.3.1 Section 357D sets out possible decisions that can be made in relation to an objection under s375A and the procedural requirements for making a decision.

357D Decision on objections made under sections 357 to 357B

- (1) The person or body to which an objection is made under sections 357 to 357B may—
 - (a) dismiss the objection; or
 - (b) uphold the objection in whole or in part; or
 - (c) in the case of an objection under section 357B(a), as it relates to an additional charge under section 6(3), remit the whole or any part of the additional charge over which the objection was made.
- (2) The person or body to which the objection is made must, within 15 working days after making its decision on the objection, give to the objector, and to every person whom the person or body considers appropriate, notice in writing of its decision on the objection and the reasons for it.
- 4.3.2 Pursuant to section 358 RMA, any person who has made an objection under s357A may appeal to the Environment Court against the decision on the objection.

5.0 EVIDENCE PRESENTED

The Committee heard evidence from the applicants Planning Consultant and the applicants legal counsel (the legal evidence was in written form only and read by the planning consultant). The Committee took the Council's reporting officers' section 357 report as read.

5.1 Applicants Planning Consultants Evidence

The applicant's planning consultant, Roger Wiffin, read through this written statement of evidence. In brief this evidence stated:

- · The reasons for the objection
- Summarised the officers section 104 report and Council decision to refuse consent

- Noted that it was common ground between the Council officer and the applicant that the effects of the proposed activity would be no more than minor
- Outlined primary matters of contention being whether the activity was contrary to the relevant District Plan's objectives and policies, the approach and weight placed on the principle of precedent and the likely impact on the integrity of the District Plans
- Clarified the reduced scale and nature of the activity now proposed
- Introduced proposed conditions to mitigate effects
- · Included opinion on soils effects from a soil expert
- Further considered the application based of the amendments introduced in terms of effects, objectives and policies, precedent effect and District Plan integrity, and Part 2 of the Resource Management Act 1991
- Concluded that the consent should be granted subject to proposed conditions

5.2 Applicants Legal Counsel Evidence

The applicants Legal Counsel, Lara Blomfield, prepared a written statement of evidence that was read by Roger Wiffin: In brief this evidence stated:

- The proposal does not present a 'significant challenge' to the key objectives and policies of the district plan because it is a small scale industrial activity within a limited life which does not pose a threat to the life-supporting capacity of the Heretaunga Plains soil resource
- In terms of precedent effect and District Plan integrity there are factors in this application that take it outside the generality of cases including small site size, small scale of activity and the proposal to limit the grant of consent to a specific person

5.3 Reporting Officer Evidence (following adjournment)

The Councils reporting officer, Lauren Clews, summarised the addendum to her original report following the hearing adjournment. In brief this evidence stated:

- Despite amendments to the activity, the outdoor storage was still 11 times larger than what is provided for in the District Plan for non-plains related activities
- The activity did not support land based primary production
- The activity would set a precedent
- There were no unique characteristics in this situation
- Granting consent would be contrary to the objectives and policies of the Operative and Proposed District Plan and would undermine the integrity of the Plan

6.0 THE PRINCIPAL ISSUES IN CONTENTION

The principal issues in contention can be summarised as follows:

- Whether the Activity is Contrary to the Objectives and Policies of the Hastings District Plans
- b. Whether the Activity is likely to Establish an Adverse Precedent or Undermine Plan Integrity

Our findings in respect of these issues are discussed below.

7.0 FINDINGS

- 7.1 Whether the Activity is Contrary to the Objectives and Policies of the Hastings District Plans
- 7.1.1 The second ground of objection stated that the proposed activity is not "entirely" contrary to the objectives and policies of the Hastings District Plan. The first ground of objection related to adverse effects of the environment which both Council officer and the applicant agreed were no more than minor thus this first ground is not in contention.
- 7.1.2 Both the officer's report and the applicants planning evidence stated the proposal does not conflict with objectives and policies related to maintaining the open character and amenity of the Plains Production Zone. The Committee agrees with this conclusion as the large setback of the activity from the road ensures that it is not easily seen from the surrounding environment.
- 7.1.3 Both the officer's report and the applicant's report identified that the principal objectives and policies for the Plains Production Zone seek to protect the versatile soil and the versatile land resource. The overall focus of the Plains Production Zone, and the Plains Strategic Management Area (SMA) and the Rural Resource Strategy of the Proposed District Plan, is to protect the finite, valuable soil resource from inappropriate uses.
- 7.1.4 In terms of this matter the Committee consider that the reduced scale, and evidence presented that the land can be rehabilitated, notably reduces the degree of conflict with the key objectives and policies of both the District Plans. This rehabilitation relates to both the amended area in the short term and the entire industrial area should the activity cease to operate. In regard to the key direction of avoiding fragmentation of the versatile land we note that policy PPP3 of the Proposed Plan supports the key objective PP01 which states:

Limit the number and scale of buildings impacting on the versatile soils of the District.

The amended application will result in an amount of industrial building which is comparable to the permitted levels allowed in both the Operative and Proposed District Plan.

7.1.5 Having considered the evidence, while there may be some provisions of the District Plan that the proposal is not consistent with, The Committee considers that

the reduced scale format of the amended activity proposed (subject to 7.1.6 below) is overall not contrary to the important strategic objectives and policies of the Operative Plan and the Proposed District Plan and does satisfy the second test under Section 104D(1)(b).

- 7.1.6 In order to reach this conclusion The Committee consider it necessary that more specific limits should be placed on the proposed activity to ensure it is not contrary to the relevant objectives and policies. These include:
 - That there is to be no storage of logs on the site on either a temporary or permanent basis. The Committee consider the storage of logs makes the activity more industrial in nature as it involves the storage of a good/product.
 - No industrial machinery (other than the 6 logging trucks and their trailers) shall be allowed on the site.
 - That the area no longer allowed to be used as part of the activity (i.e. as a
 result of the amended application) is rehabilitated within 6 months of the
 issue of this decision. In addition, the rehabilitation of the land shall be in
 accordance with recommendations from, and supervised and certified by,
 a suitably qualified soil expert.
 - That a permanent fence is constructed at the southern extent of the reduced scale industrial activity. This is to assist in the separation and protection of the rehabilitated areas from the areas that will continue to be used as part of the industrial activity.
 - That in the event that the activity ceases on the site that the area of hardstand and gravel is rehabilitated within 6 months. This area is defined as commencing from a point 5 metres south of the southern wall of the existing industrial building continuing back to the permanent fence constructed as above. This area is approximately 1080m². The rehabilitation shall be in accordance with recommendations from, and supervised and certified by, a suitably qualified soil expert.

7.2 Whether the Activity is likely to Establish an Adverse Precedent or Undermine Plan Integrity

- 7.2.1 The third and final ground for objection was that the proposal is unlikely to establish an adverse precedent or undermine Plan integrity.
- 7.2.2 As a non-complying consent application, adverse precedent and integrity of the District Plan are relevant 'other matters' to be considered under s 104(1)(c).
- 7.2.3 The Council reporting officer did not believe either the proposal or subject site have any exceptional or unusual characteristics which would prevent an adverse precedent from being set.
- 7.2.4 The applicant's planning consultant and legal counsel both stated that there were sufficient reasons to distinguish this activity from other activities in terms of potential precedent effect.
- 7.2.5 In the Committee's view, there are (subject to 7.2.6 below) sufficient distinguishing elements to the proposed activity. Most notably the applicant has proposed to limit

the grant of consent to a specific party. This activity is different from a more typical industrial manufacturing activity that may occur within the District. In addition, removing the log storage component significantly reduces the scale of the proposal and eliminates the industrial storage component of the applications. Furthermore, the applicant (owner operator) and his family live on the site.

- 7.2.6 However, in order to reach this conclusion The Committee consider it necessary that a more specific limit should be placed on the proposed activity to ensure it does not set an adverse precedent effect or undermine District Plan integrity. This was also offered by the applicant as a means of mitigating potential effects on the environment. This includes:
 - That the consent is issued pursuant 134(1) of the Resource Management Act 1991 so this consent is for the benefit of and may only be exercised by Bevin Satherley while he is resident on the site and may not be enjoyed or given effect to by any other entity, owner or occupier of the land. In addition under section 134(3) of the Act the resource consent is expressly recorded to be not transferable.

8.0 DECISION

- 8.1 That the objection made by Bevin Satherley to the decision to refuse resource consent RMA20150318 at 315 Farndon Road, Hastings, under section 357D of the Resource Management Act 1991, **be upheld in part**, for the following reasons, and the reasons contained in the Findings section of this decision:
 - (a) The adverse effects on the environment are no more than minor.
 - (b) The proposal is not contrary to the relevant Objectives and Policies of the Operative and Proposed District Plans.
 - (c) The activity will not set an adverse precedent and will not undermine plan integrity of either the Operative or Proposed District Plan.

8.2 Pursuant to Rule 6.7.3 of the Operative Hastings District Plan (2003), Rule PP33 of the Proposed Hastings District Plan (As Amended by Decisions 12 September 2015), Regulation 11 of the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protection Human Health and Sections 104, 104B, 104D and 108 of the Resource Management Act 1991, consent is GRANTED for an oversize Industrial activity within the Plains Production zone, at 315 Farndon Road, Hastings.

Subject to the following conditions:

General

- The industrial activity on the site shall be operated in accordance with the plans and information submitted as an amended proposal to the objection hearing (HDC reference 101712#0083, 0085), unless otherwise altered by the conditions of this consent.
- 2. Pursuant to section 134(1) of the Resource Management Act 1991 this consent is for the benefit of and may only be exercised by Bevin Satherley while he is resident on the site, and may not be enjoyed or given effect to by any other entity, owner or occupier or lessee of the land, and under section 134(3) of the Act the resource consent is expressly recorded to be not transferable.
- 3. That within 6 months of the date of this section 357 objection decision the consent holder shall:
 - a. Rehabilitate the soils in the area of the site located to the south of the area of hardstand and buildings. The area of hardstand and buildings is indicated by white hatching shown on the approved plan Cheal 15334-LU001 Rev C (HDC Reference 101712#0085). The area to be rehabilitated includes the area shown as "temporary log storage" and extends to the southern boundary of the subject site. The rehabilitation of the soils on the site shall be planned and supervised by a suitably qualified expert in soils management.
 - b. Construct the sediment ponds (shown adjoining the southern boundary on the approved plan) and associated drainage, in a location that abuts the southern edge of the industrial activity, designed to collect the stormwater from the industrial activity hardstand.
 - c. Construct a permanent fence to separate the rehabilitated area from the area of hardstand and buildings used by the industrial activity. This permanent fence shall be erected along the full length of the southern boundary of the area of hardstand and buildings indicated by white hatching on the approved plan.
 - d. An internal partition shall be constructed within the building, shown as industrial shed on the approved plan, to separate the private storage area from the industrial workshop.

- 4. The activity shall be undertaken by no more than 5 staff employed from the site who are not also resident upon the site.
- 5. One employee of the activity shall be resident upon the site.
- The gross floor area of all buildings used in support of the Industrial Activity shall not exceed 100m².
- 7. The total area of hardstand and building coverage associated with the industrial activity shall not exceed 2345m², as identified as white hatching on the approved plan (HDC reference 101712#0085).
- 8. A minimum of 5 onsite carparking spaces shall be provided.
- 9. No more than six logging trucks shall be parked on the site.
- 10. Apart from as allowed by condition 9 above no other machinery associated with the industrial activity shall be stored or operated on the site.
- 11. The servicing and maintenance of vehicles and the storage and use of hydrocarbons shall only occur within the building or on the concrete apron as shown on the approved plan.
- 12.At all times the industrial activity occurs on the site the consent holder shall maintain an emergency spill kit in a readily accessible location, for the cleanup of hydrocarbon spills.
- 13. The consent holder shall ensure that any existing, and future hydrocarbon contamination or spills on the hardstand area shall be cleaned up and removed from site for disposal at an approved facility. The cleanup, including confirmation of disposal, shall be undertaken to the satisfaction of the Environmental Consents Manager (or nominee).
- 14. There shall be no storage of logs (temporary or permanent) on the site.

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

15. The consent holder shall ensure that personal protective equipment shall be used for personnel who are involved in the rehabilitation of the site where disturbance of the soil could expose them to contaminants in the soil.

Access

- 16. That a permanently surfaced vehicle crossing shall be provided for the proposed activity in accordance with drawing C24 of the Engineering code of Practice.
- 17. That the width of the vehicle crossing shall be restricted to 10 metres at the road boundary, and the crossing shall have 9 metres radii from the edge of road seal.

- 18. That the position, size, geometry and compaction of the vehicle crossing shall be approved during construction, and prior to permanent surfacing by Hastings District Council.
- 19. That the pavement design for the vehicle crossing shall be completed by a suitably qualified engineer experienced in roading infrastructure design.
- 20. That all works within the boundaries of the legal road shall be undertaken by a contractor being pre-approved by Hastings District Council to do so.
- 21. In the event that the existing access can no longer be used the consent holder shall notify the Environmental Consents Manager and construct a new vehicle entrance and access in accordance with the Engineering Code of Practice and to the satisfaction of the Environmental Consents Manager.

Cessation of the activity

- 22. That within 6 months of the ceasing of the activity on the site the consent holder shall ensure that:
 - i) Any, and all hardstand or gravel (including material comprising an all weather surface) shall be removed from the southern part of the site commencing from a point 5 metres south of the southern wall of the existing industrial building continuing back to the permanent fence constructed as per condition 3(c) above. This area is approximately 1080m².
 - ii) Upon removal of the surface material, as required by condition 22(i), the consent holder shall rehabilitate the remaining soils in a manner recommended by a suitably qualified experts in soils management.
 - iii) The rehabilitation of the soil shall be undertaken in accordance with the recommendations, be supervised and certified by the soil expert.

Note: the consent holder is advised that the rehabilitation of the site may require a separate resource consent under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health

Advice Notes:

- 1. Please Note: To avoid doubt; except as otherwise allowed by this resource consent, all landuses must comply all remaining standards and terms of the relevant Hastings District Plan. The proposal must also comply with the Building Act 2004, Engineering Code of Practice and Hawkes Bay Regional Plans. All necessary consents and permits shall be obtained prior to development.
- This site has been identified as previously, and currently, containing activities on the Hazardous Activities and Industries List (orchading activities). Compliance with the NES for Assessing & Managing Contaminants in Soil to Protect Human Health 2011 will be required for any future land use change, earthworks

or subdivision. Please note that these are only the identified Hazardous Activities that Council is aware of, additional Hazardous Activities maybe occurring onsite.

3. Under section 125 of the RMA, this consent lapses five years after the date it is granted unless:

The consent is given effect to; or

The Council extends the period after which the consent lapses

Chairperson:	Councillor Mick Lester	
Date:	21st July 2016	

Attachment I

Attachment K - Copy of RMA20180159 - 167 Gimblett Road

RMA20180159



Decision:

Pursuant to Rule PP25 of the Proposed Hastings District Plan (As Amended by Decisions 12 September 2015) and Sections 104 and 104B of the Resource Management Act 1991, consent as a Discretionary Activity is GRANTED to Julian Odering for the proposed relocation of greenhouses and establishment of a production nursery (Intensive Rural Production Activity) within the Plains Production zone at Gimblett Road HASTINGS 4120 being LOT 1 DP 22164 (CFR HBP1/728),

Subject to the Following Conditions:

 That the development proceeds in accordance with the plans and information submitted in the application and further information supplied (HDC Ref: PID 59691#0003, #0004, #0005, #0006, #0015, #0016 and #0019), Resource Consent: RMA20180159, application received 23 April 2018, unless otherwise altered by the consent conditions.

ENGINEERING CONDITIONS

 That any excavated soil shall be retained on site in accordance with the rules of Section 27.1.5 (Earthworks, and Mining, Aggregate and Hydrocarbon Extraction Activities) of the Proposed District Plan.

Note: This approval does not provide for earthworks beyond what is permitted by the relevant zone earthwork volumes in table 27.1.6A Proposed District Plan. Any exceedance of those volume thresholds will require a separate resource consent.

- That the vehicle crossing to the existing access way shall be upgraded to be in accordance with the Engineering Code of practice 2011.
- That all works within the boundaries of the public road shall be undertaken by a contractor who is pre-approved to do so by Hastings District Council.
- That prior to final surfacing of the proposed vehicle crossing to the Lot the preparatory works shall be presented to Hastings District Council for approval.
- 6. That all works shall be completed in accordance with the Engineering Code of Practice 2011.

RELOCATED BUILDING CONDITIONS

7. That any damage to the exterior of the buildings caused by the relocation shall be repaired, replaced and/or repainted within one (1) months three (3) months of the date of relocation of each building, to the satisfaction of the Environmental Consents Manager, Planning and Regulatory Services, Hastings District Council.

NOTE: This minor correction above (additions shown in *italics* and **bold** and deletions in strikethrough) is made in accordance with Section 133A of the Resource Management Act 1991 and approved by the Environmental Consents Manager, Hastings District Council on the 18th June 2018.

TRIM Ref: 59691#0018

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8. The consent holder shall notify the date of relocation of the buildings to the Team Leader Monitoring and Compliance, Hastings District Council, **prior to** the relocation of the building. Notification can be given by email at remonitoring@hdc.govt.nz

HAZARDOUS SUBSTANCES

10. That all hazardous substances shall be stored and/or handled on areas which have impervious surfaces and where facilities are provided to prevent contaminants from being washed or spilled into natural ground or entering any piped stormwater systems or stormwater ground soakage, such as bunds, filters, separators or settling areas.

Confirmation of the location of the areas set aside for this shall purpose be provided to Council before use of the greenhouses and propagation areas on the site

STAGE 2 GREENHOUSE CONDITION

10. That the final design for the proposed Stage 2 greenhouse shall be submitted for the approval of the Environmental Consents Manager (or nominee) to confirm the height does not exceed the height of the existing greenhouses and the floor area is no greater than what has been approved by this consent.

Note: The building coverage for this greenhouse shall be limited to a building coverage of 8,940m² as per the approved site plan.

MONITORING CONDITION

 That a monitoring deposit of \$220 (including GST) shall be payable to cover the reasonable costs of monitoring compliance with the above conditions in accordance with Council's schedule of charges.

In the event of non-compliance being detected by monitoring or justified complaint and/or the costs of monitoring consent exceeding the deposit, the costs to Council of any additional monitoring shall be paid by the consent holder in accordance with the Council's advertised schedule of fees.

With the Reasons for this Decision Being:

- There are no affected persons in terms of Section 95E of the Resource Management Act 1991.
- 2. The adverse effects of this proposal are minor, in that:
 - No objectionable odour is expected as the activity does not use matter that is likely to
 cause odour for the growing of seedlings with the growing media used being an inert
 sterile potting mix. The reason this is used is to prevent fungal and bacterial infection of
 the germinated seedlings;
 - Any increase in traffic generated from the goods being delivered to and from the site is
 unlikely to cause any undue hazard to the roading network as loading and unloading of
 goods can take place on site with sufficient manoeuvring areas available;
 - · The proposal will be serviced via on site means;
 - Safe and efficient access for all attending the site can be provided and adequate parking is available onsite;

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ITEM 2 PAGE 433

- Given the nature of the proposal and surrounding activities, it is unlikely that there will be any major reverse sensitivity or cross boundary effects generated by this proposal;
- The location of the proposed buildings means that they will not be readily viewed from any public area or private residence given the existing screening and significant setback distances involved;
- IRP activities are anticipated in the zone, albeit at a smaller scale;
- Adverse effects beyond the subject site will not be inconsistent with those associated with land based primary production activities;
- The land and soil resource will not be removed from site and the proposed activity will
 take place above the soil resource allowing the site to be returned to primary productive
 use in the future. Furthermore, minimal excavation will be required therefore preserving
 the underlying soil resource for future use;
- Minimal earthworks are required to complete the proposed works and therefore there is little chance for any discharge beyond the site boundaries;
- 3. The proposal is consistent with the Objectives, Policies and other provisions of the Proposed Hastings District Plan, in that:
 - The versatile land is not being fragmented with the site being retained as one title and no subdivision proposed. Furthermore, with the majority of the structures being greenhouses, this versatile land is not compromised through permanent building foundations.
 - A minimal amount of the soil resource will be disturbed and the proposed activity will
 take place above this soil resource allowing the site to be easily returned to primary
 productive use in the future if required.
 - The proposed activity is consistent with the open and low scale nature of the Plains Production Zone whilst also retaining a connection to the productive function of the zone.
 - The activity will result in a level of adverse effects on existing lawfully established land uses that are no more than minor and noise levels will not be inconsistent with what currently occurs in the Plains Production Zone.
 - All hazardous substances including horticultural chemicals, formalin and diesel will be appropriately stored in bunded areas to ensure the life supporting capacity of the Heretaunga Plains Unconfined Aquifer water resource is not compromised by the effects of the land use occurring above it.
- 4. The application meets the requirements of the Resource Management Act 1991.

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ITEM 2 PAGE 434

Advice Notes:

- 1. To avoid doubt, except as otherwise allowed by this resource consent, all landuses must comply with all remaining standards and terms of the relevant Hastings District Plan. The proposal must also comply with the Building Act 2004, Engineering Code of Practice and Hawke's Bay Regional Plans. All necessary consents and permits shall be obtained prior to development.
- 2. Under Section 125 of the Resource Management Act 1991 a resource consent will lapse if not given effect to within 5 years of the date the consent was granted, unless an extension is authorised under Section 125(1A)(b).

Recommended by:

Matthew Parker-Bevin ENVIRONMENTAL PLANNER (CONSENTS)

<u>Decision issued under Delegated</u> <u>Authority by:</u>

Murray Arnold ENVIRONMENTAL CONSENTS MANAGER PLANNING AND REGULATORY SERVICES

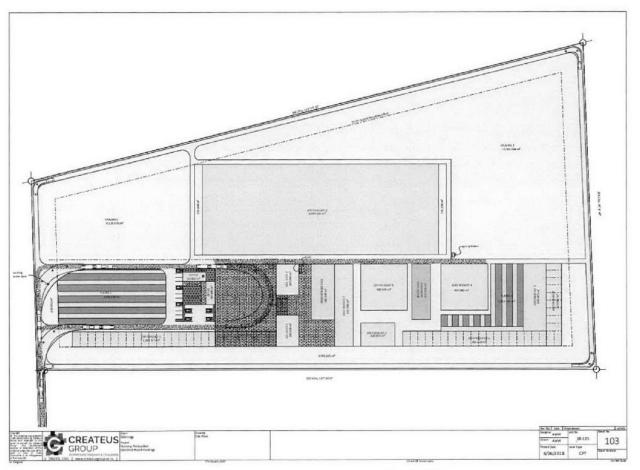
Date: 14 June 2018

HDC Ref: 59691#0018



RMA20180159

Approved Site Plan HDC Ref: 59691#0019



TRIM Ref: 59691#0018

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Attachment L

Attachment L - Regional Policy Statement extract

3 REGIONALLY SIGNIFICANT ISSUES, OBJECTIVES AND POLICIES

3.1 Introduction

- 3.1.1 Under s 62 (1) of the RMA, a regional policy statement must state the "significant resource management issues of the region". This section is written pursuant to this requirement and sets out the regionally significant issues in Hawke's Bay. These issues are a fundamental element of this Plan and, together with the provisions of the RMA, provide the framework for the objectives and policies set out in response. These objectives and policies are specific to certain activities as set out in the Regional Policy Statement, unlike Chapter 5 where the objectives and policies apply to the use of resources within the Regional Plan framework.
- 3.1.2 The list of regionally significant issues set out in this chapter was distilled from a much larger list of potential resource management issues. This larger list, together with the approach used to derive the list of regionally significant issues, is contained in a background report to this Plan "Background Report 1: Issues" (HBRC, 1999).
- 3.1.3 What makes an issue regionally significant? For the purposes of the Hawke's Bay Regional Resource Management Plan, a regionally significant issue is considered to be one that satisfies one or more of the following criteria:
 - (a) Widespread problem A problem which is relevant throughout the region, possibly crossing local authority boundaries.
 - (b) Scarce resource The existence of a natural or physical resource that is scarce, rare or unique, and/or under threat. Scarce resources encompass internationally and nationally recognised resources (including resources that are nationally significant in accordance with section 6 of the RMA). They also include physical resources that have particular locational requirements or that form interlinked networks and natural resources that become scarce through unsustainable use.
 - (c) Resource use conflict The presence of, or potential for, significant conflicts in resource use.
 - (d) Cumulative Impact The presence of, or potential for, significant cumulative impacts arising from resource use.
- 3.1.4 In essence, a regionally significant issue is one that requires a substantial, region-specific, response under the RMA. Regionally significant issues do not include matters that are regulated or protected under other legislation. Nor do they include matters relating to a national or international problem, where such matters are more appropriately dealt with at a national or international level. However, in these cases the HBRC would comply with any other legislation (if required) and any national direction given in relation to the problem.
- 3.1.5 It is important to recognise that an issue does not need to be identified as regionally significant, in order for the HBRC to address resource use activities under the RMA. This has been established in Chapter 5 where the HBRC has exercised its functions and powers under the RMA in a manner consistent with Part II of the Act. This requirement alone is adequate to address many resource use activities, such as controls on bore drilling, damming, structures in rivers and lakes, etc. What distinguishes these matters from those issues that are regionally significant is that they are not substantial problems in the region, and they do not require a response that is unique to Hawke's Bay.
- 3.1.6 Using the criteria noted above, 12 regionally significant issues have been identified. These are described in sections 3.2 to 3.13.
- 3.1.7 This chapter also sets out objectives and policies in response to the identified regionally significant issues. In order to provide a consistent approach, the policies for each regionally significant issue have been categorised under the following headings:
 - (a) Role of non-regulatory methods This type of policy identifies the role of non-regulatory methods in



- addressing the issue. These policies are linked to Chapter 4, where detailed provisions regarding nonregulatory methods are set out.
- (b) Regulation This type of policy establishes how specific activities will be regulated by regional rules.
- (c) Resource allocation This type of policy establishes how resources will be allocated.
- (d) Decision-making criteria This type of policy sets up criteria to be used in making decisions on resource consent applications. These policies are intended to supplement the environmental guidelines established in Chapter 5.
- (e) Problem-solving approaches -This type of policy establishes an approach to solving a particular problem.
- (f) Technical procedure This type of policy sets out a technical or scientific procedure or requirement to be used for specific elements of resource management.
- 3.1.8 The following table (Table 2 overleaf) provides a summary of the objectives, policies and methods set out in Chapter 3, including the relevant rules in Chapter 6.

Table 2. Summary of Objectives, Policies and Methods in Chapters 3 and 5

Objective	Policies	Rule Number	Non Regulatory Methods	
Objectives UD1 – UD6	UD1 – UD14.2		 Education & Coordination Encouragement for Self-regulation Liaison with territorial authorities Advocacy Research and Investigation Provision of Information 	
Objectives 4 –10	Refer to Regional Coastal Plan			
Objective 11	1, 3	7, 8	Economic Instruments	
Objective 12	1, 2		 Education & Coordination 	
Objective 13	1		 Encouragement for Self-regulation 	
Objective 14	1			
Objective 15	4		Economic Instruments Works and Services	
Objective 16	5, 6, 8			
Objective 17	5, 7, 8	10, 14, 15, 18, 28, 30	 Liaison with territorial authoritie 	
Objective 18	5, 7, 8			
Objective 19	9, 10	9, 10	 Education and Coordination 	
Objective 20	11, 12, 13, 14	12, 13, 14, 30, 52	Advocacy Promotion of composting Encouragement for self-regulation	
Objective 21	15, 16, 17, 18	1, 2, 6, 10, 14, 15, 16, 30, 35 - 43 , 49, 52	 Liaison with territorial authorities Education and Coordination 	
Objective 22	15, 17, 18, 19, 20, 21, 22	1, 2, 3, 6, 10, 14, 15, 36, 38, 39, 40, 41, 52	 Encouragement for self-regulation 	

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Objective	Policies	Rule Number	Non Regulatory Methods	
Objective 23	23, 24, 25, 26, 27, 29, 30, 31, 32, 33	1, 2, 53, 55	 Education and Coordination Advocacy with territorial authorities 	
Objective 24	23, 25, 26, 27, 28, 30	2, 53, 60	 Research and Investigation 	
Objective 25	34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44	54, 55, 60, 61	 Liaison with territorial authorities Education and Coordination 	
Objective 26	34, 36, 38	55, 60, 61	 Encouragement for self-regulation 	
Objective 27	45, 46, 47, 48, 49	6, 10, 14, 15, 39, 40, 42, 43, 52	Research and Investigation Economic Instruments Education and Coordination	
Objective 28	50, 51, 52		 Works and Services 	
Objective 29	54	74		
Objective 30	53			
Objective 31	55		 Liaison with territorial authorities Works and Services Natural hazard priorities 	
Objective 32	56		 Provision of Information 	
Objective 33	56		 Liaison with territorial authorities 	
Objective 34	57, 58		Provision of Information	
Objective 35	59, 60, 61, 62, 63		LIP TO	
Objectives 36 & 37	64, 65, 66			

Objective	Policies	Rule Number	Non Regulatory Methods
Objective 38	67, 68	7, 8, 48	
Objective 39	69, 70	11, 12, 13, 17 - 30	
Objective 40	71, 72	5, 6, 7, 8, 12, 13, 30, 31, 32, 33, 34, 35, 36, 37, 42, 43, 47, 49, 50, 51, 52	
Objective 41	73, 74	54, 55	
Objectives 42 & 43	75, 75	1, 2, 4, 12, 13, 30, 35, 36, 37, 42, 43	
Objective 44	77, 78	53, 55, 62	
Objective 45	79, 80	31, 32, 33, 47, 49, 52, 54, 55, 56, 57, 59, 63- 76	

3.1B Managing the Built Environment

Urban Development and Strategic Integration of Infrastructure

ISSUES

ISS UD1 The adverse effects of sporadic and unplanned urban development (particularly in the Heretaunga Plains sub-region), on:

- a) the natural environment (land and water);
- the efficient provision, operation, maintenance and upgrading of physical infrastructure or services (particularly strategic infrastructure); and
- the economic, cultural and social wellbeing of the Region's people and communities.

Explanation

Unplanned urban form and ad hoc management of urban growth can have adverse effects on people and communities, and on the natural environment (land and water). Effective management of growth in the region is necessary to ensure development occurs in a planned, sustainable manner and in a way that also does not compromise the planned provision, operation, maintenance and upgrading of strategic and regionally significant infrastructure. This aligns with the statutory functions of the Regional Council in giving effect to the Act as contained in section 30 of the Resource Management Act 1991 – in particular:

- *(1)(a) the establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the natural and physical resources of the region;
- (b) the preparation of objectives and policies in relation to any actual or potential effects of the use, development or protection of land which are of regional significance; ...
- (gb) the strategic integration of infrastructure with land use through objectives, policies, and methods;"

Managing urban growth and development is a regionally significant issue because what occurs in one area will invariably have an effect on other places. This is particularly so for the urban centres of Napier and Hastings, and surrounding coastal and rural settlements in and around the Heretaunga Plains. As at 2010, 8,000 households are projected to be required between 2015 and 2045 in the Heretaunga Plains area. Growth in the other parts of the Region is not projected to be significant over that period.

Managed growth Intervention recognises the actual or potential effects urban growth can have on people and communities, and on the natural environment. Unplanned urban development can have adverse effects on sensitive natural environments (streams, wetlands, lakes and rivers), and result in high travel costs, reverse sensitivity and social isolation. Planning urban development in advance will ensure development is directed away from potential and known hazard areas.

Managed growth intervention also recognises the important role that efficient infrastructure (e.g. road, rail, ports, airports, electricity networks, telecommunications, drainage, dams, water and wastewater networks) plays in supporting settlement growth and prosperity. The protection of the region's strategic infrastructure is essential for growth. A lack of integration between land use and infrastructure can result in poor infrastructure investment decisions, public funding pressures, reverse sensitivity effects and inefficient land use patterns.

In the past, Hastings and Napier have planned for growth independently. However, in recognising the interrelationship of these key urban centres, and the pressures on shared resources and infrastructure, Hawke's Bay Regional Council, Hastings District Council and Napier City Council embarked on a collaborative approach to urban growth and development out to 2045, culminating in the development of the Heretaunga Plains Urban Development Strategy (HPUDS2010).1a

The purpose of the Heretaunga Plains Urban Development Strategy is to assist, in a collaborative manner, the local authorities to plan and manage growth on the Heretaunga Plains and some additional coastal communities beyond the immediate Heretaunga Plains. The Strategy takes a long-term approach to addressing the key issues facing the Heretaunga Plains in a more integrated way, and focuses on a preferred settlement pattern that will lead to more compact development through gradual restriction on urban boundaries to allow for proper planning and design work.

The Regional Policy Statement seeks to give effect to the general tenets of HPUDS2010 at the regional level, where the outcomes of the HPUDS2010 process align with the statutory functions of the Regional Council.

Much of the urban growth policy in the Regional Policy Statement is therefore directed at a sub-regional level to the Heretaunga Plains and surrounding coastal and rural settlements. The Wairoa and Central Hawke's Bay Districts, and Hastings District hinterland, have different pressures, which warrant less regional policy direction in terms of urban growth management at this time. This may change over time, requiring further regional policy intervention at a later date.

For the purposes of the Regional Policy Statement, the Heretaunga Plains sub-region is geographically defined in Schedule XIV, matching the geographical extent adopted for HPUDS2010 and the Heretaunga Plains Transportation Strategy.

¹a Heretaunga Plains Urban Development Strategy, Adopted August 2010



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ISS UD2 The adverse effects from urban development encroaching on versatile land (particularly in the Heretaunga Plains sub-region where the land supports regionally and nationally significant intensive economic activity), and ultimately the adverse effects of this on the economic wellbeing of the Region's people and communities both now and for future generations.

Explanation

The Heretaunga Plains sub-region contains areas with a high proportion of very high value versatile land. There are competing demands for this valuable finite resource. The diversity and intensity of horticultural and viticultural production on the Heretaunga Plains, for instance, creates a high demand for land which is in short supply, whilst the same land is highly desirable for urban and rural lifestyle development.

The versatile land of the region, particularly in the Heretaunga Plains sub-region is a regionally, if not nationally, significant resource for primary production and ultimately underpins the economy of the Region. Therefore, pressure from urban development encroaching on this resource is a regionally significant issue.

Pressure for urban expansion on to agricultural land continues unless controlled, because the financial incentives are strong. The increased market value of land developed for urban use is considerable and beyond agricultural returns to sustain. Once developed, the economic value of urban and industrial infrastructure typically means this land is permanently removed from primary production. In short, within agriculture, land use conflicts occur between short-term economic incentives and the future sustainability of the soils. Subdivision for urban development removes land from agricultural production but also impacts on the productivity of other land, in particular through reverse sensitivity.

The concentration of highly versatile soils in conjunction with significant concentration of the Region's population on the Heretaunga Plains, reinforces the focus of urban growth policy in the Regional Policy Statement on the Heretaunga Plains sub-region at this time.

OBJECTIVES

URBAN FORM (REGION)

OBJ UD1 Establish compact, and strongly connected urban form throughout the Region, that:

- a) achieves quality built environments that:
 - i. provide for a range of housing choices and affordability.
 - ii. have a sense of character and identity,
 - iii. retain heritage values and values important to tangata whenua,
 - iv. are healthy, environmentally sustainable, functionally efficient, and economically and socially resilient, and
 - v. demonstrates consideration of the principles of urban design;
- avoids, remedies or mitigates reverse sensitivity effects in accordance with objectives and policies in Chapter 3.5 of this plan;
- avoids, remedies or mitigates reverse sensitivity effects on existing strategic and other physical infrastructure in accordance with objectives and policies in Chapter 3.5 and 3.13 of this plan;
- d) avoids unnecessary encroachment of urban activities on the versatile land of the Heretaunga Plains;
- avoids or mitigates increasing the frequency or severity of risk to people and property from natural hazards.

Principal reasons and explanation

A sprawling uncontrolled pattern of development does not promote sustainable forms of development and promotes less efficient use of existing infrastructure. High levels of amenity, quality living environments, and retention of significant features and values are harder to achieve when development is not well designed and connected. Sprawling development also leads to unsustainable encroachment onto versatile land which underpins much of the Region's economy. Transitioning to a more compact, well-designed and strongly connected urban form better supports the economic, social and cultural wellbeing of the Region's people and communities.

[Refer also:

- OBJ7 and OBJ8 (Chapter 3.2 Coastal Resources) re: coastal values important to tangata whenua, and development in coastal hazard areas
- OBJ16 and OBJ18 (Chapter 3.5 Conflicting Land Uses) re: nuisance effects from location of conflicting land uses
- OBJ31 (Chapter 3.12 Natural Hazards) re: natural hazards
- OBJ32 and OBJ33 (Chapter 3.13 Maintenance and Enhancement of Physical Infrastructure) re: recognising and providing for operation, maintenance and development of physical infrastructure, and specific locational requirements
- OBJ36 and OBJ37 (Chapter 3.14 Matters of Significance to twi/Hapu) re: values important to tangets whenual



INTENSIFICATION OF RESIDENTIAL AREAS (HERETAUNGA PLAINS SUB-REGION)

OBJ UD2

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

Principal reasons and explanation

New development accommodates growth and provides the opportunity to enhance the quality of the environment. In the right location, more intensive forms of development will, amongst other things, promote efficient use of existing infrastructure or any planned infrastructure already committed to by Local Authorities (e.g. by funding) but not yet constructed, minimise energy use (as development spreads, the demand for transport and energy use increases), and reduce the need to encroach onto the versatile land of the Heretaunga Plains.

PROVISION FOR BUSINESS LAND (HERETAUNGA PLAINS SUB-REGION)

OBJ UD3

Identify and provide for the land requirements for the growth of business activities in the Heretaunga Plains sub-region in a manner that supports the settlement pattern promoted in OBJ UD1.

Principal reasons and explanation

The provision of adequate land for future business activities is important for long term economic growth and the provision of both employment and services to the sub-region's existing and future communities. HPUDS2010 identified that there is already an adequate supply of commercial land within the Heretaunga Plains sub-region to accommodate projected demand and growth. In relation to industrial land, HPUDS2010 identified a limited number of areas appropriate for additional industrial land expansion and growth. These additional areas (identified in Policy UD4.5) are expected to accommodate projected growth and demand for industrially-zoned land out to 2045, and any additional growth in the event that the projections change from what was anticipated in HPUDS2010.

PLANNED PROVISION FOR URBAN DEVELOPMENT (HERETAUNGA PLAINS SUB-REGION)

OBJ UD4

Enable urban development in the Heretaunga Plains sub-region, in an integrated, planned and staged manner which:

- a) allows for the adequate and timely supply of land and associated infrastructure; and
- b) avoids inappropriate lifestyle development, ad hoc residential development and other inappropriate urban activities in rural parts of the Heretaunga Plains sub-region.

Principal reasons and explanation

Successful long term growth management is dependent on integrating long term land use, the infrastructure necessary to support this growth and the ability to fund and supply the infrastructure in a timely and equitable manner. In order to protect the productivity of rural land in the Heretaunga Plains, all inappropriate urban development should be avoided.

OBJ UD5

INTEGRATION OF LAND USE WITH SIGNIFICANT INFRASTRUCTURE (REGION)

Ensure through long-term planning for land use change throughout the Region, that the rate and location of development is integrated with the provision of strategic and other infrastructure, the provision of services, and associated funding mechanisms.

Principal reasons and explanation

Strategic infrastructure in the wider region is essential to the well-being and health and safety of people and communities. Consideration needs to be given to sequencing and costs of infrastructure development in decision making. These can have significant effects on efficiency and the economic well-being of communities. Recognition of the importance of strategic infrastructure will lead to greater weight being given to its requirements and the desirability to reduce incompatibility and conflicts

[Refer also OBJ32 and OBJ33 (Chapter 3.13 – Maintenance and Enhancement of Physical Infrastructure) re: recognising and providing for operation, maintenance and development of physical infrastructure, and specific locational requirements]

INTEGRATION OF TRANSPORT INFRASTRUCTURE WITH DEVELOPMENT (REGION)

OBJ UD6

Ensure that the planning and provision of transport infrastructure is integrated with development and settlement patterns and facilitates the movement of goods and people and provision of services throughout the Region, while:

- a) limiting network congestion;
- b) reducing dependency on private motor vehicles;
- c) reducing emission of contaminants to air and energy use; and
- d) promoting the use of active transport modes.



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Principal reasons and explanation

Development that is not well integrated with transport infrastructure can result in increased car dependency, higher energy use, greater traffic volumes, and inefficient freight movement. Land use patterns that are integrated with transport infrastructure minimise energy use through network optimisation, and enables greater recognition of the importance of strategic transport networks in supporting the economic and social wellbeing, and health and safety, of people and communities.

[Refer also OBJ32 and OBJ33 (Chapter 3.13 – Maintenance and Enhancement of Physical Infrastructure) re: recognising and providing for operation, maintenance and development of physical infrastructure, and specific locational requirements]

POLICIES

PROVIDING FOR DEVELOPMENT

PROVISION FOR URBAN ACTIVITIES (HERETAUNGA PLAINS SUB-REGION)

POL UD1 In providing for urban activities in the Heretaunga Plains sub-region, territorial authorities must place priority

- a) the retention of the versatile land of the Heretaunga Plains for existing and foreseeable future primary production, and
- b) ensuring efficient utilisation of existing infrastructure, or
- ensuring efficient utilisation of planned infrastructure already committed to by a local authority, but not yet constructed.

Principal reasons and explanation

Efficient utilisation of existing infrastructure investment (or planned infrastructure already committed to (e.g. by funding) by not yet constructed) and the retention of the versatile land of the Heretaunga Plains for existing and foreseeable future primary production must underpin all decisions surrounding provision for urban activity in the Heretaunga Plains sub-region in order to achieve the desired settlement pattern outlined in HPUDS2010. For clarification, the supply of land for residential and industrial activities where they support effective and efficient use and management of versatile land would not conflict with Policy UD1, and would assist in achieving Policy UD1(a).

PROVISION FOR BUSINESS ACTIVITIES (HERETAUNGA PLAINS SUB-REGION)

POL UD2 In the Heretaunga Plains sub-region, district plans shall provide for business activities to 2045, in a manner

- Reinforces the role of Napier and Hastings cities as the commercial and business core of the Heretaunga Plains, whilst supporting adequate capacity in defined rural towns and settlements for a range of day-to-day services and activities;
- b) Promotes the utilisation, redevelopment and intensification of existing commercial land;
- Promotes the utilisation, redevelopment and intensification of existing industrial land, and provides sufficient additional greenfields industrial land to ensure demand for new land can be met by supply;
- d) Promotes the utilisation of existing infrastructure availability, capacity and quality as far as reasonably practicable;
- e) Avoids unnecessary encroachment onto the versatile land of the Heretaunga Plains;
- f) Avoids, remedies or mitigates reverse sensitivity effects in accordance with Objectives and Policies in Chapters 3.5 and 3.13 of the plan;
- g) Ensures close proximity to, major transport hubs and multi-modal transport networks.
- h) promotes close proximity to labour supply.
- i) Avoids or mitigates the following locational constraints:
 - i. projected sea level rise as a result of climatic changes
 - ii. active coastal erosion and inundation
- iii. stormwater infrastructure that is unable to mitigate identified flooding risk
- iv. flood control and drainage schemes that are at or over capacity
- v. active earthquake faults
- vi. high liquefaction potential
- vii. nearby sensitive waterbodies that are susceptible to potential contamination from runoff, stormwater discharges, or wastewater treatment and disposal.
- viii. no current wastewater reticulation and the land is poor draining
- ix. water short areas affecting the provision of adequate water supply.

Principal reasons and explanation

In achieving a more compact urban settlement pattern, the emphasis should be on utilising and redeveloping existing commercial and industrial land to accommodate business growth, in the first instance. This will ensure efficient utilisation of existing and planned infrastructure, minimisation of reverse sensitivity issues, and efficiencies in utilising the presence of existing labour supply. Across



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the Heretaunga Plains sub-region there is potential to provide for most anticipated new commercial activity within existing zoned commercial land through redevelopment and uptake of existing commercially-zoned land to 2045. However, there is some expectation that additional industrial land may be required at some point during that period, depending on uptake.

Any provision for new business land should be focussed around existing infrastructure to minimise public costs and in particular to achieve integration with transport networks. Any new infrastructure should be planned in a manner which recognises the importance of the links to and from the Heretaunga Plains sub region and the role these links serve for the efficient distribution of goods throughout the region. Phasing or sequencing of business land for development is not necessary provided that a ready supply is available, as it is expected that the market will dictate its rate of development.

RURAL RESIDENTIAL AND LIFESTYLE DEVELOPMENT (HERETAUNGA PLAINS SUB-REGION)

In the Heretaunga Plains sub-region, district plans shall include policies and methods discouraging or avoiding ad hoc residential development and further rezoning for rural residential purposes or lifestyle development outside existing rural residential zones.

Principal reasons and explanation

POL UD3

Similar to urban development, rural residential or lifestyle development can also act to remove valuable land from agricultural production and can also impact on the productivity of other land (i.e. rural or industrial), in particular through reverse sensitivity. These forms of development should not be confused with residential development (eg: farm houses) that is ancillary to primary production activities or to boundary adjustments that may effectively create a lifestyle site by reducing the land area surrounding a dwelling to create a larger more productive balance title. Provision for rural residential and lifestyle development should be carefully managed to minimise fragmentation of the versatile land of the Heretaunga Plains. There is currently an excess supply of rural residential zoned areas within the Heretaunga Plains sub-region, considered sufficient to cater for projected demand for rural residential lots in the sub-region through to 2045, and further rezoning for this purpose is considered unnecessary for the foreseeable future.

ACHIEVING CONTAINMENT OF URBAN ACTIVITIES

ESTABLISHING URBAN LIMITS (HERETAUNGA PLAINS SUB-REGION)

POL UD4.1 Within the Heretaunga Plains sub-region, district plans shall identify urban limits for those urban areas and settlements within which urban activities can occur, sufficient to cater for anticipated population and household growth to 2045.

NEW RESIDENTIAL GREENFIELD GROWTH AREA CRITERIA (HERETAUNGA PLAINS SUB-REGION)

POL UD4.2 In determining future Residential Greenfield Growth Areas, not already identified within Policy UD4.3, for inclusion within urban limits in the Heretaunga Plains sub-region, the following general criteria shall apply:

- a) Must form an extension contiguous with existing urban areas and settlements.
- b) Land is identified as having low versatility, and/or productive capacity has been compromised by:
 - i. Size and shape of land parcels that mitigates against productive use;
 - ii. Surrounding land uses and reverse sensitivity;
 - iii. Lack of water and/or poor drainage.
- Clear natural boundaries exist, or logical greenbelts could be created to establish a defined urban edge.
- d) Supports compact urban form.
- e) Can be serviced at reasonable cost.
- f) Can be integrated with existing development.
- g) Can be integrated with the provision of strategic and other infrastructure (particularly strategic transport networks in order to limit network congestion, reduce dependency on private motor vehicles and promote the use of active transport modes).
- An appropriate separation distance from electricity transmission infrastructure should be maintained in order to ensure the continued safe and efficient operation and development of the electricity transmission network.
- Promotes, and does not compromise, social infrastructure including community, education, sport and recreation facilities and public open space.
- j) Avoids or mitigates the following locational constraints:
 - i. projected sea level rise as a result of climatic changes
 - ii. active coastal erosion and inundation
 - iii. stormwater infrastructure that is unable to mitigate identified flooding risk
 - iv. flood control and drainage schemes that are at or over capacity
 - v. active earthquake faults



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- vi. high liquefaction potential
- vii. nearby sensitive waterbodies that are susceptible to potential contamination from on-site wastewater systems or stormwater discharges
- viii. no current wastewater reticulation and the land is poor draining
- ix. identified water short areas with the potential to affect the provision of an adequate water supply.

APPROPRIATE RESIDENTIAL GREENFIELD GROWTH AREAS (HERETAUNGA PLAINS SUB-REGION)

POL UD4.3 Within the Heretaunga Plains sub-region, areas where future residential greenfield growth for the 2015-2045 period has been identified as appropriate and providing choice in location, subject to further assessment referred to in POL UD10.1, POL UD10.3, POL UD10.4 and POL UD12, are:

- a) Bay View
- b) Park Island / Parklands
- c) Taradale Hills
- d) Te Awa / The Loop
- e) Arataki Extension
- f) Haumoana (south of East Road) / Te Awanga
- g) Havelock North Hills (lower extension)
- h) Howard Street
- i) Irongate Road / York
- j) Kaiapo Road
- k) Lyndhurst
- I) Lyndhurst Road extension
- m) Maraekakaho rural settlement
- n) Middle Road / Iona / Hills
- o) Murdoch Road / Copeland
- p) Omahu / Bridge Pa (marae-based)
- g) Waimarama

All indicative areas are shown in Schedule XIVa.1b

INAPPROPRIATE RESIDENTIAL GREENFIELD GROWTH AREAS (HERETAUNGA PLAINS SUB-REGION)

POL UD4.4 Within the

4.4 Within the Heretaunga Plains sub-region, areas where future¹c residential greenfield growth has been determined as inappropriate, beyond existing settlements are:

- a) Waipatiki Beach
- b) Tangoio
- c) Whirinaki
- d) Puketapu
- e) Jervoistown and Meeanee
- f) Clive
- g) East Clive
- h) Clifton
- Ocean Beach apart from the potential for appropriate growth of the existing Waipuka bach settlement¹⁶ on Maori land inland of areas at risk of coastal hazards
- j) Natural detention areas (50 year flood ponding areas).
- k) Haumoana (north of East Road)

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¹⁶ All spatial areas are indicative only until formalised via a plan change; and reference should be made to the Heretaunga Plains Urban Development Strategy for more information on these future greenfield growth areas.

for Future' greenfield growth refers to areas not already zoned for some form of residential development in existing district plans.

^{1d} This area is defined as being Areas A to D in the Ocean Beach Structure Plan (2007).

APPROPRIATE INDUSTRIAL GREENFIELD GROWTH AREAS (HERETAUNGA PLAINS SUB-REGION

POL UD4.5 Within the Heretaunga Plains sub-region, areas where future industrial greenfield growth for the 2015-2045 period have been identified as appropriate, subject to further assessment referred to in POL UD10.1, POL UD10.3, POL UD10.4 and POL UD12, are:

- a) Irongate industrial area
- b) Omahu industrial area
- c) Whakatu industrial area
- d) Tomoana industrial area
- e) Awatoto industrial area

The indicative locations of the above areas are shown in Schedule XIVb.16

Principal reasons and explanation

Demographic changes to the population within the Heretaunga Plains sub-region will ultimately influence demand for land. Setting urban limits allows long term land use and infrastructure to be adequately managed and planned for, and provides certainty around where future development is planned to occur. Urban limits will ensure development consolidates within and around existing settlements which is critical to transitioning to a more compact urban settlement pattern in the Heretaunga Plains sub-region 2010, projected demographic changes for the sub-region over the 35 year period to 2045 (sourced from Statistics New Zealand) anticipate moderate population growth, an older population, and declining household occupancy rates leading to an increase in household numbers of 8,014 to 58,925 (a 15.7% increase).

In transitioning to a more compact settlement pattern, the 2010 Heretaunga Plains Urban Development Strategy adopted a gradual move towards a greater proportion of new households being supplied through higher density development over time (refer Table 1, POL UD7 explanation). However, these changes were still assessed as resulting in 'on the ground' requirements for urban development beyond current supply for this purpose. Of the total 8,014 new households projected over the period, some 3,358 are proposed to be supplied through greenfield development. Urban limits therefore need to encompass sufficient additional land area to accommodate this level of greenfield development.

The greenfield growth areas referred to in Policy UD4.3 are areas which provide choice in location around existing settlements in the Napier City and Hastings District, but not already zoned for some form of residential development in plans existing at 2010. These areas are not subject to Policy UD4.2 and are appropriate for inclusion within the urban limits subject to further assessment pursuant to Policles UD10.1, UD10.3, UD10.4 and UD12. Development in these areas ahead of rezoning has the potential to reduce the efficiency of infrastructure provision, limit the outsion savailable in developing the area, and impact on the uptake of lots in another area. Therefore inappropriate ad hoc residential development should be avoided in accordance with Policy UD10.2 until rezoning of the areas identified in Policy UD4.3 has taken place.

Policy UD4.2 allows for the creation of new greenfield growth areas in the Heretaunga Plains sub-region. Any new greenfield growth areas within the urban limits must promote the overall transition to the compact settlement philosophy adopted in the Regional Policy Statement; be economically, socially and environmentally sustainable; and provide for locational choice.

All new greenfield areas proposed under Policy UD4.2 will be subject to the HPUDS review process, whereby greenfield growth areas, other than those identified in Policy UD4.3, will be decided in collaboration with Hawke's Bay Regional Council, Napler City Council and Hastings District Council as per the HPUDS 2010 review process, prior to re-zoning taking place. This process applies to both private and council led plan changes, and ensures the consequences and actions of re-zoning new greenfield areas are adequately considered in the context of the whole of the Heretaunga Plains sub-region.

The HPUDS review process, means the creation of new greenfield areas under Policy UD4.2 is only likely to occur in the following circumstances. Firstly, if one of the greenfield growth areas specified in Policy UD4.3 is deemed unviable for development, a new area will need to be proposed to compensate for the 'lost lots' in that area. Secondly, if reporting in Policy UD14.1 suggests the tuture development trends for the Heretaunga Plains sub-region have changed, and more growth areas are required than initially anticipated.

The areas determined as inappropriate for further residential greenfield development at this time (for various reasons), have been identified in Policy UD4.4 (established during development of the 2010 Heretaunga Plains Urban Development Strategy).

CONTAINING URBAN ACTIVITIES WITHIN URBAN LIMITS (HERETAUNGA PLAINS SUB-REGION)

Except as provided for in POL UD6.1 (provision for papakainga and marae-based development), district plans shall include policies and methods to avoid inappropriate urban activities beyond urban limits established in accordance with POL UD4.1 within the Heretaunga Plains sub-region.

Principal reasons and explanation

In containing urban development, it is essential that urban activities are avoided beyond the urban limits established in response to POL UD4.1.

1e Reference should be made to the Heretaunga Plains Urban Development Strategy for more information on these future greenfield growth areas.

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POL UD5

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PROVISION FOR PAPAKAINGA AND MARAE-BASED DEVELOPMENT (REGION)

POL UD6.1 District plans shall, where appropriate enable papakainga and marae-based development in accordance with tikanga Maori values, outside existing urban areas and any urban limits, provided development:

- a) Avoids or mitigates the following locational constraints:
 - i. projected sea level rise as a result of climatic changes
 - ii. active coastal erosion and inundation
 - iii. stormwater infrastructure that is unable to mitigate identified flooding risk
- iv. flood control and drainage schemes that are at or over capacity
- v. active earthquake faults
- vi. high liquefaction potential
- vii. nearby sensitive waterbodies that are susceptible to potential contamination from on-site wastewater systems or stormwater discharges
- viii. no current wastewater reticulation and the land is poor draining
- ix. identified water short areas with the potential to affect the provision of an adequate water supply.

PAPAKAINGA AND MARAE-BASED DEVELOPMENT (REGION)

POL UD6.2 Papakainga and marae-based development shall be encouraged, where possible; to:

- a) integrate with existing development
- integrate with the provision of strategic and other infrastructure (particularly strategic transport networks in order to limit network congestion, reduce dependency on private motor vehicles and promote the use of active transport modes).
- Promote, and not compromise, social infrastructure including community, education, sport and recreation facilities and public open space.

Principal reasons and explanation

Housing and associated activities around rural marae have been in existence for many years. Provision is made for accommodating growth through papakainga and marae-based development on ancestral land, which may fall outside urban limits. The continuation and expansion of papakainga and other marae based activities, subject to relevant statutory processes, gives effect to the requirements of sections 6(e), 7(a) and 8 of the Act and also recognises the statutory provisions in the Te Ture Whenua Maori Act 1993. This policy provides tangata whenua with the potential to meet their housing and economic development needs.

ENCOURAGING INTENSIFICATION OF RESIDENTIAL ACTIVITY

INTENSIFICATION IN EXISTING RESIDENTIAL AREAS (HERETAUNGA PLAINS SUB-REGION)

POL UD7 In the Heretaunga Plains sub-region, district plans shall include objectives, policies and methods promoting intensification by redevelopment of suitable locations within existing residential areas.

Principal reasons and explanation

An increasing proportion of the residential growth of the Heretaunga Plains sub-region is expected to take place through intensification, by redevelopment within existing residential and rural residential areas, in the move towards more compact urban form for the Heretaunga Plains sub-region. The existing urban areas most suited to intensification will be determined by the relevant territorial authority and included in the district plan. Between 2015 and 2045, the proportion of growth accommodated through intensification is intended to increase from approximately 45% to 60% (refer Table 1 below).

Table 1: Proportion of Additional Households by Type of Development for the Heretaunga Plains Sub-Region 2015-2045 (based on 2010 projections)

Type of Development	Proportion of Additional Households [No.]				
	2015-2025	2025-2035	2035-2045	2015-2045	
Intensification	45% [1,872]	55% [1,502]	60% [674]	51% [4,048]	
Greenfields	45% [1,872]	40% [1,092]	35% [394]	42% [3,358]	
Rural Residential	10% [416]	5% [136]	5% [56]	7% [608]	
TOTAL	100% [4,160]	100% [2,730]	100% [1,124]	100% [8,014]	



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DENSITY OF RESIDENTIAL DEVELOPMENT AREAS (HERETAUNGA PLAINS SUB-REGION)

POL UD8 In the Heretaunga Plains sub-region, residential subdivision and development shall seek to achieve the following minimum net densities, where appropriate, within greenfield growth or intensification development areas, to be achieved in a staged manner by 2045:

- a) an average yield of 15 lots or dwellings per hectare in each greenfield growth area developed post 31
 December 2015:
- b) an average yield of 20 lots or dwellings per hectare within each intensification development area.

Principal reasons and explanation

The setting of net density targets reflects the promotion of more intensive developments, in transitioning to more compact urban form for the Heretaunga Plains sub-region over time. The policy expresses desired minimum net densities averaged over each greenfield growth area or intensification development area in a staged manner. It is accepted that achievement of these densities may be constrained by various limiting factors, such as orientation, topography and geology, which may lead to areas achieving lower or higher density yields. However, it is expected that overall greenfield growth areas and intensification development areas will set out to achieve these minimum net densities, and that they will be achieved across the sub-region by 2045.

The mechanism of how to achieve the density targets through subdivision and land use development will be provided in the relevant district plan. This will enable territorial authorities to determine the speed in which intensification occurs, and develop appropriate design guidelines for influencing intensive development for inclusion in their district plans. Further, before rezoning land for urban purposes, territorial authorities are required to ensure that structure plans are put in place (see Policy UD10.1).

ACHIEVING STRATEGIC INTEGRATION OF INFRASTRCUTURE WITH LAND USE

SEQUENCING (HERETAUNGA PLAINS SUB-REGION)

POL UD9.1 In the Heretaunga Plains sub-region, district plans shall provide for the strategic integration of infrastructure and development through the staged release of new greenfield growth areas.

SEQUENCING DECISION-MAKING CRITERIA (HERETAUNGA PLAINS SUB-REGION)

POL UD9.2 In the Heretaunga Plains sub-region, the sequencing of development for greenfield growth areas shall be based on the following criteria:

- a) Availability and costs of infrastructure services (water, wastewater, stormwater, transport and electricity distribution);
- b) The operational capacity of strategic infrastructure (particularly strategic transport networks); and
- c) Balanced supply and locational choice across the sub-region.

Other factors that may be taken into account include (but are not limited to):

- The accessibility and capacity of social infrastructure (particularly community, education, sport and recreation facilities and public open space);
- e) The sustainable management of natural and physical resources;
- f) The availability of employment opportunities in and near the greenfield growth areas;
- g) The willingness and timeframe of landowners to participate in greenfield growth plans;
- The opinion of developers regarding land for greenfield growth to ensure the sequencing is feasible and will result in positive growth and investment.

Principal reasons and explanation

The market has not always delivered infrastructure or a development pattern in a way that is efficient and cost-effective for the community. Addressing the timing and sequencing of development is designed to ensure, within broad limits, that development proceeds in a way that gives infrastructure service providers time to match demand, and the ability to fund that service delivery, and also to ensure sufficient locational cole. Sequencing will provide more certainty to the community, developers and infrastructure providers about when and where development is likely to occur. The overall purpose is to provide a broad framework that signals to the market the importance of integrating public and private development decisions.

STRUCTURE PLANS (HERETAUNGA PLAINS SUB-REGION)

POL UD10.1 In the Heretaunga Plains sub-region, development of urban activities within greenfield growth areas shall occur in accordance with a comprehensive structure plan. Structure plans shall be prepared when it is proposed to amend the district plan, and shall be included in the district plan to provide for urban activities.



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AD HOC URBAN DEVELOPMENT (HERETAUNGA PLAINS SUB-REGION)

POL UD10.2 In the Heretaunga Plains sub-region, avoid inappropriate ad hoc urban development within the residential greenfield growth areas identified in Policy UD4.3 or created under Policy UD4.2 prior to rezoning taking place.

STRUCTURE PLANS (REGION)

POL UD10.3 Notwithstanding Policy UD10.1, structure plans for any area in the Region shall:

- a) Be prepared as a single plan for the whole of a greenfield growth area;
- b) Be prepared in accordance with the matters set out in POL UD12;
- c) Show indicative land uses, including:
 - principal roads and connections with the surrounding road network and relevant infrastructure and services;
 - ii. land required for stormwater treatment, retention and drainage paths;
 - iii. any land to be set aside for business activities, recreation, social infrastructure, environmental or landscape protection or enhancement, or set aside from development for any other reason; and
 - iv. pedestrian walkways, cycleways, and potential public passenger transport routes both within and adjoining the area to be developed;
- d) Identify significant natural, cultural and historic or heritage features;
- e) Identify existing strategic infrastructure; and
- f) Identify the National Grid (including an appropriate buffer corridor).

STRUCTURE PLANS (REGION)

POL UD10.4 Notwithstanding Policy UD10.1, in developing structure plans for any area in the Region, supporting documentation should address:

- a) The infrastructure required, and when it will be required to service the development area;
- b) How development may present opportunities for improvements to existing infrastructure provision;
- How effective provision is made for a range of transport options and integration between transport modes:
- How provision is made for the continued use, maintenance and development of strategic infrastructure;
- e) How effective management of stormwater and wastewater discharges is to be achieved;
- f) How significant natural, cultural and historic or heritage features and values are to be protected and/or enhanced:
- g) How any natural hazards will be avoided or mitigated; and
- h) Any other aspects relevant to an understanding of the development and its proposed zoning.

Principal reasons and explanation

Structure plans provide a mechanism for integrating urban development with infrastructure, making the best use of existing infrastructure, and identifying and providing for the additional infrastructure required to meet the needs of incoming residents and businesses. Development occurring ahead of rezoning has the potential to reduce the efficiency of infrastructure and limit the options available when developing a structure plan for the area.

Structure plans provide the mechanism for integrating new development with existing urban areas, ensuring urban growth is accommodated in a sustainable way, and that all constraints are investigated and addressed or protected at the time of initial zoning for urban purposes. Infrastructure providers should be consulted early on in the structure planning process to ensure appropriate decisions are made as to how servicing is to be achieved, whether the proposed development is appropriate, and what limitations may exist. Policy UD10.3(e) and (f) ensure strategic infrastructure is taken incommon developing an area for urban activities, in particular sub-clause (f) specifically gives effect to Policy 11 of the National Policy Statement on Electricity Transmission, which refers to identification of an appropriate buffer comidor around National Grid lines.



REZONING FOR URBAN DEVELOPMENT (REGION)

POL UD11

Notwithstanding Policy UD10.1, within the Region, any rezoning for the development of urban activities should be accompanied by a structure plan for inclusion in the district plan, in accordance with the matters in POL UD10.3 and POL UD10.4, and POL UD12.

MATTERS FOR DECISION-MAKING (REGION)

POL UD12

In preparing or assessing any rezoning, structure plans, or other provisions for the urban development of land within the Region, territorial authorities¹¹ shall have regard to:

- a) The principles of the New Zealand Urban Design Protocol (Ministry for the Environment, 2005);
- New Zealand Standard NZS4404:2010 Land Development and Subdivision Infrastructure, and subsequent revisions;
- Good, safe connectivity within the area, and to surrounding areas, by a variety of transport modes, including motor vehicles, cycling, pedestrian and public transport, and provision for easy and safe transfer between modes of transport;
- d) Location within walkable distance to community, social and commercial facilities;
- e) Provision for a range of residential densities and lot sizes, with higher residential densities located within walking distance of commercial centres;
- f) Provision for the maintenance and enhancement of water in waterbodies, including appropriate stormwater management facilities to avoid downstream flooding and to maintain or enhance water quality;
- Provision for sufficient and integrated open spaces and parks to enable people to meet their recreation needs, with higher levels of public open space for areas of higher residential density;
- Protection and enhancement of significant natural, ecological, landscape, cultural and historic heritage features:
- i) Provision for a high standard of visual interest and amenity;
- Provision for people's health and well-being through good building design, including energy efficiency and the provision of natural light;
- k) Provision for low impact stormwater treatment and disposal;
- Avoidance, remediation or mitigation of reverse sensitivity effects arising from the location of conflicting land use activities;
- m) Avoidance of reverse sensitivity effects on existing strategic and other physical infrastructure, to the extent reasonably possible;
- Effective and efficient use of existing and new infrastructure networks, including opportunities to leverage improvements to existing infrastructure off the back of proposed development;
- o) Location and operational constraints of existing and planned strategic infrastructure;
- p) Appropriate relationships in terms of scale and style with the surrounding neighbourhood; and
- g) Provision of social infrastructure.

Principal reasons and explanation

These matters provide general guidance to territorial authorities and developers involved in the preparation and assessment of urban developments, recognising that good urban design will increase the efficiency and effectiveness of urban areas – both in terms of quality of life, and the efficient and effective provision of infrastructure and community services. These matters are considered especially important in achieving quality urban environments given the policy direction towards higher density development.

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¹f The matters set out in POL UD12 are in addition to local authorities' legal obligations stated in the Resource Management Act to give effect to, or have regard to, national policy statements, national environmental standards, iwi management plans, etc.

SERVICING OF DEVELOPMENTS (REGION)

POL UD13 Within the region, territorial authorities shall ensure development is appropriately and efficiently serviced for the collection, treatment, disposal or re-use of sewage and stormwater, and the provision of potable water by:

- Avoiding development which will not be serviced in a timely manner to avoid or mitigate adverse effects on the environment and human health; and
- Requiring these services to be designed, built, managed or upgraded to maximise their ongoing effectiveness.

Principal reasons and explanation

Appropriate provision for sewerage, stormwater and potable water infrastructure is essential to people's wellbeing, health and safety and to environmental health, as well as ensuring adverse effects on the receiving environment are avoided or mitigated. Developments must manage the disposal and treatment of sewage and stormwater recognising the receiving environment (its receiving capacity, and limitations in terms of environmental quality). Servicing should be considered early in the development process. This will ensure that appropriate decisions are made as to how servicing is to be achieved, whether the proposed development is appropriate, and what site limitations may exist. This also enables consideration of water conservation and water efficiency methods.

[Refer also POL18(d) (Chapter 3.8 - Groundwater Quality) re: connections to reticulated systems]

MONITORING AND REVIEW OF DEVELOPMENT IN HERETAUNGA PLAINS SUB-REGION

MONITORING (HERETAUNGA PLAINS SUB-REGION)

POL UD14.1 Information will be collected on development and infrastructure trends and pressures in the Heretaunga Plains sub-region, so that these trends and pressures can be responded to appropriately and in a timely manner, to support further regular reviews of the Heretaunga Plains Urban Development Strategy and so this information can be used to assess the need for changes to the settlement pattern in Policies UD2, UD3, UD4.1, UD4.2, UD4.3, UD4.4, UD4.5, UD7 and UD8.

REVIEWS (HERETAUNGA PLAINS SUB-REGION)

- POL UD14.2 Hawke's Bay Regional Council will review Policies UD2, UD3, UD4.1, UD4.2, UD4.3, UD4.5, UD4.4, UD7 and UD8, including the extent, location and sequencing of land for development in the Heretaunga Plains sub-region, in collaboration with Napler City Council, Hastings District Council, the New Zealand Transport Agency and any other relevant parties, if any of the following situations occur:
 - a) reporting in POL UD14.1 recommends that a review is needed; or
 - household and/or population growth varies by more than 10% over 5 consecutive years from the household and population predictions in HPUDS; or
 - c) HPUDS partners agree that insufficient land exists within the identified greenfield growth areas to cater for household and business growth anticipated within 10 years of the analysis; or
 - d) HPUDS partners agree that exceptional circumstances have arisen such that a review is necessary to achieve Objectives UD2, UD3 and UD4 in particular.

Principal reasons and explanation

The preferred settlement pattern for future growth in the Heretaunga Plains sub-region is based on certain assumptions about likely future development trends and requirements in the Heretaunga Plains sub-region. Policy UD14.1 establishes the need to collect and report information on development trends and pressures that is needed to help inform future revisions of HPUDS and to provide information to support Policy UD14.2. The information referred to in Policy UD14.1 can be collected in a variety of ways including those set out in HPUDS and Method UD2. Policy UD14.2 recognises that conditions could change such that the preferred settlement pattern and greenfield growth areas need to be reviewed to ensure ongoing management of development in the Heretaunga Plains sub-region remains appropriate. Examples of exceptional circumstances include a natural event causing widespread damage to land and property; a large local or sub-regional company relocating operating facilities into, or out of, the



METHODS

Many of the policies in this chapter will be given effect to by territorial authorities through inclusion of appropriate provisions in district plans and in decisions on resource consents and designations. The policies in this chapter will also be given effect to through methods in the Regional Resource Management Plan and Regional Coastal Environment Plan.

The following are additional methods being used or to be used by the Regional Council to implement policies in this Chapter. Territorial authorities may also use or intend using any of these methods or similar methods:-

Advocacy

MET UD1

Hawke's Bay Regional Council will:

- a) Promote alignment of relevant regional and district plan provisions applying to land use management throughout the region and in particular, on the versatile land of the Heretaunga Plains.
- b) Encourage the replacement of onsite wastewater disposal systems where there are multiple systems in close proximity, with reticulated wastewater systems.
- c) Promote awareness of the effects of stormwater discharges on water quality.
- Promote low impact urban design and development (LIUDD).
- e) Encourage the adoption of land based mitigation of stormwater, including the use of wetlands.
- Advocate a whole-of-catchment approach to the management of water.
- g) Promote development setbacks and buffer zones to protect natural physical processes, ensure natural hazard mitigation and manage reverse sensitivity effects.
- Promote awareness of natural hazard risk, particularly risks associated with coastal erosion and inundation.
- Promote awareness of limits on availability of potable water supplies and potential reverse sensitivity impacts on lawful efficient water use.
- Promote setbacks and buffer zones to protect the ongoing operation, maintenance and development of strategic infrastructure.

Monitoring and Review

Hawke's Bay Regional Council, in conjunction with the territorial authorities in the Heretaunga Plains subregion, will update the Heretaunga Plains Urban Development Strategy on a regular basis through regular review of the information used, particularly in the forecasting of growth, funding of infrastructure and assumptions. As a minimum, monitoring of the demographic projections upon which HPUDS is based and projected actual uptake rates will be undertaken following each census. These reviews will feed back into monitoring the effectiveness of the Regional Policy Statement.

Cross Boundary Liaison/Collaboration

MET UD3 Hawke's Bay Regional Council will:

- a) Liaise and collaborate on cross boundary infrastructure issues.
- Promote a collaborative approach to the sustainable management of versatile land.
- Promote a collaborative approach to the management of the coastal environment.

Transportation Strategies

MET UD4

Hawke's Bay Regional Council will ensure urban growth management feeds into and informs transportation strategies and funding - such as the Heretaunga Plains Transportation Study, regional transport strategies,

Provision of Information and Services

MET UD5

Hawke's Bay Regional Council will continue to monitor, research and map natural hazards, and review hazard and risk information, and provide information and guidance to territorial authorities on natural hazards and natural hazard risk.



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Preparation and Review of Objectives, Policies and Methods in Regional Plans

MET UD6

Hawke's Bay Regional Council will set out objectives, policies and methods in regional plans which:

- a) Avoid cumulative effects of discharges from on-site wastewater treatment and disposal systems;
- Discourage discharges from new community wastewater collection, treatment and disposal systems in circumstances where a suitable existing community system is available;
- Ensure discharges of stormwater are managed so that the impact on water quantity of development is similar to that which existed prior to the development and avoids or mitigates any increase in downstream flood risk;
- d) Ensure appropriate treatment of stormwater discharges occurs to avoid or mitigate inappropriate adverse effects on water quality and the receiving water body;
- e) Encourage and where appropriate require the progressive upgrading and development of discharges from wastewater and stormwater systems where these currently result in inappropriate adverse effects on the environment;
- f) Control the adverse effects of development on water bodies, including their value as sources of drinking water;
- g) Enable the development and use of strategic infrastructure while controlling adverse effects of that development and use.

[Refer also:

- POL5 and POL6 Non-Regulatory Methods (Chapter 3.5) re: land use conflicts
- POL55 Non-Regulatory Methods (Chapter 3.12) re: natural hazards
- Methods in Chapter 4 sections 4.3 (Liaison with Territorial Authorities, 4.5 (Works and Services), 4.6 (Research and Investigation) and 4.7 (Monitoring)
- POL56 Non-Regulatory Methods (Chapter 3.13) re: Territorial Authority liaison and provision of information in relation to regional infrastructure?

ANTICIPATED ENVIRONMENTAL RESULTS

- AER UD1 Availability of sufficient land to accommodate population and household growth, as and where required, while retaining versatile land for existing and foreseeable future primary production.
- **AER UD2** Balanced supply of affordable residential housing and locational choice in the Heretaunga Plains subregion.
- AER UD3 More compact, well-designed and strongly connected urban areas.
- AER UD4 Napier and Hastings retained as the primary urban centres for the Heretaunga Plains sub-region.
- AER UD5 Encroachment of urban activities (residential, commercial, industrial) onto the versatile land of the Heretaunga Plains is confined to defined greenfield growth areas within specified urban limits.
- **AER UD6** The retention, as far as is reasonably practicable, of the versatile land of the Heretaunga Plains for existing and foreseeable future primary production.
- AER UD7 Efficient utilisation of existing infrastructure.
- AER UD8 Efficient utilisation of infrastructure which has already been planned and committed to by a Local Authority (e.g. by funding) but not yet constructed.
- **AER UD9** Increased use of public transport and active transport modes (cycling, walking), reduced dependency on the private motor vehicle and reduced energy use.
- **AER UD10** Planned provision for, and protection of, infrastructure to support existing development and anticipated urban growth in defined growth areas.
- AER UD11 Urban activities and urban development maintains groundwater and surface water quality and habitat health.
- AER UD12 Urban development is avoided in areas identified as being at unacceptable risk from natural hazard (flooding, coastal inundation, coastal erosion, liquefaction, land instability).
- AER UD13 New development is appropriately serviced by wastewater, stormwater, potable water and multi-modal transport infrastructure.
- AER UD14 The efficient provision of freight links for distribution to and from the region.



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3.2 The Sustainable Management of Coastal Resources

ISSUE

3.2.1 Integrated management of the region's coastal resources across a wide range of natural and physical conditions, administrative responsibilities cultural considerations, and matters of social and economic well being.

OBJECTIVES

- **OBJ 4** Promotion of the preservation of the natural character of the coastal environment and its protection from inappropriate subdivision, use and development.
- OBJ 5 The maintenance and where practicable and in the public interest, the enhancement of public access to and along the coast.
- OBJ 6 The management of coastal water quality to achieve appropriate standards, taking into account spatial variations in existing water quality, actual and potential public uses, and the sensitivity of the receiving environment.
- OBJ 7 The promotion of the protection of coastal characteristics of special significance to iwi, including waahi tapu, tauranga waka, taonga raranga, mahinga kai and mahinga mataitai.
- OBJ 8 The avoidance of further permanent development in areas prone to coastal erosion or inundation, taking into account the risk associated with global sea level rise and any protection afforded by natural coastal features.
- OBJ 9 Appropriate provision for economic development within the coastal environment, including the maintenance and enhancement of infrastructure, network utilities, industry and commerce, and aquaculture.
- OBJ 10 Enabling safe and efficient navigation.

Explanation and Reasons

- 3.2.2 The coastal environment includes the coastal marine area (the area from mean high water springs to the outer limits of the territorial sea) and the adjacent land that is affected by maritime influences, the air above it, and coastal water.
- 3.2.3 People and communities in the region are aware of, and have concerns about, the sustainable management of the coastline.
- 3.2.4 The environment of the coastline contributes to the characteristics which give Hawke's Bay its unique identity. This environment provides a social, recreational, cultural and economic resource for the regional community and for visitors. Public use and enjoyment of the coastline are, in turn, dependent on the protection and maintenance of its physical and biological diversity, health and well-being. Areas of wildlife habitat, marine and land-based vegetation, and geomorphological features also have value. These contribute to the distinctive natural identity of New Zealand in general, and the region in particular.
- 3.2.5 Among the significant features of the region's coastline are the spiritual and cultural significance of the sea to tangata whenua, the recreational amenities of coastal areas, and the importance of the costal waters as a way of transporting goods.
- 3.2.6 Integrated management of the coast requires special effort as the regional council and the territorial authorities in the region jointy manage the coastal environment area landward of the "Coastal Marine Area". This is achieved through district and (as appropriate) regional plans. However, the "Coastal Marine Area" is primarily the responsibility of the Hawke's Bay Regional Council, which must prepare a Regional Coastal Plan. HBRC has combined its regional coastal plan with other regional planning provisions applicable to the coastal environment into the Regional Coastal Environment Plan. The coastal environment includes the coastal marine area and an area of land immediately adjacent to the coast. The Minister of Conservation also retains some specific responsibilities over the coastal marine area.
- 3.2.7 The New Zealand Coastal Policy Statement (NZCPS) provides principles for, and guidance to, regional and territorial authorities in managing coastal resources. The NZCPS links matters of national importance, as set out in the Act, with the objectives, policies, rules and other provisions of regional and district plans, including the Regional Coastal Environment Plan. The Regional Coastal Environment Plan thus contains a greater level of detail for areas and activities within the coastal environment than the broad regional policy framework for coastal resources included in the Regional Policy Statement.
- 3.2.8 The preservation of the natural character of the coastal environment is specified as a matter of national importance in the Act. The natural character of the coast embraces ecological, physical, spiritual, cultural, intrinsic and aesthetic values. While it is a matter of national importance to preserve those values, the Act does not preclude appropriate use and development, particularly where natural character has already been compromised.

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- 3.2.9 Public access to and along the coast is an important issue for the residents of Hawke's Bay. It is also a matter of national importance in the RMA. In planning for the use, development and protection of the natural and physical resources in the coast, public access as far as possible should be maintained. In certain circumstances it may be desirable to enhance public access to and along the coast.
- 3.2.10 Good water quality is important for the sustainable management of natural and physical resources in the coastal environment and is an issue of prime concern to the residents of Hawke's Bay. However, water quality may vary over time and in different areas. An appropriate management framework includes achieving standards through management of discharge including point and non-point source discharges from land and to sea.
- 3.2.11 Tangata whenua of Hawke's Bay have strong traditional and cultural relationships with the sea. The identification and protection of coastal characteristics of special significance to iwi recognises the special relationships that iwi have with coastal resources.
- 3.2.12 Avoiding permanent development in areas prone to coastal erosion or inundation and taking into account the risk associated with global sea level rise is necessary to achieve the purpose of the Act. This approach enables people to provide for their safety and recognises the reasonably foreseeable needs of future generations. It also gives a clear indication to resource users that development in these areas is inappropriate and indicates that local authorities are accountable for any development that does occur in these areas.
- 3.2.13 The provisions of the Act do not relate solely to the control of environmental effects. Providing for economic development in the coastal environment within the region is necessary to achieve the purpose of the Act because the Act requires the Council to promote the sustainable management of both natural and physical resources. Physical resources include land and structures and includes the structures in the region which add to the present and future economic well-being of the region. The responsibility for providing for the social, economic, cultural, health and safety needs of the community lies in part with the Regional Council. The economic well-being of the people and communities of the region requires the continuation of an economic infrastructure.
- 3.2.14 There are a number of existing surface water activities in Hawke's Bay ranging from passive recreation to recreational use of boats, yachts and pleasure craft, to commercial fishing and port related shipping. New activities may occupy coastal marine space and may have the potential to enhance or conflict with navigational needs. Promoting safe and efficient navigation is necessary to promote the purpose of the Act because it enables people and communities to provide for their social, cultural and economic well-being and for their health and safety.

POLICIES

- 3.2.15 There are no specific policies relating to the coastal environment part of this Plan, although provisions within the Regional Policy Statement parts of this Plan do apply within the coastal environment. Specific regional plan provisions (including policies) for the coastal environment are contained within the Regional Coastal Environment Plan.
- 3.2.16 The Hawke's Bay Regional Coastal Environment Plan is a combined Plan, incorporating the regional coastal plan that HBRC is required to prepare. It sets out in some detail objectives, policies and methods including rules which are the basis for management of the coastal environment. Thus the Regional Policy Statement of this Plan does not repeat or elaborate on the above objectives, and the Regional Coastal Environment Plan should be referred to for further detail.
- 3.2.17 Under the Act, HBRC has shared responsibility with the territorial authorities for management of activities and effects of activities within the coastal environment.
- 3.2.18 Some aspects of those activities are the sole responsibility of district councils particularly managing the effects of land uses, development and subdivision in terms of the Act and in ways which are not inconsistent with this Regional Policy Statement or regional plans. District Plans should also be referred to as these may set out specific objectives, policies, methods and rules for the landward side of the coastal environment.



3.3 Loss and Degradation of Soil

ISSUE

- 3.3.1 Loss and degradation of soil, in particular:
 - (a) Accelerated hill country erosion caused by the clearance of vegetation, inappropriate pastoral farming, and earthworks.
 - (b) Wind erosion caused by inappropriate cultivation practices.
 - (c) Degradation of soil health due to inappropriate management practices.
 - (d) The adverse effect of soil loss on water quality.

OBJECTIVES

- OBJ 11 An ongoing reduction in the extent and severity of hill country erosion.
- OBJ 12 The avoidance of loss in the productive capability of land, as a result of inappropriate land use practices hastening wind erosion.
- OBJ 13 The avoidance of nuisance effects or economic losses on adjoining properties as a result of wind erosion.
- OBJ 14 The avoidance of loss in the productive capability of land, as a result of reduced soil health.

Explanation and Reasons

- 3.3.2 Hill country erosion refers to large and obvious examples of mass movement. These include earth flows, gully erosion, slips, slump erosion, and rock slides. Hill country erosion is very prominent in Hawke's Bay, particularly in northern and coastal areas. A degree of natural erosion can be expected, and this is evident even in naturally forested areas after severe storm events. However, erosion rates have been accelerated where:
 - (a) Land has been managed for maximum production (through increased pasture areas and high stocking rates) rather than in a manner which more closely aligns with the capability of the land.
 - (b) Vegetation has been cleared, resulting in insufficient deep-rooting vegetative species that bind erodible soils.
 - (c) Tracking and other earth works lays the land bare, exposing it to rain, frost and wind.
- 3.3.3 There are three issues regarding erosion: a natural rate of erosion (under natural vegetation); accelerated erosion due to the removal of natural forest, and pasture establishment; and aggravated accelerated erosion, due to inappropriate land management practices, such as over grazing of pasture.
- 3.3.4 Intensive pastoral farming undertaken on land that is not physically capable of sustaining high stocking rates, such as some hill country in Hawke's Bay, will accelerate erosion. The degradation of pasture by grazing stock, and the pugging and compaction of soils may further increase the susceptibility of hill slopes to mass movement.
- 3.3.5 Although pasture cover can return within a few years after a period of erosion, it is likely that the new growth will be less productive than previous pasture, as the underlying sub-soil is thinner and holds fewer nutrients. Generally, it takes about 20 years for pasture to return to 70-80% of its pre-erosion cover, and if erosion is repeated, areas may become barren (Ministry for the Environment, 1997). However, the impact on productivity can be worse. Trustrum et al. (1984) reported that pastoral land in Hawke's Bay which has been subject to slips can take up to 60 years to return to 80% of its pre-slip productivity level. If erosion is repeated, areas may become barren.
- 3.3.6 As well as reducing productivity, erosion can have other effects. There can be disruption to infrastructure such as roads and fences. Mass movement of soil can also add large volumes of sediment to water bodies affecting water quality and ecosystems, and exacerbating flood risks.
- 3.3.7 Forest vegetation can reduce the amount and degree of erosion by intercepting rainfall, increasing evapotranspiration rates and reinforcing soils through the root network. Good forestry practice can reduce the risk of soil erosion that may follow harvesting,

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particularly when followed by storm events. The level and extent of erosion that results from the removal of trees is dependent on a number of factors including the tree species, the area felled, the method of felling, the implementation of other forestry management techniques used to minimise runoff and erosion and the underlying geology.

- 3.3.8 The northern part of the Hawke's Bay region has a predominance of siltstone hill country. This area is the most erosion-prone landform in the region, and is subject to high intensity rainstorms with a recurrence interval averaging 3 to 5 years. These cyclonic rainstorms can cause erosion on large areas. Extreme events during the last two decades have included Cyclone Bola in 1988 which caused widespread impacts, and the series of cyclones in 1997 which severely affected land in the Wairoa District. It was estimated (Trustrum and Page, 1991) that Cyclone Bola moved 1.35 million m³ of soil in the Tutira catchment, and that 90% of the sediment was derived from just 44% of the area. This equates to a surface lowering of about 42 mm across the entire catchment, or about 85 mm in the highly erodible area.
- 3.3.9 The (mostly coastal) hill country of southern Hawke's Bay largely consists of jointed mudistone. This is subject to earthflow erosion, particularly where it is dissected by guilles or undercut by streams. However, the extent of erosion is not as severe as that in the northern siltstone hill country.
- 3.3.10 The Hawke's Bay region's lowland areas are characterised by stable soils with a relatively high fertility. However, some of these areas are susceptible to wind erosion. Wind erosion is most likely to occur where the land has been laid bare by cropping, erosion or earth works. Wind erosion exacerbated by cultivation has been identified in areas of Hawke's Bay, where soils are dry and light. Such erosion has resulted in the loss of the soil resource, and dust nuisance to properties downwind. In extreme cases, dust resulting from wind erosion has caused immediate economic losses by smothering crops on properties downwind. Wind erosion can also occur in coastal dune areas, and hill country areas during summer droughts.
- 3.3.11 The degradation of soil health, including its physical and biological properties, reduces a soil's productivity, often leading to increased inputs of fertiliser, irrigation and cultivation as short term compensators. This increases the risk of leaching and increases use of water and is not sustainable in the long term.¹

POLICIES

POL 1 ROLE OF NON-REGULATORY METHODS

- 3.3.12 To use non-regulatory methods, as set out in Chapter 4, as the primary means for achieving the objectives above and the environmental guidelines set out in Chapter 5, including:
 - Economic Instruments The provision of financial incentives to facilitate the retirement or sustainable use of erosion-prone areas.
 - (b) Education and co-ordination Actively promoting self-regulation by land owners, assisting with the formation of Landcare Groups, preparing soil conservation farm plans, providing information about sustainable land management practices, and responding to requests for advice.
 - (c) Encouragement for self-regulation Promote and support self-regulation, including the adoption by resource user groups, of guidelines and codes of practice by resource user groups.

Explanation and Reasons

3.3.13 Policy 1 sets out the role of the HBRC in providing financial incentives and promoting self-regulation, better land management practices and education, as the primary response to addressing the loss and degradation of soil in the region. By providing financial incentives, and encouraging greater responsibility, accountability, and awareness of the effects of land use, the loss and degradation of soil should be reduced.

For the purposes of this plan "soil health" refers to physical parameters including soil structure and porosity, biological parameters including soil organic matter and earthworms, and chemical parameters including soil contaminants but excluding soil chemical properties generally accepted as measurements of soil fertility.



POL 2 PROBLEM SOLVING APPROACH - WIND EROSION

3.3.14 To use both non-regulatory methods as set out in Chapter 4, and enforcement procedures available under section 17 of the Act, to ensure cropping activities are undertaken in a manner which uses the best practicable option to minimise the risk of both erosion and the discharge of offensive or objectionable dust beyond the boundary of the subject property.

Explanation and Reasons

3.3.15 Policy 2 sets out Council's two-pronged approach to wind erosion – the encouragement of best practices to minimise the risk of both topsoil loss and of nuisance effects beyond a property boundary; in conjunction with the discouragement of any on-going breach of section 17 by the use of enforcement action.

POL 3 PROBLEM SOLVING APPROACH - VEGETATION REMOVAL

- 3.3.16 (a) To use both non-regulatory methods, as set out in Chapter 4, to discourage the removal of vegetation on highly erodible land, particularly Class VIII and VIII land, except where:
 - (i) The removal of vegetation is for the purpose of providing environmental benefits, including land stabilisation, enhancement of water quality, and/or the establishment of indigenous plant species.
 - (ii) The removal of vegetation is for the purpose of establishing or maintaining a network utility firebreak² or fence line.
 - (iii) The removal of vegetation is for the purpose of harvesting vegetation that was planted for commercial purposes.
 - (iv) The removal of vegetation involves a plant pest and is consistent with the requirements of the Regional Plant Pest Management Strategy.
 - (b) To use regulatory methods, as set out in Chapter 6, to discourage the removal of vegetation except where the conditions/standards/terms of Rules 7 and 8 are met.

Explanation and Reasons

3.3.17 Policy 3 provides guidance to resource users when considering activities proposed in areas of highly erodible land, particularly on land with a land use capability class of VIII. This policy seeks to discourage, through enforcement action and non-regulatory methods, the removal of vegetation in areas of highly erodible land.

ANTICIPATED ENVIRONMENTAL RESULTS

Anticipated Environmental Result	Indicator	Data Source	
Reduction in area of land prone to wind erosion	% land prone to wind erosion	% soils at risk from erosion mapped	
No long-term degradation in soil health	Change in area susceptible to decline in soil health	Results of "500 soils" project	
An increase in the area of the region being sustainably managed	% region being sustainably managed against land use capability	Land cover mapping (5 yearly)	
Reduction of sediment deposited in the region's water bodies	Number of incidents reported/complaints received	Council records	

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Firebreak' means an adequate cleared area that is not vegetated to prevent the spread of fire between vegetated areas

3.4 Scarcity of Indigenous Vegetation and Wetlands

ISSUE

3.4.1 The scarcity of indigenous vegetation, wetlands, and habitats of indigenous fauna as a result of vegetation modification or clearance and land drainage.

OBJECTIVE

OBJ 15 The preservation and enhancement of remaining areas of significant indigenous vegetation, significant habitats of indigenous fauna and ecologically significant wetlands.

Explanation and Reasons

- 3.4.2 Before settlement, Hawke's Bay was covered in dense native forest, wetlands and high country tussock. The vast majority of native forest and tussock has been removed, and wetlands have been drained, as a result of successive settlement by Maori and European. This pattern is typical of what happened throughout New Zealand and, indeed, elsewhere in the world wherever land has been developed for human settlement. It is unreasonable to expect revegetation of the landscape back to its pre-settlement state, as this would essentially require a reversing of the pattern of settlement. However, it is important to value the areas of indigenous vegetation and habitat that remain, and encourage the establishment of other areas.
- 3.4.3 Wetlands provide important areas of indigenous habitat, adding to the biodiversity of Hawke's Bay and the stability and quality of the region's waterways. These areas provide habitat for many of our birds, plants and amphibians. They also filter sediment and nutrients, regulate water flows, decrease the frequency and size of floods, and curb erosion.
- 3.4.4 The majority of wetland areas that once covered the Hawke's Bay region have been drained and developed. Less than 10% of the original wetland area of Hawke's Bay remains, and many of the remaining areas are in poor condition or under threat from land use activities.
- 3.4.5 The remaining areas of indigenous vegetation and wetlands are vulnerable to various threats, in particular:
 - (a) modification or clearance of indigenous vegetation
 - (b) drainage, diversion of water, or water abstraction affecting the quantity of water in wetlands
 - (c) the presence of animal or plant pests
 - (d) pollutants entering wetlands from aerial spraying, topdressing or land runoff, and
 - (e) land use activities around the margins, particularly wandering and grazing stock and heavy machinery.
- 3.4.6 Because the extent of indigenous vegetation and wetlands is already limited in Hawke's Bay, it is important that those areas remaining are preserved, rather than reduced even further.

POLICIES

POL 4 ROLE OF NON-REGULATORY METHODS

3.4.7 To use non-regulatory methods, as set out in Chapter 4, as the primary means for achieving the preservation and enhancement of remaining areas of significant indigenous vegetation and ecologically significant wetlands³, in particular:

- For the purposes of this Plan 'wetland' is not:
 - · wet pasture land
 - artificial wetlands used for wastewater or stormwater treatment
 - · farm dams and detention dams
 - land drainage canals and drains
 - reservoirs for fire fighting, domestic or municipal water supply
 - temporary ponded rainfall or artificial wetlands



Economic instruments - Providing financial support for the preservation of remaining areas of significant indigenous vegetation or wetlands, including support for the covenanting of indigenous vegetation, at a level of funding as established in the HBRC's Annual Plan.

For the purposes of this policy, significant indigenous vegetation includes any of the following:

- (i) Vegetation that has been especially set aside by statute or covenant, or is otherwise legally managed for protection or preservation.
- (ii) Areas of indigenous vegetation over 40 hectares in size.
- (iii) Any area of naturally occurring indigenous vegetation, with the following characteristics:
 - being over one hectare, where the average canopy height is greater than 6 m
 - being five hectares or greater, with an actual or emerging predominance of indigenous tree species of any height (where 'tree species' is any species which may attain a diameter at breast height of 30 centimetres or greater in Hawke's Bay).
- Vegetation recommended for protection under the Protected Natural Areas programme or another programme of the Department of Conservation, or recommended for protection in a report by the Forest Heritage Fund or Nga Whenua Rahui Committees.
- Works and services Providing works and services, or financial support, for the preservation of remaining ecologically significant indigenous wetlands at a level of funding as established in the HBRC's Annual Plan, subject to a management plan or statutory covenant being established for each wetland receiving assistance. Priority will be given to the following wetlands4 (see Figure 4):
 - Whakaki Lake
 - Lake Poukawa/Pekapeka Swamp
 - Opoutama Lagoon
 - Whakamahi Lagoon
 - Ngamotu Lagoon
 - Lake Hatuma
 - Waitangi Estuary
 - Maungawhio Lagoon
 - Lake Runanga
 - Lake Oingo.
- Liaison with territorial authorities Advocating to territorial authorities that they establish mechanisms in their district plans which preserve and enhance areas of significant indigenous vegetation and wetlands.
- Education Encouraging landowners not to undertake drainage and diversion activities where these adversely affect the indigenous ecosystems of wetland areas. Protection and support is available through the covenanting of significant areas.

Explanation and Reasons

3.4.8 Policy 4 sets out the role of the HBRC in providing financial support, undertaking works and services and liaising with territorial authorities to achieve the preservation and enhancement of the remaining areas of significant indigenous vegetation and wetlands. The HBRC recognises the importance of these remaining significant areas and as a result funding has been established within the Annual Plan for the non-regulatory methods.

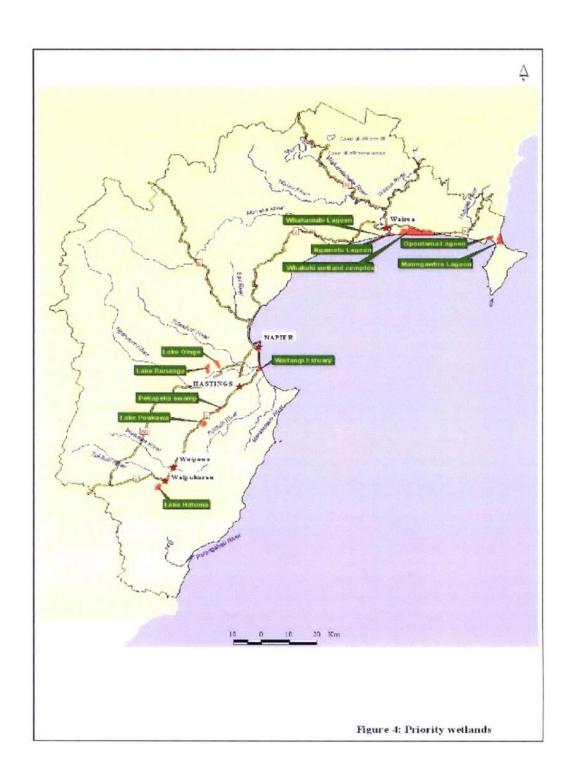
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Priority wetlands - Note that some of these wetland areas are located within the coastal marine area (and therefore fall under the provisions of the Regional Coastal Plan rather than this Plan). However, the full list of priority wetlands has been included for the sake of completeness. 35

ANTICIPATED ENVIRONMENTAL RESULTS

Anticipated Environmental Result	Indicator	Data Source	
An increase in the area of significant indigenous vegetation under covenant	Area of land under protective covenant	Council records	
No further loss of ecologically significant wetlands	Extent of wetlands in the region	Council GIS data	
Improvements in environmental conditions of priority wetlands	Condition of priority wetlands in the region	Site monitoring	





3.5 Effects of Conflicting Land Use Activities

ISSUE

3.5.1 The occurrence of off site impacts or nulsance effects, especially odour, smoke, dust, noise, vibrations, agrichemical spray drift and increased traffic, caused by the location of conflicting land

OBJECTIVES

- OBJ 16 For future activities, the avoidance or mitigation of off site impacts or nuisance effects arising from the location of conflicting land use activities.
- OBJ 17 For existing activities (including their expansion), the remedy or mitigation of the extent of off site impacts or nuisance effects arising from the present location of conflicting land use activities.
- OBJ 18 For the expansion of existing activities which are tied operationally to a specific location, the mitigation of off site impacts or nuisance effects arising from the location of conflicting land activities adjacent to, or in the vicinity of, areas required for current or future operational needs.

Explanation and Reasons

- 3.5.2 Where different land uses are located adjacent to each other there is always the potential for conflict. This is particularly the case where, for example, there is residential development adjacent to industrial or rural activities, or the use or disposal of organic material associated with rural activities. The proximity of these land uses to one another can cause conflict, predominantly in relation to odour, smoke, dust, noise and agrichemical spray drift (note that the issue of agrichemical use is discussed more fully in section 3.6).
- 3.5.3 The RMA, through the specification of functions of regional councils and territorial local authorities, has created an overlap in functions which complicates the issue. Section 30 of the RMA sets out regional council functions, including the control of the discharge of contaminants into or onto land, air, or water. Intimately related to this are the section 31 land use functions of territorial local authorities. Section 31 accords these organisations the responsibility of controlling the actual and potential effects of the use, development, or subdivision of land. Given that the effects of the land use activity are controlled by the territorial local authority, and any discharge associated with that activity by the regional council, there is often the situation where responsibility shifts from territorial local authority to regional council in terms of function. The control of the emission of noise and the mitigation of the effects of noise are a function of territorial authorities (except in the Coastal Marine Area). In the Coastal Marine Area this has been transferred to the territorial authorities from the regional council.
- 3.5.4 Coupled with this is the need to recognise that the effects of an activity vary according to its location and the surrounding land use activities, e.g. an orchard may not cause any adverse effects to neighbouring orchards and farms, but may cause adverse effects to neighbouring residential areas. Regional Council staff respond to a large number of complaints related to discharges from activities sited in incompatible locations.
- 3.5.5 It is important that local authorities work together to resolve present issues and to ensure that predicaments surrounding conflicting land use activities do not arise from inappropriate planning decisions. This can be most efficiently and effectively achieved through the District Plan development process through techniques involving regulation such as zoning and buffering or the use of separation distances; or the use of non- regulatory methods such as information provision about the potential nuisances likely to arise.
- 3.5.6 Of particular concern to industries and rural businesses are complaints about existing activities made by new neighbours. The viability of existing business activities may be threatened as a result of effects which were not perceived as a problem when the activities were first established. Commonly this occurs when rural lifestyle subdivisions are allowed in traditional farming areas. Odours, noise, agrichemical and fertiliser applications, and dust may be considered to be incompatible with the new adjacent activity. Similar situations arise when residential areas encroach onto industrial areas.
- 3.5.6A Similar concerns are held by the regions infrastructure providers, given that some types of infrastructure can, by their very nature, produce adverse effects which are considered unacceptable by existing activities and the community. For example, infrastructure can cause emissions or vibrations which go beyond the boundaries of the site; or activities associated with the land use may create adverse effects on nearby land, such increased traffic or noise.
- 3.5.6B Such effects need to be planned and managed in an effective manner to ensure established infrastructure is not compromised by the location of sensitive activities nearby, and that existing land uses are not adversely affected by the use and development of new infrastructure.
- 3.5.7 These issues form the justification for management on the basis of "reverse sensitivity". The Environment Court has defined the term "reverse sensitivity" as the effects of the existence of sensitive activities on other activities in their vicinity, particularly by leading to restraints in the carrying on of those activities. The crux of this principle is that where an existing activity produces a situation that a



new activity would likely regard as noxious, dangerous, offensive or objectionable, then the new activity should not be sited next to the existing one. Alternatively, safeguards should be put in place to ensure that the new activity does not curtail the existing one.

3.5.8 The principle of reverse sensitivity is receiving increasing recognition in RMA case law, e.g. McQueen v Waikato District Council (A045/94), Auckland Regional Council v Auckland City Council (A10/97), RDM Consultants Limited v Manawatu Wanganui Regional Council (W91/98), and Coeur Gold NZ and Others v Waikato Regional Council (A97/98).

POLICIES

POL 5 ROLE OF NON-REGULATORY METHODS

3.5.9 To use non-regulatory methods as set out in Chapter 4, in particular liaison with territorial authorities, as the primary means of preventing or resolving problems arising from incompatible land use activities and implementing the problem-solving approaches set out below.

Explanation and Reasons

3.5.10 Policy 5 recognises that while the issues that arise (e.g. dust, smoke and odour nuisance) are controlled by the HBRC, the conflict between incompatible land uses has generally arisen as a result of past land use planning decisions, and a legal inability to consider the likely effects of conflicting land uses. This policy recognises the need for a collaborative approach as the primary means of preventing and resolving problems that arise from incompatible land uses.

POL 6 PROBLEM-SOLVING APPROACH - FUTURE LAND USE CONFLICTS

3.5.11 To recognise that the future establishment of potentially conflicting land use activities adjacent to, or within the vicinity of each other is appropriate provided no existing land use activity (which adopts the best practicable option or is otherwise environmentally sound⁵) is restricted or compromised. This will be primarily achieved through liaison with territorial authorities and the use of mechanisms available to territorial authorities, which recognise and protect the ongoing functioning and operation of those existing activities.

Explanation and Reasons

3.5.12 Policy 6 sets out an approach to avoid the existing level of problems arising from incompatible land uses becoming worse as a result of future decisions. In particular, this policy seeks to encompass the notion of "reverse sensitivity", recognising the rights of existing lawfully established activities.

POL 7 PROBLEM-SOLVING APPROACH - EXISTING LAND USE CONFLICTS

- 3.5.13 To adopt the following approach for addressing existing problems arising from conflicting land use activities that are adjacent to, or within the vicinity of each other:
 - (a) Recognise existing lawfully established resource use activities that are operated in a manner that adopts the best practicable option, or which is otherwise environmentally sound.
 - (b) The HBRC will place emphasis on holding discussions and providing information as the primary means of conflict resolution.
 - (c) In the event that further action is necessary, the HBRC may adopt a range of methods to seek to address the problem, including one or more of the following:
 - (i) Working with organisations representing resource users, if such organisations exist
 - (ii) Promoting the use of community working groups which bring affected people together in order to discuss the problem
 - (iii) Using an independent facilitator to mediate between disputing parties
 - (iv) Using the services of independent experts to carry out investigations and for Council to use that information to guide resource user/parties in dispute.

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^{5 &}quot;Environmentally sound activities" are considered to be those which comply with the Environmental Guidelines set out in Chapter 5; any relevant rules of this Plan; any effects-based environmental guidelines, standards or rules of the relevant territorial authority; and any resource consents required for the activity.

Explanation and Reasons

3.5.14 Policy 7 sets out the approach to be taken to address existing problems that arise because of incompatible land uses. Again, this policy expressly recognises the rights of existing lawfully established activities that adopt the "best practicable option" or which are otherwise environmentally sound. Notwithstanding the recognition of existing lawfully established activities, the HBRC will endeavour to resolve any issues by facilitating discussions between affected parties.

POL 8 DECISION-MAKING CRITERIA - ODOUR EFFECTS

- 3.5.15 To have regard to the following factors when considering conditions on resource consents where a discharge of odour to air occurs:
 - (a) the likely frequency and duration of odour events
 - (b) the nature of the odour
 - (c) the nature of the local environment where odour may be experienced and the reasonable expectation of amenity within that environment given its zoning
 - (d) any antecedent or contributing factors, including climatic or topographical features
 - (e) the extent to which lawfully established resource use activities operate in a manner that adopts the best practical option, or which is otherwise environmentally sound.

Explanation and Reasons

3.5.16 The issue of odour is one of the more frequent complaints which arises as a result of land use effects conflicts. The HBRC assesses each resource consent application on its circumstances and likewise deals with each complaint on a case by case basis. Policy 8 is intended to give some guidance to HBRC when determining resource consent conditions to take into account such factors as the frequency, intensity, duration, offensiveness and location of the odour event. These factors will also be taken into account in assessing any complaint, and the policy acknowledges the unique set of circumstances of each situation.

ANTICIPATED ENVIRONMENTAL RESULTS

Anticipated Environmental Result	Indicator	Data Source	
Minimisation of conflict of effects between existing activities	Compliance with rules and consent conditions	Compliance monitoring Incident response monitoring	
Reduction in adverse effects of incompatible activities on one another	Consideration given to effects in district plans	District Plans HBRC statutory advocacy records	
Avoidance or mitigation of effects between future incompatible activities	Compliance with rules and consent conditions Compliance registers	District Plans Regional Plans	



3.6 Agrichemical Use

ISSUE

3.6.1 The potential adverse effects on human health, property and the environment from agrichemical use.

OBJECTIVE

OBJ 19 The avoidance of any significant adverse effects on human health, property or the environment from agrichemical use.

Explanation and Reasons

- 3.6.2 Agrichemical use is an issue of considerable concern in the Hawke's Bay region. At present, most primary producers and other organisations such as road and rail authorities, councils and contractors in Hawke's Bay use agrichemicals for plant and animal pest and disease control. Indeed, many primary producers are required to use agrichemicals in accordance with schedules set for export markets. However, problems occur because of conflict between this reliance on chemicals and the concerns of others that may be adversely affected by them. Horticulture is an intensive land use over the Heretaunga Plains, and a major concern to the Council is agrichemical use associated with this activity. Over the year 1998-1999 agrichemical complaints represented 15% of air related incidents in the region.
- 3.6.3 Agrichemicals may adversely affect human health if mismanaged. Effects often take time to manifest themselves and difficulties in undertaking studies to assess health effects mean that the extent of the problem is often unclear. However, this potential for health problems means that particular care is required when agrichemicals are used within close proximity of residential buildings, schools, other areas where people congregate, and public roads. It also indicates the importance of taking a precautionary approach, and notifying people of when agrichemicals are to be used and the levels of risk involved.
- Agrichemicals may also have other effects if mismanaged. For example, they may affect water quality, sensitive ecosystems and beneficial organisms such as bees and predatory insects. They may also affect the viability of adjacent land uses, particularly organic farming. Organic farming is increasing in the Hawke's Bay region, as the demand for organic produce rises. There is also the potential to create offensive odours when spraying some agrichemicals.
- 3.6.5 People have the right to use agrichemicals safely and responsibly, within legal constraints. Equally, others who may be affected have a right to know what agrichemicals are to be used, or have been used. As there is likely to be a reliance on agrichemicals for some time yet, there is a need to:
 - (a) ensure that they are not causing adverse effects on people's health or the environment
 - (b) ensure that they are not being used irresponsibly
 - (c) improve the methods of application, including avoiding excessive or non-target application
 - (d) look for ways of reducing the use of agrichemicals over time where alternatives exist or can be developed, and
 - (e) adequately inform people about agrichemical use.
- 3.6.6 Industry is taking steps towards addressing concerns with agrichemical use. For example, a number of GROWSAFE® training programmes are offered by the New Zealand Agrichemical Education Trust (NZAET) through the Agriculture Industry Training Organisation, and are linked with the National Qualifications framework. These are based on the requirements of the Code of Practice for the Management of Agrichemicals (NZS 8409:2004, NZAET 1999). In addition, Heinz-Wattie Ltd and ENZA operate successful programmes for produce growers, aimed at reducing their reliance on, and use of, agrichemicals.
- 3.6.7 The issue of agrichemical use was thoroughly discussed and addressed during development of the Regional Air Plan (HBRC, 1998).
 Owing to the relatively recent development of that Plan, and the level of agreement reached on how to manage agrichemical use, this Plan adopts an approach very similar to that contained in the Regional Air Plan.

POLICIES

POL 9 ROLE OF NON-REGULATORY METHODS

- 3.6.8 To use non-regulatory methods, as set out in Chapter 4, in support of regulatory methods for avoiding adverse effects on human health and the environment from agrichemical use, in particular education and coordination as follows:
 - (a) Advocating to relevant industry and other organisations that, in liaison with the HBRC, they:
 - Provide information and advice to agrichemical users about the safe and responsible use of agrichemicals.
 - Provide general information to the public about agrichemical use in Hawke's Bay, including the types of agrichemicals used, and when, how and why they are used.
 - (b) Promoting the safe and responsible use of agrichemicals, including through adherence to the Code of Practice for the Management of Agrichemicals (NZS 8409:2004, NZAET 1999) or other recognised codes of practice.
 - (c) Encouraging the use of a decision-making process that takes into account all other practicable alternatives before an agrichemical is used in response to an identified need.
 - (d) Promoting the use of suitable mitigation methods to minimise spray drift, such as the planting of shelter belts.

Explanation and Reasons

3.6.9 Policy 9 reflects the importance of ongoing liaison between the HBRC and agrichemical users and the public, so that all parties are working together in managing agrichemical spray drift. It is important for the HBRC to be aware of industry initiatives for the management of agrichemical use, and to discuss its requirements and any public concerns about agrichemical use with the key stakeholders. This policy reflects the Regional Council's belief that the responsibility for educating users and informing the public about agrichemical use also rests with the industries and organisations that represent the users. It also acknowledges the status of the "Code of Practice for the Management of Agrichemicals" as providing valuable Information on the use of agrichemicals and the avoidance of spray drift. Policy 9 recognises the importance of educating agrichemical users in other methods that will assist in the reduction of spray drift, such as the planting of shelterbelts.

POL 10 REGULATION - DISCHARGES OF AGRICHEMICALS

- 3.6.10 To provide for discharges of agrichemicals into air, onto land or into water, in circumstances where the following requirements are met:
 - (a) The agrichemicals to be discharged are approved for their intended use.
 - (b) The proposed method of application, including the type of spray equipment to be used, the spray volume and droplet size, the direction of spraying and the height of release above the ground, is appropriate for the types of agrichemicals to be used and for the minimisation of spray drift.
 - (c) The agrichemical user has appropriate training in respect of agrichemical use.
 - (d) The discharge does not cause any adverse effect on human health.
 - (e) The discharge does not cause any adverse effects on dwellinghouses, public land, or other areas where people reside or congregate.
 - (f) The discharge does not cause any adverse effects on sensitive neighbouring land uses.
 - (g) The discharge does not cause any adverse effects on non-target flora and fauna.



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- (h) The discharge does not adversely affect the water quality of any water body.
- The discharge does not result in any spray drift being deposited on any roof or other structure used as a catchment for water supply.

Explanation and Reasons

Policy 10 sets out the circumstances when the HBRC will provide for the discharge of agrichemicals into the environment. These circumstances are consistent with the matters prescribed in the New Zealand Standard for the Management of Agrichemicals (NZS 8409:2004) and the safe and responsible use of agrichemicals referred to in Policy 9. Policy 10 is a regulation policy and, as such, its purpose is to set out the parameters whereby the discharge of agrichemicals will be permitted (and, consequentially, when it will be regulated).

ANTICIPATED ENVIRONMENTAL RESULTS

Anticipated Environmental Result	Indicator	Data Source
Reduction in receipt of legitimate complaints about agrichemical spray drift	Number of complaints received	Council records Incident Monitoring
Minimisation of adverse effects of agrichemical sprays on water bodies, and non-target flora and fauna	Number of complaints received	Council records Incident Monitoring



3.7 Management of Organic Material⁶

ISSUE

3.7.1 The actual and potential nuisance and adverse effects on humans, property and the environment due to the poor management and utilisation of organic material derived from primary processing industries.

OBJECTIVE

OBJ 20 The management and use of organic material derived from industries processing primary products in a manner that does not result in any adverse effects on humans or the environment.

Explanation and Reasons

- 3.6.12 The Hawke's Bay regional economy is based on primary production activities such as pastoral farming, dairying, forestry, horticulture, orcharding, viticulture and fishing. Most of the produce from these activities is then processed in the region, generating organic by-
 - (a) by-products from the fruit and vegetable processing industries
 - (b) apex meal, paunch grass, and stock yard waste from the animal processing plants
 - (c) grape marc from wineries
 - (d) fish waste from fish processors
 - (e) bark and sawdust from timber processing plants
 - (f) wool scour waste from wool scourers.

(Note that liquid animal effluent that is collected and managed, such as that from dairy, piggery or poultry sheds, is not included in this issue.)

- 3.7.2 The materials listed above can be used for a variety of purposes such as stock feed, soil conditioners, and composting. The alternative to such beneficial use is disposal as waste, onto or into land. To categorise the use of organic material for beneficial purposes it must be clearly shown that the organic material:
 - (a) can and will safely be eaten by stock before it becomes indigestible (where material is used as stock feed)
 - (b) will not enter waterways
 - (c) will result in a nutrient loading onto land that does not exceed the natural uptake by grass or crops, and
 - (d) is not contaminated with non-organic material.
- 3.7.3 The HBRC supports the re-use of organic material, rather than the disposal of it into landfills (or any unauthorised site). However, when organic material decomposes it can produce odours, leachate and other contaminants that may affect neighbouring properties and the environment. Therefore the use of this organic material has to be managed in such a way that these effects are minimised. This can involve a number of management practices such as:
 - (a) storing material that might generate leachate on an impervious surface to avoid groundwater contamination
 - (b) using fresh material for stock feed to prevent decomposition odours being generated
 - (c) only feeding out what the stock will eat, to avoid surplus residual material lying in paddocks
 - (d) keeping material covered to avoid flies or other pests, and
 - (e) storing and using organic material in locations away from adjoining incompatible activities.

Section 3.7 of the Regional Resource Management Plan applies only to organic material derived from primary processing industries.

POLICIES

POL 11 ROLE OF NON-REGULATORY METHODS

- 3.7.4 To use non-regulatory methods, as set out in Chapter 4, in support of regulatory methods for avoiding nuisance and adverse effects on humans and the environment from the use of organic matter, in particular:
 - (a) Advocating that the industrial and trade premises, which generate organic material, promote the use of this material in such a manner that it will avoid adverse effects.
 - (b) Promoting the composting of suitable organic material, rather than disposal to landfill.
 - (c) Encouragement for self-regulation Promote and support self-regulation by resource users, including the preparation and adoption of guidelines and codes of practice by resource user groups.

Explanation and Reasons

3.7.5 Policy 11 aims to encourage industrial and trade premises, which generate organic material, to take an interest in the use and ultimate disposal of their material once it has left their premises. This policy also notes that the HBRC promotes composting of suitable organic material rather than disposal as waste, and advocates education of appropriate uses and management practices.

POL 12 REGULATION - DISCHARGES FROM THE USE OF ORGANIC MATERIAL

- 3.7.6 To provide for the discharge of contaminants into air, into land or onto land, from the use of organic material, in such a manner that any adverse effects on the environment are avoided or minimised.
- 3.7.7 The HBRC may request that a management plan is prepared where the circumstances are such that:
 - (a) organic material is sourced from industrial or trade premises
 - (b) there are residential properties in close proximity to the activity
 - (c) large volumes of organic material are being stored and/or used
 - (d) the organic material is likely to be malodorous in nature
 - (e) nutrient loadings may exceed the natural uptake rate by grass or crops
 - the groundwater resource is particularly susceptible to contamination e.g. on the Heretaunga Plains unconfined aquifer, or on highly permeable soils
 - (g) when organic material is stored in a position where it can potentially enter a surface water body.

Explanation and Reasons

3.7.8 Policy 12 provides for the regulation of the discharge of contaminants into the air, and into and onto land, as a result of using organic material. This policy recognises that the use of organic material may produce adverse effects on the environment, particularly where the activity is undertaken in close proximity to residential properties, is malodorous or where it has the potential to contaminate water bodies.

POL 13 REGULATION - COMPOSTING

3.7.9 To require a resource consent to be obtained for the discharge of contaminants into air arising from the composting of more than 100 m³ of compost and raw material per industrial or trade premise.

Explanation and Reasons

Policy 13 provides for the regulation of the composting of over 100 m³ of organic material per industrial or trade premise at any one time (see Rule 28), owing to the potentially malodorous nature of this activity. The composting of up to 100 m³ is permitted in accordance with Rule 29 provided the conditions of this rule are met.



POL 14 DECISION-MAKING CRITERIA - SEPARATION DISTANCES

- 3.7.11 To require the establishment and maintenance of separation distances in relation to the storage, use or disposal of organic material to ensure that:
 - (a) there is no direct runoff of leachate into surface water
 - (b) there is adequate vertical separation from groundwater, such that the activity is consistent with Objectives 21 and 22, and
 - (c) there are no offensive or objectionable odours imposed on neighbouring properties.

Explanation and Reasons

3.7.12 Policy 14 provides guidance to resource consent applicants and decision-makers when assessing activities that store, use or dispose of organic materials. This policy recognises the importance of buffer zones. A buffer zone is a physical separation of the activity from neighbouring properties or resources and may be either a vertical separation or a horizontal separation.

ANTICIPATED ENVIRONMENTAL RESULTS

Anticipated Environmental Result	Indicator	Data Source
Reduction in adverse effects arising from the use of organic material	Number of complaints received	Council records Incident Monitoring
An increase in composting of organic material	Amount of organic material disposed to landfills	Landfill records



3.8 Groundwater Quality

ISSUE

- 3.8.1 The risk of contamination of groundwater arising from
 - (a) horticultural, agricultural and industrial land use practices
 - (b) discharges of contaminants, including the cumulative effects of domestic sewage discharges from unsewered communities
 - (c) spills

particularly in the Heretaunga Plains and Ruataniwha Plains aquifer systems, and coastal aquifers.

OBJECTIVES

- OBJ 21 No degradation of existing groundwater quality in the Heretaunga Plains and Ruataniwha Plains aquifer systems.
- OBJ 22 The maintenance or enhancement of groundwater quality in unconfined or semi-confined productive aquifers⁷ in order that it is suitable for human consumption and irrigation without treatment, or after treatment where this is necessary because of the natural water quality.

Explanation and Reasons

Heretaunga Plains

- 3.8.2 The most significant groundwater resource in Hawke's Bay is the Heretaunga Plains aquifer system. During the past 20 years there has been an intensification of rural land use activities, and expansion of urban areas, on the Heretaunga Plains. In the area of the unconfined aquifer there is the potential for adverse effects on groundwater by infiltration of contaminants such as bacteria, nutrients and chemicals through the highly permeable gravels. The risk of contamination arises from a number of activities, including:
 - (a) on-site sewage disposal (particularly septic tanks)
 - (b) the use, transport and storage of hazardous substances, including hydrocarbon fuels and agrichemicals
 - (c) industrial discharges
 - (d) intensive horticultural and agricultural land uses
 - (e) stormwater discharges
 - (f) landfills and offal holes, and
 - (g) mining and quarrying.
- 3.8.3 The groundwater quality in the Heretaunga Plains aquifer system has been investigated and documented in Dravid and Brown (1997). Investigations are continuing. Overall, present groundwater quality is high. Indeed, the quality is such that groundwater is used for domestic supply in Napier and Hastings without treatment. However, as early as 1974 it was recommended that urban development and the storage of hazardous substances be prohibited from the unconfined aquifer area, and that a precautionary approach be taken with respect to future development.
- 3.8.4 The HBRC has been systematically monitoring groundwater quality on an ongoing basis since 1994. The results show:
 - (a) Groundwater quality is high, with only minor contamination evident as a result of identifiable sources, notably the Roys Hill landfill and septic tanks, and diffuse nitrate pollution from intensive land use activities.
 - (b) There is a high risk of groundwater contamination from infiltration of contaminants into the unconfined aquifer.

Productive aquifers – For the purposes of this Regional Plan, a "productive aquifer" means an aquifer that has a sufficient quality, quantity and flow of water that it can be used for water supply purposes.



- A number of areas in the shallow unconfined aquifer area have high nitrate contamination (for example, during 2000 groundwater samples collected from a well near Bridge Pa exceeded the drinking water standard for nitrate levels. Council's State of the Environment annual updates may be referenced to identify other affected areas over the life of the Plan).
- The high rate of groundwater flow (up to 1.5 km/y) means that any contamination is rapidly transported through the (d) groundwater system, and therefore dispersed.
- The most likely threat to groundwater quality in shallow confined aquifers is the entry of contaminated water from the unconfined aquifer area.
- Contamination of groundwater in deeper confined aquifers, which have limited hydraulic connection with the unconfined aquifer, is unlikely.

- Ruataniwha Plains
 The Ruataniwha Plains comprise a productive agricultural basin in central Hawke's Bay where more than 60% of all water utilised is 3.8.5 derived from groundwater.
- Most groundwater is extracted at a relatively shallow depth (less than about 70 metres) with the greatest density of bores located near 3.8.6 Ongaonga, the Waipawa River, and between Takapau and Maharakeke. Nearly all groundwater originates from a number of highly mixed (heterogeneous) alluvial aquifers. Underlying these aquifers is a layer of mudstone, sandstone and limestone at a depth of about 150 metres.
- A number of unconfined and confined aquifers have been identified within the Ruataniwha Plains. About 25% of all groundwater 3.8.7 extracted from within the Ruataniwha Piains is derived from the unconfined Central Plains Aquifer. This aquifer lies within the east central portion of the plains and consists of clean sands and gravels with minor silt-bound layers. The aquifer is up to about 25 metres
- 3.8.8 In general, the quality of groundwater within the Ruataniwha Plains alluvial aquifers is high. This quality is predominately in response to clean surface water recharging the alluvial aquifer system.
- 389 The issues relating to the quality of the Ruataniwha Plains groundwater resource can be summarised as follows:
 - Recharge to the deeper confined aquifer is believed to occur from within the Ruahine Ranges, whereas the Recent Terrace and Old Terrace Aguifers are recharged from rivers and streams of the Plains.
 - (b) Unconfined aquifers are vulnerable to contamination.
 - Chief sources of contamination are attributed to agriculture and meat processing industries. Specific sources of contamination include land disposal of wastes, sewage disposal via septic tanks, irrigation, pesticide application, fertiliser application and animal feeding operations.
 - Groundwater contamination of deeper confined aquifers appears unlikely.

Unsewered communities

3.8.10 Over recent years the cumulative effects of septic tank discharges from unsewered settlements have created potential health risks. Contamination of groundwater from septic tank discharges occurs not only in the main aquifer systems, but also in coastal settlements. Discussions between the HBRC, territorial authorities, and the community health authority have signalled the need to specifically target problems arising from domestic sewage discharges in these areas.

POLICIES

POL 15 ROLE OF NON-REGULATORY METHODS

- To use non-regulatory methods, as set out in Chapter 4, in support of regulatory methods for avoiding adverse 3.8.11 effects on groundwater quality, including:
 - Liaison with territorial authorities future development Advocating that any future urban residential or urban industrial development in areas of high groundwater contamination vulnerability (particularly within the Heretaunga Plains unconfined aquifer system as shown in Schedule Va) should include reticulated water, sewerage and stormwater systems.
 - Liaison with territorial authorities existing on-site sewage problems Where existing on-site sewage treatment systems are found to cause degradation of groundwater quality, advocating the introduction of community reticulation and treatment systems as the preferred means of addressing the problem.

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- (c) Liaison with territorial authorities provision of services Advocating that when considering water supply reticulation in small communities, the ability of existing wastewater disposal systems to cope with the increased loadings that will result be taken into account and the need for a reticulated sewerage system to be introduced to be considered.
- (d) Liaison with territorial authorities connection to services Advocating that where a reticulated sewerage system is readily available, to require future development to connect to it.
- (e) Liaison with territorial authorities contaminated sites Providing information to territorial authorities regarding sites within their respective area that have been confirmed as being contaminated and advocating that land use activities on such sites be managed appropriately for environmental and health reasons.
- Education and co-ordination Providing education and information regarding sound land use and waste management practices.
- (g) Encouragement for self-regulation Promote and support self-regulation by resource users, including the preparation and adoption of guidelines and codes of practice by resource user groups.

Explanation and Reasons

3.8.12 Policy 15 recognises the effects of urban and industrial development, and on-site sewage disposal, on the quality of groundwater in those areas of high contamination vulnerability. This policy seeks to ensure that, where appropriate, future developments are provided with reticulated water, sewerage and stormwater systems, and existing problems are remedied. Policy 15 also recognises the importance of informing landowners and occupiers that some land use activities can adversely affect groundwater quality.

POL 16 REGULATION - DISCHARGES OVER HERETAUNGA PLAINS AND RUATANIWHA PLAINS AQUIFER SYSTEMS

- 3.8.13 To regulate the following activities involving the discharges of contaminants onto or into land over the Heretaunga Plains unconfined aquifer area (as shown in Schedule Va) or Ruataniwha Plains unconfined aquifer area (as shown in Schedule IV) at a rate that may cause contamination of the aquifer systems:
 - the storage of stock feed
 - · the use of compost, biosolids, and other soil conditioners
 - animal effluent discharge
 - management of solid waste
 - · existing domestic sewage disposal systems
 - new domestic sewage disposal systems
 - stormwater discharges
 - · discharges to land that may enter water.

Explanation and Reasons

3.8.14 Policy 16 provides for the regulation of activities over the Heretaunga Plains and Ruataniwha Plains unconfined aquifers, owing to the very high value of this groundwater and the risk of groundwater contamination. Discharges to land in areas other than the Heretaunga Plains and Ruataniwha Plains unconfined aquifers are permitted in the Plan, subject to compliance with relevant standards/conditions/lerms.

POL 17 DECISION-MAKING CRITERIA – ACTIVITIES AFFECTING GROUNDWATER QUALITY

- 3.8.15 To manage the effects of activities that may affect the quality of groundwater in accordance with the following approach:
 - (a) To ensure that all activities, particularly discharges of contaminants onto or into land, comply with the environmental guidelines for groundwater quality, and the associated implementation approach, set out in Policies 75 and 76.
 - (b) To encourage discharges of contaminants onto or into land where these are likely to have less adverse effect than discharges into water.



- (c) To consider the effects of the taking of groundwater on the quality of groundwater, including the potential for salt water intrusion.
- (d) To prevent or minimise spills or other breaches of resource consent conditions causing contamination of groundwater, particularly in those areas of high contamination vulnerability for the Heretaunga Plains aquifer system as shown in the DRASTIC map in Schedule V, by requiring the preparation and implementation of site management plans and spill contingency measures for relevant activities.
- (e) To disallow any discharge activity which presents a significant risk of groundwater contamination in those areas of high contamination vulnerability for the Heretaunga Plains aquifer system as shown in the DRASTIC map in Schedule V.

Explanation and Reasons

3.8.16 Policy 17 sets out the overall approach for the management of all activities which may adversely affect groundwater quality.

POL 18 DECISION-MAKING CRITERIA - ON-SITE SEWAGE DISCHARGES

(a) Discharges over the Heretaunga Plains Unconfined Aquifer

- 3.8.17 For consent applications for on-site sewage discharges over the Heretaunga Plains unconfined aquifer area, to require a treatment and disposal system that meets the following criteria:
 - (i) A filtration system which reduces the level of suspended solids to a maximum of 10 g/m³.
 - (ii) A land application method which achieves even distribution over the entire field.
 - (iii) For discharges of greater than 2 m³/d and/or irregular use, a land application method which has been demonstrated to function with the required discharge volume and/or irregular loading.
- 3.8.18 For any systems existing at the date of public notification of this Plan which are unable to meet the conditions set out in the rules, compliance with the conditions must be achieved within five years of this Plan provision becoming operative, or this particular provision being beyond legal challenge.

(b) Discharges in areas with a high water table

- 3.8.19 For consent applications for on-site sewage discharges where the water table is likely to be within 600 mm of the point of discharge at any time, to require a level of treatment and disposal at the point of discharge such that the effluent meets the following criteria:
 - A treatment system which reduces the level of faecal coliform bacteria to a maximum of 1000 cfu/100 mls.
 - (ii) Where the groundwater is used as a potable water supply, a treatment system which reduces the level of nitrate-nitrogen to a maximum of 30 g/m³.
 - (iii) A land application method which achieves both an even distribution and provides at least 450 mm of soil adsorption and absorption processes over the entire field.
- 3.8.20 For any systems existing at the date of public notification of this Plan which are unable to meet the conditions set out in the rules, compliance with the conditions must be achieved within five years of this Plan provision becoming operative, or this particular provision being beyond legal challenge.

(c) Use of low maintenance systems

3.8.21 To generally encourage the use of low maintenance on-site sewage disposal systems using physical methods of treatment in combination with shallow land application fields achieving even distribution.



(d) Connections to reticulated systems

- (i) To require any existing on-site sewage discharge which fails to meet the conditions specified in any rule for existing effluent disposal systems to discharge into a reticulation system in the following situations:
 - where the building from which the discharge occurs is connected to a public water supply, or
 - where the property on which the discharge is occurring is zoned for residential activity in an operative District Plan, and
 - a community reticulated sewerage scheme is available.
- (ii) To require any new sewage discharge from a property which is zoned for residential activity to be serviced by a community reticulated sewerage scheme, provided a community scheme is available or can economically be made available, unless it can be demonstrated that individual on-site disposal is the best practicable option.

(e) Sewage disposal by long-drop method

3.8.22 For on-site sewage discharges using the long-drop method of disposal, to allow these only where the soil infiltration rate is low, groundwater quality will not be affected, and the discharge is of a short-term or temporary nature.

(f) Assessment of treatment and land application methods

3.8.23 To use the flow chart set out as Figure 6 (in Section 6.6.4) of this Plan as a general guide for assessing the types of treatment and land application methods that may be acceptable for minor discharges that may be permitted under Rules 35 and 37.

Explanation and Reasons

- 3.8.24 Policy 18 sets out additional decision-making criteria specifically in relation to on-site sewage disposal, which establish performance standards that must be met. While the use of on-site systems is preferable to discharging such contaminants directly to surface water, such use may nevertheless result in adverse effects on ground and surface water quality if the treatment systems are not designed or operated properly.
- In areas where public sewerage systems are available the HBRC advocates connection of properties to those systems to avoid the cumulative adverse effects of wastewater discharges. The policy recognises that land zoned for residential use should not be developed until it is serviced by a community sewerage scheme as opposed to individual on-site systems on small sized properties. Community sewerage schemes may include those provided by the territorial local authority or a communal system set up to cater for a residential subdivision. However, there may be circumstances where a residential property is of sufficient size that deferring development until a connection to a community reticulation scheme becomes available is not warranted. In addition, there may also be circumstances in the region where residential growth is limited so that on-site systems may be able to provide the necessary environmental protection.

POL 19 DECISION-MAKING CRITERIA – EFFECTS OF FRESHWATER PASTURE IRRIGATION ON AGRICULTURAL EFFLUENT DISPOSAL AREAS

3.8.26 To minimise the leaching of nutrients to groundwater by ensuring that the combined hydraulic loading rates from agricultural effluent disposal and freshwater pasture irrigation do not exceed the capacity of the soil.

Explanation and Reasons

3.8.27 The effect of pasture irrigation can be managed through the resource consent process. Policy 19 indicates HBRC's preferred approach to managing this effect as part of the integrated management of the agricultural effluent disposal process. For the purposes of this policy the capacity of the soil encompasses the soil moisture holding capacity, the infiltration rate and the nutrient absorbing capacity of the pasture.



POL 20 DECISION-MAKING CRITERIA – AGRICULTURAL EFFLUENT DISCHARGES IN SENSITIVE CATCHMENTS

- 3.8.28 To manage the effects of discharges of agricultural effluent, particularly dairy shed effluent, onto land in sensitive catchments as shown in Schedule VIb in a manner that is in accordance with the objectives and policies of this Plan, and which:
 - (a) Takes into account the cumulative effects of the discharges, from all agricultural activity carried out on the same land, by requiring the provision with any resource consent application of a total farm balance of the nutrient inputs, transfers and outputs which demonstrates that the nitrogen leaching potential is minimised.
 - (b) Integrates the management of other activities which may have an impact on the effects of the agricultural effluent discharge.

Explanation and Reasons

- Policy 20 sets out additional decision-making criteria for discharges of agricultural effluent onto land. This policy recognises the need for integrated management of agricultural effluent in a manner that takes into account not only the effects of the discharge, but also the effects of other activities such as pasture irrigation, stock feeding, and stocking densities.
- 3.8.30 The policy recognises also that while leaching of nitrogen through the soil to shallow groundwater is not a significant issue in many areas, there are a number of highly sensitive catchments within the region, for which even minor changes in nitrate levels may impact significantly on the state of the resource.

POL 21 DECISION-MAKING CRITERIA - BORE CONSTRUCTION

3.8.31 To ensure that bores are drilled, constructed and maintained in a manner which avoids any contamination or cross-contamination of groundwater aquifers, and which does not allow any seepage or backflow of contaminants into groundwater.

Explanation and Reasons

3.8.32 Policy 21 sets out additional decision-making criteria for bore construction, addressing the need to avoid aquifer cross-contamination, and the ingress of contaminants down the bore.

POL 22 DECISION-MAKING CRITERIA - RISK ASSESSMENT OF CONTAMINATED SITES

- (a) When assessing the risks to environmental and public health through the effects of contaminated sites on groundwater quality the following factors shall be taken into account:
 - the level of contamination in soil and water at the site and the characteristics of the contaminants, such as their mobility
 - (ii) any numerical standards provided by relevant national guidelines
 - in the absence of relevant national guidelines, numerical standards determined in other internationally recognised guidelines
 - (iv) the current or proposed land use and any restrictions on future land uses of the site
 - the proximity of the site to sensitive ecosystems and the sensitivity of those ecosystems to the contaminants
 - (vi) the possible exposure pathways
 - (vii) the degree and nature of the discharges from the site



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- (viii) the geological nature and history of the site.
- (b) Remediation and/or containment of any existing contaminated site will be required to ensure that the final level of contamination is appropriate for the current, proposed or any permitted use of that land.

Explanation and Reasons

3.8.33 Policy 22 sets out additional decision-making criteria for assessing the risk of existing contaminated sites. Any discharges occurring from existing contaminated sites will be controlled through the resource consent process by the HBRC. Where there are no discharges from the site, the territorial authority will address the actual and potential adverse effects of soil contamination through its environmental and public health responsibilities, with assistance from HBRC in terms of information provision.

ANTICIPATED ENVIRONMENTAL RESULT

Anticipated Environmental Result	Indicator	Data Source
No degradation of existing groundwater quality in confined productive aquifers	Nitrate levels Pesticides and herbicides	Ministry of Health Council monitoring



3.9 Groundwater Quantity

ISSUE

3.9.1 The significant adverse effects of groundwater takes on the overall groundwater and surface water resource and existing groundwater users.

OBJECTIVES

- OBJ 23 The avoidance of any significant adverse effects of water takes on the long-term quantity of groundwater in aquifers and on surface water resources.
- OBJ 24 The avoidance or remedy of any significant adverse effects of water takes on the operation of existing lawful efficient groundwater takes⁸.

Explanation and Reasons

- 3.9.2 Groundwater is a critical resource in Hawke's Bay. Groundwater is the main source of water for Napier, Hastings and the Heretaunga Plains, as well as areas of the Ruatanlwha Plains in Central Hawke's Bay. Plentiful supplies of good quality groundwater are therefore essential to sustain imigation, industrial and domestic water supplies in the region.
- 3.9.3 The Heretaunga Plains aquifer system is the most important groundwater resource in Hawke's Bay. Studies to date have concluded that the overall rate of groundwater abstraction does not exceed the rate of recharge (Dravid and Brown, 1997). Recharge to the main aquifer system is from the Ngaruroro and Tutaekuri Rivers, and direct infiltration of rainfall on the unconfined aquifer. At the time of writing this Plan, the annual volume of water abstracted from the main aquifer system was estimated to be between 60 and 70 million cubic metres, with much more water used during summer than winter (as a result of irrigation). On the basis of existing information the present abstraction rate appears sustainable. Overall piezometric pressures in the confined aquifer have not shown any decline in recent decades, although levels in the unconfined aquifer may have declined slightly over the past 20 years in accordance with climatic trends.
- 3.9.4 However, groundwater use is likely to rise in future, particularly during summer. The main effects of this are likely to be:
 - (a) An increase in the amplitude of seasonal fluctuations in aquifer levels, in particular lowering groundwater levels during summer and autumn periods.
 - (b) Greater conflict between groundwater users, where the pumping from one bore lowers groundwater levels in adjacent bores, and
 - (c) A possible reduction in spring flows (i.e. less groundwater would emerge as springs) and consequential potential reduction in water quantities within wetlands, rivers and lakes.
- 3.9.5 The aquifer system largely adjusts through a re-equilibration, rather than a significant, permanent lowering of groundwater levels. Indeed, the groundwater system has adjusted in this way to accommodate past increases in groundwater use. Groundwater level data suggest that the range of seasonal fluctuations in the unconfined aquifer has increased from about 1 m in 1975 to about 2-2.5 m in 1995. Groundwater use is estimated to have increased by 150% in that time. However, the range of seasonal fluctuations in the confined aquifer has not changed as markedly over this time (Dravid and Brown, 1997).
- 3.9.6 While the availability of groundwater is sufficient at present in the main aquifer system, problems are apparent in fringe areas. In the southern and eastern margins of the main aquifer system the availability of groundwater is restricted by a combination of factors: the thinness of aquifers, the variable permeability of aquifers, and the limited hydraulic connection to main recharge channels. As a consequence, seasonal fluctuations in groundwater levels in these areas are in the order of 3 to 5 m (Dravid and Brown, 1997). In recent years, a large number of wells have been drilled along the southern margin of the Heretaunga Plains due to land subdivision and increased need for irrigation water supply. Many old domestic and stock water supply wells along this margin are relatively shallow, and can dry up during summer.
- 3.9.7 Demand for groundwater from the Ruataniwha Plains aquifer system is increasing, particularly as a result of increasing dairying and process cropping in this area. Less is known about the available groundwater resources in this area.

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For the purposes of this Plan "efficient taking" of groundwater means abstraction by a bore which penetrates the aquifer from which water is being drawn at a depth sufficient to enable water to be drawn all year (i.e. the bore depth is below the range of seasonal fluctuations in groundwater level), with the bore being adequately maintained, of sufficient diameter and is screened to minimise drawdown, with a pump capable of drawing water from the base of the bore to the land surface.

POLICIES

POL 23 ROLE OF NON-REGULATORY METHODS

- 3.9.8 To use non-regulatory methods, as set out in Chapter 4, in support of regulatory methods for avoiding significant adverse effects arising from groundwater takes, in particular:
 - (a) Education and co-ordination for encouraging efficient use of water, and avoiding wastage of water. Efficient use of water for irrigation purposes will be encouraged by promoting best irrigation management practices that:
 - prevent excessive application or drainage
 - prevent conveyance losses
 - accurately schedule irrigation, and
 - minimise evaporation loss.
 - (b) Advocacy with territorial authorities Advocating to territorial authorities that, prior to allowing land use activities or subdivisions by way of district plan provisions or the granting of resource consents, they require the assessment of water supply availability from groundwater particularly where the land is located near the fringes of groundwater aquifers, or where aquifers are small in size.
 - (c) Research and investigation Subject to funding and technical practicalities the HBRC will undertake investigations into individual water management zones, and any other areas identified as potential water management zones; and to supplement the information gained from water measuring devices in order to recommend the preferred management approach. Any such investigations will include the collation of existing data obtained through resource consent applications and the identification of additional data requirements.

Explanation and Reasons

3.9.9 Policy 23 sets out the role of the HBRC in educating resource users about efficient use of groundwater. It also establishes the importance of territorial authorities considering water availability before allowing land use activities, in particular subdivisions, to establish. The HBRC, with primary responsibility for managing the use of groundwater will provide on-going investigations into the water management zones. In addition it is envisaged that a series of research meters will be used by Council to supplement the information derived from the analysis of data from water measuring devices.

POL 24 REGULATION - WATER ALLOCATION

3.9.10 To manage the taking of groundwater where the adverse effects of that take may be more than minor, and to manage the cumulative adverse effects of small takes where there is concern that demand may put pressure on the groundwater resource.

Explanation and Reasons

3.9.11 Policy 24 does <u>not</u> restrict the abstraction of any water taken for an individual's reasonable domestic needs, nor for stock watering provided such taking does not have adverse effects on the environment, in which case a resource consent will be required. The policy does not restrict the taking and use of water for fire fighting purposes.



POL 25 REGULATION - TRANSFER OF WATER PERMITS

- 3.9.12 To allow the transferring of water permits between sites within the same aquifer, where the environmental effects of the transfer are minor and where the transfer:
 - (a) Will not cause any significant interference with existing lawful takes that make efficient use of the resource.
 - (b) Is to a location at which the aquifer has the same or greater aquifer transmissivity and storage characteristics, and
 - (c) Will not cause any adverse effects on springs or other surface water resources.

Explanation and Reasons

3.9.13 The transfer of water permits enables greater flexibility and efficiency in managing and allocating water resources, and can be an effective way of ensuring water is used where it is most needed. The principal advantage of transferable water permits is that the allocations are not wasted by a permit holder keeping an allocation but not using it, while another user is forced to apply for a new permit.

POL 26 DECISION-MAKING CRITERIA – LOCATION OF NEW BORES

- 3.9.14 To ensure that new bores are located in a position that minimises any interference effects on existing lawful efficient users and HBRC monitoring bores, taking into account:
 - (a) The proposed aquifer the new bore is to be completed in.
 - (b) The characteristics of the aquifer (such as transmissivity and storativity) which influence the amount and extent of drawdown that may occur as a result of pumping from the proposed bore.
 - (c) The depth and purpose of the new bore in relation to existing bores.

Explanation and Reasons

3.9.15 Policy 26 aims to minimise, if not prevent, interference with existing lawful efficient uses. The amount and extent of the lowering of the groundwater levels is determined by how fast the water is able to move through the aquifer (the transmissivity), how much water is held within the aquifer (storativity) and how fast the water is to be pumped out of the bore. Consideration needs to be given to these effects at the time the bore is to be drilled. HBRC is also seeking to protect the integrity of its monitoring bores so that groundwater level records are not unnecessarily compromised by interference effects.

POL 27 DECISION-MAKING CRITERIA - WELL AND BORE CONSTRUCTION

- 3.9.16 To encourage the maximisation of well efficiency of water supply wells by managing the following features of well construction:
 - depth of well
 - well diameter
 - screen slot size
 - screen length, depth and diameter
 - well efficiency.

Explanation and Reasons

3.9.17 Well construction and subsequent well maintenance affects water yield. The management of well construction will assist in the sustainable management of the groundwater resource. Through HBRC knowledge of the hydrogeology of a particular geographic area optimal well depth and construction characteristics may be imparted as either technical advice or as a condition on a consent.



POL 28 DECISION-MAKING CRITERIA - EFFECTS ON EXISTING USERS

3.9.18 To require applicants to avoid, remedy or mitigate any significant interference of new takes of groundwater on existing lawfully established efficient groundwater takes, including existing efficient takes and uses of groundwater for an individual's reasonable domestic needs⁹ or the reasonable needs of an individual's animals for drinking water or takes for firefighting.

Explanation and Reasons

3.9.19 Policy 28 establishes an approach for recognising the rights of existing groundwater users. This policy will only be implemented at the time a resource consent application to take groundwater is made and does not apply retrospectively to any existing consent.

POL 29 DECISION-MAKING CRITERIA – AQUIFER DEWATERING & SALT WATER INTRUSION

3.9.20 To avoid any significant long-term reduction in the groundwater level or piezometric pressure in aquifers, and any landward movement of the seawater/groundwater interface, as a result of groundwater takes.

Explanation and Reasons

3.9.21 Policy 29 recognises the importance of avoiding a long-term lowering of groundwater levels, and saltwater intrusion in aquifers near the coastal margin.

POL 30 DECISION-MAKING CRITERIA – MEASUREMENT OF GROUNDWATER ABSTRACTION

- 3.9.22 As a means of assessing compliance with the allocated amount of water, to require the measurement of the amount of water abstracted as a condition of resource consent for the abstraction of groundwater in the following situations:
 - (a) All consents for new takes will be required to measure the actual amount of water where the allocation exceeds 2,500 m³/week.
 - (b) Upon renewal of a consent for an existing water take, the consent holder will be required to measure the actual amount of water abstracted where the allocation exceeds 5000 m³/week, but in any event will be granted a minimum lead-in time of three years from the date this Plan becomes operative, or this particular provision is beyond legal challenge.
 - (c) Where the potential effects of the abstraction include significant interference on other groundwater users within the vicinity, which were identified before that consent was granted, or where there is insufficient information on the source of abstraction to ensure that cumulative effects are addressed.
 - (d) Where the water is taken for industrial purposes and provides an indication of the rate of wastewater discharge a water meter is required.
- 3.9.23 The following criteria shall apply to the measurement of abstracted groundwater:
 - (a) The method of measurement shall measure the water taken to an accuracy of within plus or minus five per cent; and shall be capable of displaying the amount of water abstracted in units no greater than one cubic metre to enable appropriate records to be kept.
 - (b) The method of measurement shall be capable of providing an instantaneous rate of abstraction when abstraction is occurring (this would be met by being able to time a known quantity of water passing through the measuring device).

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Reasonable domestic needs' refers to needs associated with occupation of a dwellinghouse. With respect to the taking and use of water for an individual's reasonable domestic needs, as a guideline this should involve the taking and use of up to 15 m³ over any 7 day period per dwellinghouse.

- (c) Any measurement of the water being abstracted must be capable of having the accuracy assessed, or method certified, by the supplier at the time of installation or commencement of use and evidence of this shall be submitted to the Council prior to the first abstraction.
- 3.9.24 The consent holder or applicant must satisfy the Council that the above criteria can be met through the proposed method of measurement. If this cannot be demonstrated the Council will require the installation of a water meter in order to meet the requirements of this policy.

Any costs of determination of criteria will be borne by the consent holder.

3.9.25 Conditions imposed on resource consents will specify the information to be recorded, the frequency of recording and of submitting that information to the Council, and the frequency of accuracy checks. These frequencies will be no more than can be justified for groundwater management purposes.

Explanation and Reasons

- 3.9.26 Policy 30 establishes the circumstances under which consent holders will be required to measure the amount of groundwater taken in the exercising of a consent. While the preferred means of compliance is by way of a water meter the policy is designed to allow for flexibility of means of measurement in accordance with the set criteria. However the policy also clearly sets out the criteria for the measurement of water abstraction.
- 3.9.27 In addition to ensuring compliance with resource consents the measurement of groundwater abstraction provides information to assist in the overall management of the groundwater resource. It will increase HBRC's ability to manage the groundwater resource by identifying to both HBRC and the consent holder the level of compliance with the consented take amount. In turn, this will give HBRC a clearer picture of the actual level of abstraction and the impact of abstractions on long-term resource trends. The measurement of water abstraction will not be used as a basis for the charging of water and the HBRC does not have the legal ability to charge for water.
- 3.9.28 As a general guide only 2,500 m3/week will meet the water requirements of 8 ha of pasture, 11 ha of grapes or stone fruit, 9 ha of apples and 6.5 ha of processed crops. Actual water requirements also depend on location and soil type.

POL 31 DECISION-MAKING CRITERIA - WELL HEAD CONSTRUCTION

3.9.29 To ensure that well head construction on new bores (other than for domestic or stock water supply) provides for the installation of a water measuring device, and/or a backflow prevention device, where necessary.

Explanation and Reasons

3.9.30 Policy 31 aims to minimise the costs of installing a water measuring device by encouraging installation at the time of well head construction.

POL 32 TECHNICAL PROCEDURE - IRRIGATION TAKES

3.9.31 To allocate groundwater for irrigation purposes on the basis of actual crop water requirements up to a maximum equal to that required during a one in ten year drought. The allocation assessment will take into account information on crop type, rainfall, potential evapotranspiration rates, and best irrigation management practices. The allocation assessment may also have regard to soil type and soil moisture capacity.

Explanation and Reasons

Policy 32 sets out the technical procedure that the HBRC will use for the allocation of groundwater for irrigation purposes. In essence, the HBRC will allocate groundwater based on crop water requirements during a specific probability of rainfall, adjusted according to local data for rainfall and evapotranspiration rates. For planning purposes it is necessary to establish a level of risk. A 10% risk that actual water needs will exceed the authorised volume in any year (i.e. 1:10 year return period) is reasonable. The one in ten year level of risk means that the groundwater allocated will meet compare the requirements for a one in ten year drought and will exceed the crop requirements in the other nine years on average. The policy notes that the water will also be allocated on the basis of best irrigation management practices, rather than, for example, the amount of water required for an inefficient irrigation system.



POL 33 TECHNICAL PROCEDURES - GROUNDWATER TAKES WITHIN THE VICINITY OF SURFACE WATER BODIES

- 3.9.33 To manage the effects of groundwater takes from unconfined or semi-confined aquifers on nearby surface water bodies in the following manner:
 - (a) Any taking of shallow groundwater within 400 m of a river, lake or wetland as measured from the edge of the bed will be treated as if it were a direct take unless the extent to which the groundwater will deplete water in the surface water body has been assessed using an appropriate scientific procedure in which case the effects on surface water will be assessed on that basis.
 - (b) Any taking of shallow groundwater beyond 400 m may require an assessment of effects in the river, lake or wetland if the scale of the take, the groundwater flow direction, and the transmissivity and storativity characteristics of the aquifer indicate interaction is likely to occur; in which case it may be treated as if it were a direct take.

Explanation and Reasons

3.9.34 Policy 33 sets out the technical procedure for managing groundwater takes within the vicinity of surface water bodies, recognising that these takes can adversely affect the amount of water in the surface water body. The selected procedure must involve consideration of factors such as the proposed rate, location and depth of the groundwater take, the connection between the aquifer with the surface water body, the groundwater flow direction relative to the surface water body, and the transmission and storage characteristics of the aquifer. The consequence of identification as a direct surface water take is that the groundwater take may also be subject to cut-off when the surface water body meets its recognised minimum flow.

ANTICIPATED ENVIRONMENTAL RESULTS

Anticipated Environmental Result	Indicator	Data Source
Availability of groundwater for domestic, industrial and primary uses without it being taken at a rate that depletes the resource beyond a sustainable level	Aquifer levels	Council monitoring of groundwater sites
Avoidance of localised interference with other users and of salt water intrusion into groundwater	Number of complaints	Complaints register
Avoidance of adverse effects on surface water bodies	Flow levels in surface water bodies	Minimum flow monitoring



3.10 Surface Water Resources

ISSUE

- 3.10.1 The potential degradation of the values and uses of rivers, lakes and wetlands in Hawke's Bay as a result of:
 - (a) The taking, use, damming and diversion of water, which may adversely affect aquatic ecosystems and existing lawfully established resource users, especially during droughts.
 - (b) Non-point source discharges and stock access, which cause contamination of rivers, lakes and wetlands, and degrade their margins.
 - (c) Point source discharges which cause contamination of rivers, lakes and wetlands.

OBJECTIVES - SURFACE WATER QUANTITY

- OBJ 25 The maintenance of the water quantity of the rivers and lakes in order that it is suitable for sustaining aquatic ecosystems in catchments as a whole and ensuring resource availability for a variety of purposes across the region, while recognising the impact caused by climatic fluctuations in Hawke's Bay.
- OBJ 26 The avoidance of any significant adverse effects of water takes, uses, damming or diversion on lawfully established activities in surface water bodies.

OBJECTIVE - SURFACE WATER QUALITY

OBJ 27 The maintenance or enhancement of the water quality of rivers, lakes and wetlands in order that it is suitable for sustaining or improving aquatic ecosystems in catchments as a whole, and for contact recreation purposes where appropriate.

Explanation and Reasons

- 3.10.2 River flows vary continuously, and aquatic blota and human demands on water can cope with this variability most of the time. However, droughts are common in Hawke's Bay owing to the climate of the area (see also Issue 3.12), and can have immense impacts. At the time of writing this Plan, there were approximately 390 resource consents to take and use surface water from rivers and streams in the Hawke's Bay region. In almost all cases the consent holder is subject to a minimum flow restriction. This means that the consent holder must cease taking water from the river or stream once a pre-established minimum flow is reached. The prescribed minimum flow is the flow at which adequate habitat is available for existing aquatic ecosystems under natural conditions. Controlling takes so that flow is not reduced artificially below minimum flow ensures habitat availability is maintained while acknowledging that habitat availability will reduce as a river naturally falls below the minimum flow.
- 3.10.3 The demand for water is rising, particularly as a result of increasing crop and pasture irrigation. If water is taken and used inefficiently, problems during summer droughts are exacerbated. The demand for surface water needs to be managed in a manner which ensures that water availability is maintained and water is allocated fairly, the impact of droughts is minimised, and economic development is not unnecessarily curtailed.
- 3.10.4 With respect to water quality, non-point source discharges are thought to cause a greater impact on water quality than point source discharges. However, isolated problems from point source discharges can arise from activities such as wastewater discharges, sewage outflows and stormwater discharges in urban areas and coastal communities.
- 3.10.5 Non-point source discharges are those discharges that are derived from a non-discrete source, including diffuse run-off from agricultural land use activities and sedimentation from erosion. However, surface water quality in Hawke's Bay is generally good, and the impacts of agricultural land use on water quality are not as pronounced as in many other regions of New Zealand. One exception to this is in relation to bacterial contamination, which is evident in the middle and lower reaches of intensively farmed catchments, and has probably resulted from the runoff of stock faecal matter.
- 3.10.6 The management of riparian margins is one way of addressing non-point source discharges. Riparian management provides shade for waterways, thereby reducing algal growth and maintaining cool water temperatures, which are generally more favourable for aquatic fauna. Riparian vegetation also intercepts sediment and other contaminants, before they enter a waterway. These benefits are most marked for narrow streams, becoming much less significant for wide braided rivers where the path of river flow changes frequently. In addition, fenced riparian margins prevent stock access, thereby limiting bank erosion and direct contamination of

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waterways from stock. Riparian margins can also provide important areas of indigenous habitat, although if not carefully managed they are at risk from animal pests and weeds. Fencing, planting, and pest and weed control for riparian management require time, money, and an ongoing commitment from landowners.

POLICIES - SURFACE WATER QUANTITY

POL 34 ROLE OF NON-REGULATORY METHODS

- 3.10.7 To use non-regulatory methods, as set out in Chapter 4, in support of regulatory methods for avoiding adverse effects arising from surface water takes, in particular:
 - (a) Education and co-ordination for encouraging efficient use of water, for example water harvesting, use of storage and consideration of alternative water supply, and avoiding wastage of water (see also Policy 23 with respect to efficient use of water for irrigation purposes). This will include encouraging the establishment of water user groups to facilitate voluntary scheduling or rationing of water takes, particularly during low flow periods.
 - (b) Advocacy with territorial authorities Advocating to territorial authorities that, prior to allowing land use activities or subdivisions by way of district plan provisions or the granting of resource consents, they require an assessment of water supply availability for surface water particularly where the land is located within a small catchment with low annual rainfall and where the geology has a low storage capacity.
 - (c) Encouragement for self-regulation Promote and support self-regulation by resource users, including the preparation and adoption of guidelines and codes of practice by resource user groups.

Explanation and Reasons

3.10.8 Policy 34 sets out the role of the HBRC in the education and co-ordination of resource users in respect of encouraging the efficient use of surface water and ways to avoid water wastage. In particular, Policy 34 refers to the potential value of facilitating "water user groups" to enable a degree of self-regulation of their water takes. In keeping with Policy 23, this Policy also establishes the importance of territorial authorities requiring an assessment of water availability before allowing land use activities, in particular subdivisions, especially in water management zones.

POL 35 REGULATION - WATER ALLOCATION

- (a) To manage the taking of water where the effects of that take may be more than minor.
- (b) To manage the cumulative adverse effects of small takes, particularly in catchments:
 - (i) that are located in an area of low annual rainfall
 - (ii) where the geology has a low storage capacity
 - (iii) for which the location is such that there is a high potential for increased use.

Explanation and Reasons

3.10.9 This Policy indicates that water takes in these circumstances will be managed and controlled through the resource consent process. Takes which have less than minor adverse effects will be permitted. The catchments described in Policy 35 (b) have been given the term "surface management zones" and are shown in Schedule VIa. Takes for an individual's reasonable domestic needs and the reasonable needs of an individual's animals for drinking water are not restricted by the RMA and are therefore not controlled by this policy or the associated rules. However "reasonable domestic needs" is quantified in the Glossary.



POL 36 REGULATION - TRANSFER OF WATER PERMITS FOR RIVERS AND LAKES

3.10.10 To encourage the transferring of water permits between sites where the environmental effects of the transfer are minor, particularly in fully allocated stream management zones.

Explanation and Reasons

3.10.11 Policy 36 recognises the benefits of transferring water permits and that in many cases there are no adverse effects of the transfer. As noted in relation to Policy 25, the transfer of water permits enables greater flexibility and efficiency in managing and allocating water resources, and can be an effective way of ensuring water is used where it is most needed. The principal advantage of transferable water permits is that the allocations are not wasted by a permit holder keeping an allocation but not using it, while another user is forced to apply for a new permit (or precluded from gaining access to water because the catchment is already fully allocated). Enabling the transfer of permits to take surface water is considered particularly important for catchments that are fully allocated.

POL 37 RESOURCE ALLOCATION - MINIMUM FLOWS & ALLOCATABLE VOLUMES

- (a) To manage takes from those rivers listed in Table 9 of this Plan in accordance with the minimum flows and associated allocatable volumes set out in that table.
- (b) To establish minimum flows and allocatable volumes for additional rivers in accordance with the approach set out in Table 9 or as a result of research demonstrating that lower minimum flows or higher allocatable volumes are sustainable. Council will use the Plan Change procedure of the First Schedule of the RMA to introduce or change these.
- (c) To ensure the protection of aquifer recharge from the effects of minimum flows.

Explanation and Reasons

3.10.12 Policy 37 establishes that takes from rivers will be managed in accordance with prescribed minimum flows and upper minimum flows and allocatable volumes. At the time of writing this Plan, the HBRC was in the process of reviewing the minimum flows set out in the former Proposed Regional Water Resources Plan, and establishing new minimum flows and allocatable volumes. Table 9 sets out the established minimum flows and allocatable volumes, and explains the methodology used to establish these. Any new minimum flows, and allocatable volumes established after this Plan has become operative will be added to Table 9 by way of notified changes to this Plan.

POL 38 DECISION-MAKING CRITERIA - EFFECTS OF NEW TAKES

3.10.13 To avoid any significant adverse effects of new takes, uses, damming or diversion of water on lawfully established activities in surface water bodies, including any significant adverse effects on takes and uses of water for an individual's reasonable domestic needs¹⁰ or the reasonable needs of an individual's animals for drinking water or takes for firefighting.

Explanation and Reasons

3.10.14 Policy 38 recognises that lawfully established resource users have a reasonable expectation that their activity will not be adversely affected by new activities

^{*}Reasonable domestic needs* refers to needs associated with occupation of a dwellinghouse. With respect to the taking and use of water for an individual's reasonable domestic needs, as a guideline this should involve the taking and use of up to 15 m³ over any 7 day period per dwellinghouse.



POL 39 DECISION-MAKING CRITERIA – WATER ALLOCATION

- 3.10.15 To allocate water from rivers in accordance with the following approach:
 - (a) The water requirement for each resource consent applicant will be determined on the basis of reasonable needs and the efficiency of end use, requiring an applicant to determine how much water is required for their activity (for irrigation takes, see also Policy 42).
 - (b) Where the demand for water within a stream management zone¹¹ is greater than the allocatable volume as a result of a consent application for a new activity, a consent will not be issued except where it can be considered under (d).
 - (c) Where the demand for water within a stream management zone is greater than the allocatable volume as a result of a change to the minimum flow for that stream management zone the HBRC will adopt any or all of the following approaches:
 - (i) Review all consented takes from that water body at the same time.
 - (ii) Give preference to the renewal of existing resource consents, over the granting of new consents where it can be demonstrated that the allocation is still required.
 - (iii) To encourage the establishment of user groups or the seasonal or long-term transfer of water permits in accordance with Policy 34.
 - (iv) Where over-allocation still exists, to reduce the allocation on a pro-rata basis except that where the consent holder has been advised (e.g. in the consent document) that the water allocated may no longer be available for allocation at the time of consent renewal, in which case the consent may not be renewed.
 - (v) To encourage the use of alternative water sources.
 - (d) Water may be allocated over and above the allocatable volume, subject to a substantially higher cut-off level than that specified in Table 9 provided that any such additional allocations will not have any adverse effect on other lawfully established activities, nor any other significant adverse environmental effect and assuming allocation is subject to the implementation and/or consideration of (a), (b) and (c).
- 3.10.16 Applicants seeking water over and above the allocatable volumes will be required to provide a comprehensive assessment of environmental effects to demonstrate that no such effects will occur, including the justification for any other minimum flow that may be proposed as a mitigation measure.

Explanation and Reasons

- 3.10.17 Policy 39 establishes the overall approach for the allocation of surface water. This policy recognises that the type of water management required for the region's surface water bodies is variable. As such, Policy 39 sets out how the HBRC will manage the allocation of water from rivers under the following scenarios:
 - (a) Where the demand for water within the catchment is less than or equal to the allocatable volumes available.
 - (b) Where the demand for the water within the catchment is greater than the allocatable volumes available.
 - (c) Those periods when water can be allocated over the allocatable volumes (e.g. for water harvesting purposes). The ecological protection of the river, including the maintenance of a natural "flushing" effect is the baseline consideration for any allocations which are made under this scenario.

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^{11 &}quot;Stream management zone" refers to the reaches of a river and/or its tributaries governed by a single minimum flow site.

POL 40 TECHNICAL PROCEDURE - MINIMUM FLOWS

- 3.10.18 For catchments with prescribed minimum flows, to adopt the following strategy:
 - (a) Prior to 1 November each year the HBRC will provide public information on the state of surface water resources for the subsequent irrigation season.
 - (b) At times when a river is dropping towards its minimum flow, the HBRC will provide information regularly about this fact.
 - (c) Thereafter, the HBRC will regularly provide information about the state of the river until it returns to a level at which a breach of the minimum flow is unlikely to occur.
 - (d) The HBRC will encourage resource users to voluntarily schedule or ration water takes, where this is feasible to try and prevent the minimum flow being breached.
 - (e) The HBRC may apportion, restrict or suspend the taking, use, damming or diversion of water to the extent and in the manner required to ensure that these activities do not cause a breach of the minimum flow.

Explanation and Reasons

3.10.19 Policy 40 sets out the strategy to be used by the HBRC during periods when a river is dropping toward its minimum flow level. The HBRC will provide regular information to resource users on the state of surface water resources, thereby enabling water users to make their own decisions, either individually or collectively, taking responsibility for water use and the management of the surface water body. The HBRC will also encourage resource users to take voluntary measures to reduce, schedule or ration the rate of take. If the water level of the river drops towards its minimum flow, the HBRC may apportion, suspend or restrict takes to ensure that they do not cause a breach in the minimum flow.

POL 41 DECISION-MAKING CRITERIA - MEASUREMENT OF SURFACE WATER ABSTRACTION

- 3.10.20 As a means of assessing compliance with the allocated amount of water, and of measuring the total volume of water being taken from a river, to require water measuring devices for all resource consents to take water where:
 - (a) the river has a defined allocatable volume (as set out in Table 9)
 - (b) there is evidence of increasing demand for water from a surface water body for which there is insufficient information to set a minimum flow or allocatable volume, or
 - (c) the water is taken for industrial purposes and provides an indication of the rate of wastewater discharge.
- 3.10.21 The following criteria shall apply to the measurement of abstracted surface water:
 - (a) The method of measurement shall measure the water abstracted to an accuracy of within plus or minus five percent; and shall be capable of displaying the amount of water abstracted in units no greater than one cubic metre to enable appropriate records to be kept.
 - (b) The method of measurement shall be capable of providing an instantaneous rate of abstraction when abstraction is occurring (this would be met by being able to time a known quantity of water passing through the measuring device).
 - (c) Any measurement of the water being abstracted must be capable of having the accuracy assessed, or the method certified, by the supplier at the time of installation or commencement of use and evidence of this shall be submitted to the Council prior to the first abstraction.
 - (d) Where the take is from a river listed in Table 9, and the river is approaching minimum flow, Council will require more frequent measurement and provision of information than specified in 3.10.21 (potentially as often as daily).

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The consent holder or applicant must satisfy the Council that the above criteria can be met through the proposed method of measurement. If this cannot be demonstrated the Council will require the installation of a water meter in order to meet the requirements of this policy.

Any costs of determination of criteria will be borne by the consent holder.

- 3.10.22 Conditions imposed on resource consents will specify the information to be recorded, the frequency of recording and of submitting that information to the Council, and the frequency of accuracy checks. These frequencies will be no more than can be justified for surface water management purposes, although the frequency can be altered when the river is approaching its minimum flow as specified in 3.10.21 (d).
- 3.10.23 For existing surface water takes this policy will be implemented upon renewal of the consent or within three years of the Plan becoming operative, whichever occurs sooner.

Explanation and Reasons

3.10.24 Policy 41 establishes the circumstances under which the measuring of the total volume of water being abstracted is required in relation to surface water takes. It will increase the Council's ability to manage the surface water resources by identifying to both Council and the consent holder the level of compliance with the consented take amount. In turn this will give Council a clearer picture of the actual level of abstraction and the impact of abstractions on long-term resource trends. Telemetry is one option for the submission of information to Council.

POL 42 TECHNICAL PROCEDURE - IRRIGATION TAKES

3.10.25 To allocate surface water for irrigation purposes on the basis of actual crop water requirements up to a maximum equal to that required during a one in five year drought. The allocation assessment will take into account information on crop type, rainfall, potential evapotranspiration rates, and best irrigation management practices. The allocation assessment may also have regard to soil type and moisture holding capacity.

Explanation and Reasons

3.10.26 Policy 42 sets out the technical procedure that the HBRC will use for the allocation of surface water for irrigation purposes. In essence, the HBRC will allocate water based on crop water requirements during a one in five year drought, adjusted according to local data for rainfall and evapotranspiration rates. For planning purposes it is necessary to establish a level of risk. A 20% risk that actual water needs will exceed the authorised volume in any one year (i.e.) 1:5 year return period) recognises the need to balance crop water needs against the ability of the surface water body to maintain a flow above the minimum flow and its ability to recover from a low flow situation. The policy notes that the water will also be allocated on the basis of best irrigation management practices, rather than, for example, the amount of water required for an inefficient irrigation system.

POL 43 TECHNICAL PROCEDURES - GROUNDWATER TAKES WITHIN THE VICINITY OF SURFACE WATER BODIES

- 3.10.27 To manage the effects of groundwater takes from unconfined or semi-confined aquifers on nearby surface water bodies in the following manner:
 - (a) Any taking of shallow groundwater within 400 m of a river, lake or wetland as measured from the edge of the bed will be treated as if it were a direct take unless the extent to which the groundwater will deplete water in the surface water body has been assessed using an appropriate scientific procedure in which case the effects on surface water will be assessed on that basis.
 - (b) Any taking of shallow groundwater beyond 400 m may require an assessment of effects in the river, lake or wetland if the scale of the take, the groundwater flow direction, and the transmissivity and storativity characteristics of the aquifer indicate interaction is likely to occur; in which case it may be treated as if it were a direct take.

Explanation and Reasons

3.10.28 Policy 43 sets out the technical procedure for managing groundwater takes within the vicinity of surface water bodies, recognising that these takes can adversely affect the amount of water in the surface water body. The selected procedure must involve consideration of factors such as the proposed rate, location and depth of the groundwater take, the connection between the aquifer with the surface



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water body, the groundwater flow direction relative to the surface water body, and the transmission and storage characteristics of the aquifer. The consequence of identification as a direct surface water take is that the groundwater take may also be subject to cut-off when the surface water body meets its recognised minimum flow.

POL 44 DECISION-MAKING CRITERIA – AQUIFER RECHARGE

3.10.29 To protect the Heretaunga Plains Aquifer recharge in order to maintain the long-term viability of the aquifers.

Explanation and Reasons

3.10.30 Policy 44 recognises the importance of aquifer recharge to the sustainable management of the Heretaunga Plains aquifer. The establishment of minimum flows on contributing rivers must take into account the need to adequately provide for the recharge of groundwater.

POLICIES - SURFACE WATER QUALITY

DIFFUSE SOURCE DISCHARGES & STOCK ACCESS

POL 45 ROLE OF NON-REGULATORY METHODS

- 3.10.31 To use non-regulatory methods, as set out in Chapter 4, as well as rules, for addressing the adverse effects of non-point source discharges and stock access to waterways, including:
 - (a) Research and investigation In consultation with landowners undertake the identification of priority areas along the margins of rivers, lakes and wetlands, which should be retired in order to provide a buffer against the effects of runoff from land use activities. Priority areas established at the time that this Plan was prepared are set out in Schedule VIII.
 - (b) Economic instruments The provision of financial incentives to facilitate the retirement of these riparlan areas.
 - (c) Education and co-ordination The preparation and distribution of educational material regarding the benefits of retaining, establishing and enhancing appropriate riparian vegetation.

Explanation and Reasons

3.10.32 Policy 45 sets out the role of the HBRC in undertaking research, providing financial incentives and educating resource users as the principal means for addressing the adverse effects of non-point source discharges and stock access to waterways. Policy 45 includes recognition of the importance of providing a buffer along the margins of water bodies against the effects of runoff from land use activities.

POINT SOURCE DISCHARGES

POL 46 ROLE OF NON-REGULATORY METHODS

3.10.33 To use non-regulatory methods, as set out in Chapter 4, in support of regulatory methods for avoiding adverse effects of point source discharges, in particular, providing education and co-ordination regarding sound waste management practices.

Explanation and Reasons

3.10.34 Policy 46 recognises the importance of educating resource users as to the effects of point source discharges on the water quality of the region's waterways and encouraging sound waste management practices. This non-regulatory method will be used in conjunction with regulating point source discharges of contaminants in the region.

POL 47 DECISION-MAKING CRITERIA - DISCHARGES

3.10.35 To manage activities affecting the quality of water in rivers and lakes in accordance with the environmental guidelines and implementation approaches set out in Chapter 5 of this Plan.



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Explanation and Reasons

3.10.36 Policy 47 notes that point source discharges will be managed in accordance with the environmental guidelines for surface water quality previously established in Chapter 5 of this Plan.

POL 48 DECISION-MAKING CRITERIA – BUFFER ZONES: ANIMAL EFFLUENT DISPOSAL

- 3.10.37 To have regard to the following factors when considering conditions on resource consents for appropriate buffer zone distances between animal effluent disposal areas and surface water bodies or property boundaries:
 - (a) The availability of vegetation adjacent to the surface water body to trap any nutrients or other contaminants.
 - (b) Values of the receiving water body and downstream water bodies, including wetlands.
 - (c) The land use of the adjoining property and the location of any dwellings.
 - (d) The slope of the land adjoining the surface water bodies.
 - (e) The permeability of the soil in the effluent disposal area.
 - (f) The cumulative effects of the discharges, from all agricultural activity carried out on the same land.

Explanation and Reasons

3.10.38 Policy 48 sets out the factors which the Council will have regard to when determining conditions on appropriate buffer zone distances between animal effluent disposal areas and surface water bodies or properly boundaries. It acknowledges that there are a range of variable factors which may influence the extent of environmental effects from effluent disposal areas and that minimum buffer zone distances set out as standards and terms may not be the most appropriate means of dealing with such effects.

POL 49 DIVERSION AND DISCHARGE OF STORMWATER

- (a) To permit the diversion and discharge of stormwater from constructed open drainage systems or piped stormwater drainage systems into surface water without the need for a resource consent, subject to conditions in this Plan which are intended to adequately avoid, remedy or mitigate any significant adverse effects.
- (b) To promote mitigation of the cumulative effects of stormwater discharges on water quality where appropriate.

Explanation and Reasons

3.10.39 Policy 49 (a) recognises that the majority of stormwater discharges will only have minor adverse effects and can therefore be allowed as a permitted activity. Policy 49 (b) recognises that practical mitigation measures need to be considered to avoid, remedy or mitigate any cumulative adverse effects of contaminants in stormwater discharges.



ANTICIPATED ENVIRONMENTAL RESULTS

Anticipated Environmental Result	Indicator	Data Source	
Maintenance and enhancement of surface water quality at a level which sustains or improves the aquatic ecosystems in the relevant surface water bodies, including wetlands	Physical and biological parameters	Council SER monitoring	
Allocation of water at a rate which avoids degradation of the resource, while providing for the needs of the regional community	Flow monitoring	Minimum flow monitoring	



3.11 River Bed Gravel Extraction

ISSUE

3.11.1 River gravels provide a supply of a valuable resource utilised in a multiplicity of ways by the community. In extracting from rivers the risk of an imbalance between the natural supply of and the rate at which gravel is extracted, and of adverse effects as a consequence of extraction in the river bed needs to be managed.

OBJECTIVES

- OBJ 28 The avoidance of any gravel extraction at a rate which exceeds the rate of natural supply, except in areas where there are stored reserves which may be removed in a controlled manner such that flood protection and river control assets are not compromised.
- OBJ 29 The facilitation of gravel extraction from areas where it is desirable to extract excess gravel for river management purposes and the minimisation of flood risk, or to maintain or protect the functional integrity of existing structures, whilst ensuring that any adverse effects of gravel extraction activities are avoided, remedied or mitigated.
- OBJ 30 The maintenance of the use and values of the beds of rivers and the avoidance of any significant adverse effects on the river bed resulting from the extraction of gravel.

Explanation and Reasons

- 3.11.2 Lowland areas in the Hawke's Bay region have been built up from fluvial deposits and material eroded from the surrounding hill country. This geomorphological process is ongoing and is the principal reason why there is a presence of gravel material within the river beds and banks of Hawke's Bay river systems. The gravel resource is seen as a valuable commodity in the region, particularly for uses such as road construction and maintenance.
- 3.11.3 The gravel resource utilised for extraction exists both within water courses and on adjacent river banks. The volume of the available resource varies considerably over time, and along river systems, as a consequence of flood-induced river bed movements.
- 3.11.4 A review of the current extraction and natural replenishment rates indicates that there is a long-term deficiency of gravel available for use in the Heretaunga Plains area. Gravel from this area is in demand because of its proximity to Napier and Hastings. In areas of lower demand (including sections of the Waipawa and upper Tukituki Rivers, and their tributaries), there is a surplus of gravel. This surplus can contribute to problems in terms of river flood management by elevating river bed levels, thereby reducing the capacity of stopbanks to accommodate flood flows.
- 3.11.5 Gravel availability in the northern part of the Hawke's Bay region is limited by three factors: the remoteness of the source from the areas of high demand, the difficulties of access for extraction, and for the area north of the Mohaka River, the quality of the gravel.
- 3.11.6 The extraction of gravel from a river bed may cause adverse effects on the natural character, river ecology and recreational values of a river. Riffle, pool, and run sequences in rivers may be altered by gravel extraction activities, thereby changing the habitat composition and the relative quality and quantity of different habitat types in a river system. Conversely, natural river processes can return a river bed environment to equilibrium following extraction. In addition dust can be a problem. It can be generated from both the extraction activity, and the movement of vehicles to and from the extraction site. Significant problems can arise where dust blows onto adjacent properties, causing both a nuisance and a potential for economic loss.

POLICIES

POL 50 RESOURCE ALLOCATION - GRAVEL ALLOCATION ASSESSMENT

- 3.11.7 To assess the availability of river bed gravel by:
 - (a) Defining both annual and long-term extraction rates for the regional gravel resource for each river bed within the region where major extraction takes place. These rates will be based on regular monitoring of the rate of extraction, and an assessment of the river design profile, supply of gravel to the coast, and supply of gravel from upstream sources (including land use activities).



(b) Ensuring that as far as practicable, long-term gravel extraction is undertaken at a level consistent with maintaining the rivers close to their design profiles, while maintaining compatibility with other resource management and environmental values.

Explanation and Reasons

3.11.8 Policy 50 establishes the approach to be taken by the HBRC when assessing the availability of river bed gravel for extraction and determining both annual and longer term levels of gravel allocation. This policy recognises that the quantity of gravel available for extraction from within the region's rivers may fluctuate depending on the rates of supply and the qualities of the individual river. This policy also seeks to ensure that, as far as practicable, long term gravel extraction is undertaken at a level that enables the natural flow and path of the river to be maintained.

POL 51 RESOURCE ALLOCATION - GRAVEL ALLOCATION PROCESS

- 3.11.9 To allocate gravel from river beds in Hawke's Bay generally on an annual basis, in accordance with the following approach:
 - (a) Determining by 15 April each year the likely demand for river bed gravel. Gravel extractors will be contacted at the beginning of March each year, and required to provide notice of their requirements for gravel by 15 April. Requests for gravel allocation will be required to specify the proposed end use of the gravel.
 - (b) Carrying out an assessment and allocation process between 15 April and 30 June each year, in accordance with Policy 50.
 - (c) Notifying gravel extractors of their annual allocation by 1 July each year.

Explanation and Reasons

3.11.10 Policy 51 establishes the approach to be taken by the HBRC when allocating the gravel reserves of the region's rivers. The HBRC will allocate gravel to resource users on an annual basis, based on the gravel extractors' requirements, the gravel resource determined to be available in accordance with Policy 50, the proposed end use of the gravel, and an assessment of the effects of extraction. Council will determine the appropriate location for sourcing the gravel especially where demand for gravel in a particular location exceeds supply and alternative locations are required.

POL 52 RIVER BED GRAVEL EXTRACTION - MOHAKA RIVER

- 3.11.11 In relation to the Mohaka River, the:
 - (a) annual total volume of extraction for the Mohaka River below the Te Hoe junction
 - (b) the location of any extraction sites, and
 - (c) the periods and rates of extraction at each site

are to be negotiated and agreed to prior to 30 June each year between the Hawke's Bay Regional Council and nominated representatives of Ngati Pahauwera.

Explanation and Reasons

3.11.12 Policy 52 implements a recommendation of the Waitangi Tribunal.

POL 53 DECISION-MAKING CRITERIA - RIVER BED GRAVEL EXTRACTION

- 3.11.13 In considering consent applications for the extraction of river bed gravel, to have regard to the following criteria:
 - (a) The capability to restore the extraction site upon completion of the extraction operation, and to repair any damage caused to any banks, access roads, fences, gates, or other structures.
 - (b) The avoidance of any contaminants from machinery use entering water bodies.



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- (c) The avoidance of any increases in sediment discharge or water turbidity, particularly during the fish spawning period of May to October.
- (d) The continuation of existing fish passage.
- (e) The avoidance of any adverse effects on flood control assets or river protection works.
- (f) The avoidance of any activity that would cause flood control measures or river protection works to be required.
- (g) The avoidance of any offensive or objectionable discharge of dust.
- (h) The end uses of the gravel, in order that high quality gravel is allocated to uses which require such gravel.
- (i) The location of, and potential effect on, any downstream water takes/users.
- (j) The effect on the ecology of the river.
- (k) The extent to and the time over which natural processes will be capable of returning the river bed to a state of equilibrium following extractive activity.

Explanation and Reasons

3.11.14 Policy 53 provides guidance to resource consent applicants and decision makers in respect of applications to undertake gravel extraction within the region's rivers. This policy establishes criteria which the resource consent application will be assessed against. In addition any resource consent application to extract river bed gravel should have regard to Objective 45 and Policy 79 when assessing the adverse effects of any proposed extraction activity.

POL 54 PROBLEM SOLVING APPROACH - INTEGRATION WITH RIVER CONTROL WORKS

- 3.11.15 To integrate the management of gravel extraction with river control works by:
 - (a) Encouraging gravel extraction where there is the potential to minimise flooding or the risk of damage to protection works or essential structures.
 - (b) Undertaking specific works to control erosion and encourage gravel movement where appropriate.

Explanation and Reasons

3.11.16 Policy 54 sets out the approach to be taken to integrate the management of gravel extraction with river control works in order to minimise flooding, erosion and the risk of damage to works and essential structures (e.g. bridges). This policy recognises the positive influence that the managed extraction of gravel can have on minimising flood risk and assisting with the overall management of the river.

ANTICIPATED ENVIRONMENTAL RESULT

Anticipated Environmental Result	Indicator	Data Source
Extraction of river bed gravel at a rate that does not exceed its natural replenishment (unless there is an environmental benefit in doing so)	River cross sections	Council data on river profiles



3.12 Natural Hazards

ISSUE

3.12.1 The susceptibility of the region to flooding, droughts, earthquakes, volcanic ash falls, and tsunami, and the potential impact of these on people's safety, property, and economic livelihood.

OBJECTIVE

OBJ 31 The avoidance or mitigation of the adverse effects of natural hazards on people's safety, property, and economic livelihood.

Explanation and Reasons

3.12.2 Flooding and droughts are the most recurrent natural hazards in Hawke's Bay, but the region also has a history of earthquakes, volcanic ash falls and tsunami. Each of these is briefly discussed below.

Flooding

3.12.3 Within Hawke's Bay, there is widespread potential for flooding. Individual rainfall events causing flooding that can range from localised downpours affecting particular catchments, to cyclonic storms causing general flooding over large parts of the region. Considerable flood protection works have been carried out in the region, particularly on the Heretaunga and Ruataniwha Plains. These works have significantly reduced the risk from most flood events. However, very large events exceeding flood protection design standards can be devastating to normally protected areas. Indeed, measures taken to reduce the flood risk, such as river control works and post-disaster relief, can actually increase the catastrophic potential of large floods because they enable an increased occupancy and level of development within flood plains. To be truly effective flood protection works must be undertaken in conjunction with better land use planning, and adequate and timely flood forecasting.

Droughts

3.12.4 Droughts are a common occurrence in Hawke's Bay, particularly during El Nino weather patterns, which bring predominantly westerly winds. The orographic effect of the mountain ranges west of Hawke's Bay means that the region receives little rainfall during these times. Hawke's Bay experienced three major droughts during the 1980's - in 1982/83, 1984-86 and 1988/89. These have been followed by two major droughts during the 1990's - in 1994/95 and 1997/98. The regularity of droughts, and the severity of their effects on agriculture, water supplies and aquatic ecosystems, mean that they are a natural phenomenon which must be recognised in the management of land use activities and the environment.

Earthquakes

3.12.5 Earthquakes are a significant risk to the Hawke's Bay region, given the regular occurrence of tectonic movement in the area. Although large earthquakes such as the 1931 event occur infrequently, they have a high potential to impact on people and their livelihood. Development in Hawke's Bay has continued with little or no regard to the effects that earthquakes have on different ground conditions. The HBRC has commissioned studies into the risk posed by earthquakes, and the effect of earthquakes no different areas, particularly in relation to liquefaction, ground shaking, subsidence and uplift. This information has been provided to territorial local authorities, in order that they use it in the production of district plans and the establishment of building design standards.

Volcanic Ash

3.12.6 There are no volcanoes in Hawke's Bay, but the region is at risk of being blanketed with ash from volcanoes in the Okataina and Taupo volcanic centres. While volcanic eruptions are a relatively infrequent phenomenon, their effects can be devastating, on waterways (affecting quality and channel processes), land use activities, and health.

Tsunami

- 3.12.7 Tsunami (tidal waves) are also a potential natural hazard. A recent tsunami hazard study of the Hawke's Bay region identified three potential types of tsunami that pose a threat to Hawke's Bay:
 - (a) Immediate waves generated locally by horizontal ground movements.
 - (b) Seismic seiches generated locally by vertical ground movements.
 - (c) Classical tsunami generated as a local response to a distant major seabed disturbance (sources of seabed disturbances can be submarine slumps, volcanic eruptions and earthquakes).
- 3.12.8 The main threat in Hawke's Bay is from classical tsunami for which an existing international warning agency is likely to give ample warning. Such warning is valuable, however it does little to quantify the scale of impending waves in this region.
- 3.12.9 The information delivered in this study has been used by HBRC to assist with its emergency management planning, and has also been provided to territorial local authorities in the region to assist them with their own civil defence and natural hazard planning initiatives.



POLICIES

POL 55 ROLE OF NON-REGULATORY METHODS

- 3.12.10 To use non-regulatory methods set out in Chapter 4, as the principal means of addressing hazard avoidance and mitigation, in particular:
 - (a) Liaison with territorial authorities¹² To provide information on natural hazard risk to territorial authorities, and advocate that future development is managed in such a way that the risk of exposure to natural hazards is avoided, remedied or mitigated.
 - (b) Works and services To provide hazard mitigation measures, in particular flood mitigation measures, where the benefits can be shown to outweigh the costs and the identified beneficiaries can meet the costs.
 - (c) Natural hazard priorities To focus both hazard avoidance and mitigation on areas of high human population density as a first priority.

Explanation and Reasons

Policy 55 sets out the role of the HBRC in providing information to territorial authorities, providing works and services where these are cost-effective, and prioritising natural hazard responses as the principal means of addressing natural hazard avoidance and mitigation. This policy recognises the need for an integrated approach by territorial authorities and the HBRC to address land use planning and service provision with the view of minimising the risk and impact of natural hazards. The HBRC will provide hazard mitigation measures (e.g. stopbanks for flooding) where the benefits outweigh the costs, and the costs can be recovered from those who will benefit from the works. Furthermore, the HBRC will, as a first priority, focus hazard avoidance and mitigation on the areas of high human population density (e.g. cities and towns) as these areas are likely to experience significant effects on people's safety and economic livelihood as a result of a natural hazard event.

ANTICIPATED ENVIRONMENTAL RESULTS

Anticipated Environmental Result	Indicator	Data Source
Natural hazard mitigation measures in place to minimise the risk to human safety and the environment from natural hazards	Loss of life and property in a natural hazard event	Emergency services records

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¹² Refer to Chapter 8 in this Regional Plan for a description of the respective roles of the HBRC and territorial authorities for the avoidance or mitigation of natural hazards.

3.13 Maintenance and Enhancement of Physical Infrastructure

ISSUE

3.13.1 The sustainable management, including further development, of the physical infrastructure of the region that underpins the economic, cultural, and social wellbeing of the region's people and communities, and provides for their health and safety.

OBJECTIVES

- OBJ 32 The ongoing operation, maintenance and development of physical infrastructure that supports the economic, social and/or cultural wellbeing of the region's people and communities and provides for their health and safety.
- OBJ 33 Recognition that some infrastructure which is regionally significant has specific locational requirements.
- OBJ 33A Adverse effects on existing physical infrastructure arising from the location and proximity of sensitive land use activities are avoided or mitigated.
- OBJ 33B Adverse effects on existing landuse activities arising from the development of physical infrastructure are avoided or mitigated in a manner consistent with Objectives 16, 17, 18, 32 and 33.

Explanation and Reasons

- 3.13.2 Hawke's Bay region had a population of 146,109 people on Census night 2001. The economic, and to some extent social and cultural well being, health and safety of these people, relies on the region being interlinked with the rest of New Zealand and the world. This is achieved through transport and communications systems and through supply of services such as energy which transcends regional boundaries.
- 3.13.3 Land transport integrates different parts of the region, and provides for the movement of goods and people. The region is linked into national road and rail systems. Other important transport infrastructure, the airport and port, are both in the coastal environment and have specific locational requirements. The region does not have any natural harbours, so the port's physical resources, developed over more than a century, are regionally significant. An efficient and convenient location in relation to the region's population and commercial and industrial activity is also essential for the port and airport.
- 3.13.4 Most of this infrastructure relies on the use of the land resource, although the air and sea are also involved. Thus the management of its environmental effect is not directly the responsibility of the Regional Council but is generally a district council matter. However, the regional importance of the physical infrastructure and that its networks frequently cross district boundaries; or, in the case of the region's port that it is located on, the land sea interface; means that there is a regional role in ensuring that it is able to be maintained and enhanced.
- 3.13.5 Energy infrastructure, at regional level, primarily involves the generation and distribution of electricity, but increasingly may involve gas. The ability to maintain and develop the region's energy resources, and to distribute energy to areas within and outside the region, is essential in supporting the region's economic well being.
- 3.13.6 Communication facilities are of growing importance in the 21st century. Communication and the transfer of information is essential in allowing all communities within the region to provide for their individual and collective well being. These facilities can rely less on land-based infrastructure as technology develops, but where land-based infrastructure is required, it may have very specific locational requirements. As a result, it must be recognised that it will not be possible in every situation to avoid or mitigate all adverse effects without affecting the efficiency and effectiveness of the infrastructure.
- 3.13.7 Other infrastructure, such as sewerage systems, water supply and landfills, may involve a regional perspective and joint funding and management by several territorial authorities or other agencies.
- 3.13.8 The region's major industries are largely dependent on production from the region's natural and physical resources, and are integrated economically and physically with transport, energy and communications systems. They represent large investments in physical resources, and can be regarded as part of the region's physical infrastructure.
- 3.13.9 A range of environmental effects may be associated with physical infrastructure. This may include direct use of land and coastal areas and the consequent exclusion of people and other activities from such areas. As much of the infrastructure involves physically connected networks, structures may need to cross rivers and sometimes lakes, wetlands and the sea.

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- 3.13.9A Physical infrastructure can often give rise to off-site impacts or nuisance elements which affects surrounding land. It can cause emissions or vibrations which go beyond the boundaries of the site; or activities associated with the land use may create adverse effects on nearby land, such as increased noise or traffic.
- 3.13.9B Reverse sensitivity effects can arise when sensitive activities are introduced near major infrastructure, or new infrastructure is placed near a certain existing land use. For example, a new residential development in close proximity to an airport, or the location of a new highway route through an existing urban area can both cause adverse effects that require careful management to reduce conflict between the activities. This conflict needs to be carefully managed in accordance with Section 3.5 of the Plan.
- 3.13.9C In relation to specific types of strategic infrastructure, National Policy Statements may exist which direct local authorities to deal with reverse sensitivity effects in a certain way when making decisions on regional plans, district plans, and resource consent applications. For example, the NPS on Electricity Transmission requires local authorities to manage activities to avoid reverse sensitivity effects on the National Grid, to the extent reasonably possible. RPS provisions need to be applied in conjunction with any relevant National Policy Statement when considering new activities.

POLICIES

POL 56 ROLE OF NON-REGULATORY METHODS

- 3.13.10 To use non-regulatory methods, as set out in Chapter 4, as the primary means of enabling the development of regionally significant physical infrastructure, in particular through the following:
 - (a) Provision of Information Recognising the regional importance of significant infrastructure, and assisting territorial authorities and the regional population, in understanding the importance of this infrastructure and its environmental effects. The Council will hold and, as provided for in the annual Plan, investigate aspects of regional infrastructure, including beneficial and adverse effects, so that common information is available to enable decision-makers under the RMA to make decisions in accordance with the promotion of sustainable management.
 - (b) Liaison with Territorial Authorities Facilitating liaison between territorial authorities, the community and infrastructure agencies, to address and resolve issues that arise in the maintenance and development of infrastructure.

Explanation and Reasons

3.10.11 The HBRC is at times the consent authority for activities associated with regional infrastructure, but the primary responsibility is generally with the territorial authority. Thus the role of the Council in achieving objectives is primarily as a source of information and a facilitator of liaison. In some situations HBRC may wish to take an advocacy role to promote regional development on the basis of regional infrastructure. When this is likely, decisions for advocacy will be made on a one off basis and any potential conflicts of interest will be identified and avoided.

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3.10.11A Also refer to Policies in Chapter 3.5 of the Plan.



3.14 Recognition of Matters of Significance to Iwi/Hapu

3.14.1 These objectives and policies are developed from the issues of significance to iwi/hapu identified in sections 1.5 and 1.6 of this Plan.

OBJECTIVE

OBJ 34 To recognise tikanga Maori values and the contribution they make to sustainable development and the fulfilment of HBRC's role as guardians, as established under the RMA, and tangata whenua roles as kaitiaki, in keeping with Maori culture and traditions.

POLICIES

- POL 57 Where policy is being developed for the management of natural and physical resources the following matters shall be had regard to:
 - (a) Where the effects of an activity have minimal or no measurable impact on the state of mauri, the life sustaining capacity of a resource – no or minimal regulation (noa).
 - (b) Where the actual or potential effects of an activity on the state of mauri are significant the activity shall be dealt with on a case-by-case basis according to those effects (rahui).
 - (c) Where the impacts of an activity have a severe and irreversible impact upon the state of mauri that activity shall be prohibited (tapu).
- POL 58 To share information on matters of resource management significance to Maori and on processes to address them.

Explanation and Reasons

3.14.2 To carry out its obligations under the Act HBRC needs to understand and respect the concept of kaitiakitanga. To achieve this it may be necessary for tangata whenua to share their understanding, knowledge and beliefs as they relate to natural and physical resources. In turn HBRC will undertake to assist Maori in enhancing their knowledge of the resource management process.

OBJECTIVE

OBJ 35 To consult with Maori in a manner that creates effective resource management outcomes.

POLICIES

- POL 59 Consultation with tangata whenua should be undertaken in a manner that acknowledges Maori values, with the fundamental approach in consultation being "kanohi ki te kanohi" (face to face) or personal contact. Other matters necessary to be exercised are:
 - (a) consideration of a consent application not yet finally decided upon
 - (b) listening to what others have to say
 - (c) considering their responses
 - (d) deciding what will be done
 - (e) appropriate timing.



- POL 60 To encourage hapu to develop resource management plans, and to use the plan, when recognised by an iwi authority, to assess the incorporation of Maori values in the planning process.
- POL 61 Resource management decisions made subsequent to consultation shall show regard for that consultation.
- POL 62 The following is the recommended approach for consultation with tangata whenua:
 - (a) Where the issue is at a macro, region-wide level consultation be with iwi.
 - (b) Where the issue is localised, yet non site-specific, consultation be with hapu.
 - (c) Where the issue is site-specific consultation be with whanau.
- POL 63 Consultation involving iwi or hapu is expected generally to be undertaken on a marae. The place of consultation should be determined as a result of agreement between both parties.

Explanation and Reasons

3.14.3 Effective consultation is the best way to determine the relationship between Maori and their taonga and how kaitiakitanga is to be exercised. The policies set out the interpretation by Ngati Kahungunu of what effective consultation means to them. These policies provide applicants with a guide on some of the practical aspects of consultation.

OBJECTIVE

- OBJ 36 To protect and where necessary aid the preservation of waahi tapu (sacred places), and tauranga waka (landings for waka).
- OBJ 37 To protect and where necessary aid the preservation of mahinga kai (food cultivation areas), mahinga mataitai (sea-food gathering places), taonga raranga (plants used for weaving and resources used for traditional crafts) and taonga rongoa (medicinal plants, herbs and resource).

POLICIES

- POL 64 Activities should not have any significant adverse effects on waahi tapu, or tauranga waka.
- POL 65 Activities should not have any significant adverse effects on taonga raranga, mahinga kai or mahinga mataitai.
- POL 66 The importance of coastal, lake, wetlands and river environments and their associated resources to Maori should be recognised in the management of those resources.

Explanation and Reasons

3.14.4 These policies require the active consideration of the impacts of proposed activities on the taonga of tangata whenua.

