



# *Hastings District Council*

Civic Administration Building  
Lyndon Road East, Hastings

Phone: (06) 871 5000

Fax: (06) 871 5100

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## OPEN DOCUMENT 2

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# COMMISSIONER HEARING MEETING

Meeting Date: **Thursday, 20 February 2020**  
Time: **9.30am**  
Venue: **Landmarks Room  
Ground Floor  
Civic Administration Building  
Lyndon Road East  
Hastings**

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ITEM	SUBJECT	PAGE
2.	<b>LIMITED NOTIFIED RESOURCE CONSENT APPLICATION TO ESTABLISH SEASONAL WORKERS ACCOMMODATION AT 97 YORK ROAD, AND FOR A SUBDIVISION TO CREATE TWO LOTS AT 97 YORK ROAD AND INVOLVING AMALGAMATION WITH 9 MAULTSAID PLACE, HASTINGS 4120 - JARA FAMILY TRUST</b>  <b><u>Document 2</u></b> Containing this attachment <b>Attachment C</b> Application Information	      <b>Pg 1</b>

Application Information

Item 2

Attachment C

**Hastings District Council**  
 207 Lyndon Rd East, Hastings 4122  
 Private Bag 9002, Hastings 4156  
 Phone: 06 871 5000  
 Email: customerservice@hdc.govt.nz



Item 2

## Application for a Land Use Resource Consent

<b>RMA Number</b>	RMA20190203	<b>Submitted On</b>	30/05/2019 04:13 p.m.
<b>Submitted By</b>	Sarah Shanley	<b>Email Address</b>	sarah.shanley@developmentnous.nz

### 1. Property Details

<b>Property No</b>	54413	<b>Property Address</b>	97 York Road HASTINGS 4120
<b>Legal Description</b>	PT SEC 24 BLK XV HERETAUNGA SD SEC 66 SO 438108	<b>Valuation No</b>	0962030100

### 2. Applicant Details

<b>Person applying</b>	I am the authorised agent applying on behalf of the applicant		
<b>Name</b>	Jara Family Trust	<b>Email</b>	matthew.holder@developmentnous.nz
<b>Daytime contact number</b>	0274491526	<b>Alternative contact</b>	
<b>Postal address</b>	PO Box 2543, Stortford Lodge, Hastings 4153	<b>Preferred means of formal correspondence</b>	Email
<b>Agent Details</b>			
<b>Name</b>	Sarah Shanley	<b>Company name</b>	Development Nous
<b>Contact phone</b>	87602159	<b>Email</b>	matthew.holder@developmentnous.nz
<b>Postal address</b>	PO Box 385 Hastings 4122	<b>Customer reference</b>	
<b>First point of contact for technical queries related to the processing of this application</b>			Agent
<b>Billing Details (Debtor/ Billed to)</b>	Applicant	<b>Copy to agent</b>	Yes

### 3. Consent Details

<b>Lawfully established uses on site</b>	Mixed Use
<b>Brief description of the proposed use</b>	Subdivision and Land Use
<b>Are any other resource consent required</b>	No
<b>Activity status/type of resource consent</b>	
<b>Relevant rule(s) of the district plan</b>	As Attached

Attachment C

**Certificate of Title**

I will provide a Certificate of Title

748603\_Curr(wDiag).PDF

[Download file](#)

HBF1-19\_Curr(wDiag).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](http://www.hastingsdc.govt.nz)

**As authorised agent for the applicant, I confirm that I have read and understood the above notes and Yes 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**

Matthew Holder

**Date**

30/05/2019

**5. Attachments (Supporting Documents)****Description of Proposal and Assessment of Environmental Effects**

AEE FINAL H20190005.pdf

[Download file](#)



# **Assessment of Environmental Effects**

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## **Subdivision and Land Use Consent**

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**97 York Road and 62 Irongate Road, East, Hastings**  
**Updated – 19 June 2019**

Jara Family Trust Limited



water body (the Irongate Stream). This would breach permitted activity standards of Rule 49 'Discharges to land that may enter water'.

- Resource consent for a bridge over the Irongate Stream is likely to be required either under Rule 71 or 72 of the RRMP. Confirmation will be sought from HBRC staff.
- *Under the Conservation Act*- The proposed bridge over the Irongate Stream and Marginal Strip would require an easement permit from the Department of Conservation.
- *Outside of the RMA 1991* there will be the need for a Building Consent.

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.

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



Matthew Holder for Development Nous Ltd

Consultant to and duly authorised to sign on behalf of client name

19 June 2019

<b>Address for invoicing (debtor):</b>	<i>Jara Family</i> <b>Havelock North</b>
<b>Address for service of applicant:</b>	C/- Development Nous Ltd PO Box 385 Hastings
<b>Telephone:</b>	06 876 2159 027 288 8762
<b>Email:</b>	matthew.holder@developmentnous.nz
<b>Contact person:</b>	Matthew Holder

## Form 9 Application for Resource Consent

*Section 88, Resource Management Act 1991*

**To** The Chief Executive  
Hastings District Council  
Private Bag 9002  
Hastings 4156

**Jara Family Trust C/- Development Nous Ltd, apply for the following type(s) of Resource Consent:**

Land use consent is sought for the following:

- undertake a two-lot subdivision and establish and operate an RSE seasonal workers accommodation complex accommodating up to 150 persons on 1 lot. It is proposed that the newly created RSE accommodation lot amalgamate with an adjoining lot created at 62 Irongate Road.
- mine gravel and undertake earthworks on two parcels of land resulting from the above subdivision.

The proposal is outlined in the application and plans prepared by Development Nous attached.

*mining withdrawn*

**The names and addresses of the owner and occupier of land to which the application relates are as follows:**

97 York Road – BJ Rosenberg, MA Stoddart  
62 Irongate Road- GH Throp, JA Roll, RA Roll

**The location of the proposed activity is as follows:**

The site that is subject to this resource consent application comprises of three lots held on two titles, at 97 York Road and 62 Irongate Road. These lots are legally described as:

- Part Section 24 Block XV Heretaunga Survey District and Section 66 Survey Office Plan 438108, held on Certificate of Title 748603, containing a land area of 16.2051 ha
- Section 66 SO Plan 438108, Title Reference 748603, being approximately 3.4960 ha. This being the result of a Crown Severance.
- Lot 1 DP 13268 held on Certificate of Title HBF1/19, containing a land area of 4.0469ha

**Additional Resource Consents are needed for the proposed activity:**

- *Under the RMA* - Resource consent may also be required under Rule 52 'Discharges that do not comply with Rules 31 – 51' - if the topsoil fill, is deemed a contaminant under the RRMP, and if the fill is located within 20m of a surface

## **Form 9 – Application for Resource Consent**

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### **Subdivision and Land Use Consent**

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**97 York Road and 62 Irongate Road, East, Hastings**  
**Updated – 19 June 2019**

Jara Family Trust Limited

Resource Consent Application – Updated 19 June 2019  
 97 York Road and 62 Irongate Road  
 Assessment of Environmental Effects H20190005

## 1.0 INTRODUCTION

This Resource Consent application is prepared on behalf of **Jara Family Trust** 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.

Resource Consent pursuant to Section 88 of the Resource Management Act 1991 is sought from the Hastings District Council to

- undertake a two-lot subdivision and establish and operate an RSE seasonal workers accommodation complex accommodating up to 150 persons on one lot. One lot will re-amalgamate with an adjoining title.
- mine gravel and undertake earthworks on two parcels of land resulting from the above subdivision.

It is proposed that the newly created RSE accommodation lot amalgamate with an adjoining lot created at 62 Irongate Road.

The activity is more readily described below in Section 4.0

## 2.0 SITE & LOCATION

### Property Record of Title

The site that is subject to this resource consent application comprises of three lots held on two titles, at 97 York Road and 62 Irongate Road. These lots are legally described as:

- Part Section 24 Block XV Heretaunga Survey District and Section 66 Survey Office Plan 438108, held on Certificate of Title 748603, containing a land area of 16.2051 ha
- Section 66 SO Plan 438108, Title Reference 748603, being approximately 3.4960 ha. This being the result of a Crown Severance.
- Lot 1 DP 13268 held on Certificate of Title HBF1/19, containing a land area of 4.0469ha<sup>1</sup>.

The following aerial view displays these sites.

<sup>1</sup> It should be noted that 62 Irongate Road is also subject of a 4 lot subdivision. This land is zoned General Industrial and it is intended that one of the lots (containing RSE accommodation) created from 97 York Rd amalgamate with one of the lots created from this 4 lot subdivision.



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Figure 1: The two sites subject to this application

#### Site Location

97 York Road consists of two lots (*zoned Plains Production*), held in one record of title. The smaller of the two lots is a fragment remnant from a larger site that was severed with the expressway development. This fragment was amalgamated (under Section 241(2)) with the property at 97 York Road and is the subject of this resource consent application.

This fragment site is flat in contour and irregular in shape due to the southern boundary with the Irongate Stream. The expressway bounds the site to the west while the north and east of the site is bound by large productive land holding.

South, across the Irongate Stream, from 97 York Road sits 62 Irongate Road which is also subject to this resource consent application.

62 Irongate Road (*zoned General Industrial*) is a flat contoured and regularly shaped site, with the exception of the northern boundary which is formed by the Irongate Stream. 62 Irongate Road is located between large industrial sites, horticultural land and the expressway.

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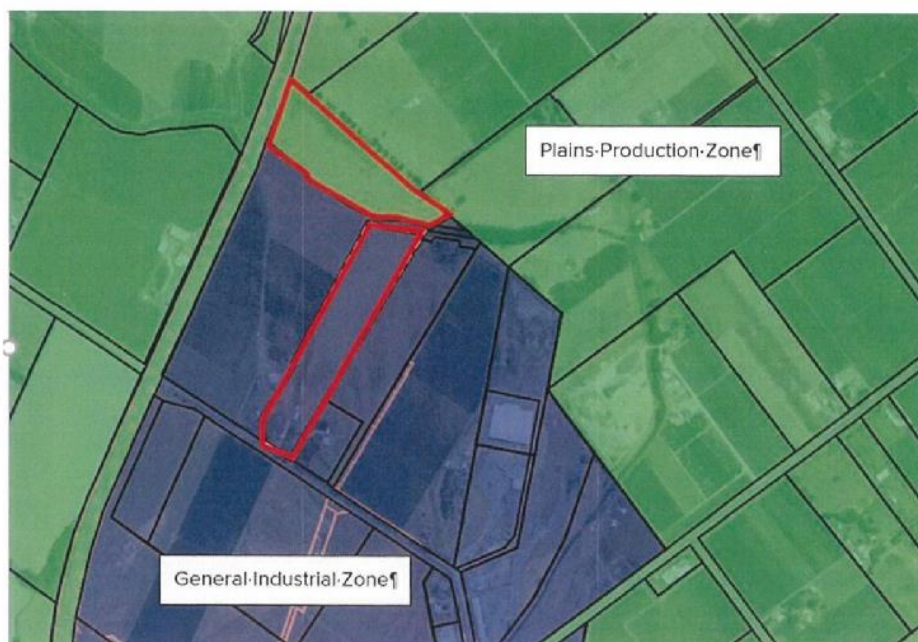


Figure 2: The District Plan Zoning of the Site and Surrounding Environs

62 Irongate Road is accessed via an existing crossing to Irongate Road. Currently Irongate road is being upgraded with widening, sealing and the installation of services). The access will be sealed and constructed in accordance with the HDC Code of Practice requirements.

The Irongate Stream and an associated Marginal Strip separates the two titles of land. It is intended that access to the severed York road land be accessed via a proposed new bridge from 62 Irongate Road.

The fragment site at 97 York Road is accessed across the balance of 97 York Road via an existing crossing to York Road.

#### Servicing

The HDC GIS identifies a number of reticulated services in the vicinity of the two properties.

Council reticulated sewer and water supply are present along Irongate Road to the south of the two sites. It is intended that connections be made (by the RSE complex) to these reticulated services. In the absence of a wastewater connection being made available an onsite secondary wastewater solution has been designed for the RSE complex. An "either/or" option for connections is requested as part of this consent.

No stormwater services are available, and it is expected that stormwater would be managed via on site means in a complying manner with the Regional Plan.

#### Hazards

The HDC GIS does not identify any hazards at either of the properties, however the Hawke's Bay Emergency Management Hazard Portal identifies that the 62 Irongate Road is subject to a medium



liquefaction risk, while liquification is considered unlikely at the fragment of 97 York Road. While both sites are underlain with alluvial sand, silt and gravel which may amplify the effects of an earthquake.

Additionally, due to the proximity of the two sites to the Irongate Stream, HBRC identify a risk of flooding at the two sites. This is particularly notable within the proposed area for RSE workers accommodation. Minimum finished Floor levels for building development above the flood level is considered an appropriate mitigation measure. A condition requiring a consent notice to this affect is acceptable to the applicant.

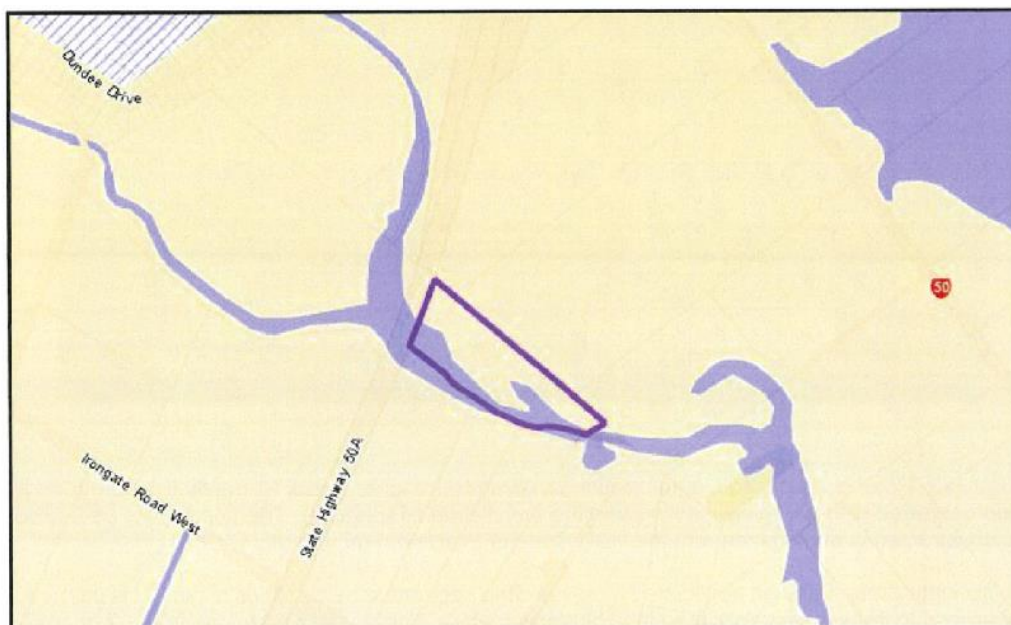


Figure 3: HBRC Flood Risk Areas

### 3.0 BACKGROUND

#### Relevant Consent Applications

The area of land subject to development has resulted from a somewhat unique circumstance. Section 66 SO Plan 438108 was the result of surplus crown land after the completion of the Hawkes Bay expressway project. It was held in its own computer interest register 552617 (certificate of title) before being offered to the owners of 97 York Road- as an adjoining landowner. The property was land locked and was disposed of pursuant to Section 40(4) of the Public works Act 1981, conditional upon it being amalgamated with the former title (HB131/66) of 97 York Road. It is presumed this was on the basis that it would not be landlocked.

Other relevant property history for each of the sites is as follows-

#### 97 York Road

The Council's online property file viewer shows the following consents linked to the property file:



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**RMA20160138** – Subdivision of 1ha of land from split zoned site to amalgamate with neighboring. Better reflecting the zoning of the area

#### 62 Irongate Road

The Council's online property file viewer shows the following consents linked to the property file:

**RMA20180352** – Application to subdivide an existing dwelling from the balance industrially zoned land

**RMA20040221** – Application to relocate a cottage

There is also a recently submitted 4 lot subdivision from which it is intended that the RSE block of land (former crown land) amalgamate in whole or in part (with lot 4).

## **4.0 NATURE OF THE PROPOSAL**

The proposed works to be undertaken on the site are complex and varied in nature and occur across the two sites.

Generally, however the activities can be divided into the type of activity and whether they occur on one or both of the described sites (97 York Road and / or 62 Irongate Road) as below:

- RSE Accommodation (97 York Road)
- Earthworks (97 York Road and 62 Irongate Road)- mining and filling.
- Subdivision of approximately 3.5ha of Plains Production Zone land to be amalgamated with the neighbouring Industrial Zoned site at 62 Irongate Road.

### **Subdivision Component**

Subdivision consent is sought to subdivide record of title 748603, effectively uplifting the existing amalgamation condition and creating 2 lots which reflect the following existing parcels descriptions-

#### Proposed Lot 1

- Part Section 24 Block XV Heretaunga Survey District and Section 66 Survey Office Plan 438108, containing a land area of 16.2051 ha; and

#### Proposed Lot 2

- Section 66 SO Plan 438108, Title Reference 748603, being approximately 3.4960 ha. This being the result of a Crown Severance.

### Re-amalgamation

Following the above separation, it is intended that proposed Lot 2 be amalgamated with land on the opposite side of the Irongate Stream located at 62 Irongate Road East<sup>2</sup>, and accessed from Irongate Road via easements and a bridge across the Irongate Stream, which is identified as a Marginal Strip under Part 4A of the Conservation Act 1987.

This is shown on the appended scheme plan of subdivision.

<sup>2</sup> this being land in full or part, as noted earlier this is subject to subdivision, that might or might not be given effect to.

### Land Use Components

#### RSE Accommodation (on 3.5 hectares being Section 66 SO438108- 97 York Road)

Resource consent is sought to establish and operate a new RSE accommodation complex on the parcel of land (proposed Lot 2 above) described as Section 66 SO438108 presently amalgamated with land at 97 York Road.

The complex will include six bunk rooms to accommodate up to 150 workers/people, three new kitchen/dining buildings, six ablution buildings and a manager's cottage.

The proposed buildings comprise a total gross floor area (GFA) of approximately 1410.72m<sup>2</sup> and include the following:

- 6 x sleeping modules – 16.1m x 7.2m in size – approximately 695.52m<sup>2</sup>;
- 3 x kitchen / dining units – 12m x 7.2m in size – approximately 259.20m<sup>2</sup>;
- 6 x ablution blocks (toilet / shower / laundry) – approximately 5m x 7.2m – 216m<sup>2</sup>
- 1 manager's residence - approximately 240m<sup>2</sup>

The arrangement of buildings is detailed in the appended plans and shown at a smaller scale below.

The applicant also proposes two volleyball courts for recreational purposes for the occupants.

The layout seeks to provide a suitably pleasant habitable layout that also meets building separation requirements for fire rating. A gravel surface will be applied to the area surrounding the buildings to provide a weather resilient finish. The overall hardstand area will be approximately 1200m<sup>2</sup>. This component requires land use consent and is applied for as part of this application.

As described earlier, access is proposed to be provided bridge crossing the Irongate Stream from Irongate road.

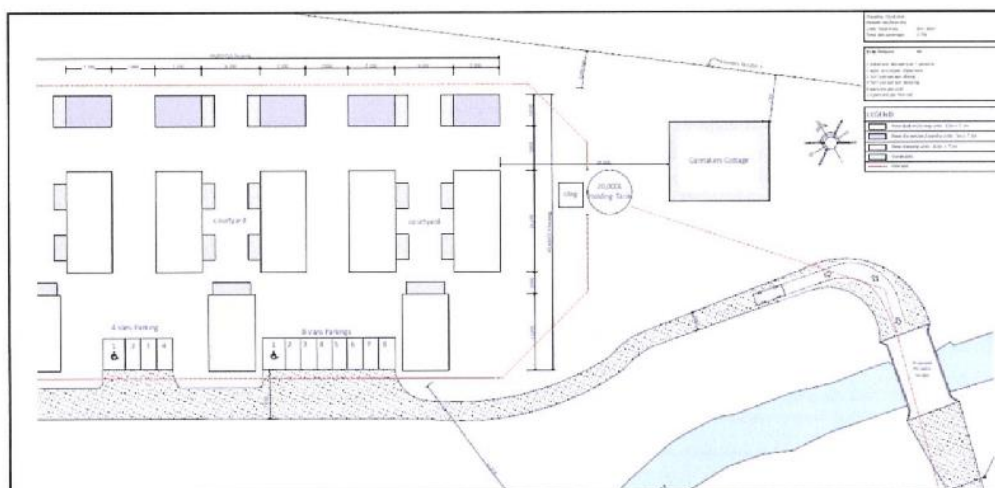


Figure 4: The Layout of the Proposed RSE Accommodation and Ancillary Buildings

#### Earthworks/Mining (97 York Road and 62 Irongate Road)

It is intended that gravel be mined from an area of proposed Lot 2 (shown on appended site plan) and deposited on 62 Irongate road, and topsoil be mined from 62 Irongate road as a means of backfilling the mined land on proposed lot 2.

The earthworks proposed across the two sites are intrinsically linked. It is proposed to extract approximately 7,500m<sup>3</sup> of aggregate from 97 York Road to be used as backfill at 62 Irongate Road to enable industrial development as per the industrial zoning of 62 Irongate Road. While simultaneously it is proposed to remove the topsoil from 62 Irongate Road to be used as backfill at 97 York Road.

Thereby representing a sustainable use of the valuable topsoil of the district, notwithstanding the industrial zoning of 62 Irongate Road.

The applicant proposes a shelter belt to screen the proposed aggregate removal at 97 York Road from view from the expressway. This will be located in compliance with the shelter belt rules for Plains Production land under the District Plan.

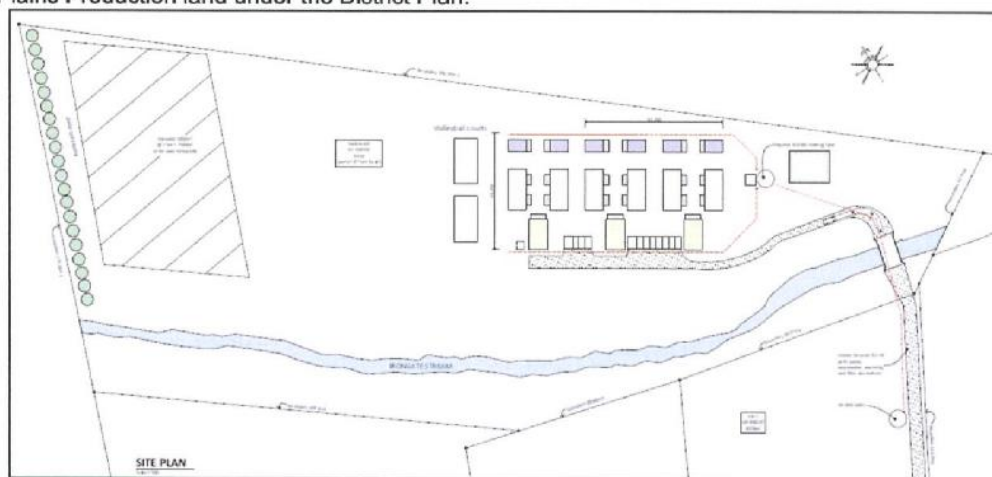


Figure 5: The site layout including the proposed area for aggregate extraction to the western boundary of the site

#### Hard Stand Area

The proposed hardstand coverage will not exceed the District Plan standard of 1500m<sup>2</sup>.

### 5.0 DISTRICT PLAN PROVISIONS

The **Proposed Hastings District Plan (PDP)** as amended by decisions on submissions was notified on 12th September 2015 and the PDP provisions took legal effect on this date. The appeal period closed on 23rd October 2015. There are no outstanding matters in relation to the subject site or the proposed development.

Therefore, the provisions of the Proposed District Plan, as they relate to this application are beyond the point of challenge and the Operative District Plan can be treated as inoperative in accordance with 86F of the Resource Management Act 1991. As such, no further assessment against the Operative District Plan is considered necessary.

#### PROPOSED HASTINGS DISTRICT PLAN



97 York Road, the location of the RSE accommodation and part of the proposed earthworks, is within the **Plains Production Zone** of the Proposed Hastings District Plan.

62 Irongate Road, the location of the other half of the proposed earthworks is located in the Industrial Zone of the Proposed District Plan.

The Proposed Hastings District Plan similarly does not identify any specific designations, historic buildings or significant trees, waahi tapu sites or hazard area for the site.

#### RSE Workers Accommodation at 97 York Road

##### Chapter 6.2 Plains Production Zone

**Rule PP9** provides for Seasonal Workers Accommodation as a Permitted Activity within the Plains Production Zone subject to meeting Standards and Terms contained in Section 6.2.5 (General Performance Standards and Terms) and Section 6.2.6 (Specific Performance Standards and Terms) of the Proposed Hastings District Plan. The Plan goes on to provide the following activity status consideration outside of compliance with Rule PP9.

Rule	Activities	Activity Status
PP9	Seasonal Workers Accommodation	P
PP17	Relocated Buildings (with the exception of buildings for seasonal workers accommodation and Relocated Buildings within the Roys Hill Winegrowing District Overlay) that meet the General Performance Standards and Terms in Section 6.2.5 and Specific Performance Standards and Terms in Section 6.2.6.	C
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 6.2.6D(20), 6.2.6D(2), 6.2.6G, 6.2.6H, 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 and 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

##### General Performance Standards and Terms – Section 6.2 of the Hastings District Plan.

The following is an assessment of the proposal against the General Performance Standards and Terms – Section 6.2.5 of the Hastings District Plan

Rule and Requirement	Proposed	Compliance
<b>6.2.5A Building Height</b> The maximum height of industrial and commercial buildings or structures shall be 15m.	The proposed building will not exceed 15 metres in height as demonstrated on the appended plans.	Yes
<b>6.2.5B Yards</b> The following setback distances are required Industrial, Commercial and Winery Buildings and Structures, Frost Fans and Seasonal Workers Accommodation Front yard 15m All other boundaries 15m	The buildings for the proposed RSE accommodation on 91 York Road are within the yard setbacks.	Yes

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<b>6.2.5C Protection of Flood Channels</b>  <b>Note:</b> Under the Regional Resource Management Plan, there is a requirement for buildings, structures, fences, planting, the deposit of earth, shingle or debris, or any activity which impedes access to any river, lake or watercourse to be set back from the bed of a river, lake or artificial watercourse which is within a land drainage or flood control scheme area.	The site adjoins the Irongate Stream and the proposal includes a bridge over the Irongate Stream.  Appropriate consents will be sought from HBRC, if necessary.	<b>Note only</b>
<b>6.2.5D Screening</b> (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	The applicant proposes to screen the aggregate removal at 97 York Road from the adjacent road users.  Please see plans	<b>Yes</b>
<b>6.2.5D Screening</b> (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.	The proposed screening will comply with this requirement.  There are no outdoor display areas.	<b>Yes</b>
<b>6.2.5D Screening</b> (c) Outdoor storage and parking areas of seasonal workers accommodation shall be fully screened from adjacent residential activities in different ownership by fencing and/or planting	It is intended that a combination of fencing and planting to screen the activity from the neighbouring site (across the drain). The extent of the screening is shown on the proposed site plan. A condition of consent is appropriate to reinforce.	<b>Yes</b>
<b>6.2.5E Light &amp; Glare</b> 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.	Any external lighting will comply with this requirement.	<b>Yes</b>
<b>6.2.5F Traffic, Sightlines, Parking, Access &amp; Loading</b> Activities shall comply with the provisions of Section 26.1 of the District Plan on Transport and Parking.	It is proposed to utilise the existing approved vehicle access and egress points which currently provide safe, efficient and convenient means for vehicles to access Havelock Road.  Parking and manoeuvring is accommodated entirely within the site.	<b>Yes</b>
<b>6.2.5G Noise</b> Activities shall comply with the provisions of Section 25.1 of the District Plan on Noise.	It is expected that all activities associated with the seasonal worker's accommodation and earthworks can be carried out in accordance with the relevant noise provisions of the District Plan.	<b>Yes</b>
<b>6.2.5H Shading of Land, Buildings and Roads</b> <b>(1) Trees on Boundaries</b> Trees forming a shelterbelt for a distance of more than 20 metres on a side or rear boundary of a property under separate ownership: (i) shall be planted a minimum distance of 5m from an adjoining property boundary and be maintained so that the branches do not extend over that boundary; and where planted between 5m and 10m from an adjoining property boundary shall be maintained at a height of no more than their distance from the boundary +4m (e.g. at a distance of 5m from the boundary, the height limit is 9m; at a distance of 9m from the boundary, the height limit is 13).	The trees forming the proposed shelterbelt will comply with these requirements.	<b>Yes</b>
<b>6.2.5H Shading of Land, Buildings and Roads</b> <b>(2) Trees Adjoining Public Roads</b> Trees forming a shelterbelt for a distance of more than 20 metres within 5 metres of a public road shall be maintained at a height of less than 9 metres.	The trees forming the proposed shelterbelt will comply with these requirements.  A condition of consent is appropriate	<b>Yes</b>
<b>6.2.5I Height in relation to Bridge Pa Aerodrome</b> No trees, shelterbelt, building, pole, mast, permanent or temporary structure shall intrude above the height plane	The site is not located within the Bridge Pa Aerodrome Height Restriction Area.	<b>N/A</b>



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established by the Bridge Pa Aerodrome Height Restriction as shown in Appendix 35.		
<b>6.2.5J</b> <b>Total Building Coverage Including Hardstand and Sealed Areas</b> The maximum building coverage (including hardstand and sealed areas) shall not exceed 35% of the net site area or 1500m <sup>2</sup> , whichever is the lesser. With the exception of Processing Industries and Wineries where the maximum building coverage is 35% of the net site area or 2500m <sup>2</sup> whichever is the lesser.	The building and associated hardstanding coverage will exceed the lesser trigger of 1500m <sup>2</sup> as specified by this standard.	No – waiver sought

The following is an assessment of the proposal against the relevant Specific Performance Standards and Terms - Section 6.2.6 of the Hastings District Plan:

Standard	Requirement	Proposed	Compliance
<b>6.2.6K</b> <b>Seasonal Workers Accommodation</b>	1. The maximum gross floor area of the seasonal worker's accommodation is 125m <sup>2</sup>	The resulting 1410m <sup>2</sup> of buildings on the site will exceed the 125m <sup>2</sup> stipulated for Seasonal Workers Accommodation.	No – Waiver sought
	2. All new buildings which part of seasonal worker's accommodation shall be relocatable	All buildings are relocatable therefore meet this requirement.	Yes
	3. Any building associated with seasonal workers accommodation shall be sited a minimum of 15 metres from any road or adjoining property boundary.	The proposed buildings comply with this requirement	Yes

Consent is required for non-compliance with Standards 6.2.5J (total building coverage), 6.2.6K(1) (maximum GFA for seasonal workers) and therefore the activity is classes as **Restricted Discretionary** pursuant to Rule PP24 of the Proposed District Plan.

### Earthworks

Section 27.1 of the District Plan covers Earthworks, Mineral, Aggregate and Hydrocarbon Extraction at both 62 Irongate Road and 97 York Road

The Proposed Hastings District Plan defines earthworks as follows:

*'Earthworks: means the disturbance of land by moving, placing or replacing earth, or by excavation or cutting; filling or backfilling and the removal or importation of earth (including topsoil) to or from any site, but does not include, excavation associated with tilling or cultivating of soil for land based primary production purposes.*

- *tilling or cultivating of soil*
- *harvesting and maintaining of crops*
- *post holes*
- *drilling bores*
- *offal pits*
- *burial of dead stock and plant waste*
- *installation of services such as water pipes and troughs*

*The volume of earthworks is the sum of both cut and fill operations.'*

Section 27.1.5 of the Proposed Hastings District Plan provides for exceptions to the earthworks rules as follows:

*When assessed under Table 27.1.5, earthworks will be considered a Permitted Activity and not have to comply with the Performance Standards and Terms in Section 27.1.6, provided they are:*

- (a) *'Earthworks assessed with any Subdivision Consent and Designations.*
- (b) *Earthworks in association with a Building Consent, where the area of earthworks includes no more than 150% of the area of the associated building footprint. Note that Rules and Standards are applied once the 150% threshold is exceeded.*
- (c) *Earthworks in association with Forestry Activities; Network Utility Operations; and the replacement and/or removal of a fuel storage system as defined by the Resource Management Regulations 2011 (National Environment Standard for Assessing and Managing Contaminants in Soil to Protect Human Health)*
- (d) *Earthworks in association with the creation of public walk ways and cycleways, except when located within any ONFL area, where the standards relating to ONFL's in 27.1.5 and 27.1.6 shall still apply.'*

Comment: These exclusions do not apply to the proposed scheme of earthworks.

## Mining

Mining is defined by the Proposed Hastings District Plan as follows:

*'Mining: means to take, win or extract, by whatever means, a mineral existing in its natural state in land, or chemical substance from that mineral, for the purpose of obtaining the mineral or chemical substance; and includes gravel extraction, quarrying, and the processing of minerals, but does not include prospecting or exploration, or any of the foregoing where the material is for use on the same site (for example for the establishment or maintenance of tracks on a farm).'*

Mining operations are defined by the Proposed Hastings District Plan as follows:

*Mining operations: means operations in connection with mining, exploring or prospecting for any material including:*

- (a) *The extraction, transport, treatment, processing, and separation of any mineral;*
- (b) *The construction, maintenance, and operation of any works, structures, buildings and other land improvements, and of any machinery, and equipment, connected with such operations;*
- (c) *The removal of overburden by mechanical or other means, and the stacking, deposit, storage and treatment of any substance considered to contain any mineral;*
- (d) *The deposit or discharge of any mineral, material, debris, tailings, refuse, or wastewater product from or consequent on any such operations; and*
- (e) *The doing of all lawful acts incidental or conducive to any such operation – when carried out at or near the site where the mining, exploration or prospecting is carried out.*

The proposed gravel extraction and similarly topsoil extraction technically fall within these definitions.

The Proposed Hastings District Plan seeks to address the environmental effects that can arise from land disturbance or alteration. Controls are imposed by the District Plan to enable earthworks to be undertaken in a manner that addresses potential and actual adverse effects.

Rule Table 27.1.5 outlines the rules associated with earthworks and mineral, aggregate and hydrocarbon extraction and the associated activity status. The following is of relevance:

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Rule	Activities	Activity Status
EM1	Earthworks	P
EM6	Permitted Activities not meeting the General Performance Standards in Section 27.1.6.	RD
EM8	Mining	D
EM10	The removal of more than 25m <sup>3</sup> topsoil, sand, gravel, metal, or earth from any site in the Plains Zone.	D

The removal of the excavated aggregate (mining) and fill from both sites is classified as a **Discretionary Activity** by Rule EM10 of Proposed Hastings District Plan (as amended by decisions).

Notwithstanding the Discretionary Activity status of the proposals, the following assessment of the General Performance Standards and Terms (Section 27.1.6) applicable to earthworks is shown below.

Rule	Proposed	Compliance
<b>27.1.6A EXTENT OF EARTHWORKS</b> 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. <ul style="list-style-type: none"> <li>- Plains Production – 100m<sup>3</sup> per hectare of site per year</li> <li>- Industrial – 50m<sup>3</sup> per hectare of the site per year</li> </ul> 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 total volume of earthworks permitted on 97 York Road is 100m <sup>3</sup> per annum and the maximum total earthworks permitted at 62 Irongate Road is 50m <sup>3</sup> per annum. However the maximum volume of fill that can be exported or imported to each site is half the above amounts. The proposed earthworks will result 7,500m <sup>3</sup> of material excavated at each site, transported to the other site and subsequently backfilled (essentially a swap of material).	No
<b>27.1.6B VEGETATION</b> 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.	The earthworks include the removal of the surface vegetation. Both sites will be filled with fill from the other site. At 97 York Road, the topsoil will be scrapped and retained on site. Stockpiled topsoil will be reinstated within 18 months of the activity ceasing. This will include revegetation of the site. Stockpiled top soil on site will be vegetated to prevent erosion of the soil resource.	Yes
<b>27.1.6C SLOPE</b> <b>All Other SMA:</b> Earthworks shall not be undertaken on land with a slope of greater than 22° above horizontal.	The site has very limited contour.	Yes
<b>27.1.6D EXCAVATION</b> No earthworks shall have a cut/fill 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	The earthworks will not result in an apparent cut/fill face.	Yes

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2 metres in ONFL 2-6 & 8		
<b>27.1.6D EXCAVATION</b> No excavations shall be of greater than 1 metre vertical extent of cut/fill 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
<b>27.1.6E NOISE</b> 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
<b>27.1.6F FLOOD PROTECTION WORKS</b> 1. No exploration or mining activities is to occur within 50 metres of any flood protection or river control structure (excluding activities in relation to Rule EM4). 2. No significant change is to occur to existing flood overflow paths.	There are no flood protection or river control structures within 50m of the site. No significant change is expected to occur to existing flood overflow paths.	Yes
<b>27.1.6G LOCATION OF FILL</b> Except when associated with fill faces on rural farm tracks, any fill of over: 100m <sup>3</sup> 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.	The progressive backfilling of the hole left after excavation is proposed. This will exceed 100m <sup>3</sup> . The attached site plan satisfies this rule requirement.	Yes
<b>27.1.6H SEDIMENT CONTROL</b> Sediment run-off into a Council reticulated network shall not cause any conspicuous change in colour or visual clarity of water after reasonable mixing. <i>Note: All other stormwater runoff across property boundaries and sediment entering waterbodies may be subject to rules administered by the Hawkes Bay Regional Council.</i>	Standard construction management measures will be implemented to prevent uncontrolled sediment movement. There will be no sediment run-off into a Council reticulated network.	Yes

### Transport and Parking

The Proposed Hastings District Plan seeks to manage the transport related effects of development through consideration of traffic generation and the provision of convenient and safe access, parking, and loading with the goal of achieving an efficient traffic network. General and Specific Performance Standards and Terms are specified for parking, loading and access of new development, with Permitted and Restricted Discretionary status for activities compliant and non-compliant with these provisions pursuant to *Rules TP1 and TP2*.

Assessment against the relevant *General and Specific Performance Standards and Terms* for *Transport and Parking* is provided in the following table-

Standard / Term	Proposed	Compliance
<b>26.1.6A Access</b>  1. Access to Private 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	Access and egress to 62 Irongate Road is currently provided by an existing crossing. Access to the proposed activity at 97 York Road will be via a proposed new bridge leading to the applicant's property from Irongate Rd through newly created Maultsaid Place easements will be required and are shown on the scheme plan.	Yes

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the site, except where the site has Designated Retail Frontage (see Appendix 30) or where the site is within the Flaxmere Commercial Zone.		
<b>26.1.6A Access</b> 1. Access to Private Property (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 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. Table 26.1.6.1-3 - Urban Areas – Commercial / Industrial Land Uses of 1 -2 lots require: <u>Minimum Legal Access Width</u> 6m <u>Minimum Formed Movement Lane</u> 3.0m <i>Schedule C of the Engineering Code of Practice outlines an acceptable means of compliance.</i>	Access width will comply with this requirement. See plans appended.	Yes
<b>26.1.6A Access</b> 2. Distance of Vehicle Accesses from Road Intersections (a) Residential, Industrial and Commercial Zones The distance that a vehicle access to any property may be sited from any Local Road intersection as defined in the Roading Hierarchy in Appendix 69, shall be a minimum of 15m or the extent of the property boundary, whichever is the least.	No new vehicle crossings are proposed.	N/A
<b>26.1.6A Access</b> 3. Vehicle Access to Property Zoned General Industrial (Irongate Area) Except where the ECoP Driver Sightline Requirements are greater; a. No vehicle access located on Maraekakaho Road shall be closer than 100m to an intersection b. No vehicle access located on a Local Road or District Collector Road shall be closer than 30m to Maraekakaho Road	No new vehicle crossings are proposed.	N/A
<b>26.1.6B</b> <b>Safe Sightline Distances</b> 1. 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.	No new vehicle crossings are proposed.	Yes
<b>26.1.6C</b> <b>Loading</b> (1) All Activities except Residential Activities (a) Provision of Loading Spaces (i) Every owner or occupier who proposes to construct or substantially alter, 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	It is not considered that loading is required for the proposed RSE workers and as such, no designated loading space has been marked on the proposed site plan. However, the compacted metal driveway proposed for the RSE accommodation provides plenty of space for loading.	Yes

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<p>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</p> <p>(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</p> <p>(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.</p> <p>(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.</p>		
<p><b>26.1.6C</b> <b>Loading</b> Design of Loading Spaces</p> <p>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:</p> <p>(i) 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.</p> <p>(ii) The following minimum dimensions are provided as a means of compliance:</p> <p>Warehouses, Transport depots, bulk stores and similar must have a minimum length of 20 metres and a minimum width of 3 metres</p>	No loading is required for the proposed activity.	Yes
<p><b>26.1.6D</b> <b>Parking</b> <b>1. Provision of On-Site Parking</b></p> <p>Every owner or occupier who proposes to construct or substantially reconstruct, alter 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 26.1.6.1-3 below.</p> <p>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.</p> <p>In assessing the number of parking spaces to be provided with respect to the floor area of any building, vehicle access and parking spaces contained within the building shall not be included in the area. Where the number of spaces is based on the person capacity or other factor not directly related to floor area, such spaces shall be assessed following receipt of a written statement from the owner, lessee or proprietor of the premises stating the number of persons which the activity or proposed activity will accommodate.</p> <p><u>TABLE 26.1.6.1-3 CAR PARKING SPACE REQUIREMENTS</u> <i>Visitor Accommodation – 1 space per bedroom or unit plus one space per 2 staff.</i></p>	<p>It is noted that RSE workers have a very low car ownership rate, with most transport needs being arranged by employers.</p> <p>However, one van parking space is per bedroom unit (8 total van spaces). Should future demands increase then these can be accommodated onsite.</p>	Yes

The proposal is compliant with the specified Performance Standards relating to transport and parking, and is therefore classified as a **permitted activity** in this respect.

**Subdivision- (Chapter 30.1 Subdivision and Land Development)**

Rule SLD1 provides for the subdivisions which comply with the relevant zone Subdivision Site Standards and Terms in Sections 30.1.6 and 30.1.7.



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Rule	Activity	Activity Status
SLD1	<b>All SMA and Zones</b> Subdivisions which comply with the relevant zone Subdivision Site Standards and Terms in section 30.1.6 and all relevant General Site Performance Standards and Terms specified in section 30.1.7 (except for those subdivisions specifically listed under Rule SLD8, through to and including Rule SD24 below).	C
SLD25	<b>Non-Complying Subdivision</b> Any subdivision (unless specifically provided for under Rules SLD1 through to and including SLD24 above) which is unable to comply with one or more of the relevant Subdivision Site Standards and Terms in section 30.1.6, including any unzoned land.	NC

The activity classification of the proposed subdivision is therefore dependant on the compliance or otherwise with the relevant Subdivision Site Standards and Terms.

Table 30.1.6A of the Proposed Hastings District Plan provides the standards for minimum site sizes and dimensions for sites within the Plains Production Zone is 12ha. As the proposal results in the creation of a 3.5ha lot it does not conform to the 12ha size requirement for Plains Production Zone. Therefore, the proposal is classified as a **Non-Complying Activity** by Rule SLD25 of the Proposed Hastings District Plan.

The Proposed Hastings District Plan does not provide any assessment criteria for the determination of non-complying subdivision proposals.

#### OVERALL ACTIVITY STATUS

Resource consent is required for the following

- Rule SLD25- undertake a non-complying subdivision.
- Rule PP24 establish an oversized RSE workers accommodation in the Plains zone; and
- Rule EM8- undertake mining of aggregate
- Rule EM10- exceed earthworks.

In accordance with the bundling approach, which is applied to overlapping resource consent applications so that the most restrictive activity status is applied to the entire proposal, the entire proposal is to be assessed as a **non-complying activity under the Proposed District Plan** (as amended by decisions).

## 6.0 NATIONAL ENVIRONMENTAL STANDARDS

The Resource Management (*National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health*) Regulations 2011 (2011 NESCS) imposes a nationally consistent regulatory framework to the identification, assessment and reporting of sites at the time of development that are currently in use for, or are known or likely to have been in previous uses involving activities identified on the *Hazardous Industries and Activities List (HAIL)*.

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.

A check of Council records has found no known 'HAIL' activity occurring on the site. Furthermore, a review of Council historic aerial photographs shows that the site has not been used as an orchard, nursery or any other common rural activity on the 'HAIL' list (see appended photographs). It was an orphaned site associated with the HB expressway project. Therefore, the land use does not require consent under the NES. See appended historic aerial photos.

## 7.0 STATUTORY CONSIDERATIONS

In accordance with the established principle of bundling of consent matters within an application, the application falls to be assessed against the highest order activity classification within the consenting matters. Accordingly, the application activity is classified as a discretionary activity.

The following sections of the Resource Management Act are applicable to the consideration of this application for resource consent:

### Section 104

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

#### Section 104(1)

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

#### Section 104(2)

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

### Section 104B

Section 104B concerns the determination of applications for discretionary or non-complying activities, establishing the unfettered scope of assessment.

- (1) When considering an application for a resource consent for a restricted discretionary activity, a consent authority must consider only those matters over which:
  - (a) A discretion is restricted in national environmental standards or other regulations:



- (b) *It has restricted the exercise of its discretion on its plan or proposed district plan.*
- (2) *The consent authority may grant or refuse the application.*
- (3) *However, if it grants the application, the consent authority may impose conditions under Section 108 only for matters over which*
  - (a) *A discretion is restricted in national environmental standards or other regulations;*
  - (b) *It has restricted the exercise of its discretion on its plan or proposed district plan.*

#### Section 104D

- (1) *Despite any decision made for the purpose of section 95A(2)(a) 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*

#### Part 2 Matters

Section 104 is subject to Part 2 (Sections 5-8) of the Act, which establishes the purposes and principles of the Act. In accordance with the direction of s 104(1) of the Act, these purposes and principles are relevant to the consideration of a resource consent application.

Sections 5-8 are provided below:

##### 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;*
- (d) *The maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers;*
- (e) *The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.*
- (f) *The protection of historic heritage from inappropriate subdivision, use, and development.*
- (g) *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 –*

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

Section 106 of the Resource Management Act states:

*“Consent authority may refuse subdivision consent in certain circumstances –*

- (1) *Despite section 77B, a consent authority may refuse to grant a subdivision consent, or may grant a subdivision consent subject to conditions, if it considers that –*
  - (a) *The land in respect of which a consent is sought, or any structure on the land, is or is likely to be subject to material damage by erosion, falling debris, subsidence, slippage, or inundation from any source; or*
  - (b) *Any subsequent use that is likely to be made of the land is likely to accelerate, worsen, or result in material damage to the land, other land, or structure by erosion, falling debris, subsidence, slippage, or inundation from any source; or*
  - (c) *Sufficient provision has not been made for legal and physical access to each allotment to be created by the subdivision.*



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

- (a) For the purposes of avoiding, remedying or mitigating the effects referred to in subsection (1); and
- (b) Of a type that could be imposed under Section 108."

These sections are considered further below.

## 8.0 PROPOSED DISTRICT PLAN ASSESSMENT CRITERIA

Notwithstanding the non-complying activity status of the application and subsequently unfettered scope of the Councils assessment under S104(D) of the RMA, the assessment criteria outlined in Section 6.2.8 and Section 27.1.7 which are directly associated with the infringed standards 6.2.6J, 6.2.6K(a) and 27.1.6A, are considered below. .

### 6.2.8 Assessment Criteria –

#### 6.2.8J Seasonal Workers Accommodation

An assessment of the effects of the activity shall be made considering the following:

- (a) Whether the proposed building location will continue to allow for efficient use of the remaining undeveloped land for land based primary productive use

The seasonal workers and related accommodation have been identified as necessary to support horticultural production the region. In considering the effects of the accommodation on the overall soil resource of the Plains Production Zone, it is relevant to understand that, due to the economies of scale, grouping the seasonal workers together (as proposed) on a relatively non-productive fragment of land is a more beneficial outcome than several complying facilities across a number of Plains Production Zone sites. The resultant effect on the Plains Production Zone soil resource of providing accommodation at 97 York Road or as a permitted activity a number of other orchard sites is considered a more beneficial outcome as consolidating the ancillary activities to the accommodation (ablutions, kitchen, hardstanding, recreation) would have a lesser effect than providing each of these activities at separate complying sized RSE accommodation units.

Given the proposed buildings are of a relocatable design, should the accommodation no longer be required, the buildings will be able to be moved from the site, should there be a future desire and the versatile soils returned to productive use. In any event the title of land has never been utilised for production- having first being orphaned from the HB Expressway project and secondly its amalgamation with the productive title of 97 York Road.

- (b) Whether the scale and design of the proposed building compliments the character of the area
- (c) Whether the siting of the activity will impact the amenity of the adjoining property

Since commencing in 2007, seasonal worker accommodation has quickly become an expected and accepted element of the Hawke's Bay rural landscape as reflected in the permitted and restricted discretionary activity status within the Proposed Hastings District Plan. The exceedance in seasonal worker accommodation buildings that is proposed on the site would not be visually prominent from the surrounding area, given the neighbouring industrially zoned properties and large format industrial buildings being developed.

The neighbouring properties to the north are within the Plains Production Zone, where the Proposed Hastings District Plan envisages rural related activities and associated amenity.

The buildings will be newly constructed, as will the associated developed curtilage.



While one of the buildings will infringe the 15m boundary separation that is required by performance Standard 6.2.6J, this boundary infringement is to the boundary with a Council open drain, which is not a sensitive adjoining use. Utilising this boundary relationship with a non-sensitive use has enabled the seasonal worker accommodation to be contained to a comparatively smaller area of the site, minimising the detriment to productive utilisation of the versatile soil resource.

The development maintains 15m separation to the boundary of the neighbouring property on the far side of the open drain, thereby achieving any desired Proposed Hastings District Plan outcomes of the 15m separation standard.

The proposed additional accommodation would therefore result in less than minor effects on the open rural amenity of the surrounding area and the visual and general amenity of the neighbouring properties.

- (d) *Whether the soil values have been taken into account in the chosen site for the building*  
 (e) *Whether traffic generation associated with the number of occupants will adversely impact the road network.*

As is now widely understood and acknowledged, seasonal workers employed under the RSE scheme have an extremely low rate of car ownership arising from the duration of stay and that many of the staff do not hold New Zealand driver licences. Transportation to work sites is organised by the employer companies and other informal trips for recreation or social purposes outside of work hours are generally walked.

While car parking in accordance with the Proposed Hastings District Plan standard can be readily accommodated within the site, eight formally marked out spaces for vans will be provided, as there is no demand for car parking as evidenced by the demonstrated absence of car ownership and use by RSE employees.

There would be no effects arising from the car parking provision that would be experienced beyond the site, and the use would not have any more than negligible impact on the surrounding transport network which is established (under zoning) for heavy vehicle use.

### 27.1.7 Assessment Criteria

#### 21.1.7a Land Disturbance and Vegetation Clearance

- (a) *The effects of land disturbance and vegetation clearance will be assessed in terms of their effects on:*
- (i) *The life-supporting capacity of soils.*
  - (ii) *Soil erosion and stability.*
  - (iii) *Soil Runoff and Sedimentation.*
  - (iv) *Natural landforms and contours.*
  - (v) *Flora and fauna.*
  - (vi) *Significant cultural, ecological and historic heritage sites (including archaeological sites).*
  - (vii) *Composition and characteristics of any fill used.*
- (b) *In making an assessment, regard will be had to the following:*
- (i) *The extent of removal of vegetation, topsoil and subsoils at any one time.*
  - (ii) *Methods to separate soil horizons during stripping.*
  - (iii) *Measures to safeguard the life supporting capacity of stockpiled soils.*

- (iv) *The potential or increased risk of hazards from the activity, including potential risk to people or the community.*
- (v) *Sediment control measures, including measures to prevent sediment run-off into Council's reticulated network.*
- (vi) *Rehabilitation of site (including backfilling, re-spreading of subsoil and topsoil, contouring, repasturing and revegetation).*
- (vii) *Land capability and potential end uses of the site.*
- (viii) *Information on any relocation of fill on or offsite.*
- (ix) *Siting, construction and maintenance of internal access roads.*
- (x) *Effect on flow paths and floodways.*
- (xi) *Measures to avoid the disturbance of archaeological sites (noting that any disturbance of an archaeological site will require separate approval under the Heritage New Zealand Pouhere Taonga Act 2014).*

The existing sparse ground vegetation and the topsoil at 97 York Road will be removed as part of the development as the applicant requires the underlying aggregate for the activities at 62 Irongate Road. The topsoil will be stockpiled on site at 97 York Road and will be retained and reinstated following the extraction.

This will allow the land to be rehabilitated and used for land based primary production in the future. However, given its high gravel composition, it is pointed out that the volume of topsoil will be limited.

The stockpiles (when not open for use) will be vegetated or covered to minimise soil erosion and sedimentation. A condition of consent to this effect is considered appropriate.

Standard sediment control measures will be utilised to prevent sediment run-off into the Council's reticulated network. This is outlined in more detail in the Earthworks Management Plan, which forms part of the application.

The land at both 62 Irongate Road and 97 York Road is generally flat and there is no significant or notable flora or fauna or cultural, ecological and historic heritage sites (including archaeological sites) within the application site or surrounding area.

The proposed works occur away from the Irongate stream and the land will be remediated on an ongoing basis until extraction and filling is complete. Both sites are to be utilised for ongoing uses, therefore its important visually that they be remediated into a pre-extraction state.

#### 27.1.7B Visual Impact

- (a) *The visual effects of the activity will be assessed in terms of its potential effect on:*
- (i) *The residential or recreational (including tourism) use of land in the vicinity of the activity.*
  - (ii) *The existing character of the locality and amenity values.*
  - (iii) *Whether the land is covered by Outstanding or Significant Landscape Areas will be assessed under the Assessment Criteria 27.1.7F.*

*In making that assessment regard shall be had to:*

- (i) *Planting, screening and other amenity treatment to minimise visual impact.*
- (ii) *Site location including locality, topography, geographical features, adjoining land uses.*
- (iii) *Height of soil stockpiles and cuttings.*
- (iv) *Rehabilitation of the site, including contouring, landscaping and re-vegetation.*
- (v) *Duration, rate and extent of extraction.*
- (vi) *Lighting - intensity, direction and positioning of lighting in relation to the effects of glare on the surrounding environment and adjacent land uses.*



Whilst the excavation of the site will clearly impact on the visual amenity within each of the two sites (62 Irongate and 97 York Road), there are a number of mitigating factors in this regard. Firstly, the application site and immediate surroundings are generally flat and therefore the excavated area will not be largely visible beyond the site boundaries. Secondly, the level of the stockpiles will be kept to a height of no greater than 2m and vegetated in order to provide additional screening of the excavated area. Thirdly, and crucially, the site will be backfilled, restored and fully rehabilitated within 12 months (though progressive filling and extraction occurs) of the activity being undertaken. These commitments can be reinforced by way of conditions of consent.

Additionally, when viewing the site at 97 York Road from surrounding Plains Production Zoned sites, the overarching amenity is not of a typical Plains Production Zone site. Instead the industrial zoning to the south of the Irongate Stream, with the proposed large format warehouses, aggregate storage and other permitted industrial activities. Therefore, although the type of aggregate removal is above what is envisioned in the Proposed Plan, the amenity of the area is not typical of the Plains Zone.

For these reasons it is considered that any impact on residential uses or the character and amenity values of the locality would be less than minor. No Outstanding or Significant Landscape Areas would be affected by the proposal.

#### 27.1.7C Effects On Other Land Uses and Adjoining Properties

*The extent to which the activity will interfere with, or adversely affect, the current use of the land on which the activity is sited, or adjoining land uses. Consideration will be given to any potential effects of the proposed activity on adjoining properties and land uses, such as effects on surface drainage patterns, dust nuisance, or adverse effects on adjoining buildings. Permanent effects will be given more weight than temporary effects. Consideration will also be given to methods to avoid adverse effects on land use activities which are allowed in the Zone where the activity is located, such as the distance of activities from boundaries, and methods to avoid disturbance to adjoining properties, including livestock, particularly during birthing, and dust on fruit, particularly during harvesting season.*

The proposed extraction area at 97 York Road has most recently been used for viticulture and lies within the Plains Production Zone in the Proposed District Plan. While the primary production of the site will be affected by the proposed aggregate extraction, this would be a temporary effect only and the site will be progressively backfilled with the topsoil from 62 Irongate Road. Aggregate is a significant resource in terms of providing material for construction and this positive contribution should be weighed against any short-term adverse effects.

There are no residential dwellings located within 100m of the proposed earthworks at 97 York Road. The closest dwellings are located at:

- 47 York Road, approximately 350m to the east of the site boundary;
- 57 York Road, approximately 225m to the north east of the site boundary;
- 57 Irongate Road, approximately 350m to the south west of the site boundary; and
- 70 Irongate Road, approximately 430m to the south of the site boundary.

It is considered that the separation distances to residential properties mitigates any impact on amenity that might be caused by the proposed exceedance of earthworks at 97 York Road.

Given the nature of the proposal and the planned progressive backfilling of the excavation areas, the development will have no significant impact on surface drainage patterns and water runoff will continue to be contained within the site.

Similarly, any dust nuisance will be contained within the site by way of water spraying and covering of stockpiles and accessways and the use of vegetation bunds to mitigate the effects of dust

beyond the boundaries of the site. These mitigation measures are presented in more detail within the Earthworks Management Plan appended

## 9.0 ASSESSMENT OF ENVIRONMENTAL EFFECTS

### Actual or Potential Effects

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.

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

The actual or potential effects on the environment of the proposed activity are considered (additional from the assessment above) to be those related to-

- Plains Production Soils Resource;
- Amenity and Visual Effects;
- Traffic Effects;
- Infrastructural Effects;
- Earthworks;
- Temporary Effects; and
- Other Matters (Section 104(1)(c))

### Plains Production Soils Resource

The area of land subject to development and to be subdivided from 97 York Block- commensurate with its historical title, comprises of 2 types of soils<sup>3</sup>.

- 1- *Omahu Stony Gravels*- good natural drainage
- 21- *Kaipō Sandy loam on Gravels*- having poor natural drainage

These soils are consistent with soils of a lesser value in Irongate and Omahu industrial areas, when compared to other Plain zoned land- including a large portion of 97 York road for example.

This is confirmed in the appended report of Ag First which identifies the land as comprising of LUC 7s1 soils- land with "very severe to extreme limitations or hazards that make it unsuitable for cropping, pasture or forestry" and the soil is a major constraint to intensive production.

The removal of this soils from "future production" and its amalgamation with the adjoining Industrial zoned land at 62 Irongate Road is considered to be less than minor. Similarly the removal of this

<sup>3</sup> As shown on the HB Regional Council Land Care Maps



gravel and replacement with soils will have less than minor adverse effects whilst its (gravels) replacement with top soils is seen as a positive impact of increasing the productive potential of the land, albeit at a marginal level when again the overall size of the block is considered and the establishment of the RSE accommodation. Overall the severance of the land from 97 York Road does not remove any additional soil from production, then as is already occurring/removed.

#### **Amenity and Visual Effects**

The site will be seen externally from the HB Expressway and from Irongate Road in limited parts. Notwithstanding the site has a permitted development baseline, where change can occur through building development and some earthworks.

The existing property presents as an open undeveloped pastoral land.

Although there will be a visual change, this will be with the addition of newly constructed single-story domestic style buildings. It is proposed that landscaping and bunding also be established on site. It is acceptable for this to form a condition of consent- to the effect that a landscape plan be submitted for approval as part of building consent.

The area of land subject to development and amalgamation with the adjoining industrial land is not of high amenity visual value, with the presence of the HB Expressway, Irongate industrial land and the flat nature (no elevated prominence) of the land.

The effects on amenity and visual effects will be less than minor, given the existing receiving environment, the permitted baseline for development, proposed landscaping and buildings will present as new. There are no immediate neighbours considered effected, yard setbacks are complied with.

#### **Traffic Effects**

The proposed RSE worker accommodation will have limited vehicle movement. The use operates a minibus system, whereby occupants share rides to surrounding horticultural land to work. The occupants are seasonal workers who do not have individual cars.

There will be traffic/truck movements associated with the earthwork's activity, however these movements will be essentially internalised between 62 Irongate Road and York road, via the proposed Bridge.

Overall the traffic effects will be less than minor with only temporary effects associated with earthworks and construction of buildings. Over time there will be limited traffic movements once the use is established onsite.

#### **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

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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 (dust) 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.

Considering 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

### 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 or potential adverse effects.

#### **Other Matters- Section 104(1)(c)**

#### Positive Effects

The RSE accommodation is necessary to enable the adequate seasonal labour resourcing of the region's horticultural industry. There are therefore significant positive effects for the economy of the region by providing for RSE staff. In consolidating the staff on one site, the staff can be better managed and living arrangements supervised. There are also operational benefits arising from grouping the RSE staff together, as staff are transported to orchard / packhouse sites together.

The RSE accommodation is consistent with the Council's LTCCP and with the goals and aims of the Hastings District Business Investment Strategy and will provide positive social and economic effects for the district and region. This should be considered and weighted against any adverse effects as part of making a determination under Section 104 of the RMA (1991).

#### Any Other Activities that are Part of the Proposal

*Clause 2(1)(d) of the Fourth Schedule* to the Resource Management Act 1991 requires a description of any other activities that are part of the proposal. This is intended to capture things which need permission of licencing outside of the RMA, for example, activities under the Building Act 2004 or the Hazardous Substances and New Organisms Act 1996<sup>4</sup>.

<sup>4</sup> Ministry for the Environment: 2014. A guide to section 88 and Schedule 4 of the Resource Management Act 1991: Incorporating changes as a result of the Resource Management Amendment Act 2013. Wellington: Ministry for the Environment.

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In regard to this application there the following permissions/licencing are likely to be required (post approvals of this application). It is necessary to apply for this once the outcome of this application is known as they can only be implemented post approval, otherwise their need is redundant

- *Under the RMA* - Resource consent may also be required under Rule 52 'Discharges that do not comply with Rules 31 – 51' - if the topsoil fill, is deemed a contaminant under the RRMP, and if the fill is located within 20m of a surface water body (the Irongate Stream). This would breach permitted activity standards of Rule 49 'Discharges to land that may enter water'.
- Resource consent for a bridge over the Irongate Stream is likely to be required either under Rule 71 or 72 of the RRMP. Confirmation will be sought from HBRC staff.
- *Under the Conservation Act*- The proposed bridge over the Irongate Stream and Marginal Strip would require an easement permit from the Department of Conservation.
- *Outside of the RMA 1991* there will be the need for a Building Consent.

#### 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.

#### Odour

There will be no odours which an adverse effect on amenity and the quality of the environment.

#### Monitoring

In terms of *Clause 6(1)(g)* of the Fourth Schedule to the Resource Management Act, no monitoring is proposed and 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 monitoring programme (i.e. ensuring the conditions of consent have been met).

#### Alternative Location of Methods

*Clause 6(1)(h)* of the Fourth Schedule to the Resource Management Act 1991 requires a description of any alternative locations or methods for undertaking the activity where there is a significant adverse effect.

The applicant has considered alternative locations, being land in other zones. These include Industrial land at Irongate, however due to potential reverse sensitivity effects and the fact RSE accommodation is also a non-complying activity, this was discounted. Similarly, Residential zones do not allow for this type of activity and rural zoned land is located away from the orchard land/Plains land where workers are demanded.

In this instance the Plains zone provides for RSE accommodation and the subject site is a portion of orphaned land not historically or presently used for horticultural production.

### Consultation

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

### Affected Persons Assessment

The effects are considered *less than minor* for the reasons identified in the assessment above, in particular:

- The boundary encroachment of one of the proposed buildings relates to the property boundary with the non-sensitive open drain, with no resulting adverse effects on the drain. All of the buildings will be set back at least 15 metres from the nearest private property boundary.
- While the intensity of the accommodation activity is greater than what the Proposed Hastings District Plan provides for as a permitted activity, the increased intensity does not result in adverse effects of noise, light or any other nuisance extending beyond the site boundary, or being experienced by the neighbouring property.
- The buildings will be set 6 metres back from the drain bed in accordance with Hawkes Bay Regional Council requirements.
- Safe and efficient vehicle and pedestrian access will continue to be provided to the subject site.

Therefore, no consultation was considered necessary under this proposal as no person was considered directly adversely affected.

### Summary of Assessment of Environmental Effects

Given the assessment above, it is considered that the proposal will not create any adverse effects beyond the site. The assessment of the potential and actual effects arising from the proposal concludes that these effects will be *than minor* in relation to the adjoining activities and the wider environment.

- *Section 95A of the Act requires the public notification of any application for an activity that would result in more than minor adverse effects on the environment, or where an applicant requests notification or a rule or national environmental standard requires notification.*

Comment: As detailed in this report, the development is consistent with the scale of existing development and would not result in more than minor adverse effects on the environment. The applicant does not request public notification and there is no relevant rule or national environmental standard that requires public notification.

- *A Consent Authority may also choose to publicly notify an application if it decides that special circumstances exist in relation to the application.*

Comment: The application does not raise any such special circumstances that would justify public notification.

- *Where an application is not publicly notified, s 95B of the Act directs that limited notification must be served on any person affected by the proposal.*



Comment: All boundary setbacks and yards are respected and the location of the building, reasonably central to the site, is such that no person would be affected by the proposal.

- *In the absence of potentially affected parties, limited notification in accordance with s 95B of the Act is unnecessary.*

Comment: The application is therefore able to be determined on a non-notified basis.

## 9.0 DISTRICT PLAN OBJECTIVES AND POLICIES

The relevant Objectives and Policies from the Proposed Hastings District Plan are embodied within the following sections:

- **Section 6.1- Plains Strategic Management Area**
- **Section 6.2- Plains Production Zone**
- **Section 27.1.- Earthworks**
- **Section 30.1- Subdivision and Land**

### Section 6.1 – Plains Strategic Management Area

The following are the Objectives and Policies of the *Plains Strategic Management Area* that are relevant to this proposal:

**OBJECTIVE PSMO-** *The land based productive potential and open nature of the Plains environment is retained.*

**POLICY PSMP2-** *Require that activities and buildings in the Plains environment be linked to land based production and are of a scale that is compatible with that environment.*

**POLICY PSMP3-** *Require that activities and buildings in the Plains environment do not compromise the open nature and amenity arising from land based production.*

#### Comment

The proposed subdivision does not adversely effect the productive potential of the site, in so far as the portion of the site (historic orphaned title) has not been used productively and has poorer quality soils, alongside other limiting factors such as site shape and size.

The open space nature of the site will change with the introduction of buildings however these will not be out of context with the surrounding environment, reasonable zone expectations (accessory buildings for example) and the changing nature of the adjoining Industrial zone. It will not be incompatible with the receiving environment.

The RSE accommodation directly supports the ongoing life-supporting capacity of the Plains Production zone.

The removal of aggregate (stony gravels) will enhance the diversity of the soils, however at a limited scale.

### Section 6.2 – Plains Production Zone

The following are the Objectives and Policies of the *Plains Production Zone* that are relevant to this proposal.

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**OBJECTIVE PPO1-** To ensure that the versatile land across the Plains Production Zone is not fragmented or compromised by building and development.

**POLICY PPP3** -Limit the number and scale of buildings impacting on the versatile soils of the District.

**OBJECTIVE PPO3-** To retain the existing rural character and amenity values of the Plains Production Zone.

**POLICY 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.

**POLICY PPP12-** Noise levels for activities should not be inconsistent with the character and amenity of the Plains Production Zone.

#### Comment

The subdivision of the amalgamated portion of the 97 York Road site and its re amalgamation with a smaller adjoining block does result in fragmentation. However this reflects a historic situation of an orphaned site with little or no productive worth being required to amalgamate with an adjoining parcel to ensure it wasn't landlocked. Since this time there has been no apparent use of this site for a productive use. Its versatility still remains, only to be used in another supporting manner to the Plains zone as a RSE worker accommodation site. There will be an increased level of hardstand in order to accommodate a number of accommodation buildings, but this represents an efficient use of the land resource which ultimately benefits the picking, packing and processing of crops.

The noise levels will not be out of character with the Plains Zone nor with the adjoining industrial zone. The activity does not generate significant noise

The proposed seasonal worker buildings will still be sited greater than 15 metres from the neighbouring property boundaries. This provides separation and a buffer between neighbouring activities and therefore the 'open nature' of the zone will not be compromised by this proposal. The buildings will not be visually prominent from the surrounding public area (the expressway) given the neighbouring industrial uses.

The use supports continued productive utilisation of the soil resource, and the Plains environment is in no way compromised by this proposal. If the accommodation was not provided on this site, it would be necessary to provide it on other Plains zoned land, incurring a loss of productive soil use in another location.

The buildings are relocatable in their design, enabling removal should the requirement for them cease and return of the underlying land to productive use.

Overall it is considered that the proposal will not have any permanent adverse effect on the soil resource or the amenity of the zone and the activity will support the ongoing productive use of the balance of the Heretaunga Plains soil resource.

The proposal is considered to be consistent with the relevant objectives and policies of the Proposed Hastings District Plan.

#### Section 30.1 - Subdivision and Land Development - Objectives and Policies

**OBJECTIVE SLDO1** - To enable subdivision of land that is consistent with each of the Objectives and Policies for the various SMA, Zones, Precincts, or District Wide Activities in the District Plan.

**OBJECTIVE SLDO2** - To ensure that sites created by subdivision are physically suitable for a range of land use activities allowed by the relevant Section Rules of the District Plan.

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**POLICY SLDP1** - That standards for minimum and maximum site sizes be established for each SMA/Zone in the District

The subdivision follows the existing pattern of development and site utilisation. The Balance Lot at 97 York Road remains as an existing productive lot (untouched in terms of existing plantings). Essentially there is no change in the way either sites (amalgamated title and 97 York) are used.

**OBJECTIVE SLDO3**- Avoid subdivision in localities where there is a significant risk from natural hazards.

The subdivision is occurring in an area that is not subject to natural hazard risk.

The subdivision and any related future development are not inconsistent with this Objective.

**OBJECTIVE SLDO4** - To ensure that land which is subdivided is, or can be, appropriately serviced to provide for the likely or anticipated use of the land, and that the health and safety of people and communities, and the maintenance or enhancement of amenity values and the avoidance of reverse sensitivity effects.

Each lot (existing and proposed) can be serviced approximately by onsite means in accordance with the code of Engineering Practice & The Hawkes Bay Regional Plan.

**POLICY SLDP6** – Require applicants for subdivision consents for sites within the Rural Residential SMA/Zone or Plains SMA/Zone (where they are located on land comprising Outstanding Natural Features and Landscapes or Significant Amenity Landscapes) and in the Rural SMA/Zone (where they are located on land comprising Outstanding Natural Features and Landscapes), and for subdivision consent applications for sites in the Te Mata or Tuki Tuki Special Character Zone, to demonstrate that the subdivision will have no significant adverse visual or landscape effects.

For clarity, the site is not within an identified Outstanding Natural Features and Landscapes or Significant Amenity Landscapes area, and this Policy is therefore not relevant to this application.

**POLICY SLDP7**- Recognise the role of the Hastings District Council's Subdivision and Infrastructure Development in Hastings: Best Practice Design Guide and Engineering Code of Practice design standards as a means of compliance for the servicing of sites.

**POLICY SLDP8** - Ensure provision of onsite services for water supply, wastewater disposal and stormwater disposal for sites outside of the reticulated urban areas unless the provision of reticulated services is identified as an appropriate work to mitigate adverse effects on the environment.

**POLICY SLDP9** - Ensure that where sites are not connected to a public water supply, wastewater disposal or stormwater disposal system, suitable provision can be made on each site for an alternative water supply or method of wastewater disposal or stormwater disposal, which can protect the health and safety of residents and can avoid any significant adverse effects on the environment

In accordance with the intent of Policies SLDP7, SLDP8, SLDP9, as detailed in the Assessment of Environmental Effects, servicing is available for the RSE lot and there is no impact on the servicing of 97 York and 62 Irongate Road.

**POLICY SLDP10** - Require the provision of safe and practicable access for pedestrians and vehicular traffic from a public road to each site.

Safe and practicable site access is available to each of the Proposed Lots,



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**POLICY SLDP11-** Ensure that roads provided within subdivision sites are suitable for the activities likely to establish on them and are compatible with the design and construction standards of roads in the District Transport Network which the site is required to be connected to.

No new roads are created as a result of the subdivision. An existing access drive will be developed along a right of way.

**POLICY SLDP15** – Ensure that subdivision or developments do not result in adverse effects on the environment by requiring upon subdivision or development a means of connection to a water supply and services for the disposal of wastewater and stormwater.

As above onsite arrangements for the disposal of wastewater and stormwater and the supply of water, consistent with the requirements of this Policy, are proposed.

**POLICY SLDP16** - To ensure that the potential effects of reverse sensitivity are considered when assessing the subdivision of existing sites.

*Explanation* Inappropriately designed or located subdivision has potential to create reverse sensitivity effects, particularly when residential and lifestyle development encroach on ongoing rural production, horticultural or industrial activities and existing public works, network utility and renewable electricity generation sites. Such effects can severely impact existing activities to continue their day to day operations. Recognising and preventing reverse sensitivity effects when planning for land use will provide for the continued efficient, affordable, secure and reliable operation and capacity of existing adjoining land uses.

For reasons stated earlier the subdivision is not contrary to the intent of this Policy.

#### Section 27.1 – Earthworks

The following are the Objectives and Policies for *Earthworks* that are relevant to this proposal.

**OBJECTIVE EMO1-** To enable earthworks within the Hastings District while ensuring that the life-supporting capacity of soils and ecosystems are safeguarded and adverse effects on landscapes and human health and safety 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 re-pasture or revegetation of land where vegetation is cleared in association with earthworks, prospecting and extraction of aggregates or other minerals.

**POLICY EMP2-** To avoid duplication in regulation by District Plan Rules and Standards where earthworks activities are already subject to regulatory assessment

**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 EMP4-** Allow earthworks and the prospecting of minerals where the adverse effects on the environment will be minor

**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

**POLICY EMP6-** Allow for specific activities such as forestry to be exempt from the rules and standards for earthworks and mining, where large scale earthworks are known to be essential to the continued operation of the activity, and the effects on the environment are likely to be minor

The proposed earthmoving and mining activities will not be contrary to the intent of these objectives and Policies. The applicant is willing to accept appropriate conditions of consent to reinforce the commitment to minimise the impact of works.

#### Overall Evaluation of the Above Objectives and Policies

In assessing the application against these Objectives and Policies by virtue of its non-complying activity status it will not find direct support in the objectives and policies of the District Plan. That said the protecting the capacity of the Heretaunga Plains soil resource is not an absolute, and other activities are not prohibited from establishing.

In *Beacham*<sup>5</sup> it was stated at paragraph 18 –

*In each case, it is a question of assessing effects and of considering the Plan provisions. If the adverse effects significantly outweigh the positives, and/or the proposal is in irreconcilable conflict with the Plan provisions, then a negative answer is plainly indicated. If things are not that bleak, then it may be that a proposal can still be regarded as promoting the purpose of the Act – the sustainable management of resources.*

It is anticipated that the following specific outcomes sought by the Hastings District Council will be achieved:-

- The sustainable management of the Heretaunga Plains soil resource.
- Avoidance of mitigation of adverse effects on adjoining activities.
- Improved utilisation of non-complying sites.
- Development in lines with a Strategically identified direction.

In determining the level of compliance with the relevant Objectives and Policies appended, the key considerations relate to whether or not the proposed development will:

- Provide for further urban expansion (which would including RSE workers) to accommodate projected growth;
- Supply an effective, and sustainable supply of land to meet the current and future demands;
- Compromise the actual or potential utilisation of productive rural land and existing infrastructure
- Adversely affect local amenity;
- Mitigate against Natural Hazards;
- Mitigate actual or potential infrastructural effects

In this instance in an overall sense the application is not contrary to this policy direction. There is no loss of productive land that isn't already removed or not utilised for production. The subdivision allows for a RSE accommodation complex to make better use of the land, in a manner which better fits with the desire to ring fence the activity and separate it from the productive activities 97 York Road. The existing owner of 97 York Road has no desire to personally provide RSE accommodation and the subdivision means the applicant can bring this to market without compromising other productive plains zoned or industrial land.

<sup>5</sup> *GM Beacham v Hastings District Council W075/2009*



What is proposed by this application and the nature of the activity is consistent with the following District Plan objectives-

- **SDO2** – “To ensure that sites created by subdivision are physically suitable for a range of land use activities allowed by the rules of the District Plan.”
- **SDO4** – “To ensure that land which is subdivided is, or can be, appropriately serviced to provide for the likely or anticipated use of the land, the health and safety of people and communities, and the maintenance or enhancement of amenity values, while avoiding, remedying or mitigating adverse effects on the environment.”

The site plan accommodates onsite carparking and manoeuvring in accordance with the Hastings District Plan. The amenity of the area is already somewhat peri-urban in nature. Finally, there are no identified natural hazard impediments to development. This is in accord with the following-

- **SDP14** – “Require the provision of safe and practicable vehicular access from a public road to each site.”
- **SDP19**– “Ensure that any infrastructural costs arising from subdivision proposals are apportioned in a fair and reasonable way between existing and new users.”
- **SDP24**– “Ensure that subdivision or developments do not result in adverse effects on the environment by requiring upon subdivision or development a means of connection to a water supply and services for the disposal of wastewater and stormwater.”

#### SECTION 104- Other Considerations

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.

In paragraphs 19, 24 (previously set out earlier in section 3.0 of this application) and 25 of the *Beacham* Decision the Court traversed the issue of plan integrity, which in our opinion is relevant to the consideration of this proposal.

*[19] The real issue in this appeal is whether allowing this application would be so contrary to the relevant objectives, policies and other provisions of the District Plan that it would harm its integrity and effectiveness as an instrument enabling the Council to avoid, rather than to remedy or mitigate, the adverse effects the Plan formation process has identified.*

*[24] We have said before, and must say again, that the floodgates argument does tend to be somewhat overused, and needs to be treated with some reserve. The short and inescapable point*



is that each proposal has to be considered on its own merits. If a proposal can pass one or other of the s104D thresholds, then its proponent should be able to have it considered against the s104 range of factors. If it does not match up, it will not be granted. If it does, then the legislation specifically provides for it as a true exception of what the District Plan generally provides for. Decision-makers need to be conscious of the views expressed in cases such as *Dye v Auckland RC* [2001] NZRMA 513 that there is no true concept of precedent in this area of the law. Cases such as *Rodney DC v Gould* [2006] NZRMA 217 also make it clear that it is not necessary for a site being considered for a non-complying activity to be truly unique before Plan integrity ceases to be a potentially important factor. Nevertheless, as the Judgement goes on to say, a decision maker in such an application would look to see whether there might be factors which take the particular proposal outside the generality of cases.

[25] Only in the clearest of cases, involving an irreconcilable clash with the important provisions, when read overall, of the District Plan and a clear proposition that there will be materially indistinguishable and equally clashing further applications to follow, will it be that Plan integrity will be imperilled to the point of dictation that the instant application should be declined.

In addition to the above the Environment Court again in *Campbell v Napier City W067/05* where the Court stated:-

#### *Precedent*

[58] Counsel for the respondent, and Mr Thompson, advised that in their view there were a number of other properties in the area which would be "indistinguishable from the applicant's property and which would be difficult to decline consent if the present proposal were consented to".

[59] We struggle with the introduction of the concept of precedent to cases involving applications for (restricted) discretionary activity consents. That concept, together with other concepts that are occasionally described as related, namely integrity of planning instruments, coherence, and public confidence in the administration of plans, have caused enough difficulty in relation to non-complying activity applications. It is salutary to quote from a recent decision of the High Court *Rodney District Council v Gould* [fn5 (2005) 11 ELRNZ 165, at para 99.]:

*The Resource Management Act itself makes no reference to the integrity of planning instruments. Neither does it refer to coherence, public confidence in the administration of the district plan or precedent. Those are all concepts which have been supplied by Court decisions endeavouring to articulate a principled approach to the consideration of district plan objectives and policies whether under s 104(1)(d) or s 105(2A)(b) and their predecessors. No doubt the concepts are useful for that purpose but their absence from the Statutes strongly suggests that their application in any given case is not mandatory.*

While the concept of precedent is not determinative in resource management law, the administrative expectation is that there will be some consistency in decision making is a relevant consideration. In this instance, the *Beacham* decision provides strong authority in favour of the application.

#### **Operative Hawkes Bay Regional Resource Management Plan (s104(1)(b)(v))**

The Hawkes Bay Regional Council's Proposed Regional Resource Management Plan, which is a combined Regional Policy Statement (RPS) and Regional Plan (RP) and believe that the proposed subdivision will not be inconsistent with the intent and direction of this Planning document.

Chapter 2 provides the key Regional Policy Statement Objectives which are to apply across the region in providing an overall framework for the management of natural and physical resources of the Region. This includes

*Objective OBJ 1 To achieve the integrated sustainable management of the natural and physical resources of the Hawke's Bay region, while recognising the importance of resource use activity in Hawke's Bay, and its contribution to the development and prosperity of the region.*

The proposed subdivision, earthworks/mining and RSE accommodation activities are consistent with this objective.

The activities in an overall sense facilitates the ongoing support of the plains zone resource which is necessary to support continued growth of the region in an efficient and economic manner whilst avoiding a direct effect on productivity of the Plains resource. It is accepted fragmentation is occurring, but in the context of the soil quality, site size and the vertical integration being achieved the overall direction (*managing the built environment*) of the Regional Resource Management plan is not compromised. Amalgamating the land transfers the RSE site into the industrial resource, where it is able to be better utilised rather having it remain as an unutilised site.

## 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 safety*<sup>6</sup>, the proposed development does not threaten the existing environment or create any potential adverse 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.

<sup>6</sup> See Section 5(2) of the Resource Management Act 1991



Resource Consent Application – Updated 19 June 2019  
 97 York Road and 62 Irongate Road  
 Assessment of Environmental Effects H20190005

### 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**

Resource Consent pursuant to Section 88 of the Resource Management Act 1991 is sought from the Hastings District Council to expand the Seasonal Workers Accommodation provided on the site. Specifically, consent is required for the following to:

- undertake a two-lot subdivision and establish and operate an RSE seasonal workers accommodation complex accommodating **up to 150 persons** on one lot. It is proposed that the newly created RSE accommodation lot amalgamate with an adjoining lot created at 62 Irongate Road
- mine gravel and undertake earthworks on two parcels of land resulting from the above subdivision.

The assessment of environment effects (above) demonstrates that the adverse effects of the proposed activity on the environment are likely to be *less than minor*. It is therefore submitted that the Council can assess this resource consent application on a non-notified basis in accordance with Section 95 Resource Management Act 1991 and meets the requirements of Section 104(1)(a). There is no impediment presented under Section 106 of the RMA.

The Council is also required to have regard to the relevant Outcomes, Assessment Criteria and Objectives and Policies of the District Plan when considering the application. It is considered that the proposed activity, with its relationship to fruit produced in the Plains and Plains Production Zone, is **consistent** with the overall intent of the relevant Objectives and Policies of the District Plan. The application presents a somewhat unique circumstance where a surplus crown portion of land is proposed to be better utilised with an adjoining parcel of land.

It is therefore considered that the resource consent to the proposal should be **granted** subject to conditions.



Resource Consent Application – Updated 19 June 2019  
97 York Road and 62 Irongate Road  
Assessment of Environmental Effects H20190005

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Prepared by Matthew Holder  
On behalf of the Jara Family Trust

Item 2

Attachment C

*Resource Consent Application  
97 York Road and 62 Irongate Road  
Assessment of Environmental Effects*

Item 2

APPENDIX A  
Computer Freehold Register (Title)

Attachment C



**RECORD OF TITLE  
UNDER LAND TRANSFER ACT 2017  
FREEHOLD  
Search Copy**



Identifier **748603**  
Land Registration District **Hawkes Bay**  
Date Issued **22 July 2016**

**Prior References**  
HB131/166

<b>Estate</b>	Fee Simple
<b>Area</b>	19,7011 hectares more or less
<b>Legal Description</b>	Part Section 24 Block XV Heretaunga Survey District and Section 66 Survey Office Plan 438108

**Registered Owners**  
Barry James Rosenberg and Mark Alexander Stoddart

**Interests**

5118202.74 Notice pursuant to Section 91 Transit New Zealand Act 1989 - 3.12.2001 at 9:58 am  
5118202.75 Notice pursuant to Section 91 Transit New Zealand Act 1989 - 3.12.2001 at 9:58 am  
8421152.1 Mortgage to ANZ National Bank Limited - 5.3.2010 at 12:18 pm  
9288428.1 Variation of Mortgage 8421152.1 - 8.2.2013 at 3:41 pm  
Fencing Covenant in Transfer 9288428.2 - 8.2.2013 at 3:41 pm (affects Section 66 SO 438108)  
Subject to Part IVA Conservation Act 1987 (affects Section 66 SO 438108)  
Subject to Section 11 Crown Minerals Act 1991 (affects Section 66 SO 438108)  
9288428.3 Encumbrance to New Zealand Transport Agency - 8.2.2013 at 3:41 pm (affects Section 66 SO 438108)  
9288428.4 Mortgage Priority Instrument making Encumbrance 9288428.3 first priority and Mortgage 8421152.1 second priority - 8.2.2013 at 3:41 pm  
Subject to Section 241(2) Resource Management Act 1991 (affects DP 498287)

Transaction Id  
Client Reference rvwowden001

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Item 2

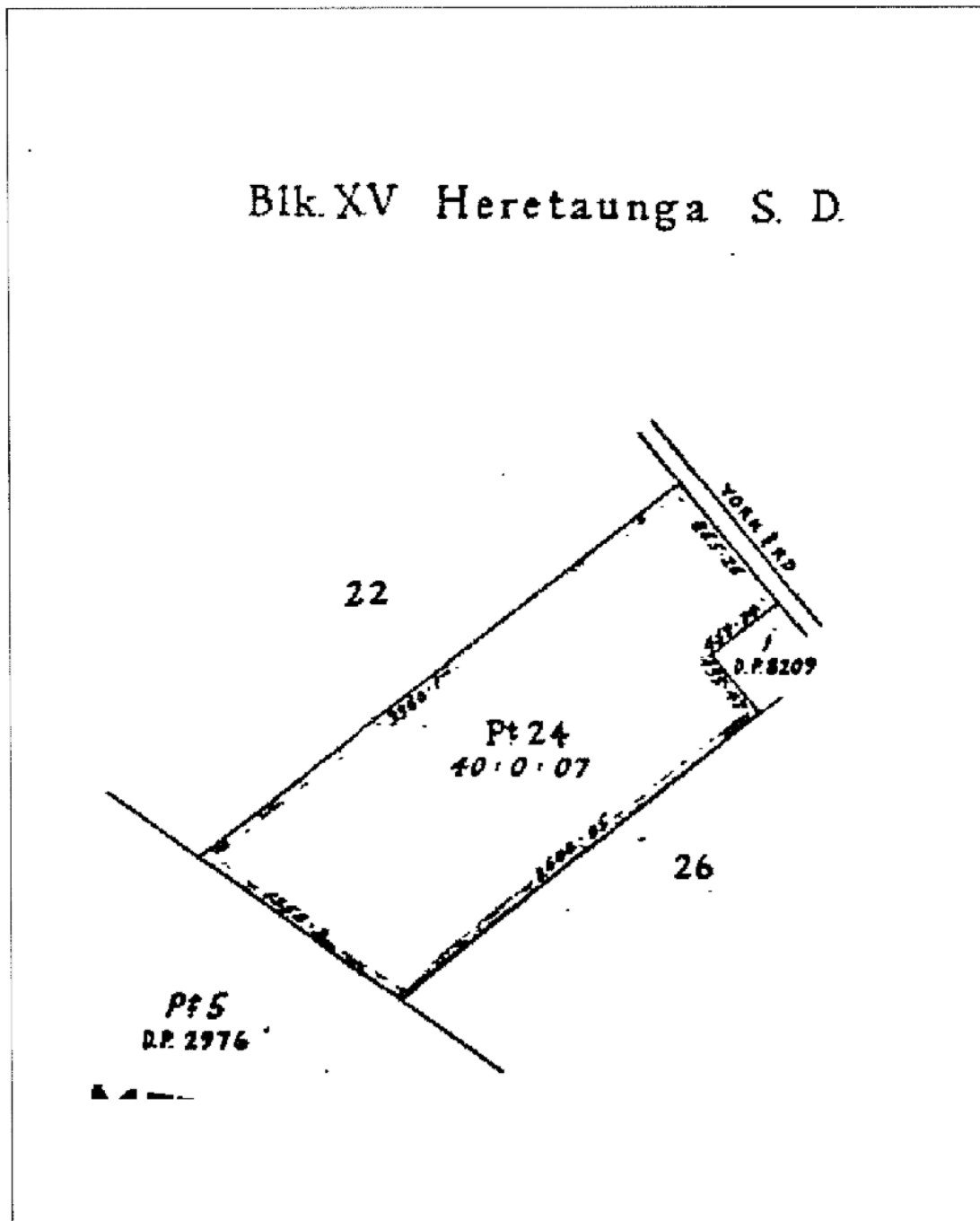
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Identifier 748603

Item 2

Attachment C

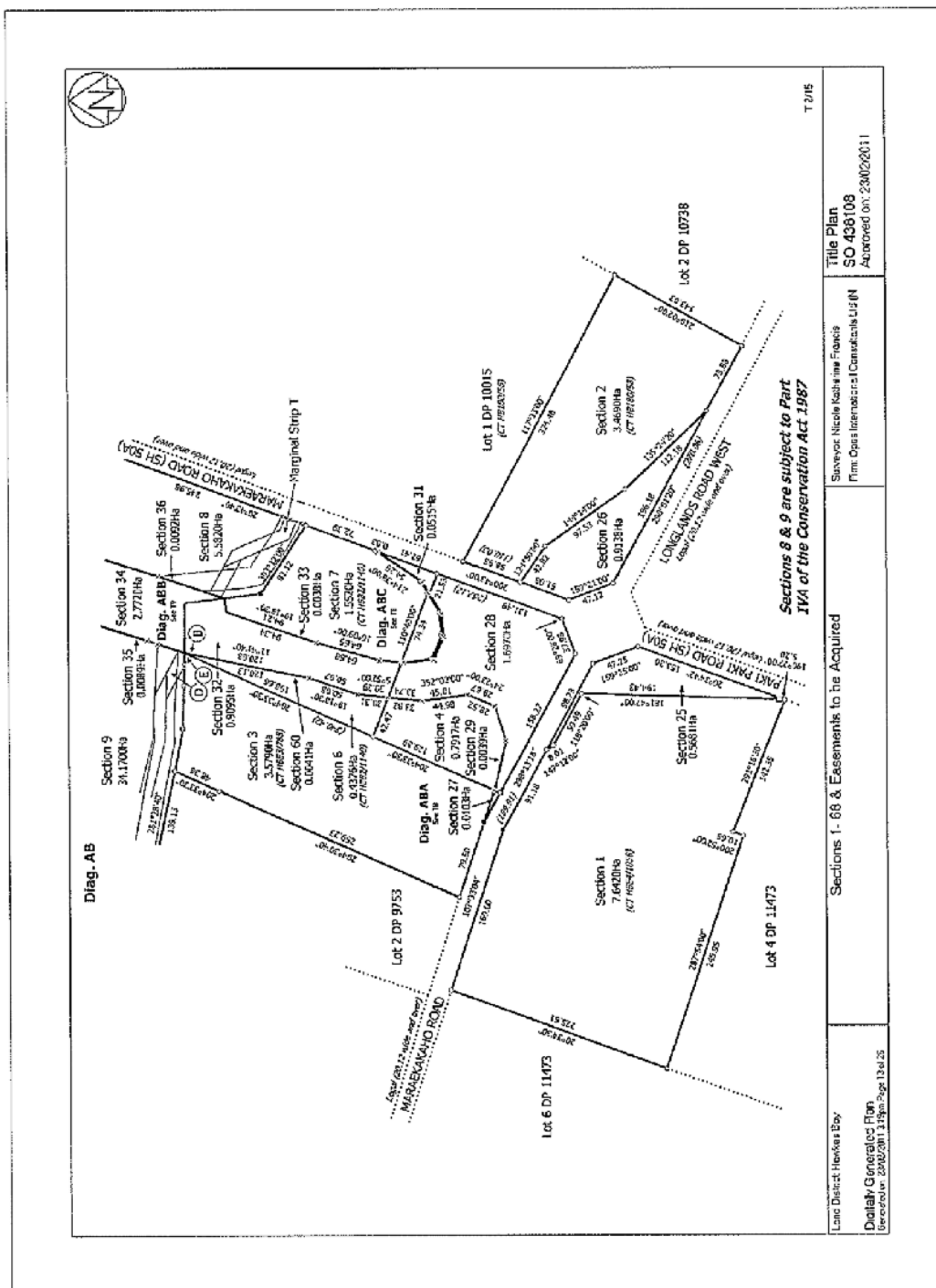


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Register Only



Identifier 748603



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District Generated From Generated on: 28/02/2011 11:25am Page 13 of 25			

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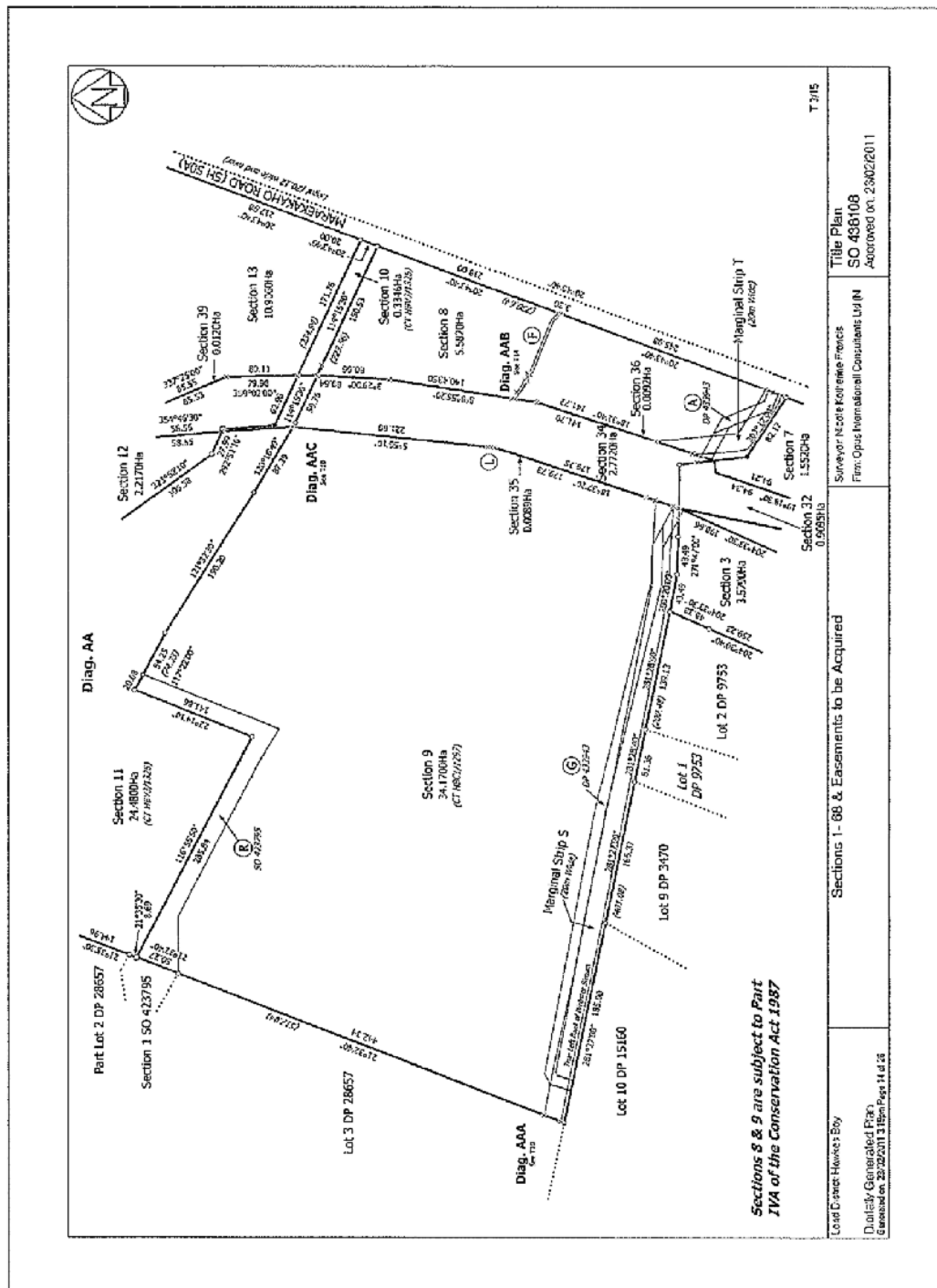
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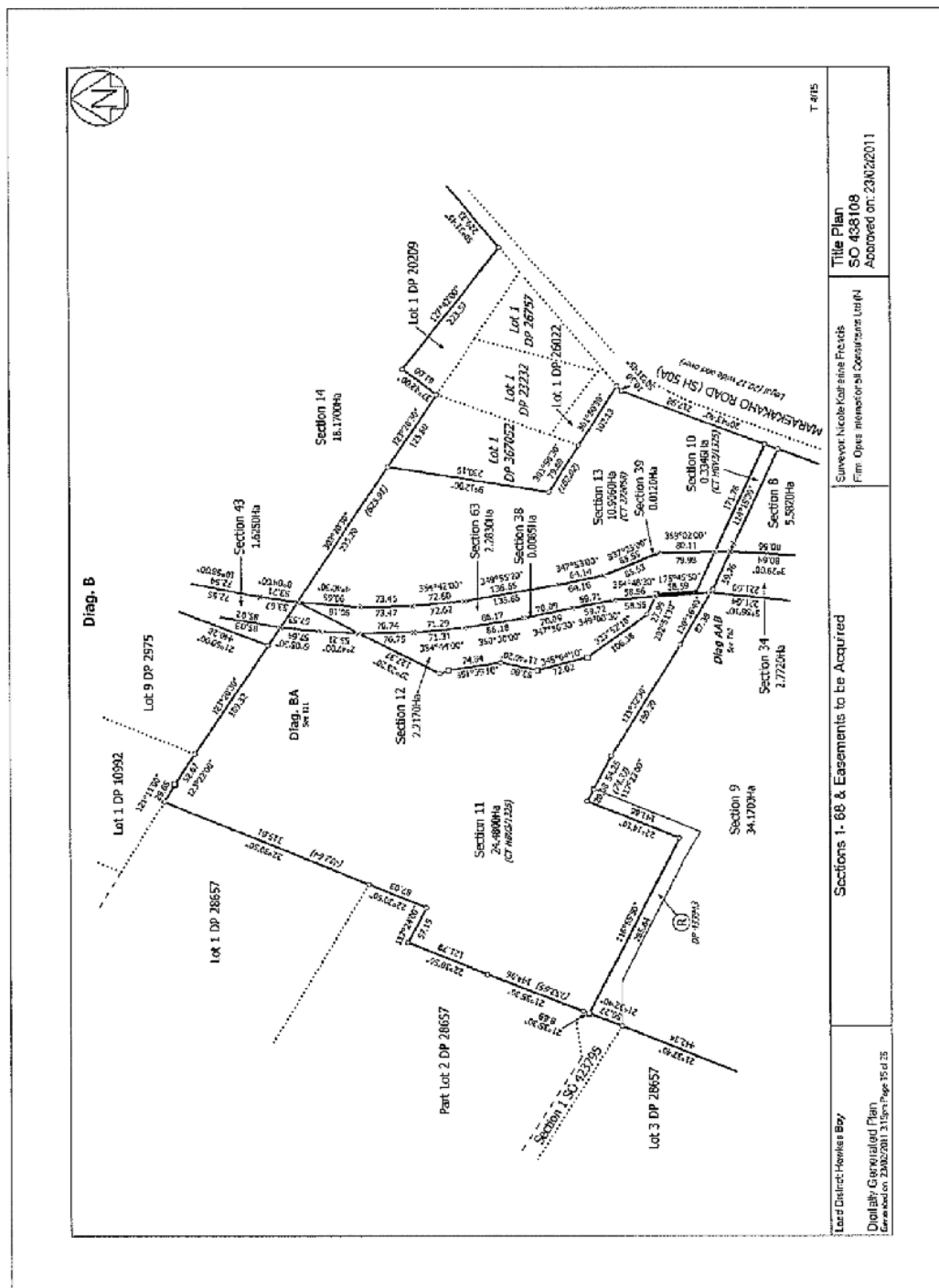
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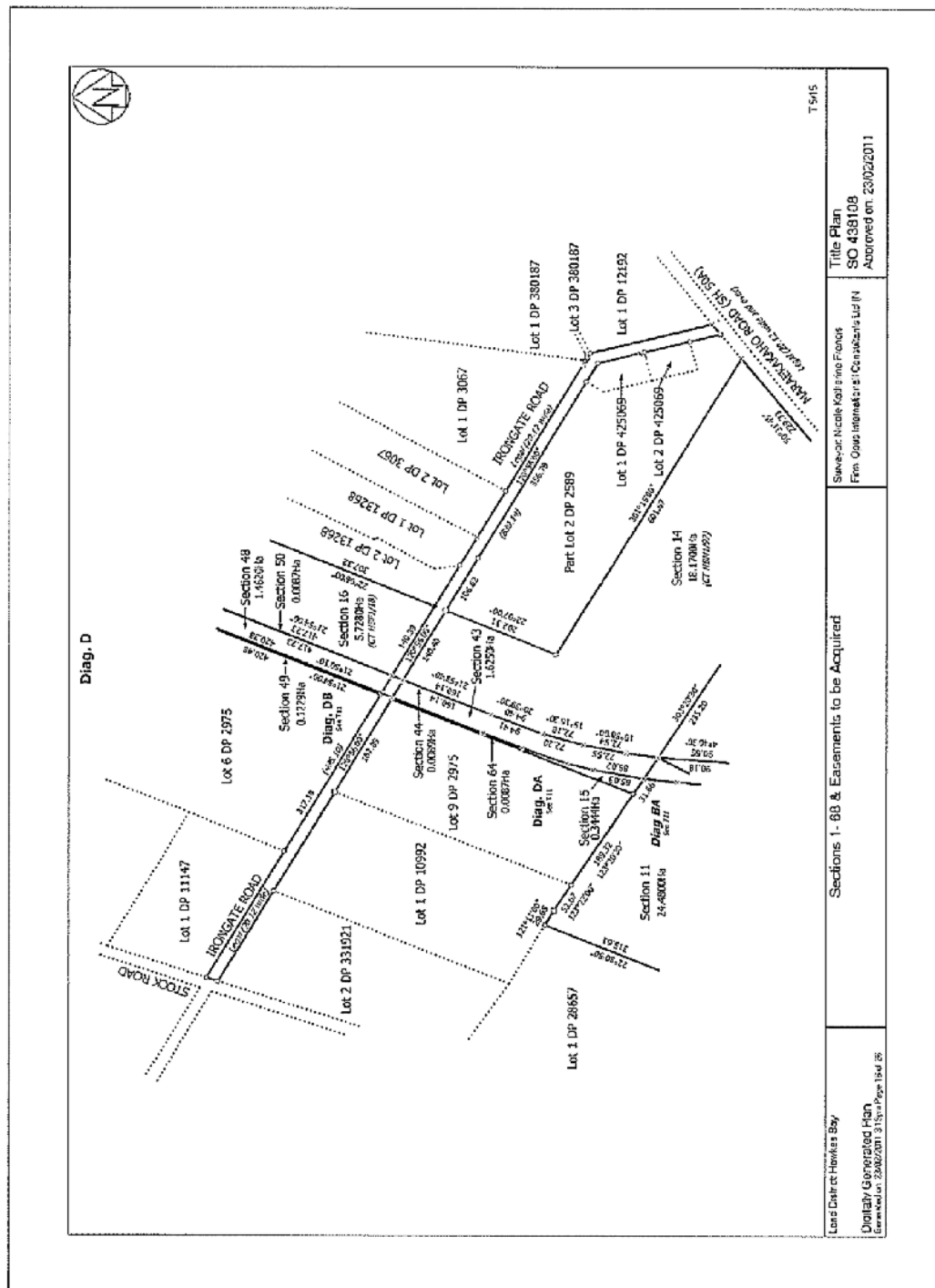
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Identifier 748603

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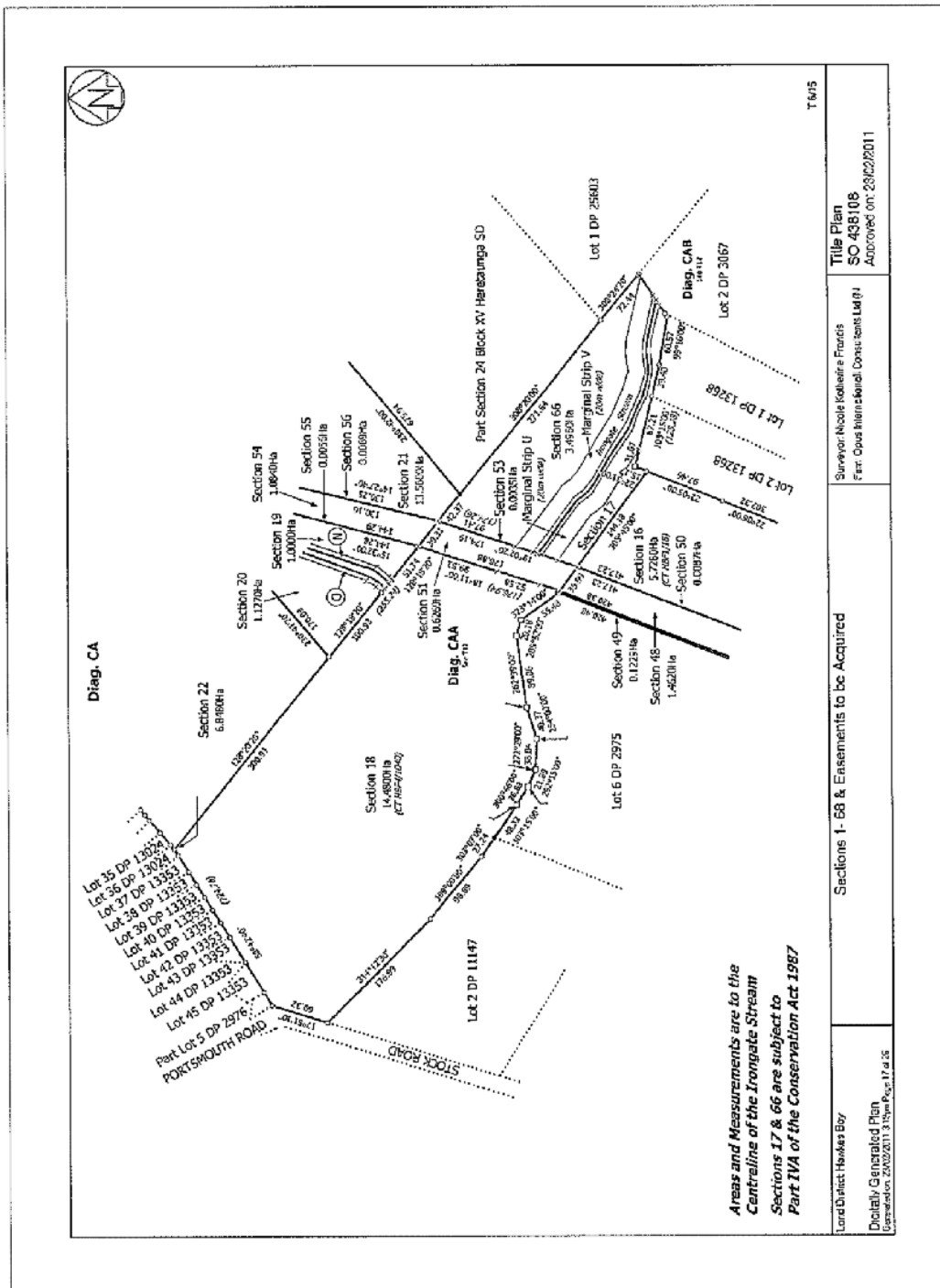
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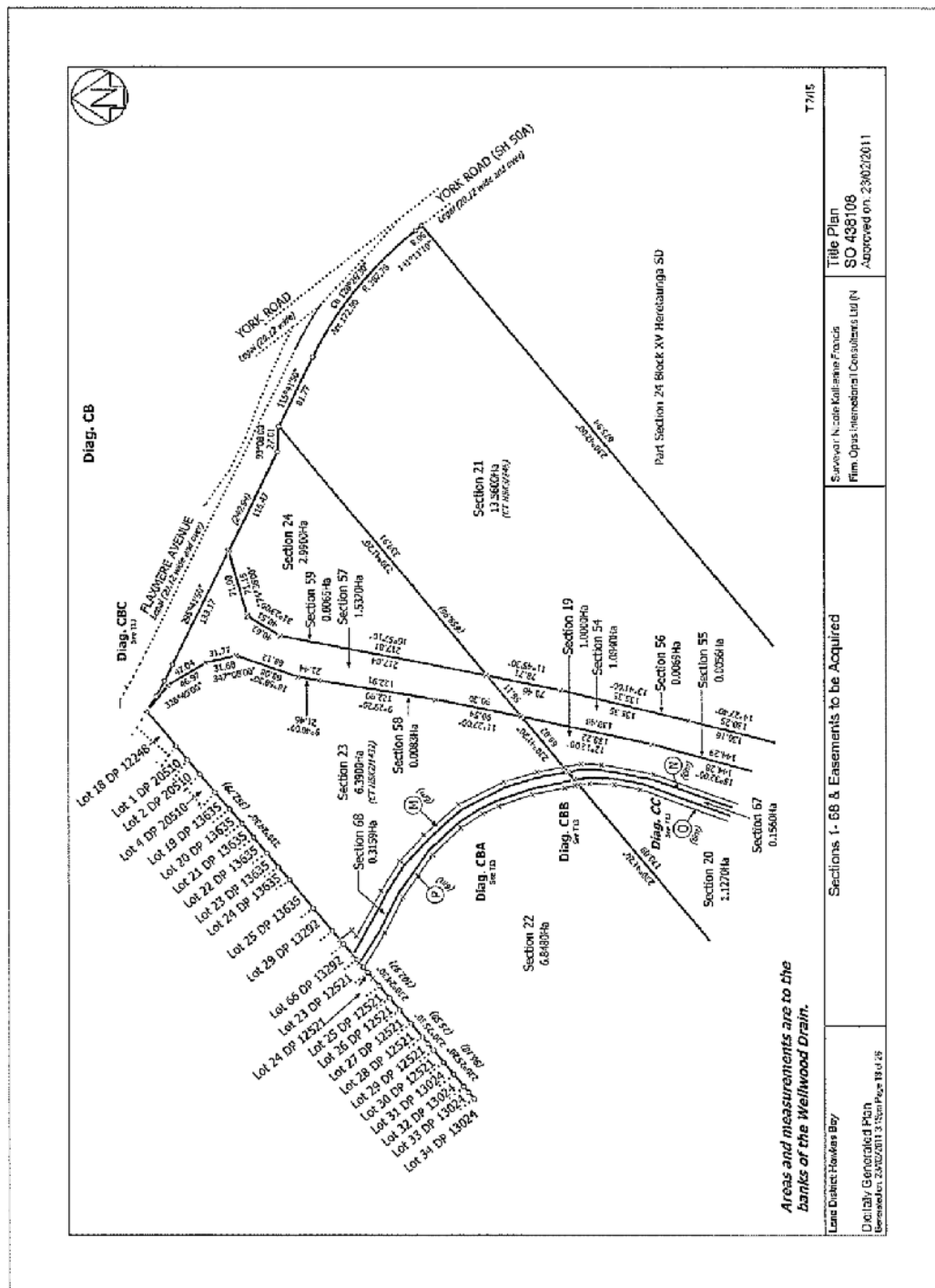
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Identifier 748603

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## Attachment C



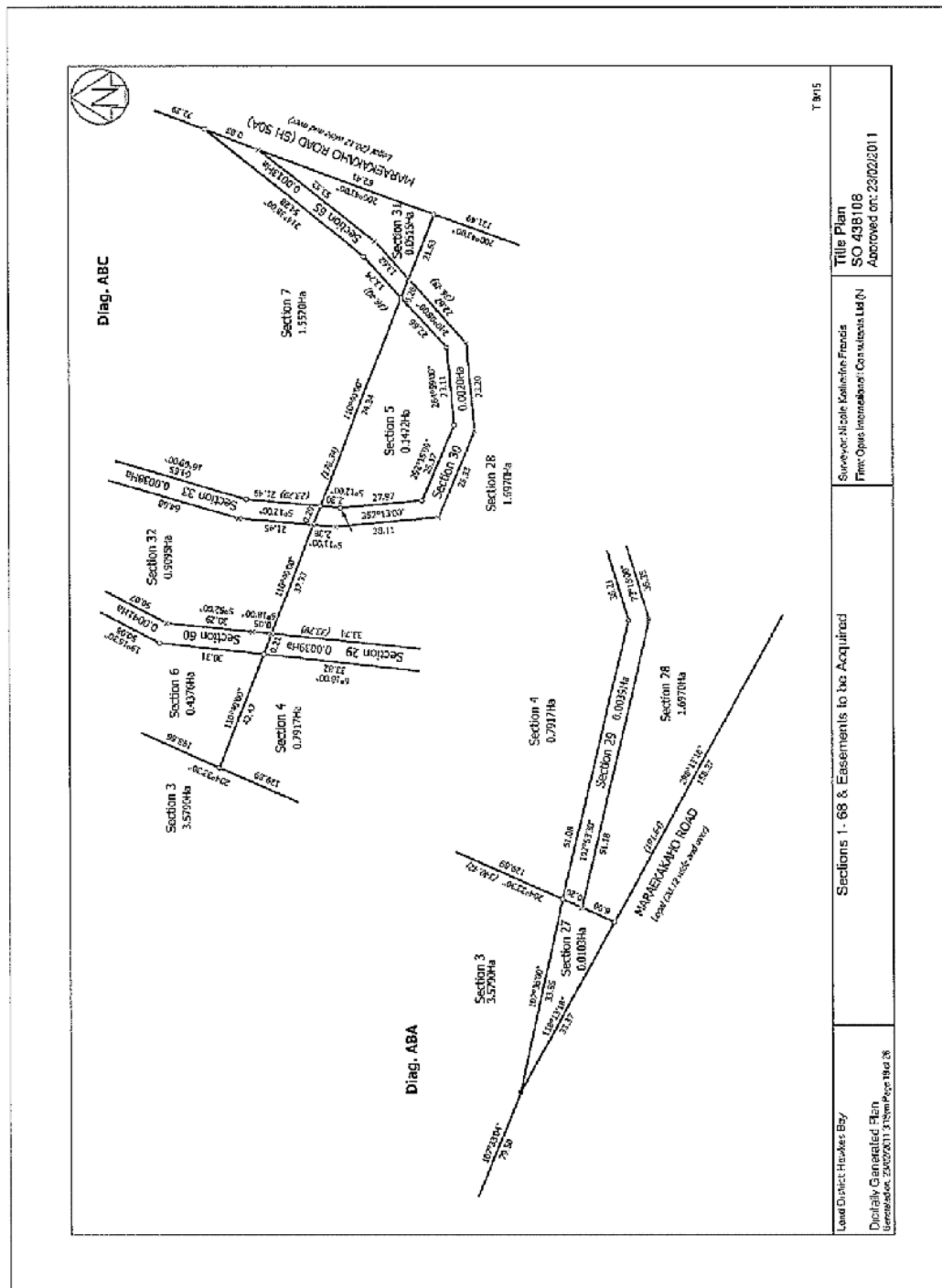
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Identifier 748603

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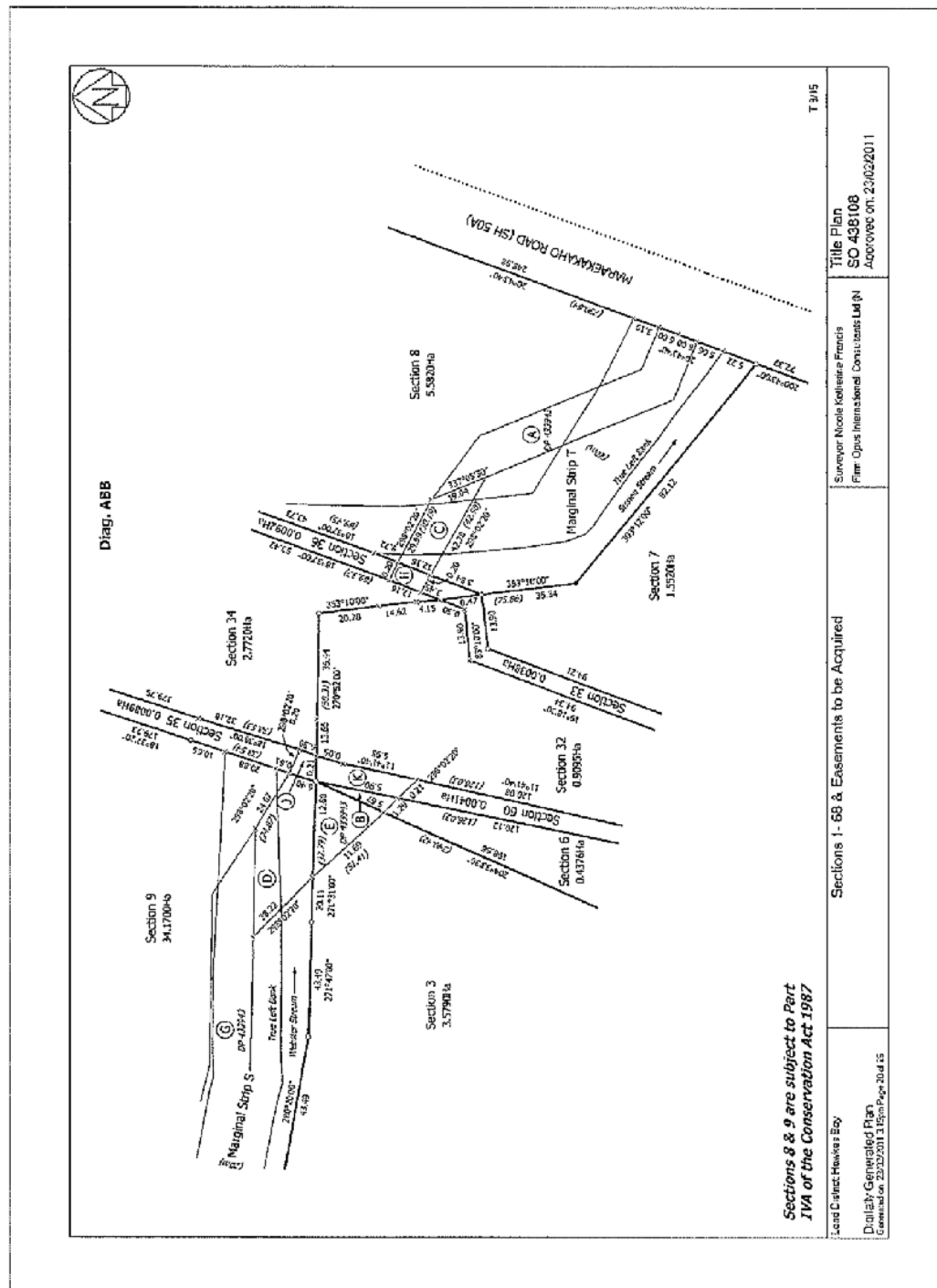
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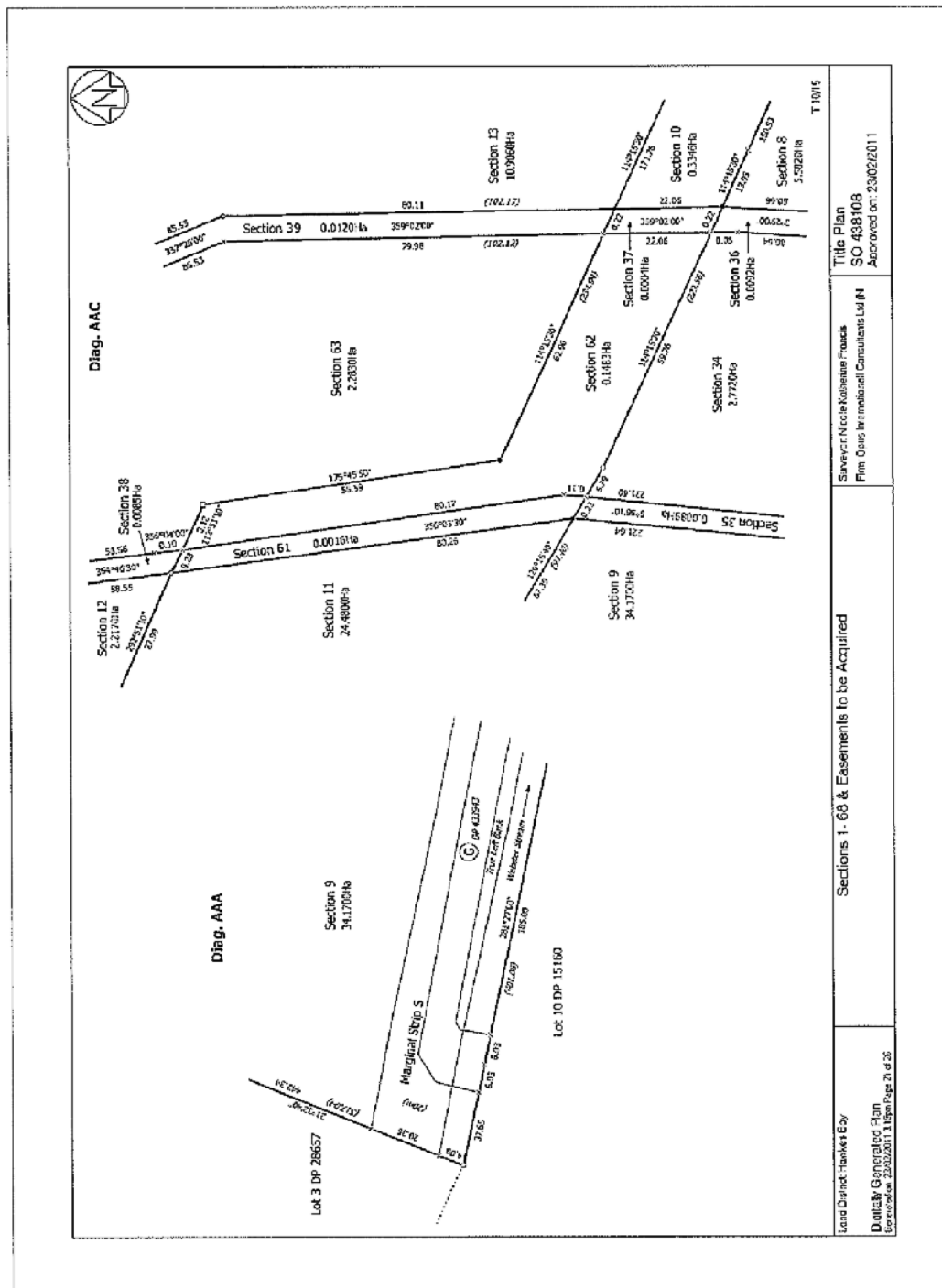
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Identifier 748603

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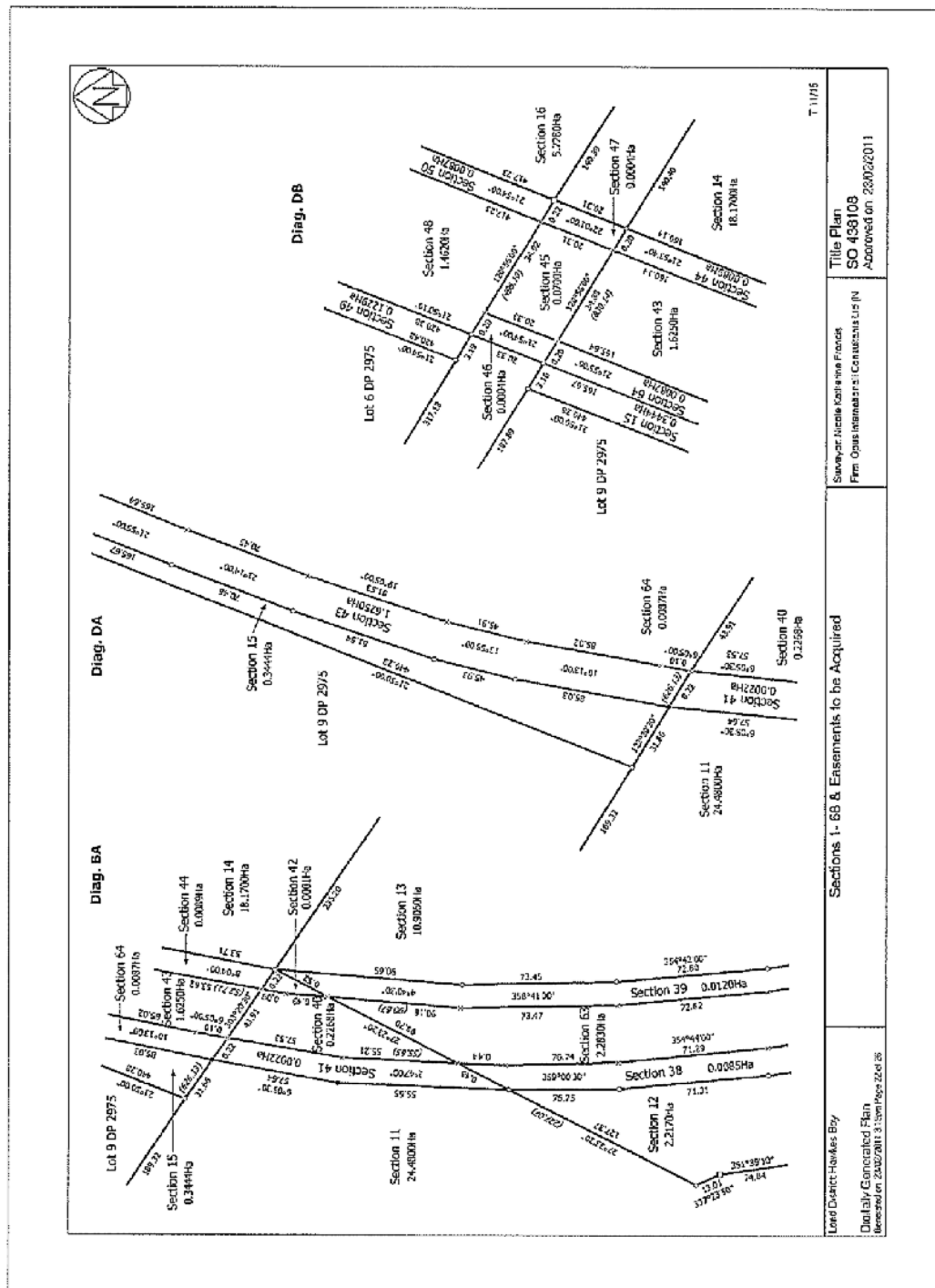
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Identifier 748603

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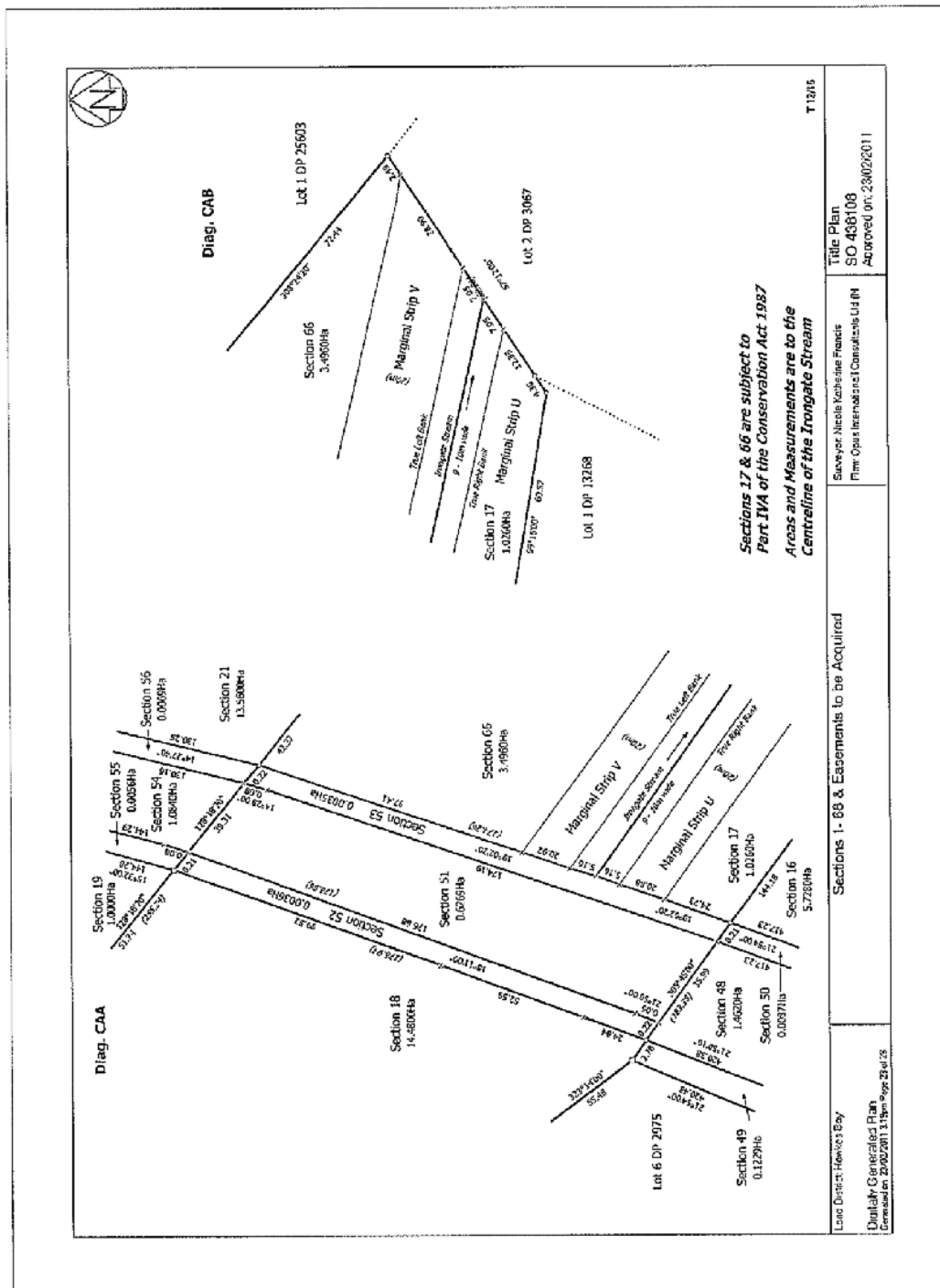


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Identifier 748603



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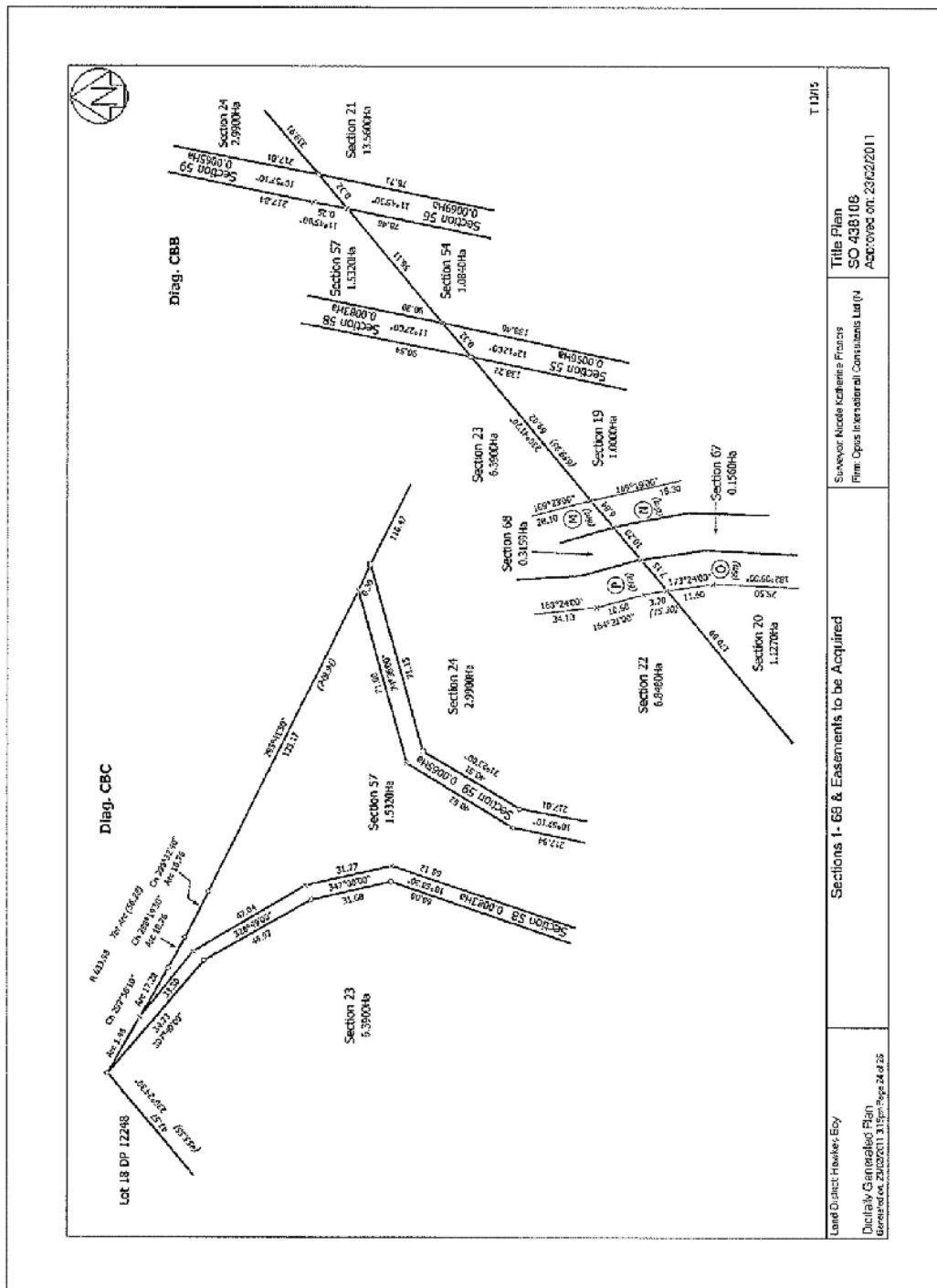
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Attachment C

Identifier 748603

## Item 2

## Attachment C



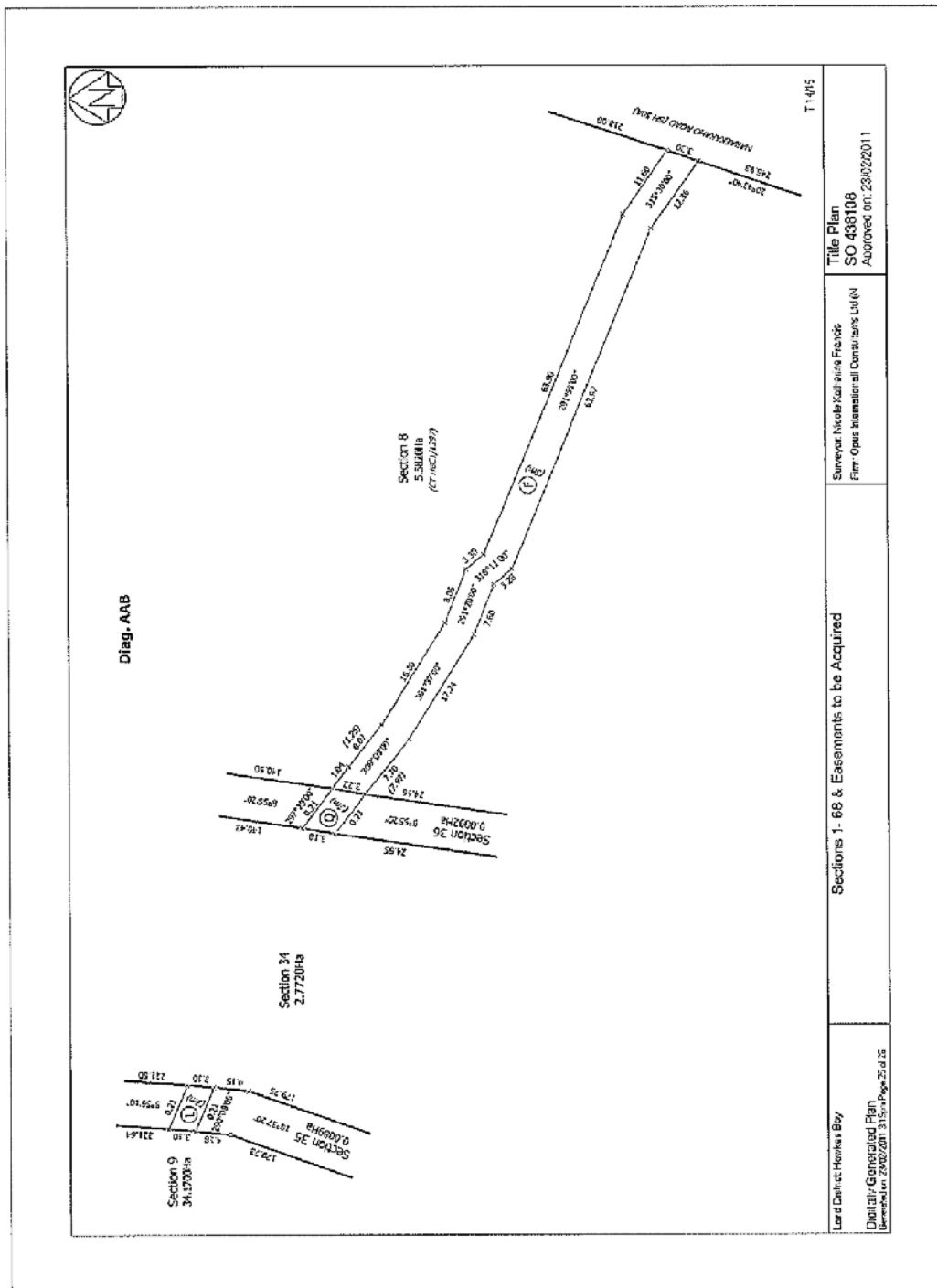
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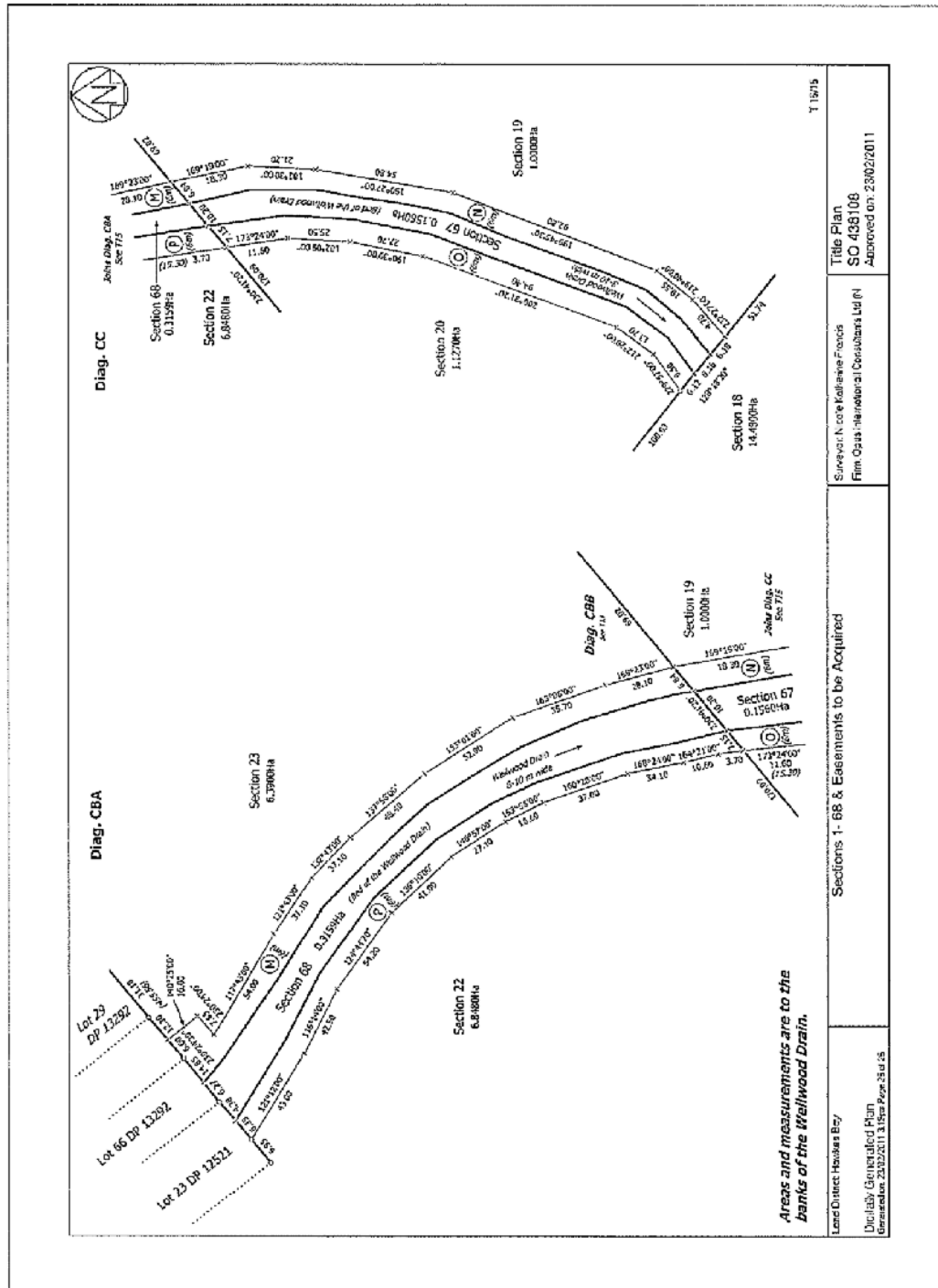


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Identifier 748603



Transaction Id: 57363646  
 Client Reference: rvoindent01

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Item 2

Attachment C



**RECORD OF TITLE  
UNDER LAND TRANSFER ACT 2017  
FREEHOLD  
Search Copy**



**Identifier** **HBFI/19**  
**Land Registration District** **Hawkes Bay**  
**Date Issued** 13 December 1973

**Prior References**  
 HB63/86

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<b>Estate</b>	Fee Simple
<b>Area</b>	4.0469 hectares more or less
<b>Legal Description</b>	Lot 1 Deposited Plan 13268

**Registered Owners**  
 John Alan Roil, Rosemary Anne Roil and Graham Hunter Throp

**Interests**

11016947.3 Mortgage to Westpac New Zealand Limited - 23.2.2018 at 2:16 pm

Appurtenant hereto is a right of way, rights to convey water, electricity, telecommunications and computer media and a right to drain sewage created by Easement Instrument 11162880.4 - 16.8.2018 at 8:01 am

The easements created by Easement Instrument 11162880.4 are subject to Section 243 (a) Resource Management Act 1991

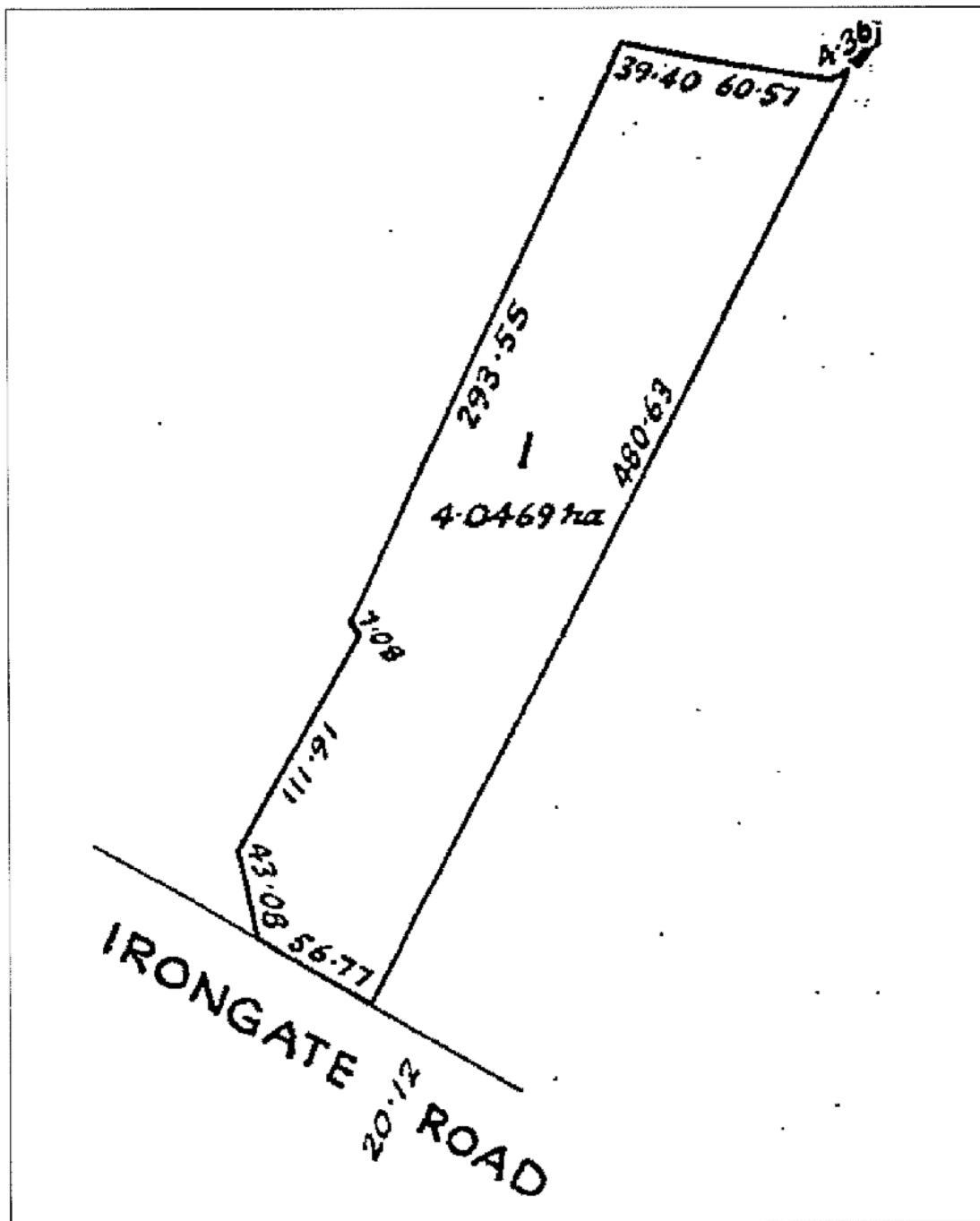
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Attachment C

Identifier HBF1/19



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Client Reference: 20190051

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Item 2

Attachment C



*Resource Consent Application – Updated 19 June 2019  
97 York Road and 62 Irongate Road  
Assessment of Environmental Effects*

Item 2

## APPENDIX B

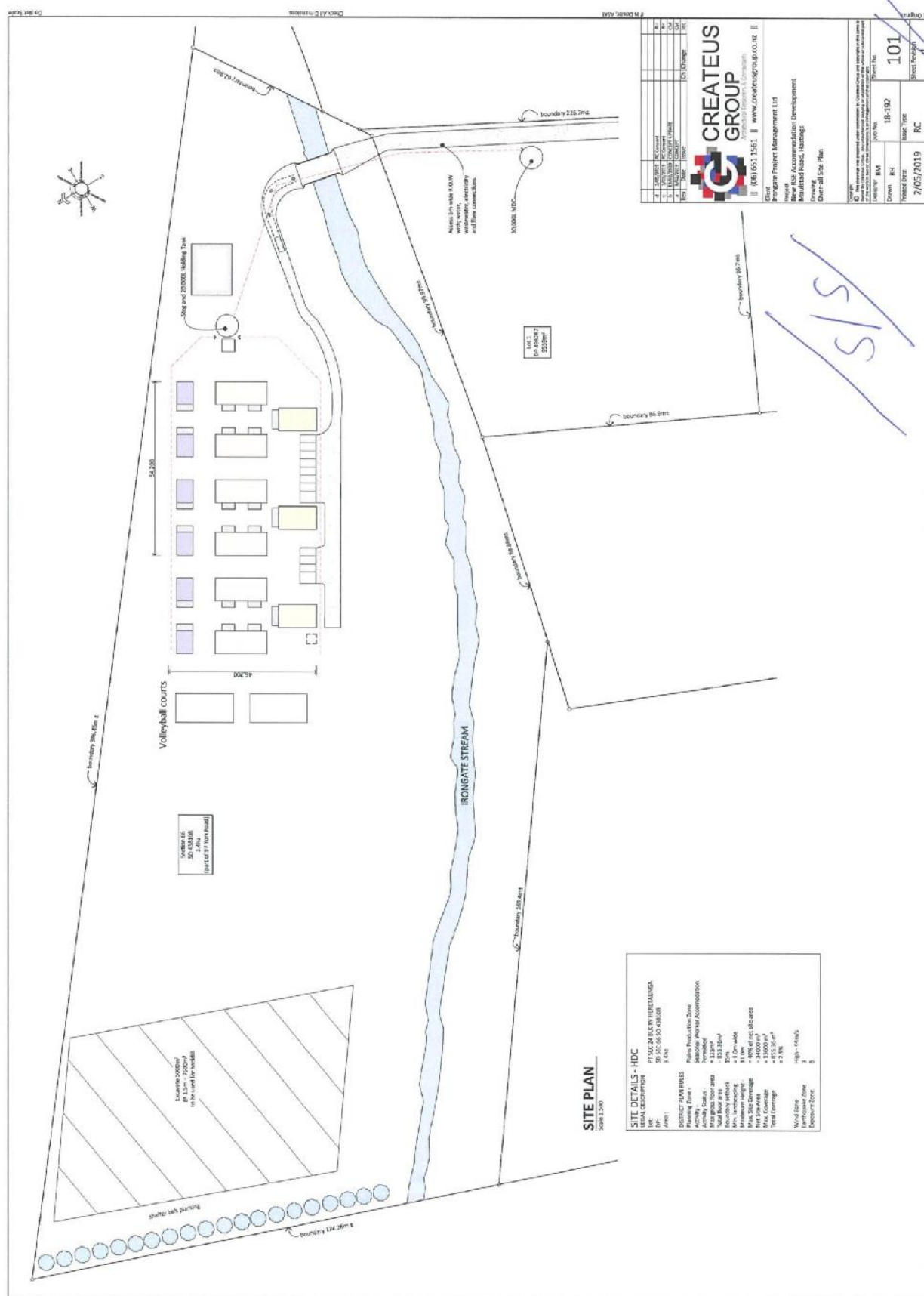
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Attachment C

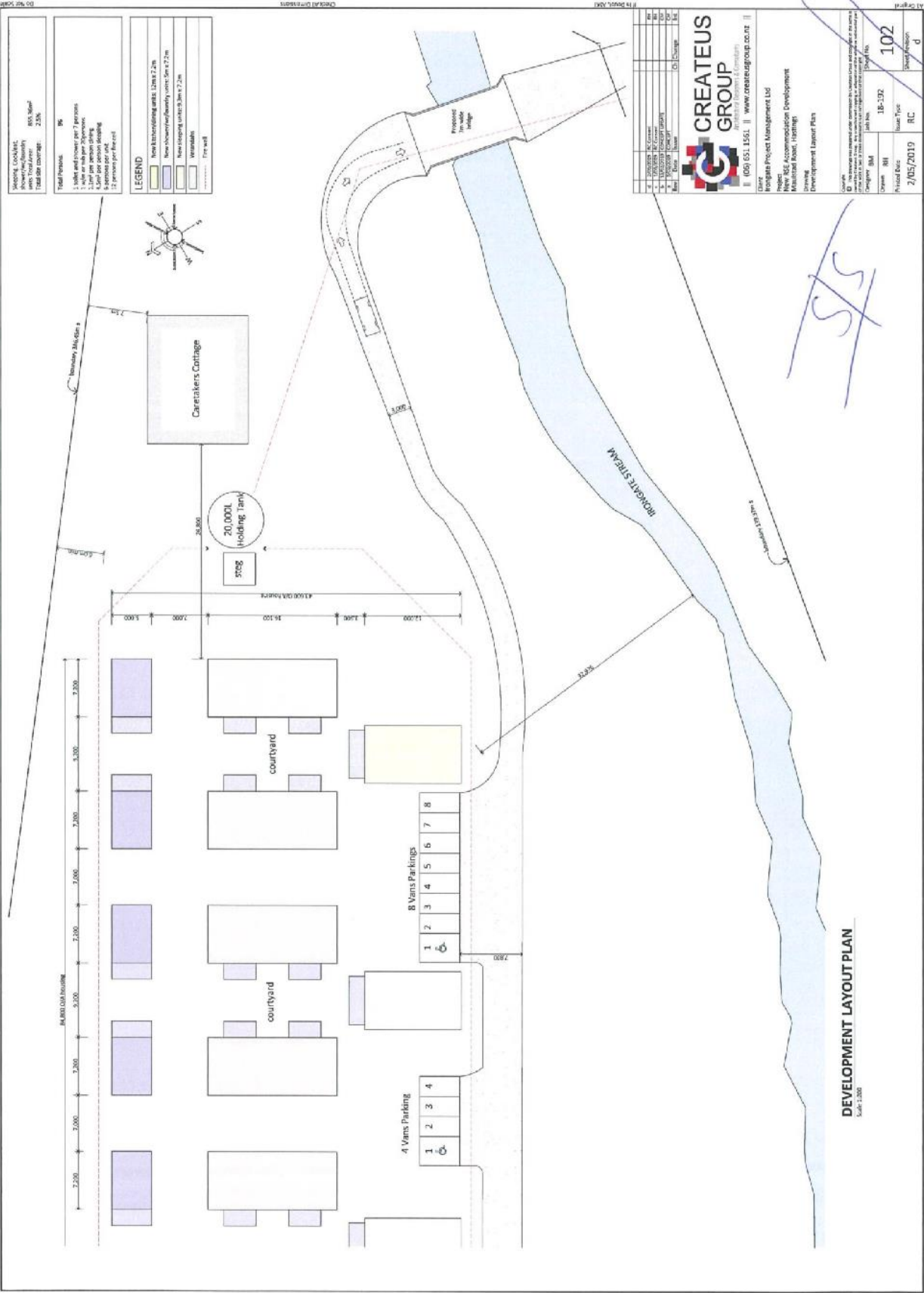
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Sheet No.	Sheet No.	Current Issue
101	Over-all Site Plan	d
102	Development Lay-out Plan	d
103	Sleeping Unit Floor Plan and Elevations	d
104	Kitchen/Dining Floor Plan and Elevations	d



**New RSE Accommodation Development  
Irongate Project Management Ltd  
Maulstad Road, Hastings**

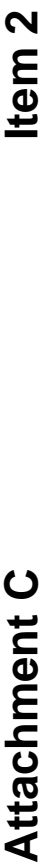


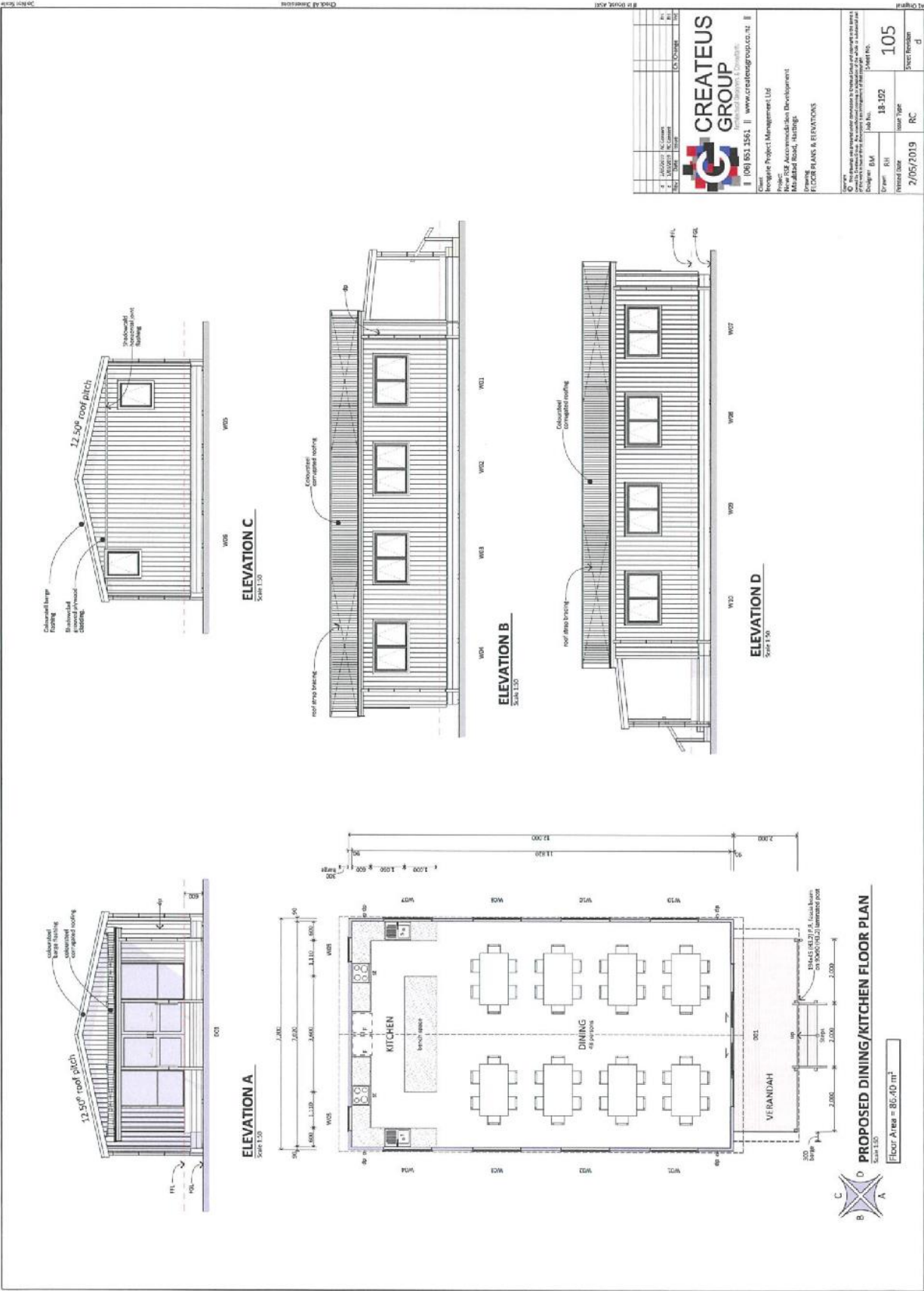




Item 2

Attachment C





Item 2

Attachment C

*Resource Consent Application  
97 York Road and 62 Irongate Road  
Assessment of Environmental Effects*

Item 2

Attachment C

## APPENDIX C

### Scheme Plans









Resource Consent Application  
97 York Road and 62 Irongate Road  
Assessment of Environmental Effects

Item 2

Attachment C

## APPENDIX D

### Soils Report





Item 2

Independent  
Agriculture  
& Horticulture  
Consultant  
Network

**Soil Report:**  
62 Irongate Road, Longlands

Prepared for:  
John Roil  
Hawke's Bay Project Management Ltd

Justin France  
21 May 2019

Attachment C



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1.0	Scope & Summary .....	2
2.0	Land Use Classification .....	2
3.0	Soil Type & Quality.....	3
4.0	Site Potential for Horticultural Production.....	4
5.0	Impact on District & Regional Soil Resource .....	5

## 1.0 SCOPE & SUMMARY

AgFirst was asked to provide a report outlining the poor quality of soil that exists at 62 Irongate Road, Longlands. Specifically, AgFirst has assessed:

- The nature and quality of the soil resource at this property
- The nature of the current and historical landuse at the site
- The potential of the site to be used for intensive horticultural production
- The impact on the district/regional soil resource

The client wants to build Recognized Seasonal Employee (RSE) accommodation at the above property. As part the project, the client wants to extract approximately 7500 m<sup>3</sup> of aggregate metal that will be used under the industrial buildings and as a foundation material for the access roads and parking areas that will be constructed onsite. The removed aggregate metal will be replaced with topsoil sourced offsite.

In summary, AgFirst has concluded that the soil at 62 Irongate Road is of low quality and the proposed activities will not detrimentally impact the Hastings district soil resource. Furthermore, the small land size in conjunction with the poor soil quality would make intensive horticultural production unfeasible.

## 2.0 LAND USE CLASSIFICATION

The site is located at 62 Irongate Road, Longlands and the legal description is DP Section 66 SO 438108<sup>1</sup> (Fig. 1).



Figure 1. Map of 62 Irongate Road, Longlands; legal description DP Section 66 SO 438108.

<sup>1</sup> <https://data.linz.govt.nz/layer/50772-nz-primary-parcels/> (Retrieved 21 May 2019)

The entire site is designated as LUC 7s1 (Fig. 2). LUC 7 is defined as land with “very severe to extreme limitations or hazards that make it unsuitable for cropping, pasture or forestry<sup>2</sup>.” The property’s LUC subclass is “s” which indicates that the soil is the major constraint to intensive production.



Figure 2. Map of LUC at 62 Irongate Road, Longlands.

Historically, the site was planted in grapevine. However, due to the challenging nature and uneconomical viability of winegrape production on LUC 7, the vineyard has been removed and is currently in pasture.

### 3.0 SOIL TYPE & QUALITY

There are two soil types at 62 Irongate Road, Longlands:

1. Ashburton Sandy Loam (Sibling 41)
2. Matapihi Loam over Sandy Loam (Sibling 28)

Ashburton Sandy Loam makes up 45% of the land area at the site while Matapihi (Sibling 28) makes up the remaining 55% (Fig 3). Detailed soil descriptions follow this report or can be found at <https://smap.landcareresearch.co.nz/factsheets/>.

<sup>2</sup> [https://www.landcareresearch.co.nz/\\_\\_data/assets/pdf\\_file/0017/50048/luc\\_handbook.pdf](https://www.landcareresearch.co.nz/__data/assets/pdf_file/0017/50048/luc_handbook.pdf) (Retrieved 21 May 2019)





Figure 3. Map of soil types at 62 Irongate Road, Longlands. The area in yellow is Ashburton Sandy Loam and the area in blue is Matapihi Loam over Sandy Loam.

Ashburton Sandy Loam is generally considered poor quality<sup>3</sup>. The topsoil typically has a sandy loam texture and is moderately stony. The subsoil has dominantly sandy loam textures, with a very gravelly layer from less than 45 cm mineral soil depth to more than 100 cm. The depth class (diggability) is very shallow at 5 – 15 cm, however, the plant rooting depth extends beyond 1m. The soil is moderately well drained with and is unlikely to waterlog, however, it is highly prone to drought. The soils have a very high structural vulnerability and a very high N leaching potential, which should be accounted for when making land management decisions.

Matapihi topsoil typically has a sandy loam texture and is stoneless. The subsoil has a dominantly loam texture, with a very gravelly layer that starts at or below 45 cm soil mineral depth and extends to 100 cm. The plant rooting depth extends beyond 1m. Generally, the soil is poorly drained, has a high soil water holding capacity and has a moderate susceptibility to water logging in non-irrigated conditions. Inherently, these soils have a high structural vulnerability and a very low N leaching potential, which should be accounted for when making land management decisions.

#### 4.0 SITE POTENTIAL FOR HORTICULTURAL PRODUCTION

The property in questions is roughly 3.4 ha, which is approximately half the minimum area necessary for a standalone economic unit in the “range of physically sustainable land uses” defined in by the Hawke’s Bay Regional Council<sup>4</sup>. Presently, the small land size in conjunction with the poor soil quality would make intensive horticultural production unfeasible.

<sup>3</sup> <https://smap.landcareresearch.co.nz/factsheets/> (Retrieved 21 May 2019)

<sup>4</sup> Regional Resource Management Plan (RRMP): Schedule 2 – Sustainable Land Use, pg. 2, section 4.0-4.3 <https://www.hbrc.govt.nz/assets/Document-Library/Plans/Regional-Resource-Management-Plan/Schedules-Maps/Schedule-2.pdf>; Retrieved 21 May 2019)

## 5.0 IMPACT ON DISTRICT & REGIONAL SOIL RESOURCE

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A report supplied to the Hawke's Bay District Council in 2011 shows the area (ha) of each land use capability on the Heretaunga Plains<sup>5</sup>. The report states that there is approximately 7736 ha of LUC 1 and 611 ha of LUC 7 in the Hawke's Bay Region. The site at 62 Irongate Road represents approximately 3.4 ha of LUC 7, or 0.5% of the LUC 7, and removing aggregate metal from the soil would have very little impact on the plains soil productivity.

---

<sup>5</sup> Versatile Soils - Productive Land Report for Hawke's Bay Regional Council, pg. 26, Appendix 4 (<https://www.hbrc.govt.nz/assets/Document-Library/Publications-Database/Versatile-Soils-Productive-Land.pdf>; Retrieved 21 May 2019)

## Contact

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Horticultural Consultant

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PO Box 1261, Hastings 4156, New Zealand  
06 872 7080  
hawkesbay@agfirst.co.nz  
www.agfirst.co.nz

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# SOIL REPORT

Hawke's Bay Regional Council

Report generated: 21-May-2019 from <https://smap.landcareresearch.co.nz>

This information sheet describes the typical average properties of the specified soil to a depth of 1 metre, and should not be the primary source of data when making land use decisions on individual farms and paddocks.

S-map correlates soils across New Zealand. Both the old soil name and the new correlated (soil family) name are listed below.

**Family: Ashburtonf**

Smap ref: Ashb\_41a.1

Omahu (Ashburton\_41a.1)

## Key physical properties

Depth class (diggability)	Very shallow (5 - 15 cm)
Texture profile	Sandy loam
Potential rooting depth	Unlimited
Rooting barrier	No significant barrier within 1 m
Topsoil stoniness	Moderately stony
Topsoil clay range	0 - 2 %
Drainage class	Moderately well drained
Aeration in root zone	Unlimited
Permeability profile	Rapid
Depth to slowly permeable horizon	No slowly permeable horizon
Permeability of slowest horizon	Rapid (> 72 mm/h)
Profile available water	(0 - 100cm or root barrier) Low (59 mm)
	(0 - 60cm or root barrier) Low (38 mm)
	(0 - 30cm or root barrier) Low (21 mm)
Dry bulk density, topsoil	1.18 g/cm <sup>3</sup>
Dry bulk density, subsoil	1.42 g/cm <sup>3</sup>
Depth to hard rock	No hard rock within 1 m
Depth to soft rock	No soft rock within 1 m
Depth to stony layer class	Shallow



## Key chemical properties

Topsoil P retention	Very Low (3%)
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### About this publication

- This information sheet describes the *typical average properties* of the specified soil.
- For further information on individual soils, contact Landcare Research New Zealand Ltd: [www.landcareresearch.co.nz](http://www.landcareresearch.co.nz)
- Advice should be sought from soil and land use experts before making decisions on individual farms and paddocks.
- The information has been derived from numerous sources. It may not be complete, correct or up to date.
- This information sheet is licensed by Landcare Research on an "as is" and "as available" basis and without any warranty of any kind, either express or implied.
- Landcare Research shall not be liable on any legal basis (including without limitation negligence) and expressly excludes all liability for loss or damage howsoever and whenever caused to a user of this factsheet.



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**Family: Ashburtonf**

Snap ref: Ashb\_41a.1

Omahu (Ashburton\_41a.1)

**Additional factors to consider in choice of management practices**

Vulnerability classes relate to soil properties only and do not take into account climate or management

**Soil structure integrity**

Structural vulnerability	Very high (1.00)
Pugging vulnerability	not available yet

**Water management**

Water logging vulnerability	Very low
Drought vulnerability - If not irrigated	High
Bypass flow	High
Hydrological soil group	A

**Contaminant management**

N leaching vulnerability	Very high
P leaching vulnerability	not available yet
Bypass flow	High
Dairy effluent (FDE) risk category	C if slope > 7 deg otherwise E

**Relative Runoff Potential**

Slope	0-3°	4-7°	8-15°	16-25°	>25°
Risk	VL	VL	VL	VL	L

**Additional information**

Soil classification	Fluvial Raw Soils (WF)
Family	Ashburtonf
Sibling number	41
Profile texture group	Sandy
Soil profile material	Rounded stony soil
Rock class of stones/rocks	From hard sandstone rock
Rock origin of fine earth	From hard sandstone rock
Parent material origin	Alluvium

**Characteristics of functional horizons in order from top to base of profile:**

Functional Horizon	Thickness	Stones	Clay*	Sand*
Stony Sandy Weak	0 - 5 cm	15 - 30 %	0 - 2 %	85 - 95 %
Stony Sandy Loose	5 - 15 cm	15 - 30 %	0 - 2 %	85 - 95 %
Very Stony Sandy Loose	80 - 95 cm	40 - 65 %	0 - 2 %	85 - 95 %

\* clay and sand percent values are for the mineral fines (excludes stones). Silt = 100 - (clay + sand)



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### Soil information for OVERSEER

The following information can be entered in the OVERSEER® Nutrient Budget model. This information is derived from the S-map soil properties which are matched to the most appropriate OVERSEER categories. Please read the notes below for further information.

#### Soil description page

1. Select **Link to S-map**
2. Under S-map sibling data enter the S-map name/ref: **Ashb\_41a.1**

#### Considerations when using Smap soil properties in OVERSEER

- The soil water values are estimated using a regression model based on soil order, parent rock, soil functional horizon information (stone content, soil density class), as well as texture (field estimates of sand, silt and clay percentages). The model is based on laboratory - measured water content data held in the National Soils Database and other Manaaki Whenua datasets. Most of this data comes from soils under long-term pasture and may vary from land under arable use, irrigation, etc.
- Each value is an estimate of the water content of the whole soil within the target depth range or to the depth of the root barrier (if this occurs above the base of the target depth). Where soil layers contain stones, the soil water content has been decreased according to the stone content.
- S-map only contains information on soils to a depth of 100 cm. The soil water estimates in the > 60 cm depth category assume that the bottom functional horizon that extends to 100 cm, continues down to a depth of 150cm. Where it is known by the user that there is an impermeable layer or non-fractured bedrock between 100 and 150 cm, this depth should be entered into OVERSEER. Where there is a change in the soil profile characteristics below 100 cm, the user should be aware that the values provided on this factsheet for the > 60 cm depth category will not reflect this change. For example, the presence of gravels at 120 cm would usually result in lower soil water estimates in the > 60 cm depth category. Note though that this assumption only impacts on a cropping block, as OVERSEER uses soil data from just the top 60 cm in pastoral blocks.
- OVERSEER requires the soil water values to be non-zero integers (even though zero is a valid value below a root barrier), and the wilting point value must be less than the field capacity value which must be less than the saturation value. The S-map water content estimates supplied by the web service have been rounded to integers and may be assigned minimal values to meet these OVERSEER requirements. These modifications will result in a slightly less accurate estimate of Available Water to 60 cm (labelled PAW in OVERSEER) than that provided on the first page of this factsheet, but this is not expected to lead to any significant difference in outputs from OVERSEER.

\* The soil water properties for this specific soil are not available, therefore values for a comparable soil are provided instead.





# SOIL REPORT

Hawke's Bay Regional Council

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S-map correlates soils across New Zealand. Both the old soil name and the new correlated (soil family) name are listed below.

**Family: Matapihi**

Smap ref: Matpi\_28a.1

Irongate (Matapihi\_28a.1)

## Key physical properties

Depth class (diggability)	Moderately deep (70 - 80 cm)
Texture profile	Loam over sandy loam
Potential rooting depth	Unlimited
Rooting barrier	No significant barrier within 1 m
Topsoil stoniness	Stoneless
Topsoil clay range	20 - 30 %
Drainage class	Poorly drained
Aeration in root zone	Limited
Permeability profile	Moderate over rapid
Depth to slowly permeable horizon	No slowly permeable horizon
Permeability of slowest horizon	Moderate (4 - 72 mm/h)
Profile available water	(0 - 100cm or root barrier) High (172 mm)
	(0 - 60cm or root barrier) Very high (123 mm)
	(0 - 30cm or root barrier) High (71 mm)
Dry bulk density, topsoil	0.94 g/cm <sup>3</sup>
Dry bulk density, subsoil	1.22 g/cm <sup>3</sup>
Depth to hard rock	No hard rock within 1 m
Depth to soft rock	No soft rock within 1 m
Depth to stony layer class	Moderately deep



## Key chemical properties

Topsoil P retention	Medium (35%)
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### About this publication

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**Family: Matapihiif**

Snap ref: Matpi\_28a.1

Irongate (Matapihi\_28a.1)

**Additional factors to consider in choice of management practices**

Vulnerability classes relate to soil properties only and do not take into account climate or management

**Soil structure integrity**

Structural vulnerability	High (0.65)
Pugging vulnerability	not available yet

**Water management**

Water logging vulnerability	High
Drought vulnerability - if not irrigated	Low
Bypass flow	High
Hydrological soil group	B/D

**Contaminant management**

N leaching vulnerability	Very low
P leaching vulnerability	not available yet
Bypass flow	High
Dairy effluent (FDE) risk category	C if slope > 7 deg otherwise B

**Relative Runoff Potential**

Slope	0-3°	4-7°	8-15°	16-25°	>25°
Risk	L	L	M	M	H

**Additional information**

Soil classification	Typic Recent Gley Soils (GRT)
Family	Matapihiif
Sibling number	28
Profile texture group	Loamy
Soil profile material	Moderately deep soil
Rock class of stones/rocks	From hard sandstone rock
Rock origin of fine earth	From hard sandstone rock
Parent material origin	Alluvium

**Characteristics of functional horizons in order from top to base of profile:**

Functional Horizon	Thickness	Stones	Clay*	Sand*
Loamy Weak	10 - 20 cm	0 %	20 - 30 %	30 - 50 %
Loamy Weak	60 - 70 cm	0 %	10 - 20 %	50 - 80 %
Very Stony Sandy Loose	10 - 30 cm	50 - 70 %	1 - 10 %	50 - 80 %

\* clay and sand percent values are for the mineral fines (excludes stones). Silt = 100 - (clay + sand)



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#### Soil description page

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2. Under S-map sibling data enter the S-map name/ref: **Matpl\_28a.1**

#### Considerations when using Smap soil properties in OVERSEER

- The soil water values are estimated using a regression model based on soil order, parent rock, soil functional horizon information (stone content, soil density class), as well as texture (field estimates of sand, silt and clay percentages). The model is based on laboratory - measured water content data held in the National Soils Database and other Manaaki Whenua datasets. Most of this data comes from soils under long-term pasture and may vary from land under arable use, irrigation, etc.
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Resource Consent Application  
97 York Road and 62 Irongate Road  
Assessment of Environmental Effects

Item 2

## APPENDIX E

### NES Aerials

Attachment C

Item 2

Attachment C





Item 2

Attachment C





Item 2

Attachment C



## Item 2

## Attachment C





Attachment C

Item 2



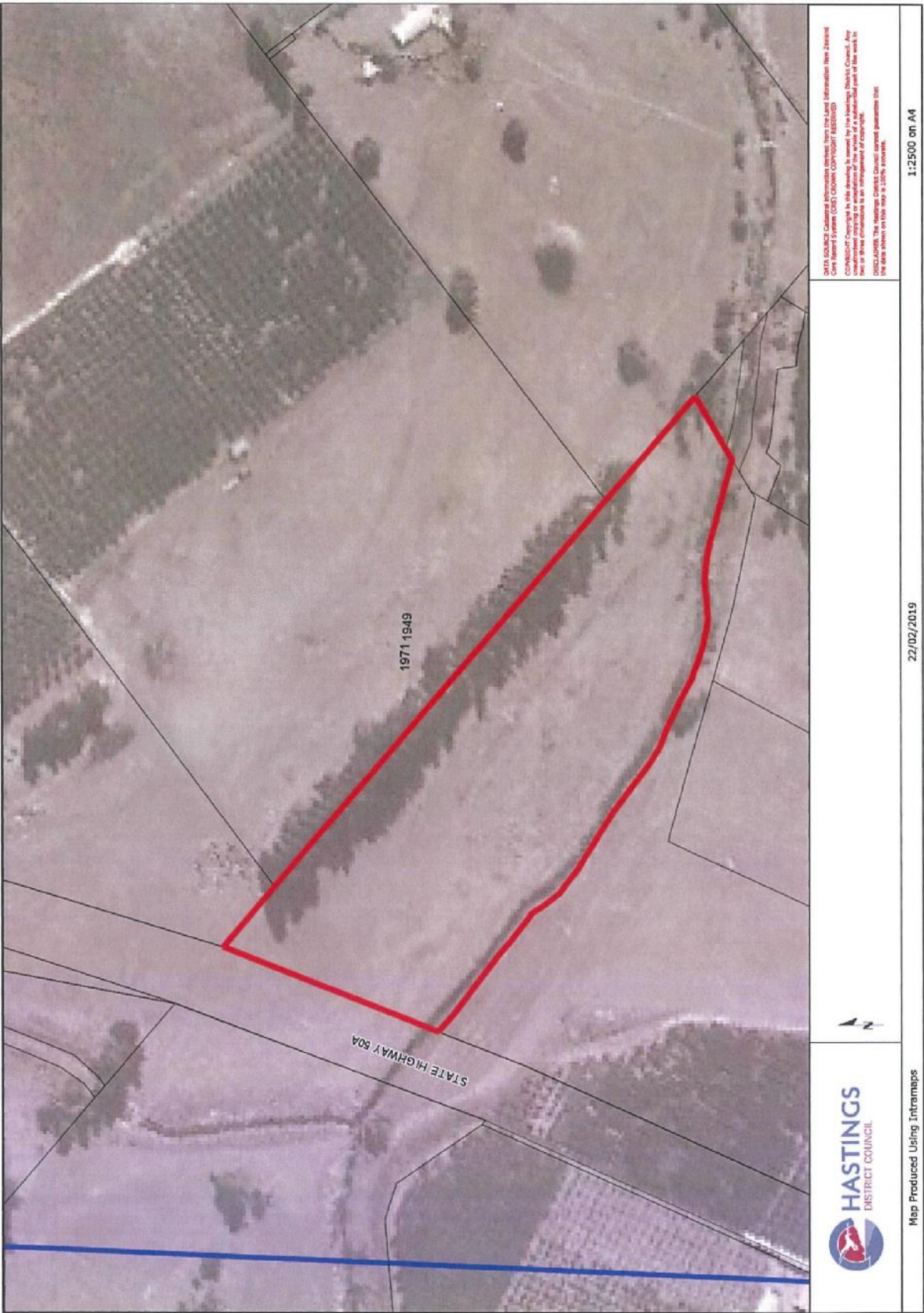




Item 2

Attachment C



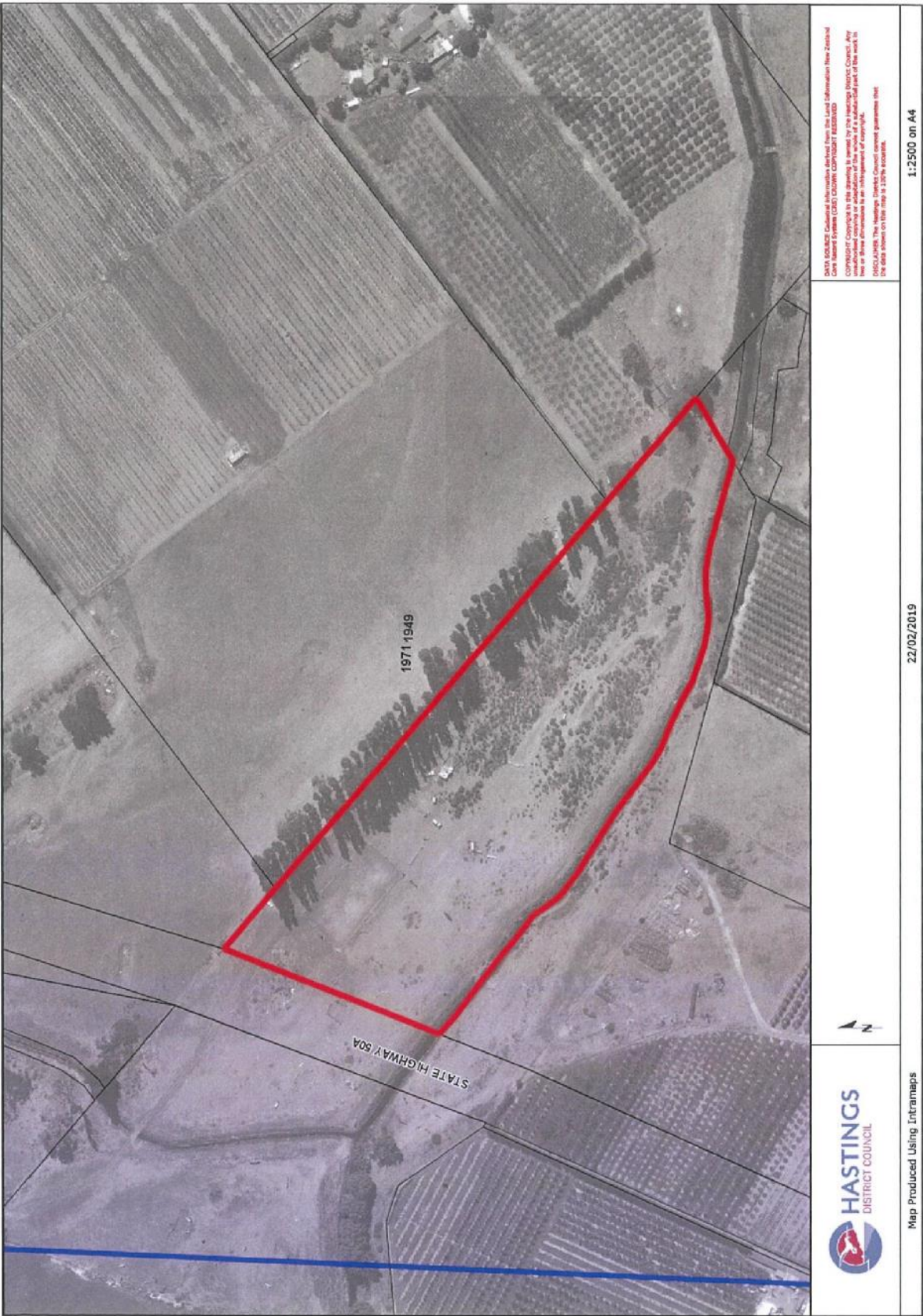


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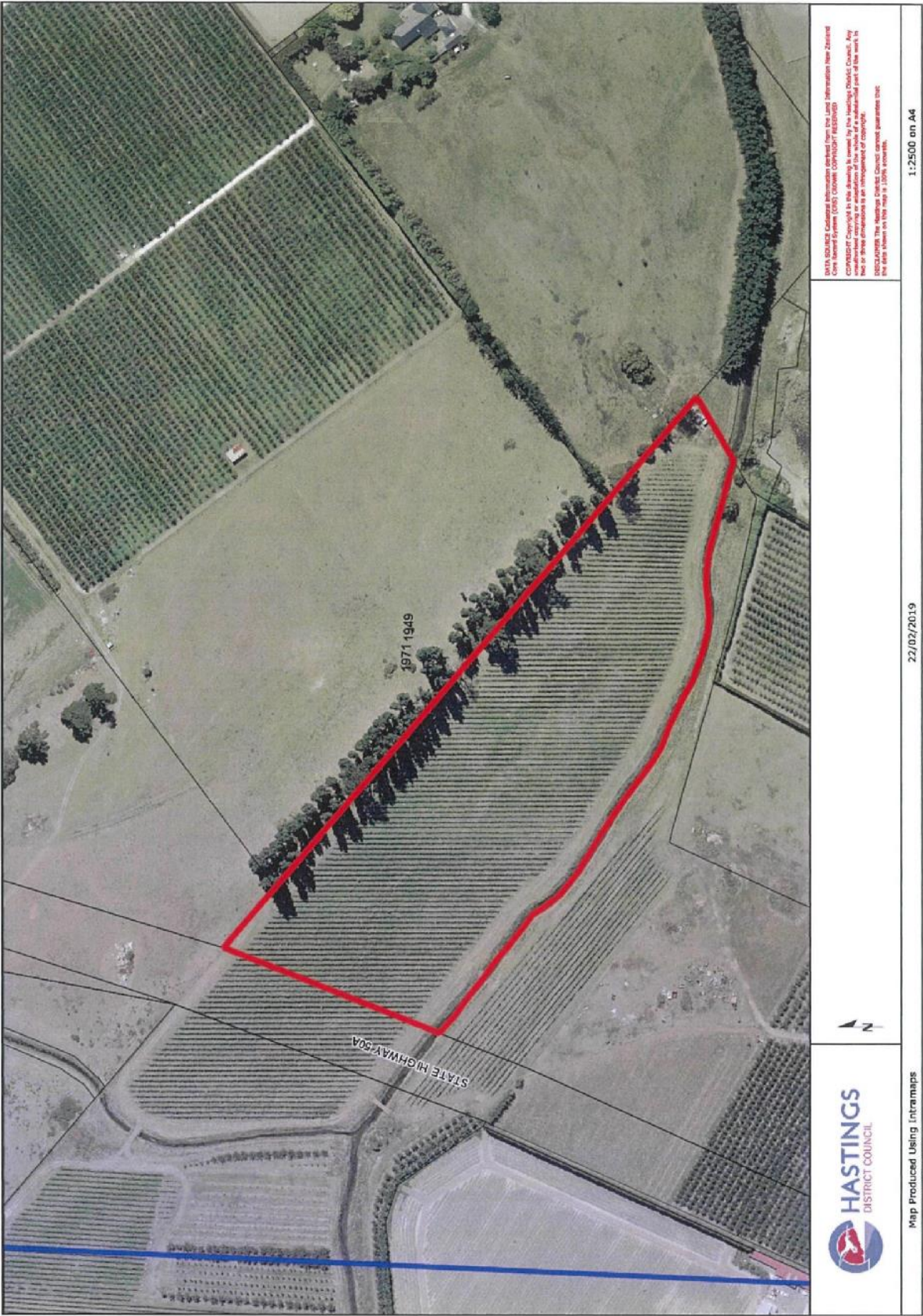




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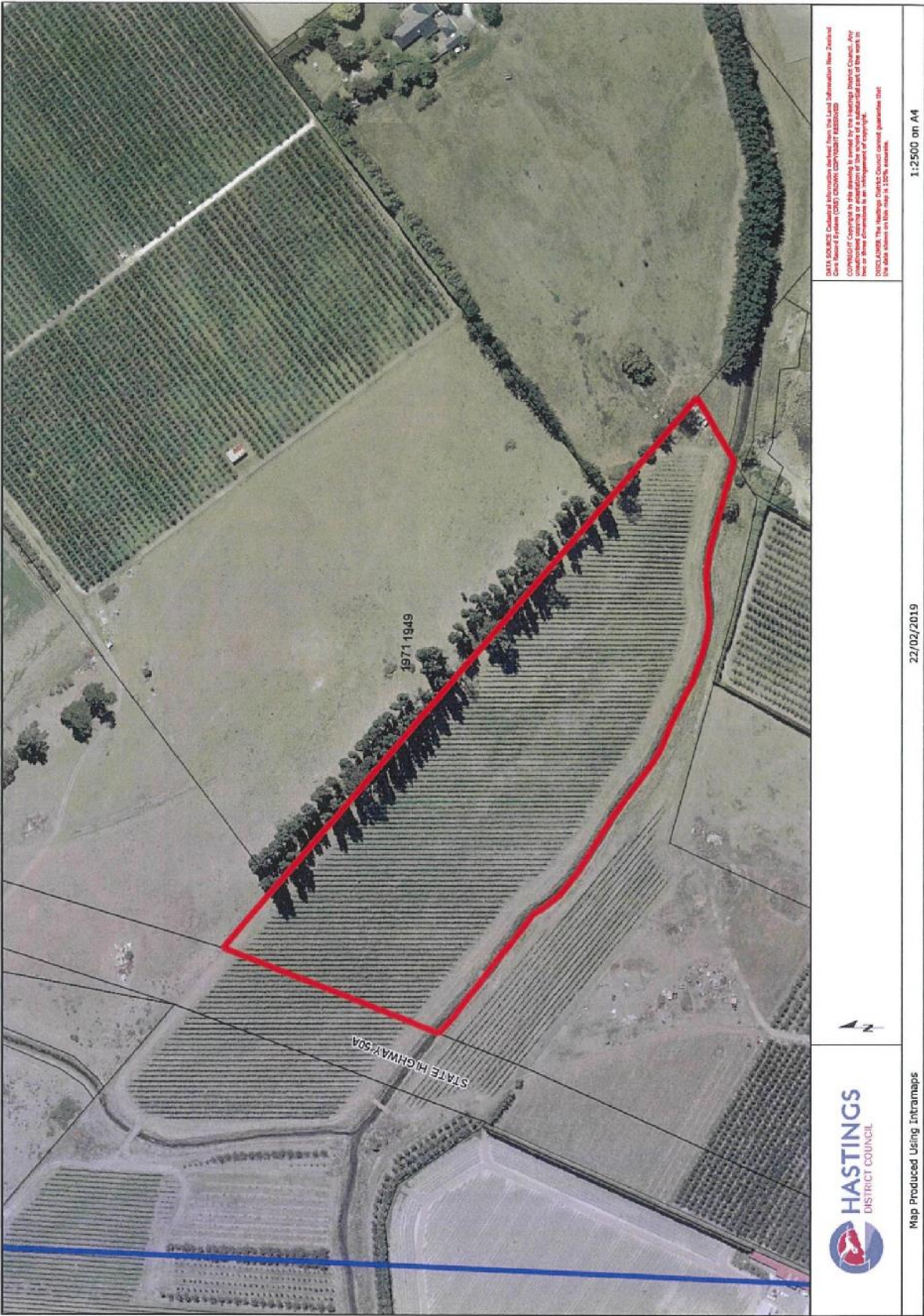




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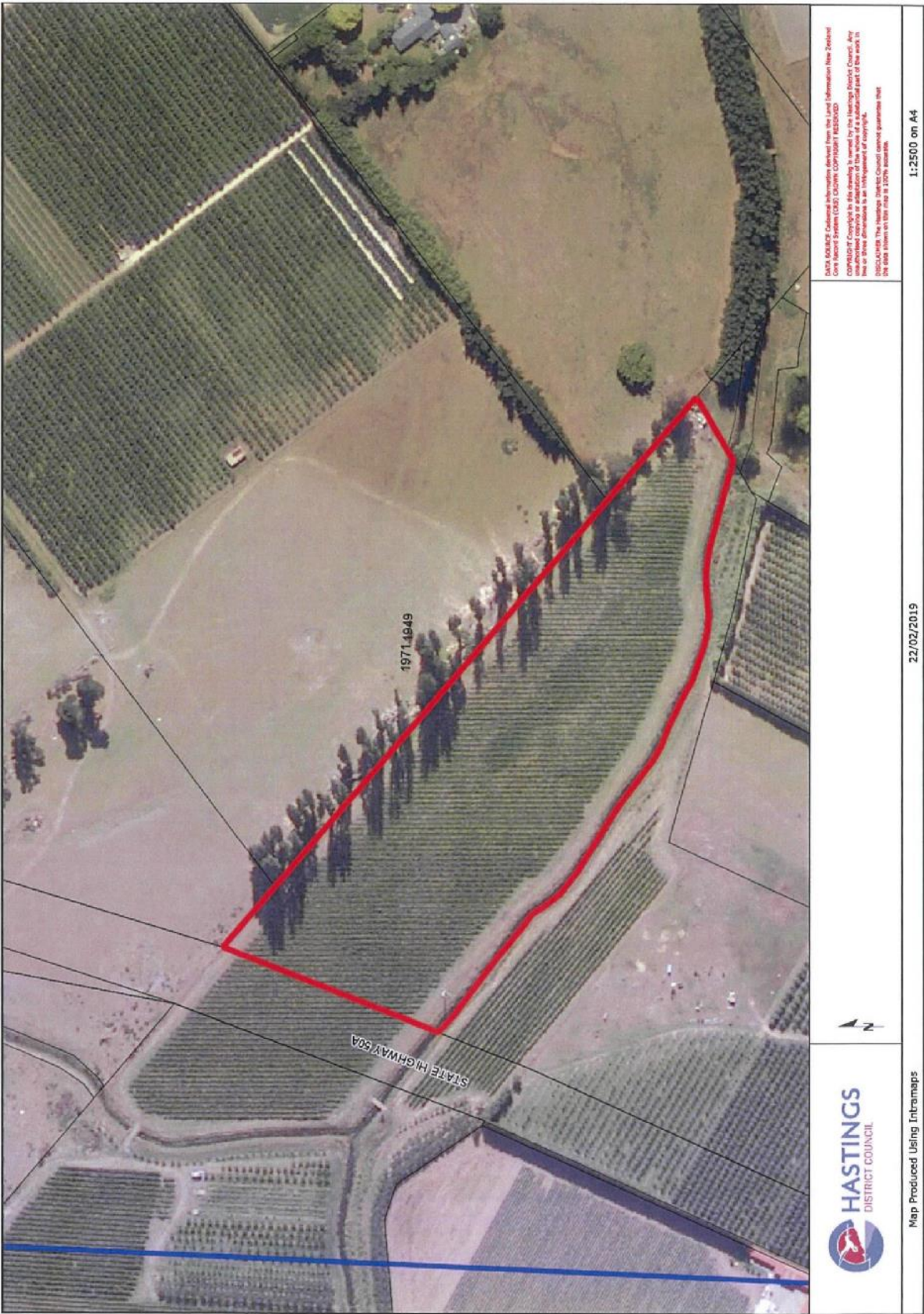




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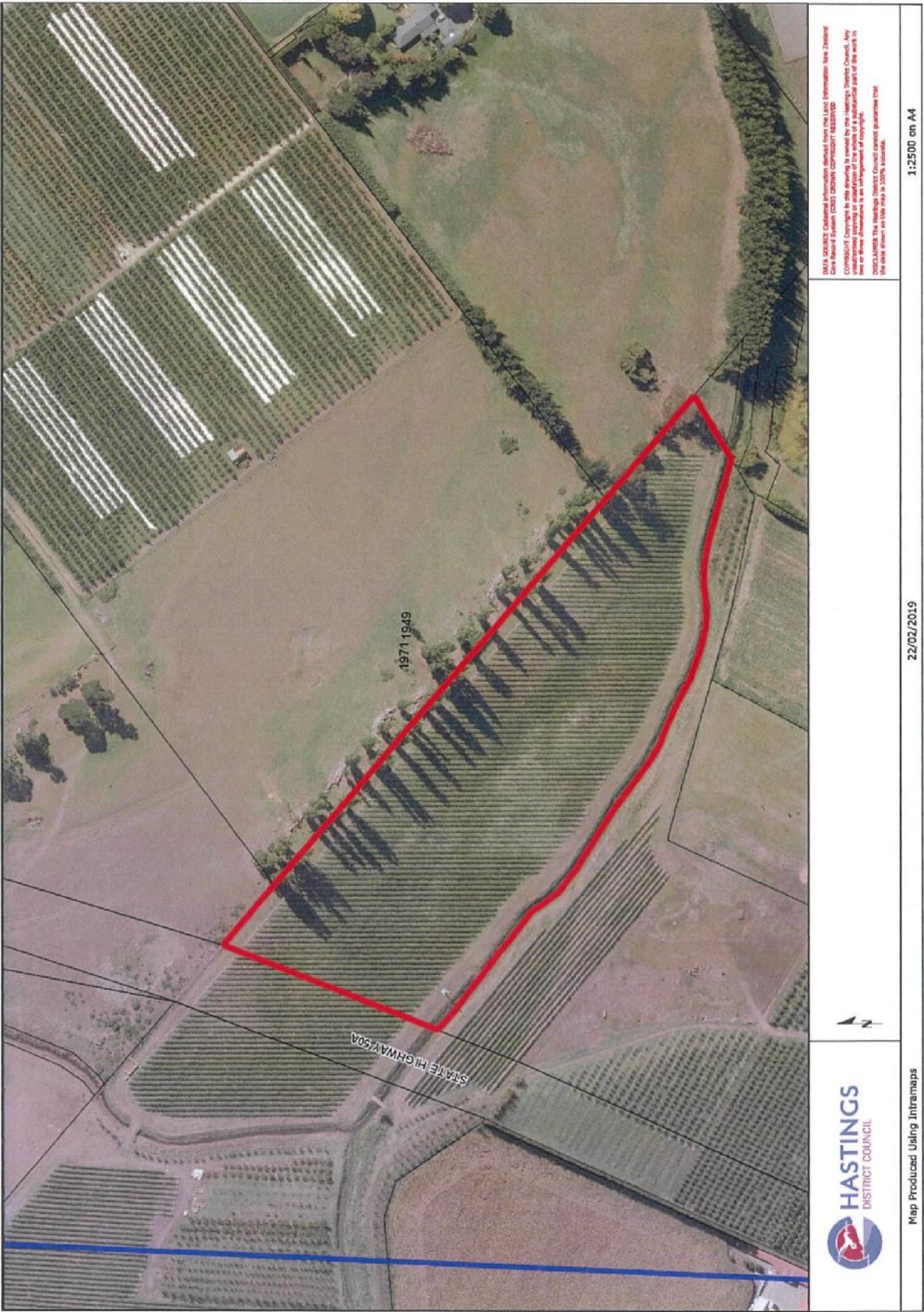




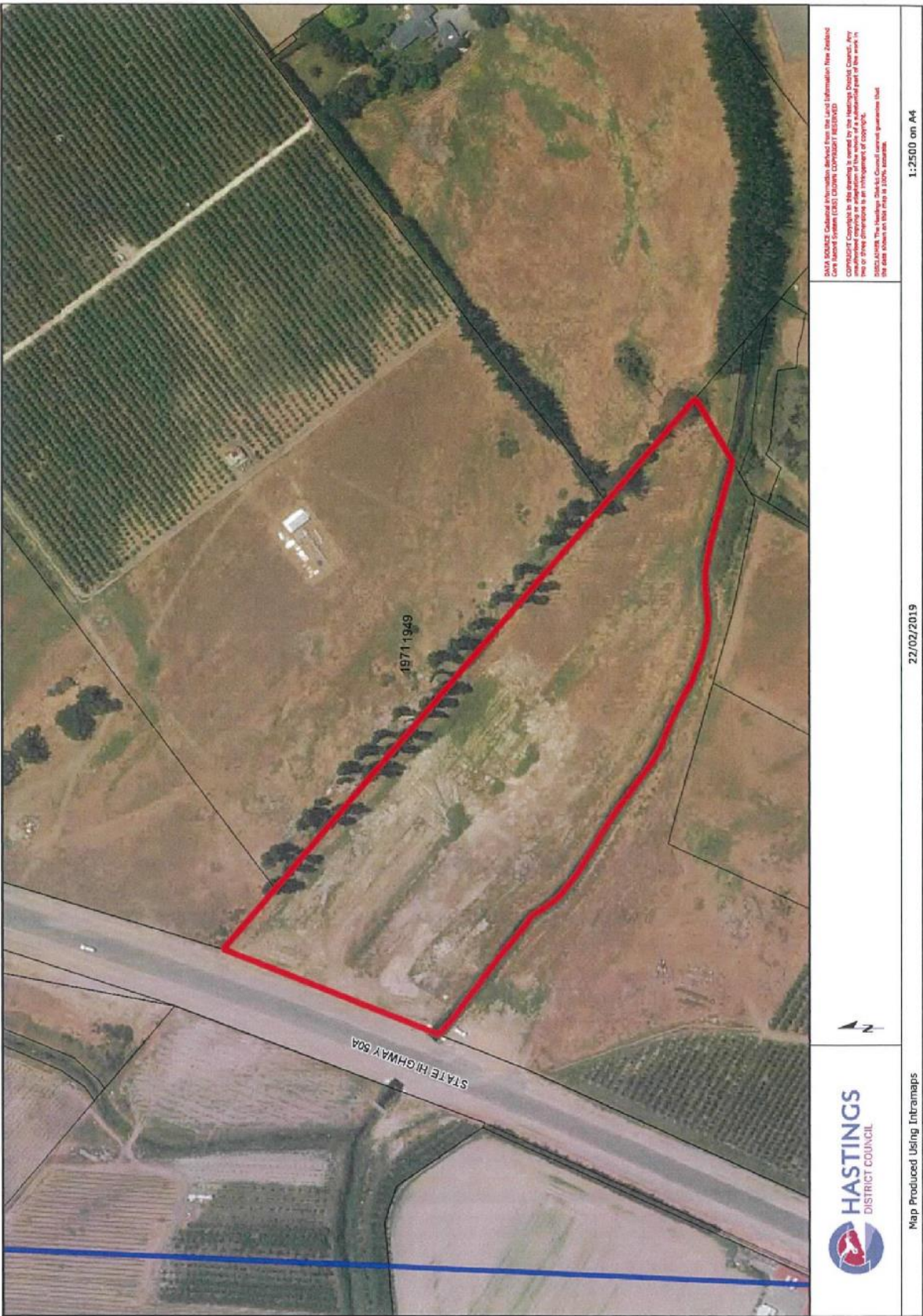
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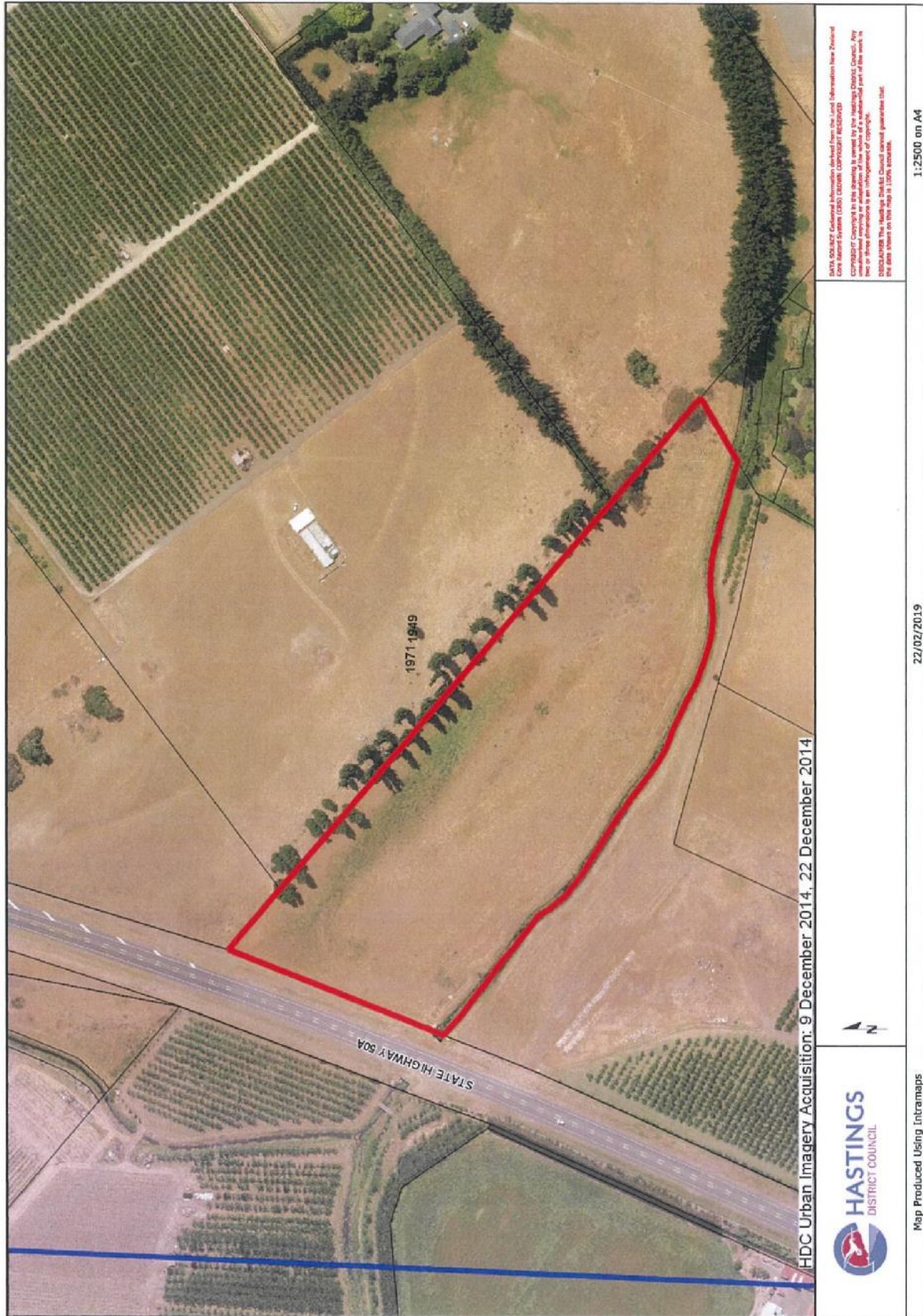




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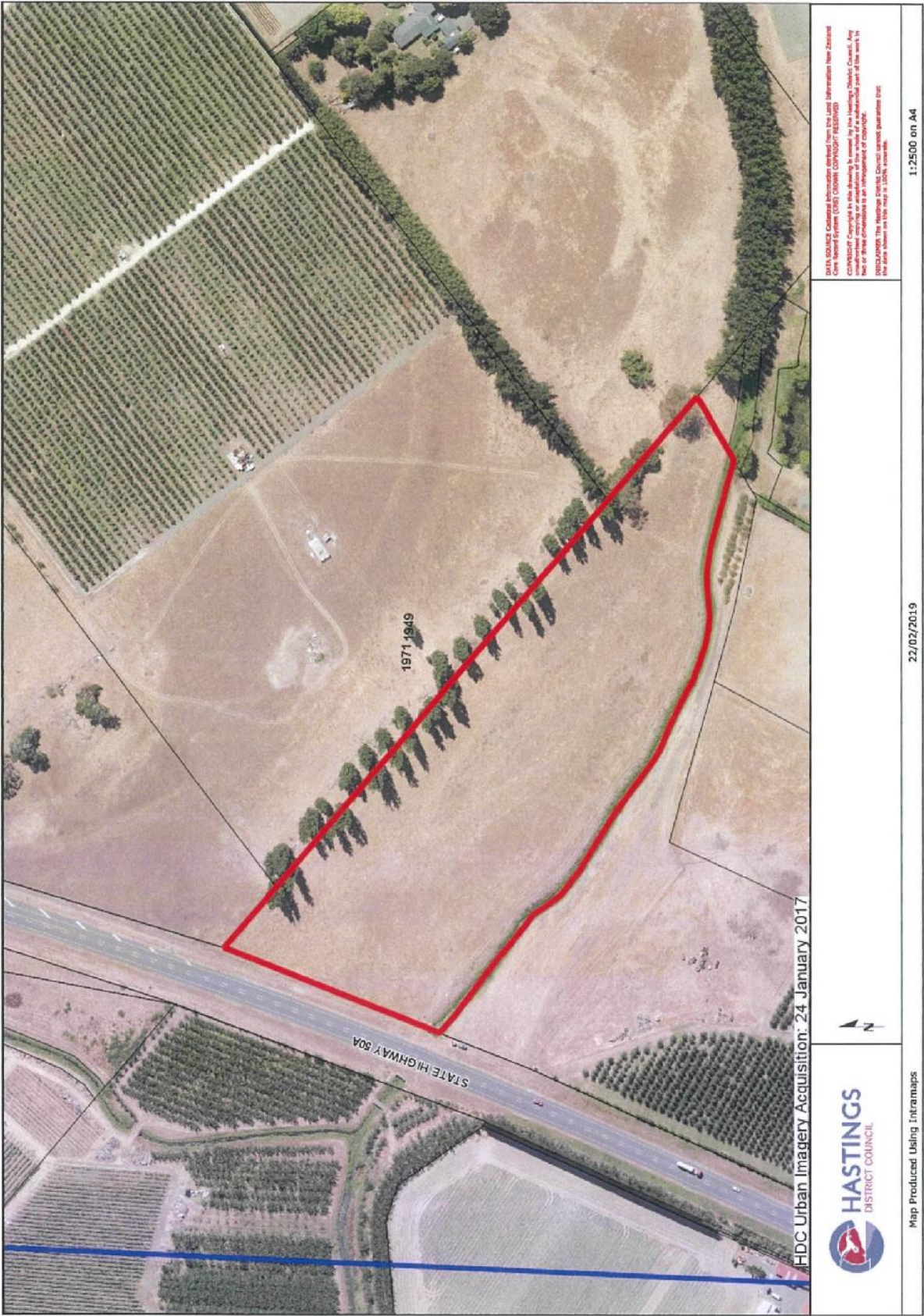




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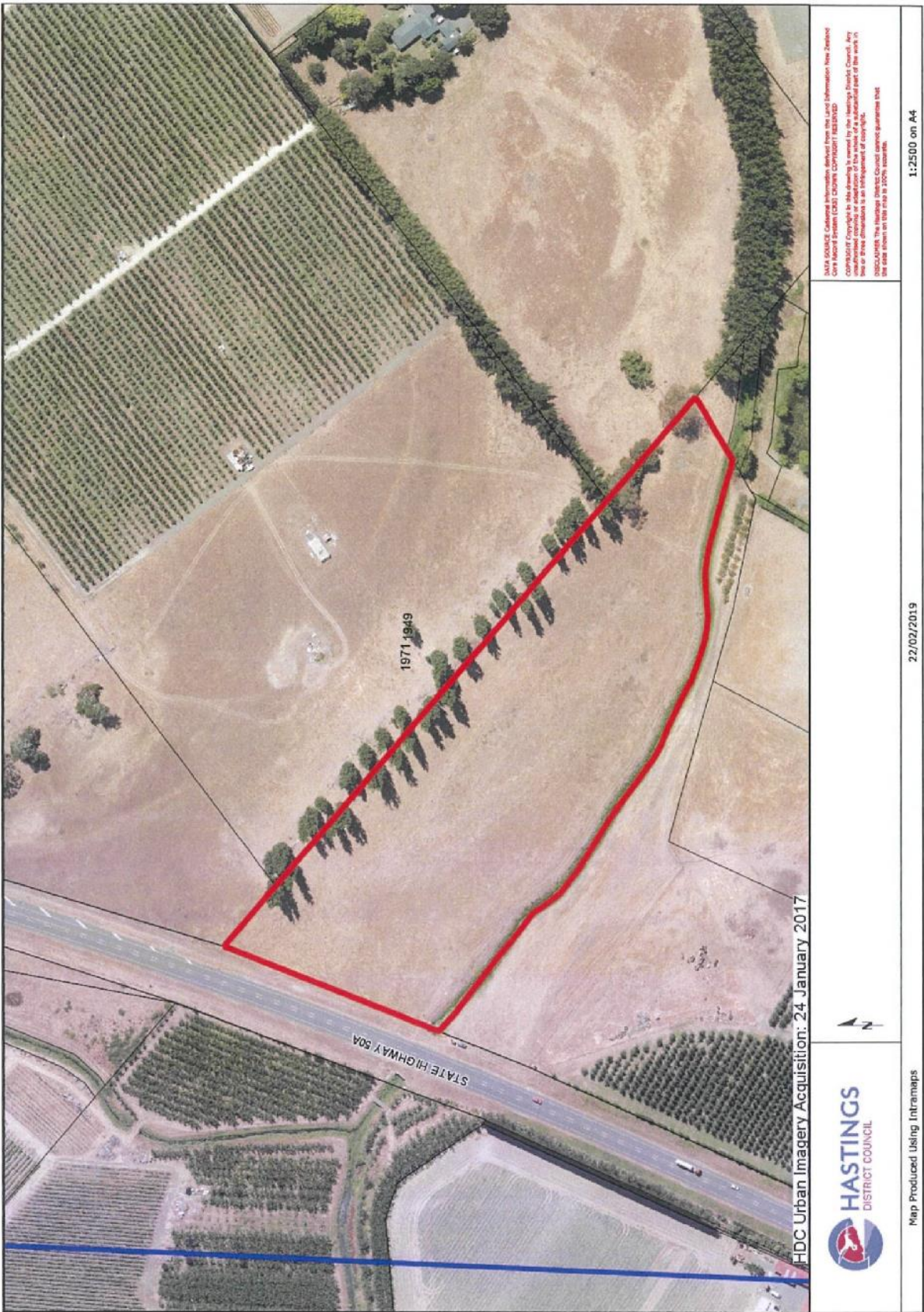




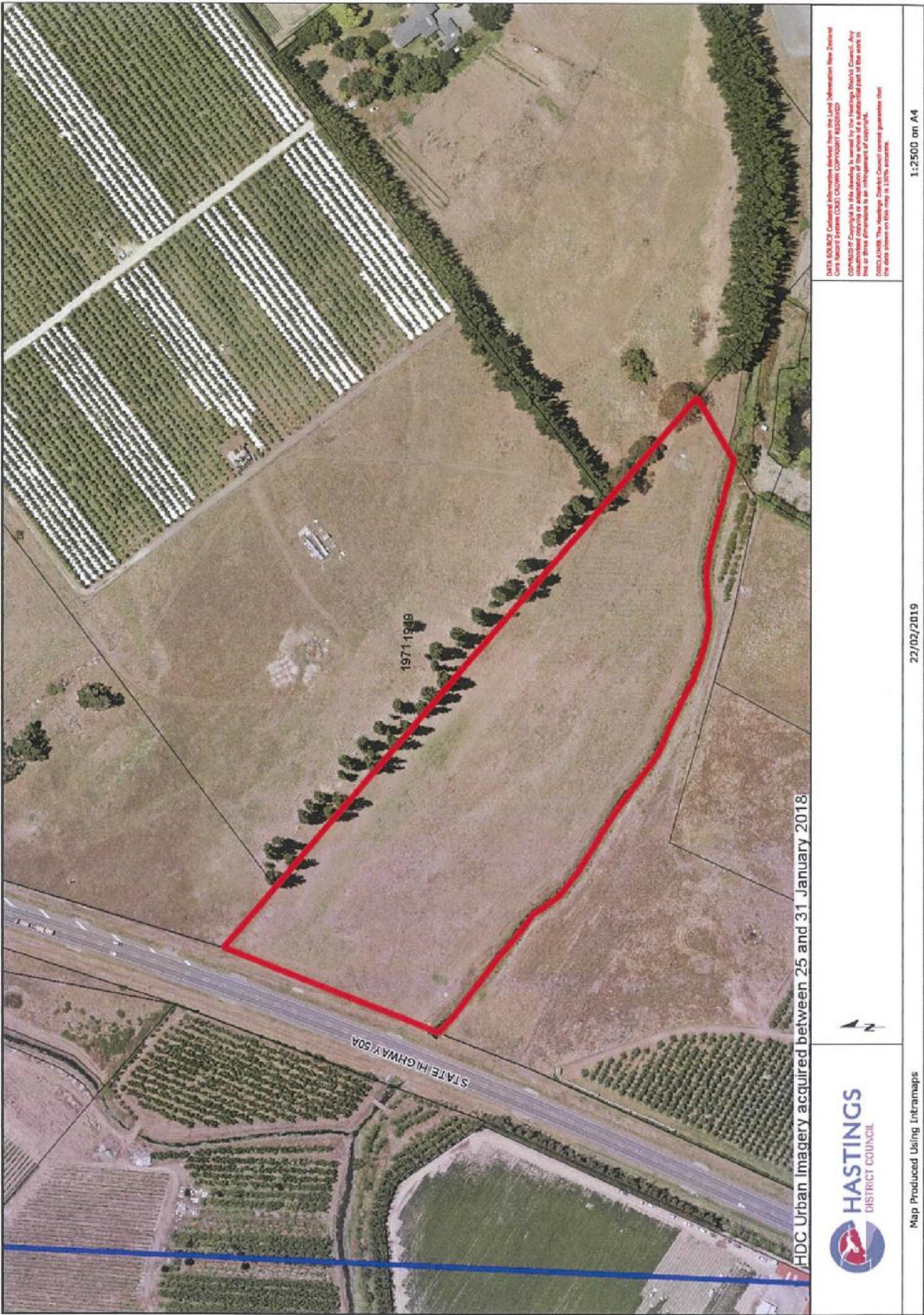
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Attachment C









*Resource Consent Application  
97 York Road and 62 Irongate Road  
Assessment of Environmental Effects*


Item 2

Attachment C

## APPENDIX F

### HB Hazards Report



	<b>HAWKE'S BAY NATURAL HAZARD PROPERTY REPORT</b>	Thursday, 1 November 2018
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**97 York Road, Longlands, Hastings**  
**Hastings District**  
**Part Section 24 Block XV Heretaunga SD**  
**0962030301**

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 Bay Tsunami 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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## (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

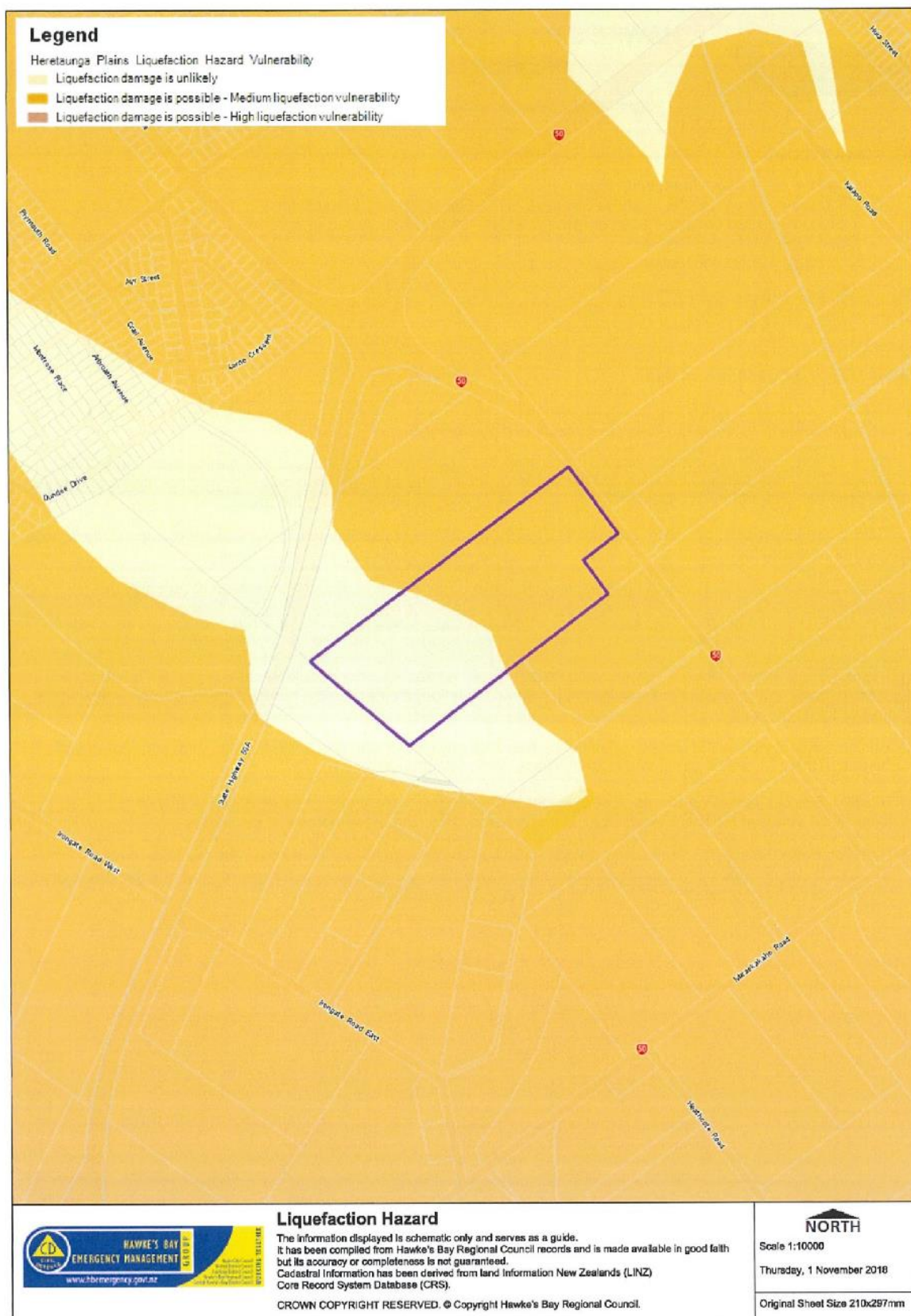
## (viii) Wairoa River Bank Stability Zones

- Wairoa River Bank Stability Assessment


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1. Use of these maps is subject to these disclaimers and exclusions. By using these maps the user is signifying his or her agreement to be bound by these exclusions and disclaimers.
2. 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.
3. 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.
5. 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.
6. 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.
7. 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.
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9. These disclaimers and exclusions shall be governed by, and construed in accordance with, the laws of New Zealand. If any provision of these disclaimers and exclusions is unlawful, void or for any reason unenforceable, that provision shall be deemed severable and shall not affect the validity and enforceability of the remaining provisions.







	<p><b>Natural Hazards Report</b></p> <p>The information displayed is schematic only and serves as a guide. It has been compiled from Hawke's Bay Regional Council records and is made available in good faith but its accuracy or completeness is not guaranteed. Cadastral Information has been derived from land Information New Zealand's (LINZ) Core Record System Database (CRS).</p> <p>CROWN COPYRIGHT RESERVED. © Copyright Hawke's Bay Regional Council.</p>	<p>Thursday, 1 November 2018</p>
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### Liquefaction Report

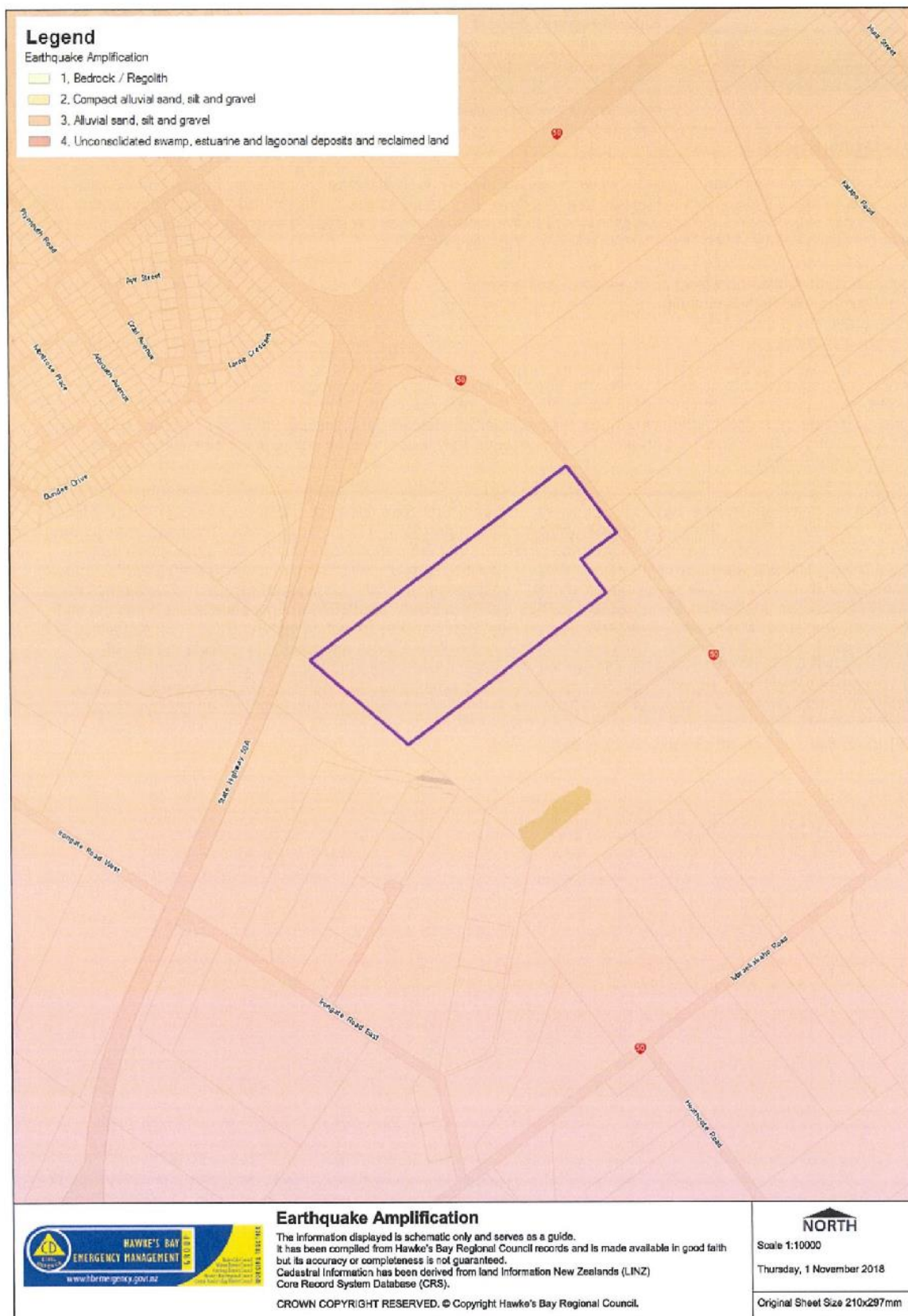
Liquefaction occurs when waterlogged sediments are agitated by an earthquake. As a result, the soil behaves like a liquid, has an inability to support weight and can flow down very gentle slopes. This condition is usually temporary, but buildings can sink and underground pipes may rise to the surface. 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
2. 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 particularly 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).



 <p><b>HAWKE'S BAY EMERGENCY MANAGEMENT</b> www.hbemergency.govt.nz</p>	<p><b>Natural Hazards Report</b></p> <p>The information displayed is schematic only and serves as a guide. It has been compiled from Hawke's Bay Regional Council records and is made available in good faith but its accuracy or completeness is not guaranteed. Cadastral Information has been derived from Land Information New Zealand's (LINZ) Core Record System Database (CRS).</p> <p>CROWN COPYRIGHT RESERVED. © Copyright Hawke's Bay Regional Council.</p>	<p>Thursday, 1 November 2018</p>
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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.

Different frequencies of shaking affect buildings 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







 <p><b>HAWKE'S BAY EMERGENCY MANAGEMENT</b> www.hbemergency.govt.nz</p>	<p><b>Natural Hazards Report</b></p> <p>The information displayed is schematic only and serves as a guide. It has been compiled from Hawke's Bay Regional Council records and is made available in good faith but its accuracy or completeness is not guaranteed. Cadastral Information has been derived from Land Information New Zealand (LINZ) Core Record System Database (CRS).</p> <p>CROWN COPYRIGHT RESERVED. © Copyright Hawke's Bay Regional Council.</p>	<p>Thursday, 1 November 2018</p>
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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.

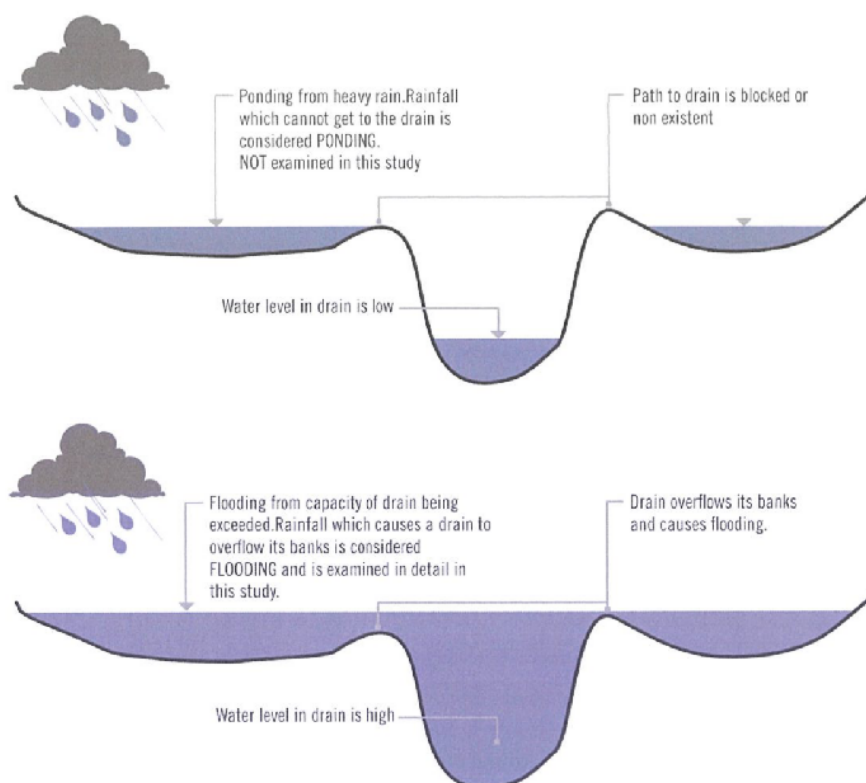
In some flood risk areas, houses and other structures may be elevated above the ground, and would be considered not floodable. These cases are not identified in this flood modelling.

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.





*Resource Consent Application  
97 York Road and 62 Irongate Road  
Assessment of Environmental Effects*

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Attachment C

## APPENDIX G

### Wastewater Report

# Hawke's Bay **Wastewater Management Ltd**

TOTAL SOLUTIONS FOR WASTEWATER TREATMENT  
AND RURAL WATER SUPPLIES

## PROPOSED RSE WORKERS ACCOMODATION

Irongate Project Ltd.  
Maulstad Rd.

Prepared by Hawkes Bay Wastewater Management Ltd



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**HAWKES BAY WASTEWATER MANAGEMENT LTD**  
 525 SPRINGFIELD ROAD  
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 NAPIER  
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 Website : [www.hawkesbaywastewater.co.nz](http://www.hawkesbaywastewater.co.nz)



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11<sup>th</sup> April 2019

**PROPOSED RSE WORKERS ACCOMODATION  
 IRONGATE PROJECT LTD  
 HASTINGS.**

**Assessment of Wastewater Treatment and Disposal Options**

Hawkes Bay Wastewater Management Ltd has been engaged by Irongate Project Ltd to report on Wastewater Treatment and Disposal options and recommend a suitable system for use in the proposed project.

Following a site inspection and desktop evaluation my findings and recommendations are as follows.

**1.0 Soil Assessment**

Soil assessment shows predominately Class 3 soils present onsite underlain by gravels at approximately 1metre deep.

Soils ranged generally from 250mm of organic topsoil underlain by approximately 700 to 800mm of Sandy silt Loams with mixed gravels below. ( AS/NZS1547:2012 )

My recommendation would be to use a drainage class of Class 3 Loams and select a Design Loading Rate ( DLR ) of 20mm/day for trenches/beds.

Low Pressure Effluent Dosing into constructed beds as per AS/NZS 1547:2012 is recommended.

**2.0 Treatment of the Effluent**

The proposed Subdivision is sited on Category 3 soils and is suitable for the discharge of effluent from Advanced Primary Septic Tank Systems.

We would recommend Advanced Primary Treatment of the effluent for this site.

This is in line with current Hawkes Bay Regional Council requirements. A Resource Consent to Discharge Contaminants into the land will be required by the HBRC for the site to comply with Rule 37a-r of the Regional Resource Management Plan 8<sup>th</sup> November 2014. The activity is not a Permitted Activity as Rule 37b cannot be met.

3 x 25,000 litre concrete Advanced Primary Treatment tanks will be required to achieve at least 3 days of retention time within the system. ( See attached design criteria )

**3.0 Disposal Fields and Location**

Assuming a DLR of 20mm/day is used then a 140 bed RSE Workers Accommodation facility would require an Effluent Disposal Field of at least 910m<sup>2</sup> .( See attached Design Criteria. )

**4.0 Recommendations**





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We would recommend an Advanced Primary Treatment system be installed with disposal by way of Low Pressure Effluent Dosing into a specifically designed bed system.

Existing RSE workers accommodation sites that we have designed and completed within the Hastings District and Hawkes Bay Regional Council areas are as follows –

- 1- Sunfruit Orchards, 116 York Rd. 45 persons
- 2- Walmsley RSE Accommodation, 1111 Maraekakaho Rd. 80 persons.
- 3- Walmsley RSE Accommodation No2, 1111 Maraekakaho Rd. 190 persons.
- 4- Walmsley RSE Accommodation, 1266 Maraekakaho Rd. 92 persons.

The above installations are all operating under a HBRC Resource Consent to Discharge Contaminants to the land.

We see no reason why this proposed development would be declined by the HBRC Consents Officers.

All Consent Conditions required by HBRC can be met or exceeded.

#### Attachments –

Design Criteria and Calculations.

Yours Sincerely  
 Terry Christison  
 Director/Owner  
 Hawkes Bay Wastewater Management Ltd

Registration No 07591  
 HDC Producer Statement Author No 2009/0090  
 HBRC Accredited Designer, Installer & Service Provider.

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**HAWKES BAY WASTEWATER MANAGEMENT LTD**

525 SPRINGFIELD ROAD

PO BOX 3094

NAPIER

Phone : 06 8444780

Email : [office@hbwm.co.nz](mailto:office@hbwm.co.nz)Website : [www.hawkesbaywastewater.co.nz](http://www.hawkesbaywastewater.co.nz)

Hastings District Council  
Consents Officers

Please find enclosed the design criteria for –

**SEPTIC TANK AND EFFLUENT DISPOSAL SYSTEM FOR –**

**IRONGATE PROJECT LIMITED**  
**MAULSTAD ROAD**  
**HASTINGS DISTRICT**

**Consent No – ABA**

If you have any queries or require more information please do not hesitate to contact me on the above numbers

Yours Sincerely  
Terry Christison

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**IRONGATE PROJECT LIMITED**  
**MAULSTAD ROAD**  
**HASTINGS DISTRICT**

### SEPTIC TANK SYSTEM DESIGN CALCULATIONS

**The Proposed RSE workers accommodation will service –**  
 140 persons

For the purpose of design loading a capacity of 140 Persons has been allowed for in the calculations.  
 The water supply is by borewater so 130 litres per person per day has been selected.

**140 persons x 130 litres = 18,200 litres per day loading on the disposal bed.**  
**18200 litres/day divided by 20 mm per day design loading rate (DLR) = 910m<sup>2</sup> of disposal bed is required.**  
**A pumped LPED disposal bed of 5000mm wide by 600mm deep with a total length of 182 metres is considered adequate for this particular site.**

#### Design :

- Soil type is Class 3 - Top soil with silt loam and gravels below.
- 1 – The effluent bed shall be 5000mm wide by 600mm deep and 182 metres in total length consisting of 3 runs via a distribution manifold, installed on a level contour.
- 2 – The effluent distribution pipe shall be 100mm slotted Novacoil or Dux Everhard effluent trenching 450 wide with 25mm Lateral laid within.
- 3 – The effluent pipe shall be laid on a 100mm of graded media, surrounded and covered to 100mm above the top of the pipe. Geotex cloth shall be placed on top of the media and then backfilled with topsoil flush with ground level or alternately Dux Everhard trenching installed as per AS/NZS 1547:2012.
- 4 – The effluent lines shall be laid on a level contour
- 5 – The Septic Tanks shall be concrete single chamber tanks of 25,000 Litre capacity and will be fitted with a Zabel A1800 effluent filter and pump station.

This field design has been prepared using information supplied and calculations from AS/NZS 1547 and TP58. The system will be installed in accordance with best trade practices and intentions however HBWM Ltd takes no responsibility for trench failure due to weather conditions, runoff, damage by stock, Hydraulic failure due to overloading and failure by the owner to ensure the system is maintained and looked after in a proper manner.

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AS/NZS 1547:2012

TABLE L1  
 RECOMMENDED DESIGN LOADING RATES FOR TRENCHES AND BEDS

Soil category	Soil texture	Structure	Indicative permeability (K <sub>sat</sub> m/d)	Design loading rate (DLR) (mm/d)			ETA/ETS beds and trenches
				Trenches and beds		Secondary treated effluent	
				Primary treated effluent Conservative rate	Maximum rate		
1	Gravels and sands	Structureless (massive)	> 3.0	20 (see Note 1)	25 (see Note 1)	50 (see Note 1)	
2	Sandy loams	Weakly structured	> 3.0	20 (see Note 1)	30 (see Note 1)	50 (see Note 1)	
		Massive	1.4 - 3.0	15	25	50	(see Note 4)
3	Loams	High/moderate structured	1.0 - 3.0	12	20	50	
		Weakly structured or massive	0.5 - 1.0	10	20	30	
4	Clay loams	High/moderate structured	0.5 - 1.0	10	15	30	12
		Weakly structured	0.12 - 0.5	8	10	20	8
		Massive	0.06 - 0.12	4	5	10	5
5	Light clays	Strongly structured	0.12 - 0.5	5	8	12	6
		Moderately structured	0.06 - 0.12		8	10	
		Weakly structured or massive	< 0.06			8	
6	Medium to heavy clays	Strongly structured	0.06 - 0.5	(see Notes 2 & 3)			(see Notes 2, 3, & 5)
		Moderately structured	< 0.06				
		Weakly structured or massive	< 0.06				

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**NOTES**

- The treatment capacity of the soil and not the hydraulic capacity of the soil or the growth of the clogging layer govern the effluent loading rate in Category 1 and weakly structured Category 2 soils. Land application systems in these soils require design by a suitably qualified and experienced person, and distribution techniques to help achieve even distribution of effluent over the full design surface (see L6.2 and Figure L4 for recommended discharge method by discharge control trench). These soils have low nutrient retention capacities, often allowing advection of nutrients to groundwater.
- To enable use of such soils for on-site wastewater land application systems, special design requirements and distribution techniques or soil modification procedures will be necessary. For any system designed for these soils, the effluent absorption rate shall be based upon soil permeability testing. Specialist soils advice and special design techniques will be required for clay dominated soils having dispersive, sodic or shrink/swell behaviour. Such soils shall be treated as Category 6 soils. In most situations, the design will need to rely on more processes than just absorption by the soil.
- If K<sub>sat</sub> < 0.08 m/d, a full water balance for the land application can be used to calculate trench/bed size (see Appendix D).
- ETA/ETS systems are not normally used on soil Categories 1 to 3.
- For Category 6 soils ETA/ETS systems are suitable only for use with secondary treated effluent.

## NOTES

- The treatment capacity of the soil and not the hydraulic capacity of the soil or the growth of the plogging layer govern the effluent loading rate in Category 1 and weakly structured Category 2 soils. Land application systems in these soils require design by a suitably qualified and experienced person, and distribution techniques to help achieve even distribution of effluent over the full design surface (see L6.7 and Figure L4 for recommended discharge method by discharge control trench). These soils have low nutrient retention capacities, often allowing accessions of nutrients to groundwater.
- To enable use of such soils for on-site wastewater land application systems, special design requirements and distribution techniques or soil modification procedures will be necessary. For any system designed for these soils, the effluent absorption rate shall be based upon soil permeability testing. Specialist soils advice and special design techniques will be required for clay dominated soils having dispersive, sodic or shrink/swell behaviour. Such soils shall be treated as Category 6 soils. In most situations, the design will need to rely on more processes than just absorption by the soil.
- If  $K_{sat} < 0.06$  m/d, a full water balance for the land application can be used to calculate trench/bed size (see Appendix Q).
- ETA/ETS systems are not normally used on soil Categories 1 to 3.
- For Category 6 soils ETA/ETS systems are suitable only for use with secondary treated effluent.

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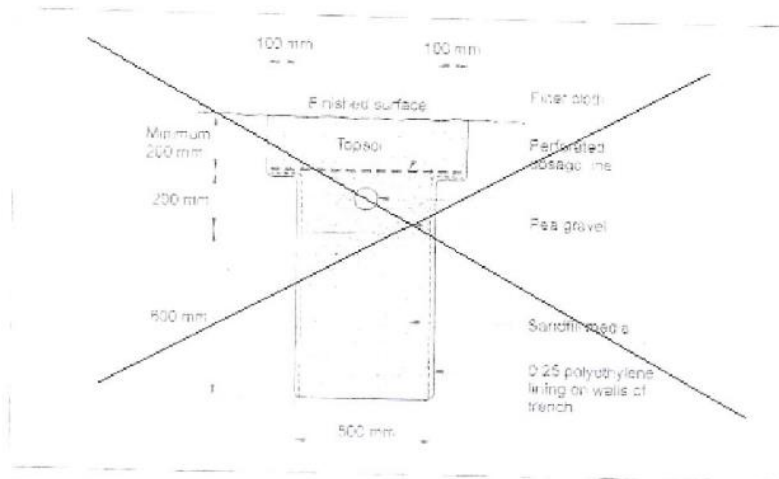


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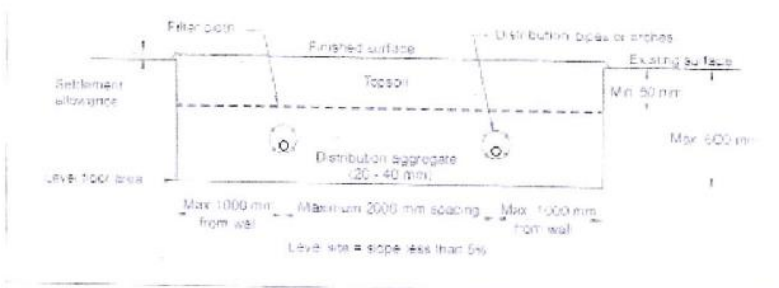
153

AS/NZS 1547:2012



NOTE: A LINED line can be used for dose feeding instead of the perforated line.

FIGURE L4 DISCHARGE CONTROL TRENCH



NOTE: LINED line can be used instead of distribution pipes when dose feeding effluent into beds.

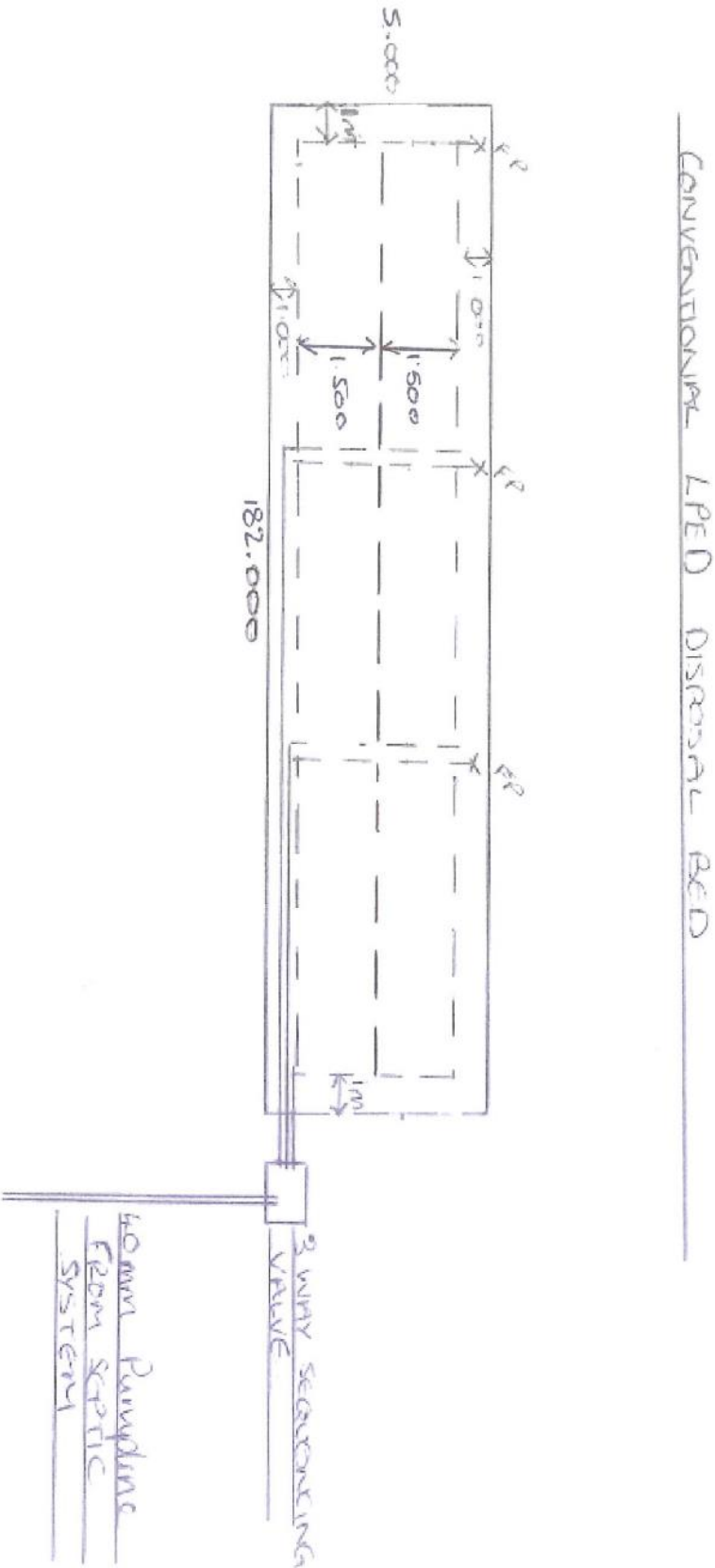
FIGURE L5 CONVENTIONAL BED

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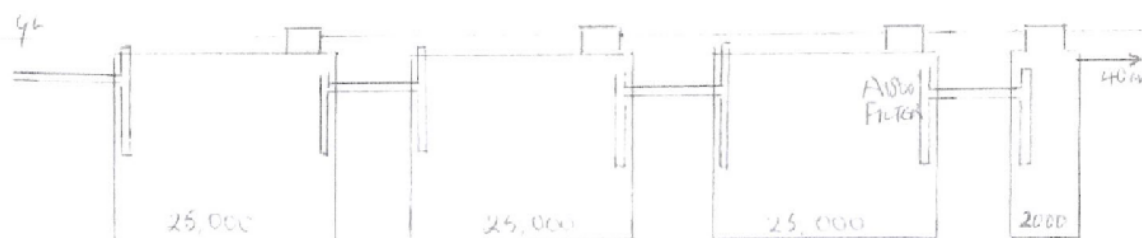
**Oasis Clearwater**  
ENVIRONMENTAL SYSTEMS

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### ADVANCED PRIMARY SEPTIC SYSTEM DESIGN



3 x 25,000 LITRE ADVANCED PRIMARY  
TREATMENT TANKS

2000 LITRE PUMP CHAMBER WITH D53 HIGH HEAD PUMP  
DISCHARGING TO LPLD BEDS VIA 40MM PUMP LINE.  
PUMP CHAMBER FITTED WITH HIGH WATER LEVEL ALARM.

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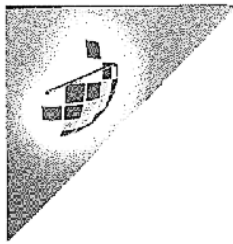
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97 York Road and 62 Irongate Road  
Assessment of Environmental Effects*

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## APPENDIX H

Property Group Letter (Historic)



the  
propertygroup

Corporate Property Advisors and Negotiators®

The Property Group Limited  
Level 1, PwC Centre  
36 Munroe Street  
Napier South 4110  
PO Box 49  
Napier 4140, New Zealand  
Phone: 64-6-834 1232  
Facsimile: 64-6-834 4213  
DX: MP70014

30 May 2012

Our Reference: CPC/2006/11593

Barry James Rosenberg & Mark Alexander Stoddard  
C/ Barry Rosenberg  
97 York Road  
HASTINGS 4120

Dear Barry

**SURPLUS NZ TRANSPORT AGENCY LAND: SECTION 66 SO PLAN  
438108, HASTINGS**

The Property Group Limited ("TPG") has been engaged by the NZ Transport Agency ("NZTA") to facilitate the disposal of surplus Crown land adjoining your property as a direct result of construction of the Hawkes Bay Expressway Project.

The parcel of land is described as Section 66 on Survey Office Plan 438108 being 3.4960 hectares contained in Computer Interest Register 552617 ("the Property").

As the adjoining owner, you are invited to purchase the Property by completing and returning duplicate copies of the attached Agreement for Sale and Purchase of Real Estate (Eighth Edition 2006) approved by the Real Estate Institute of New Zealand and the Auckland District Law Society ("the Agreement"). We have included for your information the Crown valuation completed by Ton Remmersewaal, Registered Valuer of Valuationplus.

The Property is landlocked and is being disposed of pursuant to Section 40 (4) of the Public Works Act 1981 conditional upon it being amalgamated with the adjoining title (HB131/66) owned by you.

We recommended legal advice be sought before signing the Agreement.

The Agreement must be enclosed in a sealed envelope marked and received by 4:30 pm on Friday 29 June 2012 or such later date as the Crown may specify.

**The Agreement shall be posted or delivered to:**

The Property Group Limited  
PO Box 49  
Napier 4141

Letter to B Rosenberg fwd sale & purchase agreement 30 05 12.docx



*Resource Consent Application  
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## APPENDIX I

HBRC consultation Confirmation



24<sup>th</sup> April 2019

John Roil  
Irongate Rd,  
Hastings

Lattey Civil and Precast have the capabilities to provide a structural design and complete the construction of the proposed bridge on Irongate Road. Lattey's has engaged David Carruth from Hawkes Bay Regional Council to visit the site and give his recommendation. David has expressed the following;

"Hi Jonty,

No issues with what you are proposing. As previously discussed with Gary, so long as you are dimensioning the bridge to accommodate the same flow as that which passes through the expressway culvert situated just upstream, plus the additional flow from catchment draining to the proposed bridge site, then that should be fine.

A basic hydrological and hydraulic assessment which covers the impact the bridge would have on flood levels and satisfies the related consent requirements would be spot on.

Hope this email is sufficient to give John confidence to move forward with this project.

Kind Regards

David"

Having David's statement above outlines from the Hawkes Bay Regional Council will have no objections in the proposed bridge as long as we meet the guidelines.

Thanks

Jonty Underhill  
Contracts Manager

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