

Hastings District Council

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OPEN A G E N D A

HEARINGS COMMITTEE MEETING

Meeting Date: **Monday, 29 October 2018**

Time: **9.30am**

Venue: **Council Chamber
Ground Floor
Civic Administration Building
Lyndon Road East
Hastings**

**(PROPOSED SUBDIVISION OF 126 MAIN ROAD, CLIVE INTO 6
RESIDENTIAL SITES, A COMMERCIAL SITE AND AN ESPLANADE
RESERVE)**

Committee Members	Panel Members Rostered on for this hearing: Chair: Councillors Lyons, Barber and Redstone Other Hearings Committee Members (not rostered on for this hearing): Councillors Heaps and Kerr and Hastings District Rural Community Board Member: Mr P Kay
Officer Responsible	Environmental Consents Manager – Murray Arnold
Reporting Planner	Senior Environmental Planner (Consents) – Dave Bishop
Committee Secretary	Christine Hilton (Ext 5633)

Hearings Committee – Terms of Reference

Fields of Activity

The Hearings Committee is established to assist the Council by hearing and determining matters where a formal hearing is required under the provisions of the:

- Resource Management Act 1991
- Building Act 2004
- Health Act 1956
- Dog Control Act 1996
- Litter Act 1979
- Hastings District Council Bylaws
- Local Government Act 1974
- Local Government Act 2002
- Gambling Act 2003

Membership (6 including 5 Councillors)

Chairman appointed by the Council

Deputy Chairman appointed by the Council

3 other Councillors

1 member appointed by the Council from the Hastings District Rural Community Board

Quorum* –

- a) All members including the Chair (or Deputy Chair, in the Chair's absence) sitting on a hearing must be accredited (as of 12 September 2014).
- b) A maximum of three members including the Chairperson (or Deputy Chair, in the Chair's absence) to meet for any one hearing, except for Council Initiated Plan Change hearings where all members may attend and take part in the decision making process.
- c) For Hearings other than Council Initiated Plan Change hearings the quorum shall be two members.
- d) For Council Initiated Plan Change Hearings the quorum shall be three members.
- e) Members to sit on any hearing other than a Council Initiated Plan Change Hearing shall be selected by agreement between the Chair (or Deputy Chair, in the Chair's absence) and the Group Manager: Planning and Regulatory Services.
- f) For the purpose of hearing any objection in respect of the matters detailed under the Dog Control Act 1996 the Hearings Committee will consist of any three members selected by the Chair.

*In the case of hearings under the provisions of the Resource Management Act 1991 the quorum is to meet the obligations contained in section 39B of the Act.

Delegated Powers

HEARINGS COMMITTEE

1. RESOURCE MANAGEMENT ACT 1991

Pursuant to Section 34(1) of the Resource Management Act 1991 the Hearings Committee of Council is delegated power to:

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| 1) Hear, consider and decide upon any Resource Consent application or any other application made to Council under the Act (including private plan change requests). For the avoidance of doubt, this includes the use or exercise of any powers vested in the Council under the Act to process, hear and decide upon any such application. | Decide on Applications and Private Plan Change requests. |
| 2) Hear, consider and recommend to the Strategy, Planning and Partnerships Committee or Council as it considers appropriate, on submissions made on any proposed plan or any Council initiated change to the District Plan or variations to the Proposed Plan. | Submission on Council Plan Changes. |
| 3) Appoint a Commissioner or Commissioners to hear, consider and decide on any Resource Consent application or any other application made to Council under the Act. This | Appoint Commissioner for Resource Consents. |

delegation is subject to the requirement that any Hearings Commissioner(s) appointed shall hold a valid certificate of accreditation under section 39A of the Act.	
4) Appoint a Commissioner or Commissioners to hear, consider and recommend to the Strategy, Planning and Partnerships Committee or Council as it considers appropriate, on any submissions made on any proposed plan or any Council or privately initiated change to the District Plan. This delegation is subject to the requirement that any Hearings Commissioner(s) appointed shall hold a valid certificate of accreditation under section 39A of the Act.	Appoint Commissioner for Proposed District Plan and Council or Private Plan Changes.
5) Extend any time limits or waive compliance with any requirement specified in the Act or Regulations in respect of any matter before it under the Act and pursuant to the above delegations pursuant to Section 37 of the Act.	Extend Time Limits and Waive Compliance.
6) Hear and determine any objection made pursuant to Section 357, 357A, 357B, 357C and 357D of the Act	Review of Decisions made under Delegation.
7) Make an order, pursuant to Section 42 of the Act, relating to the protection of sensitive information in respect of any matter before it.	Protection of Sensitive Information.
8) Waive, pursuant to Section 42A(4) of the Act, compliance with Section 42A(3) of the Act relating to the receiving of officers' reports in respect of any matter before it.	Waive Time for Receipt of Officers' Reports.
9) Determine, pursuant to Section 91 of the Act, not to proceed with a hearing of an application for Resource Consent where it considers additional consents under the Act are required in respect of any application before it.	Defer Application Where Other Consents Required.
10) Require, pursuant to Section 92 of the Act, further information relating to any application before it and postpone notification, hearing or determination of the application.	Require Further Information.
11) The above delegations shall apply with all necessary modifications to:	
i) Any notice of review of Consent conditions issued by Council pursuant to Section 128 of the Act or by any committee or officer or the Council having delegated authority to do so.	Review of Consent Conditions.
ii) Any submissions on any requirement for a designation or alteration to a designation made pursuant to Sections 168, 168A or 181 of the Act.	Hear Submissions on Designations.
iii) Any submissions on any requirement for a Heritage Order made pursuant to Section 189 and 189A of the Act.	Hear Submissions on Heritage Orders.
12) Consider and make recommendations on any requirement for a designation or alteration to a designation pursuant to Section 171 of the Act.	Recommendations and Designations.
13) Consider and decide on any amendments to Council's District Plan to alter any information, where such an alteration is of minor effect, or may correct any minor errors pursuant to Clause 16(2) or 20A of Part 1 of the First Schedule to the Act.	Amend District Plan.

2. HEALTH ACT 1956

Pursuant to Clause 32 of Part 1 of the Seventh Schedule to the Local Government Act 2002 and Section 23 of the Health Act 1956 the Hearings Committee is delegated authority to:

i) Hear explanations against a notice to revoke registration issued pursuant to Clause 9 of the Health (Registration of Premises) Regulations 1966.	Explanations Registration Should Not be Revoked.	Why
ii) Hear and determine any appeal against a direction or decision of any officer acting under delegated authority and any application or objection made pursuant to Clause 22 of the Housing Improvement Regulations 1974.	Determine Applications or Objections to Requirements Under Housing Improvement Regulations.	Appeals,

3. DOG CONTROL ACT 1996

Pursuant to Clause 32 of Part 1 of the Seventh Schedule to the Local Government Act 2002, the Hearings Committee is delegated authority to hear and determine any objections lodged against any decision of an officer acting under delegated authority or any notice issued by a Dog Control Officer pursuant to the following Sections.

Decide on objections under the Dog Control Act 1996

Section 22	Objection to the classification as a probationary owner.
Section 26	Objection to disqualification from being an owner of a dog
Section 31	Objection to the classification of a dog as a dangerous dog
Section 33B	Objection to the classification of a dog as a menacing dog under section 33A.
Section 33D	Objection to the classification of a dog as a menacing dog under section 33C as it is believed to belong to 1 or more classified breeds.
Section 55	Objection to the issue of an abatement notice for a barking dog.
Section 70	An application for the return of a barking dog seized under section 56 for causing distress.
Section 71	An application for the release of a dog that is being held in custody under section 71(1) and (2) for threatening public safety.
Section 71(1)(a)	To be satisfied that a dog seized under section 15(1)(c) because the dog was without access to proper and sufficient food, water or shelter, will be given access to proper and sufficient food, water, or shelter if returned to the land or premises from which it was removed.
Section 71A(2)(a)(i)	To be satisfied that the owner of a dog seized under section 33EC (because the owner failed to comply with his obligations in respect of a dog classified as menacing), or of a dog classified as a menacing dog seized under section 33EB (because the owner failed to have the dog neutered), has demonstrated a willingness to comply with the relevant requirements".

4. LITTER ACT 1979

Pursuant to Clause 32 of Part 1 of the Seventh Schedule to the Local Government Act 2002, the Hearings Committee is delegated authority to hear and decide on any objection lodged pursuant to Section 10 of the Litter Act 1979 against a notice issued under that section.

Decide on Objections to Notices Issued by a Litter Control Officer.

5. Building Act 2004

Pursuant to Section 67A of the Building Act 2004 the Hearings Committee is delegated authority to grant a waiver or modification to section 162C(1) or (2) (which requires residential pools to have means of restricting access by unsupervised children) the requirements of the Act (with or without conditions) in the case of any particular pool.

Grant Exemptions to Pool Fencing Requirements.

6. HASTINGS DISTRICT COUNCIL BYLAWS

Pursuant to Clause 32(1) of Part 1 of the Seventh Schedule to the Local Government Act 2002, the Hearings Committee is delegated

authority to:

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| i) | Hear and determine any application for a review of any decision of a duly authorised officer pursuant to any part or provision of the Hastings District Council Bylaws. | Review of Delegated Decisions. |
| ii) | Consider and determine any application under Clause 1.5 of Chapter 1 of the Hastings District Council Consolidated Bylaw for a dispensation from full compliance with any provision of the Bylaws. | Dispensations from Bylaws Requirements. |

7. LOCAL GOVERNMENT ACT 1974

Pursuant to Clause 32(1) of Part 1 of the Seventh Schedule to the Local Government Act 2002 the Hearings Committee is authority to hear and recommend to Council on any objections to any proposal to stop any road pursuant to Section 342 and the Tenth Schedule to the Local Government Act 1974.

Hearing Objections to Road Stopping.

8. GAMBLING ACT 2003

Pursuant to Clause 32(1) of Part 1 of the Seventh Schedule to the Local Government Act 2002, the Hearings Committee is delegated authority to:

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| i) | Hear, consider and determine in accordance with section 100 of the Gambling Act 2003, applications for territorial authority consent required under section 98 of that Act, as required by the Hastings District Council Class 4 Gambling Venue Policy. | Hear and Decide on Applications for Territorial Authority Consent. |
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HASTINGS DISTRICT COUNCIL

A HEARINGS COMMITTEE MEETING WILL BE HELD IN THE COUNCIL CHAMBER, GROUND FLOOR, CIVIC ADMINISTRATION BUILDING, LYNDON ROAD EAST, HASTINGS ON MONDAY, 29 OCTOBER 2018 AT 9.30AM.

1. APOLOGIES

At the close of the agenda no requests for leave of absence had been received.

2. PROPOSED SUBDIVISION OF 126 MAIN ROAD, CLIVE INTO 6 RESIDENTIAL SITES, A COMMERCIAL SITE AND AN ESPLANADE RESERVE

DOCUMENTS CIRCULATED FOR HEARING - COMPILED AS TWO SEPARATE DOCUMENTS

<u>Document 1</u>	The covering administrative report	Pg 1
	Attachment A s42A Hearing report	Pg 13
	Attachment B Application	Pg 99
	Attachment C Section 95A and 95B Notification Report	Pg 289
	Attachment L Final Scheme Plan	Pg 307
	Attachment M Submission (Spain)	Pg 309
<u>Document 2</u>	Containing this attachment	
	Attachment D Response to Sec 92 Information Request Letter	
	Attachment E Attachments 1 - 3 Further Information Response (Esplanade Reserve, Power and Geotech)	
	Attachment F Attachments 4 - 6 Further Information Response (Easement Plan & NZTA Approval)	
	Attachment G Attachments 7 - 8 Further Information Response (Water Supply and Firefighting)	
	Attachment H Attachments 9 - 10 Further Information Response (Stormwater and APC's)	
	Attachment I Covering email and letter from P McKay to HDC with traffic statement from Urban Connection	
	Attachment J Email chain from P McKay and Ceri Edmonds to HDC - HBRC comments on amended esplanade reserve	

Attachment K Final Affected Persons Consents

The Application and Submission can be viewed on the Council website and a reference hardcopy is held at the Council Civic Administration Building.

The associated web site links are:

www.hastingsdc.govt.nz/meetings and
www.hastingsdc.govt.nz/resourceconsents

REPORT TO: HEARINGS COMMITTEE

MEETING DATE: MONDAY 29 OCTOBER 2018

FROM: COMMITTEE SECRETARY
CHRISTINE HILTON

SUBJECT: PROPOSED SUBDIVISION OF 126 MAIN ROAD, CLIVE
INTO 6 RESIDENTIAL SITES, A COMMERCIAL SITE AND
AN ESPLANADE RESERVE

1.0 INTRODUCTION

- 1.1 This is a covering report relating to the proposed subdivision of 126 Main Road, Clive into 6 residential sites, a commercial site and an esplanade reserve.
- 1.2 This agenda can be viewed on the Council's website and a reference hardcopy is held at the Ground Floor Reception, Council's Civic Administration Building, Lyndon Road East, Hastings.
- 1.3 For ease of reference the recommendations from the attached Planner's Report are also set out on the following pages.

2.0 RECOMMENDATION

RECOMMENDATION

That pursuant to:

- (a) Rules SLD25 (Subdivision) and PP38 (Land Use) of the Proposed Hastings District Plan (As Amended by Decisions 15 September 2015);
- (b) Regulations 9(1) and 9(3) of the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011; and
- (c) Sections 104, 104B, 104D, 108 and 220 of the Resource Management Act 1991, resource consent as a Non-Complying Activity is **GRANTED** to Charlie and Susan Davidson to:
 - (i) Subdivide Lot 1 and Lot 4 DP 8555 (CFR HB137/171) into 6 residential sites, a commercial site and an esplanade reserve; and
 - (ii) Waive the requirement for building platforms to comply with the zone setback distances (yards);
 - (iii) Waive the requirement to provide a 20 metre wide esplanade reserve adjacent the Ngaruroro (Clive) River; and
 - (iv) Waive the density and yard requirements for the Plains Production Zone for all sites.

SUBJECT TO THE FOLLOWING CONDITIONS:

GENERAL

1. That unless otherwise altered by the consent conditions the proposal shall be carried out in general accordance with the application lodged with the Council on 16 January 2018 (HDC Ref: 57681#0286), and further Information provided on 12 and 27 June 2018, and 1 August 2018 (HDC Ref: 57681#0307-0312 and #0321).
2. The Land Transfer Plan to give effect to this subdivision consent shall be consistent with the scheme plan, prepared by Bill Moore dated: **31/07/2018**, Reference: **The Davidson's Subdivision, Sheet 3**, (HDC Reference: PID 57681#0321), a copy of the approved scheme plan is attached.

EASEMENTS

3. That pursuant to Section 243 of the Resource Management Act 1991 all easements shown on the approved plan and included in the memorandum of easements submitted with the application, shall be included in a memorandum as part of the online LT plan package, and shall be granted or reserved. Easements shall be provided to secure stormwater disposal over Lot 8 (Esplanade Reserve).
4. All easement widths shall be in accordance with the requirements of the Proposed District Plan and Engineering Code of Practice 2011, and shall be duly granted or reserved upon deposit and issue of the Certificates of Title.

5. In terms of condition 4 above, the applicant shall demonstrate how all rights of way comply with the Hastings District Council's Engineering Code of Practice 2011 including access width, gradients, tracking circles/lines, passing bays etc.
6. That all cross-boundary services shall be removed or secured by easements.

ESPLANADE RESERVE

7. Lot 8 shall be vested as Esplanade Reserve in Hastings District Council.

COMMENCEMENT OF ENGINEERING WORKS

8. No engineering works shall be undertaken until the engineering design plans required by Condition 10 have been approved by the Environmental Consents Manager, Planning and Regulatory Services, Hastings District Council (or nominee).

MONITORING

9. That a monitoring deposit of \$190 (including GST) shall be payable to cover the reasonable costs of monitoring compliance with the consent conditions in accordance with Council's schedule of charges. In the event of non-compliance being detected by monitoring or justified complaint and/or the costs of monitoring the consent exceeding the deposit, the costs to Council of any additional monitoring shall be paid by the consent holder in accordance with the Council's advertised schedule of fees.

ENGINEERING DESIGN

10. Prior to the commencement of engineering works, the consent holder shall submit engineering design plans to the Environmental Consents Manager, Hastings District Council (or nominee) for approval. The engineering design plans shall include, but not be limited to:
 - a) Internal Roads and parking areas, including pavement design;
 - b) Access and turning circles on each proposed site, and turning heads;
 - c) Stormwater drainage systems, including discharge to the Clive River and Pre-development stormwater discharges not being exceeded;
 - d) Accommodation for 1 in 50 year storm events;
 - e) Water supply/storage to show compliance with the Hastings District Council's Engineering Code of Practice 2011 and the New Zealand Fire Service Firefighting Water Supplies Code of Practice (NZS 4509:2008) and the New Zealand Drinking Water Standards 2005, including provision of fire couplings on the water supply system;
 - f) Wastewater connections for all lots;
 - g) Fully staged producer statements and quality assurance statements.
11. The required engineering design plans shall detail the ways in which design and construction will comply with the Council's Engineering Code of Practice 2011, or a prior agreed alternative design where this varies from the Code of Practice.
12. That development within the site shall be required to implement low impact design principles in accordance with the Hawkes Bay Regional Council Waterway Design Guidelines. The required measures shall include the assessment and provision of treatment of storm water and that attenuation shall be provided to pre-development levels to minimise changes to the hydrological regime by attenuating post development peak flow rates to pre development levels for the 50 year ARI storm event. The net peak storm water discharge rate to the receiving drainage systems (beyond the site

boundaries) shall not be increased by the proposal. Any surplus storm water runoff shall be suitably dissipated to ensure that no scour damage occurs to the receiving environment.

13. That Lots 4 - 7 shall be provided with a potable water supply connection to the existing water supply on the site.
14. That Lots 1-7 shall be provided with a stormwater connection to the Clive River or other approved stormwater disposal outlet. The combined/single outlet for all new lots shall be constructed in accordance with the requirements of the Hawke's Bay Regional Council.
15. That each Lot shall be provided with a connection to the sewer in Main Road (SH 2). Building Consent will be required for the reticulation works. Any existing drain proposed to serve the new lots shall be proven as being suitable for the additional load to the satisfaction of the Development Engineer (Consents) or nominee.
16. That all works within the legal road reserve shall be undertaken by a contractor who is pre-approved to do so by Hastings District Council.
17. Prior to Section 224(c) approval the consent holder shall construct the servicing, access and parking areas in accordance with the approved design plans.
18. Prior to Section 224(c) approval, the consent holder shall provide as-built plans in accordance with the Hastings District Council Engineering Code of Practice (2011) on completion of the construction of all vehicle accesses, parking areas, water supply, wastewater and stormwater drainage systems. These plans shall be submitted to the Environmental Consents Manager, Hastings District Council (or nominee) once construction is completed and shall be certified as a complete and correct record by a suitably qualified person.
19. That the consent holder shall submit a Form 5 "Certification of construction and completion of engineering works for subdivision", Appendix 62 Proposed Hastings District Plan (As Amended by Decisions September 2015), to the Environmental Consents Manager (or nominee), Hastings District Council, on the completion of the engineering works.

FIREFIGHTING WATER SUPPLY

20. That a firefighting coupling in accordance with Standards NZ PAS 4509:2008 shall be installed on the existing well head on the site **prior to** Section 224(c) certification.

PARKING AREAS

21. That the proposed changes to the traffic flow to the sites and the parking area for the café shall be implemented prior to Section 224(c) certification. These changes shall include appropriate signage, traffic calming measures, directional arrows and contrasting markings with the concrete surface.
22. That a minimum of 15 carparking spaces and one loading space shall be provided for the Commercial Activities on Lot 2.
23. That the parking area on Lot 2 shall be formed, drained, sealed and marked in accordance with the Proposed Hastings District Plan and Engineering Code of Practice 2011, **prior to** Section 224(c) certification.

FENCING & LANDSCAPING

24. That the consent holder shall erect a 2 metre high close bordered wooden fence, or other approved design to the satisfaction of the Environmental Consents Manager (or nominee), Hastings District Council, along the boundary of proposed Lots 1, 6 and 7 where it adjoins 120 Main Road Clive (Lots 1 and 2 DP 10515 (CFR HBA1/964), prior to Section 224(c) approval.
25. The consent holder shall submit a landscaping plan for the approval of the Environmental Consents Manager, Planning & Regulatory Services, Hastings District Council (or nominee) prior to Section 224(c) certification to achieve an effective screen (up to 4 metres in height) for the adjoining properties at 120 and 124 Main Road, Clive.
26. The landscaping plan shall include planting specifications detailing the specific planting species, the number of plants provided, locations, heights/Pb sizes (being a minimum of 1 metre at the time of planting), and leave sufficient space for ongoing maintenance/trimming from within the site, at 4 metres high. Provision shall also be made for irrigation of the landscaping.
27. Landscaping in accordance with the Approved Plan shall be planted **prior to** Section 224(c) certification.
28. That a Consent Notice pursuant to Section 221 of the Resource Management Act 1991 be issued by Council and registered against the certificate of title to be issued for **Lots 1, 6 and 7 inclusive**. The notice shall be registered at the consent holder's expense and shall read as follows:

Landscaping along the boundary with 120 and 124 Main Road, Clive, planted at the time of subdivision consent RMA20180010, shall be maintained in perpetuity with a minimum height of 2 metres and a maximum height of 4 metres. Note: Maintained means the ongoing replacement of any dangerous, dead or dying matter, the replacement of any plants that are lost or are otherwise defective and the general preservation of the landscaping to a healthy standard including irrigation.

29. That a Consent Notice pursuant to Section 221 of the Resource Management Act 1991 be issued by Council and registered against the certificate of title to be issued for **Lots 1 and 3 hereon**. The notice shall be registered at the consent holder's expense and shall read as follows:

In the event that the Esplanade Reserve (Lot 8 on DP....) becomes publically accessible, any fence built on or within 2 metres of the boundary of the reserve shall be a 1.2 metre to 1.8 metre high open style steel pool fence, galvanised and powder coated, or other similar alternative design if agreed to by the Environmental Consents Manager, Hastings District Council.

That a mowing strip shall be constructed with any fence.

The Hastings District Council is not liable for any costs associated with erecting, replacing or maintaining any fence bounding the reserve.

Gates between the residential lot and the reserve can be installed at the owner's discretion, and in a style matching the fence.

GEOTECHNICAL CONSENT NOTICE

30. That a Consent Notice pursuant to Section 221 of the Resource Management Act 1991 be issued by Council and registered against the certificate of title to be issued for **Lots 1 to 7 inclusive**. The notice shall be registered at the consent holder's expense and shall read as follows:

That all building development on this site shall only be undertaken in accordance with a site specific geotechnical report and the recommendations from a registered and professionally qualified engineer experienced in soils engineering and the recommendations of the 'Preliminary Geotechnical Report for Charlie & Susan Davidson' prepared by Cheal, dated: 18 May 2018, and referenced 18147, (HDC Ref: 57681#0308).

REVERSE SENSITIVITY

31. That a Consent Notice pursuant to Section 221 of the Resource Management Act 1991 shall be issued by Council and registered against the certificate of title to be issued for **Lots 1 to 7 hereon**. The notice shall be registered at the consent holder's expense and shall read as follows:

This property is located in the Plains Production Zone where agricultural management practices such as agrochemical spraying, forestry, use of farm machinery, the operation of bird scarers and other similar activities may occur.

Where land use activities in the surrounding area are carried out in accordance with the relevant District Plan requirements, the property owner, or their successor in title shall not:

Bring any proceedings for damages, negligence, nuisance, trespass or interference arising from the use of that land; or

(a) Make nor lodge; nor

(b) Be party to; nor

(c) Finance nor contribute to the cost of;

Any application, proceeding or appeal (either pursuant to the Resource Management Act 1991 or otherwise) designed or intended to limit, prohibit or restrict the continuation of the operations of any rural activity on surrounding land, including without limitation any action to require the surrounding landowners/occupiers to modify the rural operations carried out on their land.

NO FURTHER SUBDIVISION RESTRICTION

32. That a Consent Notice pursuant to Section 221 of the Resource Management Act 1991 be issued by Council and registered against the certificate of title to be issued for **Lots 1 to 7 hereon**. The notice shall be registered at the consent holder's expense and shall read as follows:

There shall be no further subdivision of this site.

DEVELOPMENT CONTROLS

33. That a Consent Notice pursuant to Section 221 of the Resource Management Act 1991 be issued by Council and registered against the certificate of title to be issued for **Lots 1 to 7 hereon**. The notice shall be registered at the consent holder's expense and shall read as follows:

Notwithstanding the provisions of any District Plan, all building development on the site shall be in accordance with the Permitted Activities specified in Section 10.2.4 and the General and Specific Performance Standards in Sections 10.2.5 and 10.2.6 of the Clive-Whakatu Residential Zone of the Proposed Hastings District Plan (As Amended by Decisions 12 September 2015), except for the following site specific standards:

Density (Lot 3)

Development on the site shall not exceed one residential building and associated accessory buildings.

Yard Setbacks (Lots 6 and 7)

Any building used for a residential activity or visitor accommodation activity on Lots 6 and 7 shall be setback a minimum of 10 metres and any building accessory to a residential activity or visitor accommodation activity shall be setback a minimum of 5 metres from the boundary with 120 Main Road, Clive (Lots 1 and 2 DP 10515, CFR HBA1/964).

Commercial Activities (Lot 2)

To avoid doubt, the existing commercial activities occurring on Lot 2 have been established by resource consents RMA20110411, RMA20120304 and RMA20160043 and have been given effect to. Should the consents be surrendered or the commercial activities cease and Section 10 of the Resource Management Act 1991 does not apply (existing use rights), all development on Lot 2 shall be in accordance with the Permitted Activities specified in Section 10.2.4 and the General and Specific Performance Standards in Sections 10.2.5 and 10.2.6 of the Clive-Whakatu Residential Zone of the Proposed Hastings District Plan (As Amended by Decisions 12 September 2015).

WITH THE REASONS FOR THIS RECOMMENDATION BEING:

1. The **GENERAL** conditions ensure that the subdivision proceeds in accordance with the information provided in the application.
2. The **EASEMENT** conditions ensure that the subdivision provides appropriate legal mechanisms for cross boundary services.
3. The **ESPLANADE RESERVE** condition ensures Lot 8 is vested as Esplanade Reserve to preserve public access to the Clive River in the future.
4. The **COMMENCEMENT OF ENGINEERING WORKS** condition ensures that no work is undertaken unless it has been approved by Council.
5. The **MONITORING CONDITION** ensures that the consent holder pays the reasonable cost of monitoring the conditions of consent.
6. The **ENGINEERING DESIGN** conditions ensure that the engineering works are designed in accordance with the relevant codes of practice.
7. The **FIREFIGHTING WATER SUPPLY** condition ensures that appropriate provision is made for firefighting in accordance with the relevant NZ Standard.
8. The **PARKING AREA** conditions ensure that the access and parking arrangements are developed in accordance with the approved plans.

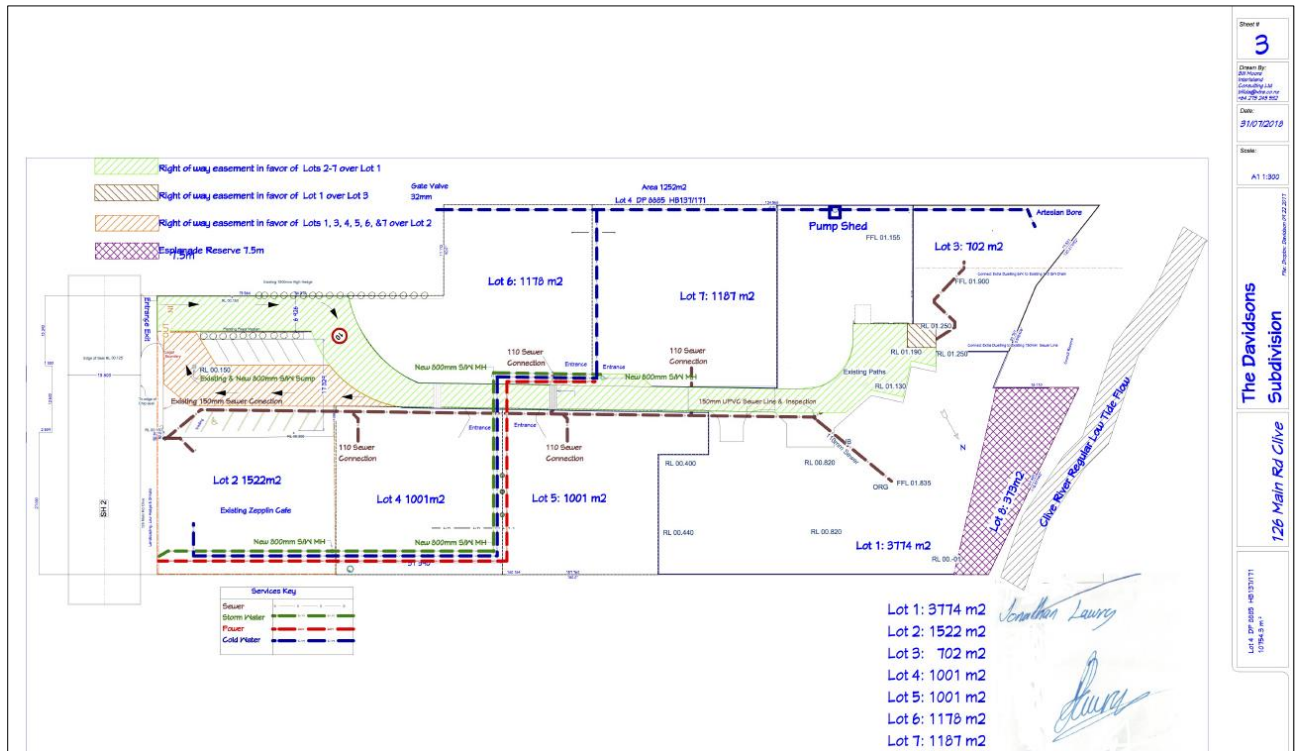
9. The **FENCING and LANDSCAPING** conditions ensure that the development is landscaped in accordance with the approved landscaping plans and will mitigate visual or landscape effects from building development.
10. The **GEOTECHNICAL** condition ensures that future buildings will be designed and constructed appropriately and that all buildings and structures are able to be constructed with minimal risk of being affected by any potential geotechnical hazards.
11. The **REVERSE SENSITIVITY** condition ensures that reverse sensitivity effects are mitigated; that purchasers of the proposed sites do so with the knowledge of a no complaints covenant raising awareness of potential farming effects on adjoining residential uses.
12. The **NO FURTHER SUBDIVISION RESTRICTION** condition restricts future subdivision of the sites.
13. The **DEVELOPMENT CONTROL** condition ensures that future buildings are built to the standards of the adjoining residential zone to ensure compatibility with the surrounding environment and ensures future dwellings are setback further to reduce cross boundary effects with the adjoining Plains Production Zone site.
14. In terms of Section 104(1)(a) the proposed subdivision is unlikely to have any more than minor adverse effects on the environment in that:
 - The sites can be adequately serviced by reticulated wastewater and onsite water and stormwater disposal;
 - Safe and efficient access can be provided;
 - The development controls imposed will ensure that any adverse effects on amenity levels and the environment will be no more than minor;
 - It is unlikely that there will be any major reverse sensitivity or cross boundary effects generated by this proposal;
 - Appropriate provision has been made for future access and protection of the Clive River margin via an Esplanade Reserve;
 - The proposal has been assessed by a Suitably Qualified and Experienced Practitioner as complying with the NES for Soil Contamination for the Rural Residential Lifestyle 25% produce standard, being the most stringent standard;
 - No adverse effects on human health resulting from contaminated soil are anticipated by the proposal.
15. In terms of Section 104(1)(b) the proposal is consistent with national policy statement relevant to this application on urban development capacity. The NZ coastal policy statement is not relevant and the proposal is not considered to be contrary with the Regional Resource Management Plan. The proposal is however considered to be contrary to the Proposed Hastings District Plan's objectives and policies as it is clear that the proposed residential sites will totally alienate the life-supporting capacity of the soils within the site from future productive potential and the residential sites will not be landholdings that can accommodate activities that retain the life-supporting capacity of the Heretaunga Plains soil resources.
16. In terms of Section 104(1)(c) the proposal will not create a precedent effect, nor will it undermine the consistent administration of the Proposed District Plan in that:

- The proposal will not give rise to urban sprawl;
 - The site is unique in that it is serviced by a reticulated wastewater connection which no other Plains Production Zone site has on the northern side of Main Road, Clive;
 - Due to the lack of availability of wastewater services the subdivision of Plains Production Zone properties along the northern side of Main Road is unlikely to be encouraged by the granting of consent;
 - The proposal is not in an area identified in the Heretaunga Plains Urban Development Strategy 2017 as inappropriate for development.
17. In terms of Section 104D the effects on the environment will be no more than minor, however the proposal is contrary to the key objectives and policies of the Plains Production Zone of the Proposed Hastings District Plan. The proposal can however qualify for consideration under Section 104D(1)(a), and pursuant to Section 104(1), and subject to Part II of the Act.
18. No circumstances exist in Section 106 of the Resource Management Act 1991 (access and natural hazards) that would require Council to decline the application.
19. Overall the proposal promotes sustainable management as required by Part II of the Resource Management Act 1991 in that:
- It will result in acceptable adverse effects on landscape, rural character, and amenity effects;
 - Despite alienating the soils within the site, the life supporting capacity of the soil resource of the wider Heretaunga Plains will not be adversely affected, and that the residential activities allowed will not limit the productive utility of the adjoining Plains Production zoned site;
 - Any potential adverse effects can be avoided, remedied or mitigated by conditions of consent.

ADVICE NOTES:

1. *If it is intended to make any changes to the easements, staging or scheme plan approved by the Council as part of this resource consent, a new approval may be required. If you have any doubts as to whether or not a new application will be required, please contact one of Council's Environmental Consent Planners.*
2. *To avoid doubt, except as otherwise allowed by this resource consent, all landuses must comply with all remaining standards and terms of the relevant Hastings District Plan. The proposal must also comply with the Building Act 2004, Engineering Code of Practice and Hawke's Bay Regional Plans. All necessary consents and permits shall be obtained prior to development.*
3. *Under Section 125 of the Resource Management Act 1991 a resource consent will lapse if not given effect to within 5 years of the date the consent was granted, unless an extension is granted under Section 125(1A).*

Approved Scheme Plan (HDC Ref: 57681#0321)



Approved Easement Schedule

Memorandum of Easements			
Purpose	Servient Tenement	Shown	Dominant Tenement
Right of Way and right to convey water, sewer, stormwater, electricity and telecommunications	Lot 1 Hereon	Diagonal Shading 'A'	Lots 2 – 7 Hereon
	Lot 3 Hereon	Diagonal Brown Shading 'B'	Lot 1 Hereon
	Lot 2 Hereon	Diagonal Shading 'C'	Lots 1, 3, 4, 5, 6 & 7 Hereon
Water Easement	Lot 3 Hereon	'D' (Pink line)	Lots 1, 2, 4, 5, 6 & 7 Hereon; and Lot 2 DP 8555
	Lot 1 Hereon	'E' (Pink line)	Lots 2, 3, 4, 5, 6 & 7 Hereon; and Lot 2 DP 8555
	Lot 7 Hereon	'F' (Pink line)	Lots 2, 4, 5 & 6 Hereon; and Lot 2 DP 8555
	Lot 6 Hereon	'G' (Pink line)	Lot 2 DP 8555
	Lot 5 Hereon	'H' (Pink line)	Lots 2, & 4 Hereon
	Lot 4 hereon	'I' (Pink line)	Lot 2 Hereon
Sewer Easement	Lot 2	'J' (Yellow line)	Lots 1, 3, 4, 5, 6 & 7 Hereon
	Lot 4	'K' (Yellow line)	Lots 1, 3, 5, 6 & 7 Hereon
	Lot 5	'L' (Yellow line)	Lots 1, 3, & 7 Hereon
	Lot 1	'M' (Yellow line)	Lots 3 & 7 Hereon
Stormwater Easement	Lot 1	'N' (Blue line)	Lots 4, 5, 6 & 7 Hereon
	Lot 5	'O' (Blue line)	Lots 4 & 6 Hereon
	Lot 4	'P' (Blue line)	Lot 6 Hereon
Electricity & Telecommunications easements	Lot 2	'Q' (Orange line)	Lots 1, 3, 4 & 5 Hereon
	Lot 4	'R' (Orange line)	Lots 1, 3, & 5 Hereon
	Lot 5	'S' (Orange line)	Lots 1, & 3 Hereon
	Lot 1	'T' (Orange line)	Lot 3 Hereon
	Lot 7	'U' (Orange line)	Lot 6 Hereon

Attachments:

A	s42A Hearing report	57681#0335	
B	Application For an 8 Lot subdivision to separate the existing activities; create 4 new residential sites; and a	57681#0286	
C	Section 95A and 95B Notification Report	57681#0317	
D	Response to Sec 92 Information Request Letter	57681#0307	Document 2
E	Attachments 1 - 3 Further Information Response (Esplande Reserve, Power and Geotech)	57681#0308	Document 2
F	Attachments 4 - 6 Further Information Response	57681#0309	Document 2

	(Easement Plan & NZTA Approval)		
G	Attachments 7 - 8 Further Information Response (Water Supply and Firefighting)	57681#0341	Document 2
H	Attachments 9 - 10 Further Information Response (Stormwater and APC's)	57681#0311	Document 2
I	Covering email and letter from P McKay to HDC with traffic statement from Urban Connection - for C and S Davidson hearing on 29 October 2018	57681#0337	Document 2
J	Email chain from P McKay and Ceri Edmonds to HDC - HBRC comments on amended esplanade reserve - C and S Davidson hearing on 29 October 2018	57681#0338	Document 2
K	Final Affected Persons Consents - for C and S Davidson Hearing on 29 October 2018	57681#0339	Document 2
L	Final Scheme Plan	57681#0321	
M	Submission (Spain)	57681#0327	

**REPORT ON NOTIFIED APPLICATION FOR RESOURCE CONSENT
UNDER THE RESOURCE MANAGEMENT ACT 1991 (RMA)**

REPORT TO: HEARINGS COMMITTEE



MEETING DATE: 29th October 2018

**FROM: DAVID BISHOP
SENIOR ENVIRONMENTAL PLANNER (CONSENTS)**

**SUBJECT: A publicly notified application for a resource consent to
subdivide 7 lots and an esplanade reserve waive density
and yard setbacks for residential buildings and yard
setbacks for the existing commercial building
(RMA20180010)**

**NOTE: This is report is not the decision on the application. This
report sets out the advice and recommendation of the
reporting planner. This report has yet to be considered
by the hearing commissioners delegated by Hastings
District Council to decide this resource consent
application. The decision will be made by the
independent hearing commissioner/s only after they
have considered the application and heard from the
applicant, submitters and council officers.**

1.0 APPLICATION DESCRIPTION

1.1 Application and property details

Application number: RMA20180010

Applicant's name: Charlie and Susan Davidson

Site address: 126 Main Road Clive

Legal Description: Lot 1 and Lot 4 DP 8555 (CFR HB137/171)

Lodgement date: 16 January 2018

Notification date: 13 August 2018

57681#0335

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Submission period ended: 10 September 2018

Number of submissions received: 1 Opposed.

1.2 Application documents

The list of application documents and drawings is set out in **Attachments B and D to L** of this Agenda.

1.3 Adequacy of information

The information submitted by the applicant is sufficiently comprehensive to enable the consideration of the following matters on an informed basis:

- The nature and scope of the proposed activity that the applicant is seeking resource consents for.
- The extent and scale of the actual and potential effects on the environment.
- Those persons and / or customary rights holders who may be adversely affected.
- The requirements of the relevant legislation.

A request for further information under s92 of the Resource Management Act 1991 (RMA) was made on 8th February 2018. The applicant addressed all of the information requested on 1st August 2018.

1.4 Report and assessment methodology

The application is appropriately detailed and comprehensive, and includes a number of expert assessments. Accordingly, no undue repetition of descriptions or assessments from the application is made in this report.

I have made a separate and independent assessment of the proposal, with technical aspects having been reviewed by independent experts engaged by the council, as needed. Where there is agreement on any descriptions or assessments in the application material, this is identified in this report.

Where professional opinions differ, or extra assessment and /or consideration is needed for any reason, the relevant points of difference of approach, assessment, or conclusions are detailed. Also the

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implications for any professional difference in findings in the overall recommendation is provided.

This report is prepared by: David Bishop
Senior Environmental Planner
(Consents)

Signed:



Date: 1st October 2018

Reviewed and approved for release by: Murray Arnold
Environmental Consents Manager



Signed:

Date: 1st October 2018

2.0 EXECUTIVE SUMMARY

Charlie and Susan Davidson applied for a resource consent to undertake a subdivision of seven lots and an esplanade reserve with associated land use waivers of yard setbacks and density. The subdivision will result in four additional sites being created and the building development on these lots is proposed to be in accordance with the adjoining Clive-Whakatu Residential Zone standards.

The application was limited notified to the owners of 124 Main Road Clive and they lodged a submission in opposition.

Overall, following an extensive assessment and review of the application and specialist advice, I consider that the proposal would result in acceptable actual and potential effects on the environment. Furthermore, the proposal will as a whole not be contrary to the relevant statutory provisions. Therefore, subject to new or contrary evidence presented at the hearing, it is recommended that the applications for subdivision and land use resource consent be approved, subject to conditions of consent.

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3.0 THE PROPOSAL

The applicant seeks subdivision and land use consent to subdivide the 1.0739ha site contained in CFR HB137/171 at 126 Main Road, Clive, into six residential lots, one commercial lot and an Esplanade Reserve. The applicant seeks a waiver from the yard setbacks for future dwellings and requests that the future lots be governed by the provisions of the Clive Whakatu Residential Zone.

The applicant was requested to provide a further information on the 19th February 2018 that addressed the following areas:

- Esplanade Reserve size and shape.
- Geotechnical Report that addresses liquefaction susceptibility.
- Clarify the Scheme Plan and Easements and provide an assessment of the Subdivision Section of the Proposed District Plan.
- Traffic Impact Assessment for the Mill Road Intersection.
- Confirmation of parking and access arrangements in accordance with the required standards.
- Clarification of services required for the development.

The applicant agreed to provide the information and responded on the 12 June 2018.

The information received on this date was deficient in that it did not provide the required Traffic Impact Assessment and the scheme plan did not accurately show the increased area of the Esplanade Reserve. In addition the written approvals re-signed the old subdivision plan without the changes to the Esplanade Reserve area.

Following discussions with the Council's Transportation staff the requirement for a Traffic Impact Assessment was downgraded to a letter from a suitably qualified traffic professional that could confirm that the proposal would have no adverse effects on the operation of the Mill Road intersection with State Highway 2. This letter was subsequently provided on 27 June 2018.

An updated Scheme Plan and written approvals were provided on 1 August 2018.

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The proposed lots are described below:

Lot Number	Land Area	Intended Use
Lot 1	3774m ²	Existing house and accessory buildings
Lot 2	1522m ²	Existing Commercial building (Zeppelin Café)
Lot 3	702m ²	Existing house and accessory buildings
Lot 4	1001m ²	Vacant Site
Lot 5	1001m ²	Vacant Site
Lot 6	1178m ²	Vacant Site
Lot 7	1187m ²	Vacant Site
Lot 8	373m ²	Esplanade Reserve

The final Scheme Plan is shown below:

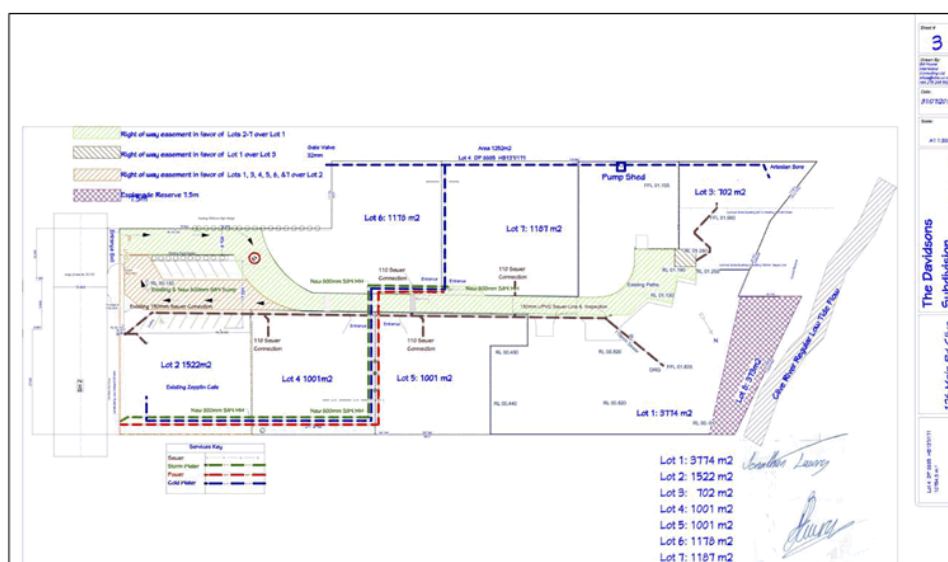


Figure 1 – Proposed Scheme Plan

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Item 2

Attachment A

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The proposed easement schedule is shown below:

Memorandum of Easements			
Purpose	Servient Tenement	Shown	Dominant Tenement
Right of Way and right to convey water, sewer, stormwater, electricity and telecommunications	Lot 1 Hereon	Diagonal Shading 'A'	Lots 2 – 7 Hereon
	Lot 3 Hereon	Diagonal Brown Shading 'B'	Lot 1 Hereon
	Lot 2 Hereon	Diagonal Shading 'C'	Lots 1, 3, 4, 5, 6 & 7 Hereon
Water Easement	Lot 3 Hereon	'D' (Pink line)	Lots 1, 2, 4, 5, 6 & 7 Hereon; and Lot 2 DP 8555
	Lot 1 Hereon	'E' (Pink line)	Lots 2, 3, 4, 5, 6 & 7 Hereon; and Lot 2 DP 8555
	Lot 7 Hereon	'F' (Pink line)	Lots 2, 4, 5 & 6 Hereon; and Lot 2 DP 8555
	Lot 6 Hereon	'G' (Pink line)	Lot 2 DP 8555
	Lot 5 Hereon	'H' (Pink line)	Lots 2, & 4 Hereon
	Lot 4 hereon	'I' (Pink line)	Lot 2 Hereon
Sewer Easement	Lot 2	'J' (Yellow line)	Lots 1, 3, 4, 5, 6 & 7 Hereon
	Lot 4	'K' (Yellow line)	Lots 1, 3, 5, 6 & 7 Hereon
	Lot 5	'L' (Yellow line)	Lots 1, 3, & 7 Hereon
	Lot 1	'M' (Yellow line)	Lots 3 & 7 Hereon
Stormwater Easement	Lot 1	'N' (Blue line)	Lots 4, 5, 6 & 7 Hereon
	Lot 5	'O' (Blue line)	Lots 4 & 6 Hereon
	Lot 4	'P' (Blue line)	Lot 6 Hereon
Electricity & Telecommunications easements	Lot 2	'Q' (Orange line)	Lots 1, 3, 4 & 5 Hereon
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	Lot 5	'S' (Orange line)	Lots 1, & 3 Hereon
	Lot 1	'T' (Orange line)	Lot 3 Hereon
	Lot 7	'U' (Orange line)	Lot 6 Hereon

2.0 BACKGROUND

2.1 Existing Consents

The following resource consents relate to the site:

- RMA20110411 - Apr 3, 2012 - Proposed oversize Plains secondary dwelling and Commercial activity side yard waiver.
- RMA20120304 - Dec 13, 2012 - Variation to RMA20110411 to amend the location, allow an industrial activity and change the position of a garage.
- RMA20160043 - Mar 2, 2016 - Variation to RMA20120304 to remove requirement for resident to reside onsite.

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3.0 THE SITE

The site subject to this application is located at 126 Main Road, Clive being that land legally described as Lots 1 and 4 DP 8555 contained in Certificate of Title HB 137/171, being approximately 1.0739 hectares in total area.

The Certificate of Title is subject to the following interests of relevance:

- Gazette Notice (716488.1) adjoining State Highway No 2 (Limited Access Road)
- Notice (720235.20) pursuant to Section 91 Transit New Zealand Act 1989.
- Encumbrance (9117363.1) to the Hastings District Council

The site is generally rectangular in shape and flat in contour and is accessed directly off Main Road (State Highway 2) the site contains the following buildings:

- Main Dwelling (272m² gross floor area)
- Secondary Dwelling (130.30m² gross floor area)
- Sleep out
- Accessory shed
- Commercial Building 125m² (Zeppelin Café)

The site contains plum trees along the southern side of the central driveway with a boundary hedge and a solid timber fence flanked by close grown ornamental Olive trees on the other side. A Tennis Court is located in the northern corner of the site which will be retained by Lot 1. A small portion at the rear of the site is defined as a 'Riparian Area' where it adjoins the Clive River.

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The site's location and location of existing building development is shown below:



Figure 2 – Aerial Photo of existing Buildings on the site.

The surrounding sites to the north and east across State Highway 2 are zoned Clive Whakatu Residential. There is a Fish and Chip shop on the adjoining northern property with a Large Garage building behind it with unused land down to the river. Opposite the site is a childcare centre and Residential dwellings, which dominate the area.

The sites to the south are zoned Plains Production and generally contain residential dwellings on smaller Plains Production Zoned sites.

The site directly adjoins the Clive River at the north-western end of the site. An area of Esplanade Reserve which is zoned open space and is owned by Hastings District Council is located in the north western corner of the site.

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Attachment A

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The whole subject site and surrounding environment is shown in the aerial photo below:



Figure 3 – Subject Site and Surrounding Environment (Jan 2018)

3.0 ACTIVITY STATUS AND REASONS FOR CONSENT

4.1 National Environmental Standards

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

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

Regulation 8(3) states that disturbing the soil of the piece of land is a permitted activity while the following requirements are met:

- (a) **controls to minimise the exposure of humans to mobilised contaminants must—**
 - (i) be in place when the activity begins:
 - (ii) be effective while the activity is done:
 - (iii) be effective until the soil is reinstated to an erosion-resistant state:

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- (b) the soil must be reinstated to an erosion-resistant state within 1 month after the serving of the purpose for which the activity was done:
- (c) the volume of the disturbance of the soil of the piece of land must be no more than 25 m³ per 500 m²:
- (d) soil must not be taken away in the course of the activity, except that,—
 - (i) for the purpose of laboratory analysis, any amount of soil may be taken away as samples:
 - (ii) for all other purposes combined, a maximum of 5 m³ per 500 m² of soil may be taken away per year:
- (e) soil taken away in the course of the activity must be disposed of at a facility authorised to receive soil of that kind:
- (f) the duration of the activity must be no longer than 2 months:
- (g) the integrity of a structure designed to contain contaminated soil or other contaminated materials must not be compromised.

Regulation 8(4) states that changing the use of the piece of land is a Permitted activity while the following requirements are met:

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

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

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

- (a) a detailed site investigation of the piece of land must exist:
- (b) the report on the detailed site investigation must state that the soil contamination does not exceed the applicable standard in [regulation 7](#):

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- (c) the consent authority must have the report:
- (d) conditions arising from the application of subclause (2), if there are any, must be complied with

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

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

Sites where a Detailed Site Investigation exists stating that the contaminants **exceed** the applicable standard in Regulation 7 are required to be considered as a **Restricted Discretionary Activity** pursuant to Regulation 10.

Where no Detailed Site Investigation exists the proposal is a **Discretionary Activity** pursuant to Regulation 11(2) of the National Environmental Standard.

A DSI has been provided under the NES (Soil Contamination) which confirms that the level of contaminants are below the Rural Residential / lifestyle block 25% produce standard being the most stringent standard.

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Attachment A

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The conclusion of the SQEP (Peter O'Donnell) is shown below:

CONCLUSION

The above PSI and DSI was carried out for the property located at 126 Main Road, Clive.

The analytical results of the soil collected at 12 random locations of the property confirms the following;

- The levels for arsenic and cadmium contamination were low; similar to what would be expected for background levels for arsenic in the Hawkes Bay
- The level of lead was higher than what would be expected for background levels for Hawkes Bay; however, the levels did not exceed the NES limits for composite sampling.
- The results for the organochlorine pesticides (OCP) were below or near the detection limits for all substances tested [4 - sample composite].
- Total DDT Isomers were lower or on the detection limit.

Although the "piece of land" does trigger a HAIL site by definition (A, 10 & 16 of the HAIL – appendix 3 National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health), the DSI confirms that the concentrations of expected contaminants do not exceed the NES limits, and hence this property does not require NES controls to be implemented.

From the information provided above I can state that it is highly unlikely that there is any risk to human health and safety from contact with the soil during any normal or gardening or building activities on the "piece of land".

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

4.1.2 National Environmental Standard for Sources of Human Drinking Water

The Hastings District Council's Tucker Lane bore site is located approximately 500 metres to the east in Tucker Lane. As such, and given the nature of the proposal being the subdivision of land for residential purposes the NES: Sources of Human Drinking Water is not considered relevant.

4.2 Operative District Plan Status

Pursuant to Section 86F of the Resource Management Act 1991 a rule in a proposed plan must be treated as operative (and any previous rule as inoperative) if the time for making submissions or lodging appeals on the rule has expired and in relation to the rule:

- (a) *no submissions in opposition have been made or appeals have been lodged; or*
- (b) *all submissions in opposition and appeals have been determined;*
or
- (c) *all submissions in opposition have been withdrawn and all appeals withdrawn or dismissed.*

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Following the closing of the appeal period on 23 October 2015 a number of appeals were lodged on the Plains Production Zone of the Proposed District Plan (Section 6.2), however at the time of writing this report all of these have subsequently been resolved. Similarly there are no outstanding appeals on the Subdivision Section of the Proposed District Plan (Section 30.1) that are relevant to this proposal.

Accordingly there is no provision for this proposal to be assessed as a different activity and therefore it is considered that the rules of the Proposed Hastings District Plan in relation to this proposal are beyond challenge and can be treated as Operative, pursuant to Section 86F of the Resource Management Act 1991. On this basis, no further assessment of the Operative District Plan will be made.

4.3 Proposed District Plan Status

The site is zoned **Plains Production** and contains a **Riparian Area** associated with the Clive River (Ngaruroro River as identified in Appendix 54).



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4.3.1 Subdivision

The minimum net site area in this zone is 12 hectares as specified in Table 30.1.6A.

The Proposed Plan also allows for the creation of lifestyle sites under the following scenarios in Table 30.1.6B:

Plains Production	2500m ²	5000m ²	12ha	None (amalgamation is required)	Lifestyle subdivision shall only be applicable for an <u>existing</u> site smaller than 12ha. The site(s) being amalgamated with does not have to be less than 12 hectares, but does have to be adjoining. Any newly created balance site shall not contain more than one <u>dwelling</u> .
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The applicant seeks to create 7 lots varying from 0.0702ha to 0.3678ha, and an esplanade reserve with no amalgamation or complying balance lot larger than 12ha.

Therefore the proposal does not meet the requirements of Table 30.1.6A or B. The subdivision component of application must therefore be considered as a **Non-Complying Activity** under rule SLD25:

RULE SLD25	Non-Complying Subdivision Any subdivision (unless specifically provided for under Rules SLD1 through to and including SLD21 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
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The Plan also requires that the Council consider:

- Building platforms,
- Water supply,
- Wastewater disposal,
- Stormwater disposal,
- Property access, and
- Esplanade Reserves and Strips

A check of these standards and terms has revealed that this proposal does not meet the requirement for a 30 x 30 Building Platform on proposed lots 4 to 7 (Standard 30.1.7A) or the provision of the required Esplanade Reserve width (Standard 30.1.7H).

These breaches result in a **Restricted Discretionary Activity** status.

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4.3.2 Land Use – District Wide Activity Section 19.1 Riparian Land Management and Public Access

Section 19.1 'Riparian Land Management and Public Access' includes a standard (19.1.6.1(a)) restricting 'riparian vegetation modification' within 15m of any River Identified in Appendix 54. The only portion of the subject site within 15m of the Clive River is the back lawn of the applicant's dwelling on Proposed Lot 6. The dwelling itself is approximately 18m from the edge of the normal water's edge of the river (or 15m from the cadastral boundary of the river). The proposed subdivision does not necessitate any 'riparian vegetation modification' within this area, which would remain unchanged.

This component of the application is a **Permitted Activity**.

4.3.3 Land Use – Plains Production Zone – Standard 6.2.5B

The proposal fails to comply with the 15 metre yard setback for residential dwellings and for commercial activities (existing Zeppelin café operation) associated with the new site boundaries. It is noted that the applicant has asked to apply the provisions of the adjoining Clive Whakatu Residential Zone should consent be granted.

This component of the application will be assessed as a **Restricted Discretionary Activity pursuant to Rule PP24**.

4.3.4 Land Use – Plains Production Zone – Standard 6.2.6B

The proposal also fails to comply with the Density Standard 6.2.6B in that all residential buildings will be located on sites less than 2500m², except for Lot 1. It is noted that the applicant has asked to apply the provisions of the adjoining Clive Whakatu Residential Zone should consent be granted.

This component of the application will be assessed as a **Non-Complying Activity pursuant to Rule PP38**.

4.3.5 Overall Status

Overall the combined subdivision and land use consent will be bundled as the land use breaches are a direct result of the subdivision and therefore the application will be assessed as a **Non-Complying Activity**.

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5.0 NOTIFICATION AND SUBMISSIONS

5.1 Notification Background

Attached is the notification assessment already undertaken **Attachment C**. In summary, the assessment concludes that the application **should not be publicly notified**, but **should be limited notified** to the persons below:

Address / Legal Description	Owner	Council PID
120 Main Road Clive / Lots 1 and 2 DP 10515	C R and J T Spain	57684

5.2 Submissions

One submission from the notified persons was received from Charles and John Spain in opposition to the proposal. This is shown in **Attachment M**.

5.3 Summary of Submissions

The submission of Charles and John Spain raises concerns with regards to the management of the site in relation to land based primary production and the effects of orcharding in close proximity to residential dwellings. They also raise concerns regarding traffic and parking and suggest that the new layout does not improve the situation and will lead to more parking on the grass verge on Main Road. They also state that the access to the property is extremely dangerous due to recent accidents and several near misses that have occurred. Concerns are also raised as to the effectiveness of the proposed Esplanade Reserve and the current situation where it is effectively fenced off for the private use of the applicant.

The submitters would however not oppose the application if the following conditions were met or agreed to:

- Lots 4 and 5 (*possibly should be Lots 6 and 7*) be not allowed and that land be set aside as an agricultural buffer / Cafe parking overflow area.

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- We note from the Mitchell Daysh report 4.3 Figure 2 - Interface with adjoining Plains Production Zone Site. The Plains Production Zone building setback is 15m and we feel this must be adhered to.
- This buffer zone would give the residents of Lots 6 and 7 safety from any agricultural or horticultural spraying which could be invasive. Also it would give a transition area from our property which is still actively farmed and the new development which would for all future purposes be regard as residential.
- Furthermore it would serve as a much needed traffic overflow for the Cafe as it is common place for the existing orchard area to be used as parking. This would prevent the relocation of traffic to the Main Road SH2 roadside or the green area across the road.
- The Cafe visitors seem to be increasing as the current management offer extended services like craft courses and improved food and restaurant services. Which will undoubtedly increase even more in the summer better weather period. (Which is a good thing for the business and the Clive community) We believe it is vital that steps are put in place now to allow for future traffic flow and people numbers. Especially for older patronage and children embarking and disembarking from vehicles.
- This buffer zone would also give access to the 2 narrower esplanade reserves if needed in the future.

5.4 Late Submissions

No late submissions were received.

5.5 Written Approvals

The applicant has provided the written approval of the following:

Affected Persons	Address / Legal Description	Council PID
Gary Deakin (Owner) (Parkhill Trust)	130 Main Road, Clive / Lot 2 DP 9119 (CFR HB151/113)	68698
Kevin McIlroy (Occupier)	130 Main Road, Clive / Lot 2 DP 9119 (CFR HB151/113)	68698

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Jonathan Lawry	124 Main Road, Clive / Lot 2 DP 8555 (CFR HB137/293)	57683
NZ Transport Agency	State Highway 2	-

A map of the affected persons provided is shown below:



Figure 3 – Map showing written approvals from affected persons

7.0 STATUTORY CONSIDERATIONS

When considering an application for resource consent for a discretionary or non-complying activity the council must have regard to Part II (purpose and principles - sections 5 to 8), and sections 104, 104B, 104D, and section 108 of the RMA.

In considering any application for resource consent and any submissions received, the council must have regard to the following requirements under s104(1) - which are subject to Part 2 (the purpose and principles):

- (a) ***any actual and potential effects on the environment of allowing the activity; and***
- (ab) ***any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity; and***

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- (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.**

When considering any actual or potential effects, the council (as consent authority) may disregard an adverse effect on the environment if a national environment standard or the plan permits an activity with that effect (the permitted baseline). The council has discretion whether to apply this permitted baseline.

For a discretionary activity or non-complying activity, the council may grant or refuse consent (under s104B). If it grants the application, it may impose conditions under s108.

Section 104D of the Act states that a consent authority shall not grant resource consent for a Non-Complying Activity unless it is satisfied that:

- (a) The adverse effects of the activity on the environment will be minor; or**
- (b) The application is for an activity, which will not be contrary to the objectives and policies of:**
 - (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.**

If the Council is satisfied that the proposal satisfies either of the limbs of the test then the application can then be considered for approval, subject to consideration under s104. If the proposal does not satisfy either limb, the application cannot be granted consent.

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Sections 108 and 220 provides for consent to be granted subject to conditions and sets out the kind of conditions that may be imposed.

8.0 ACTUAL AND POTENTIAL EFFECTS ON THE ENVIRONMENT - s104(1)(a)

8.1 Effects that must be disregarded

8.1.1 Any effect on a person who has given written approval to the application - s104(3)(a)(ii)

Effects on the following persons have been disregarded:

Affected Persons	Address / Legal Description	Council PID
Gary Deakin (Owner) (Parkhill Trust)	130 Main Road, Clive / Lot 2 DP 9119 (CFR HB151/113)	68698
Kevin McIlroy (Occupier)	130 Main Road, Clive / Lot 2 DP 9119 (CFR HB151/113)	68698
Jonathan Lawry	124 Main Road, Clive / Lot 2 DP 8555 (CFR HB137/293)	57683
NZ Transport Agency	State Highway 2	-

8.2 Effects that may be disregarded

8.2.1 Permitted baseline assessment - s104(2)

Section 104(2) of the Act states that:

"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."

This is otherwise known as the "permitted baseline" assessment. Whilst not mandatory that the Council consider the "permitted baseline approach", it does provide a useful tool in determining any actual or potential effects an activity may generate.

There is no permitted baseline for subdivision in the Plains Production Zone.

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Permitted activities in the Plains Zone (as relevant under the Proposed District Plan) include land based primary production, residential activities, limited commercial and industrial activities and wineries, subject to permitted activity performance standards and terms.

Given the density of the proposal (less than 2500m² for all but one of the sites) and the yard breaches there is no permitted baseline for the future activities on the sites.

Accordingly the permitted baseline is of little assistance in considering this proposal, and so the effects of permitted activities have not been disregarded.

8.3 Assessment of Effects

While having regard to the above, the following assessment was completed after I had:

- analysed the application (including any proposed mitigation measures);
- visited the site and surrounds;
- reviewed the council's property file;
- reviewed the submissions received; and
- taken advice from appropriate experts.

The following actual and potential effects have been identified:

8.3.1 Any effect on the wider community including any socio-economic and cultural effects

Suitability of the Site in the Context of the Surrounding Neighbourhood

The size of the site being approximately 1.0 ha and location is relatively unique in the area with the adjoining sites on the northern side of State Highway 2 (SH2) to the east being smaller around 0.4ha and diminishing in size the closer you get to Clive around 1000m². The sites to the west are larger with the immediately adjacent site being 1.4ha, and the following site 6.3ha. The sites further to the east and south on the southern side of SH2 are all zoned Clive Whakatu Residential and are generally around 800-1000m².

This sites location is on the border of the Clive Whakatu Residential Zone. There is potential for additional noise, reverse sensitivity and

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reduced amenity effects due to the increased development from the four additional residential sites, however it is considered that these effects are likely to be less than minor on the environment.

Culture and Heritage

There are no recorded waāhi tapu sites within the site of the proposed activity. In addition, no significant heritage or archaeological sites are recorded in the Proposed District Plan.

Reverse Sensitivity Effects

The abutting Plain Production site to the southwest is predominantly used for lifestyle residential purposes with some small scale land based primary production (horticulture and kiwifruit) taking place, although the Proposed Plan provides for the site to accommodate a range of Plains land uses. The submission received from the owners of that property confirms that they are actively undertaking land based primary production activities on the site and intend to expand these to the southeast adjacent to the proposed residential sites (Lots 6 and 7) of this development.

The proposal seeks to apply a 2.0m setback for residential buildings from those sites abutting the Plains Production Zone site boundaries based on the standards required by the Clive Whakatu Residential Zone. The applicant has also volunteered a condition of consent to register a 'Plains Zone No Complaints Covenant' against the proposed residential sites. The effect of the covenant would be to inform future landowners that their properties may be exposed to effects arising from legitimate Plains Zone activities on the abutting and/or adjacent sites, and that they have no right of complaint or objection in relation to any adverse effects of those permitted activities. The applicant is also offering to build a fence along the boundary with 120 Main Road to further reduce any potential effects.

It is considered that the proposed 2.0m setback from 120 Main Road for residential buildings is an inadequate buffer to mitigate actual or potential reverse sensitivity effects between residential scale sites and the abutting Plains lifestyle site, it is recommended that the western boundary yard setback of Lots 6 & 7 be increased to 10.0 metres to help protect the open character and amenity value of the abutting site and any potential reverse sensitivity effects, if the Hearings Committee were of a mind to approve the application.

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8.3.2 Any physical effect on the locality, including any landscape and visual effects:Visual

The subdivision itself is not likely to have any visual effects on the environment itself, rather it creates the ability to enable future dwellings to be built which would have a visual effect. Given the written approvals provided the only visual effect that needs to be assessed is that against 120 Main Road, Clive to the west.

The applicant advises that they will erect a close boarded wooden fence with associated dense planting and have also offered a condition that will help to mitigate reverse sensitivity effects along this boundary.

In regards to the permitted baseline the applicant could erect an accessory building to a residential or land based primary production activity up to 10 metres high and at 5 metres from the boundary. This would potentially have more significant adverse visual effects than that created by two detached single storey residential dwellings a similar distance away from the boundary. If the Hearings committee were of a mind to approve the application it is considered that the yard setback to 120 Main Road for lots 6 and 7 should be increased to at least 10 metres to further increase the distance from the boundary and to be more in line with the 15 Metre setback for Plains Production Zone sites. Any accessory building to the future residential activities should still remain at 5 metres as is permitted in the Plains Production Zone.

Accordingly it is considered that subject to the mitigation outlined above, that any adverse visual effects on the neighbouring property can be appropriately mitigated.

Rural Character and Amenity

While the site is located within the Plains Production Zone it is not typical of a Plains Production Zone site in size or location and therefore it is considered that any rural character and amenity effects the environment will be less than minor.

Noise

Noise from future residential activities is unlikely to have adverse effects on the environment and therefore any effects will be less than minor. Any

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construction noise will be required to comply with the NZ Standard for Construction Noise as stated in the Proposed District Plan.

Hazardous Substances

It is considered unlikely there will be any effects on the environment arising from the anticipated small-scale storage or use of hazardous substances on site from future residential dwellings.

Effects on Life-Supporting Capacity of Soil Resource

It is considered that due to the location of this site and its small size (1ha), together with the existing built development with almost no potential for expansion or incorporation into a larger economic unit, makes the site of limited potential for agricultural and horticultural uses. The soil type of the site is a good soil (sandy loam) and the winter water table is further than 60 cm from the soil surface.

It is also observed that part of the site is occupied by residential and commercial development and is bounded by the Clive River to the north, a residential zone to the east and a State Highway to the south. These factors also limit the ability of the soils of the site to be utilised to their full potential. I also note that due to the physical characteristics of features surrounding the site the useable area of the site is unlikely to ever be increased (by way of amalgamation subdivision) in the manner encouraged by the Proposed Plan.

It is retaining the potential of the soil that is most important, if granted the development would permanently remove 1 ha of soil from any productive use. Whilst productive use of the land may not be economically viable at this time it is the retaining of the productive potential of the natural soil resource that is important. It may be possible for productive use to occur, if not currently, then possibly at some future time when viability circumstances may improve.

There is also potential for the soils to be used for non-productive yet permitted Plains Production Zone activities, resulting in an equivalent impact on current and/or future productive potential of the soil resource (permitted baseline land uses).

The adverse effects on the soils will be that the current site area available for productive use will definitely be lost, should consent be granted. Whether or not that is significant, may be considered difficult to determine

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in the absence of particular policy direction. There is particular policy direction, as I will discuss in the next section of my report.

However, for the purposes of an adverse effects analysis only, as required by Section 104D, I have come to the, finely balanced, conclusion that in context of the overall Plains Production Zone effects on the soils resource will be no more than minor in context of the extent of soils affected and the actual or potential productivity of the District's soil resource.

Natural Hazards

The site is located within a high liquefaction area as identified in the GNS Report: Assessment of Liquefaction Risk in Hawke's Bay Volume 1 (October 2017). The applicant has however provided a report from a suitably qualified geotechnical professional that confirms that subject to specific engineering design buildings can be built on the site.

The site is also within a small area of a 1:50 year flood, however this is confined to the northern end of the site and only approximately 2 metres from the property boundary. No new buildings would be located within this area and it will be part of the Esplanade Reserve area. The site is also susceptible to a small area of ponding which is confined to the front of the site in front of the existing café building. Again no new buildings are proposed in this area.

Accordingly it is considered that any effects on natural hazards as a result of the proposal will be less than minor on the environment.

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A map of the natural hazards is shown below:

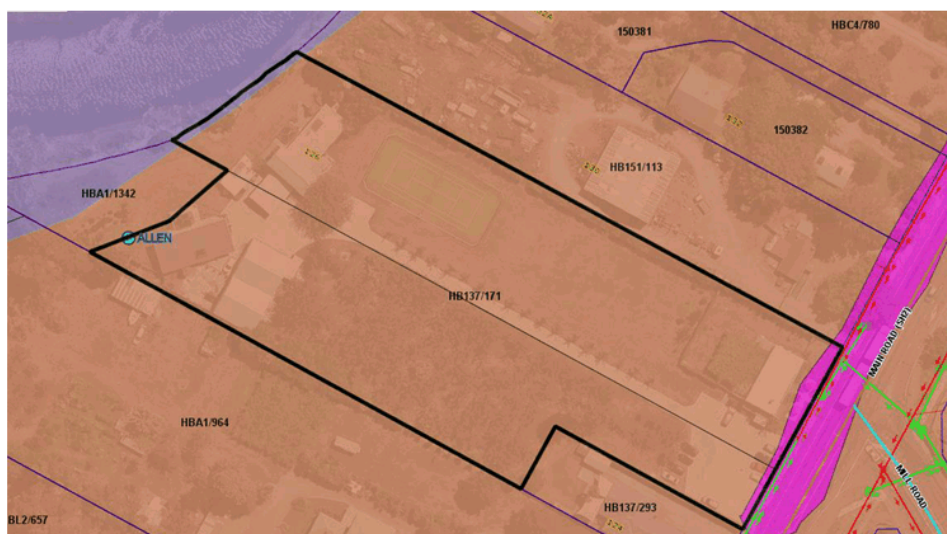


Figure 5 – Natural Hazards (Purple Indicates the HBRC 1:50 year flood area, Brown indicates the High Liquefaction Area and pink indicates ponding).

Earthworks

Earthworks will generally be limited to scraping topsoil to form foundations of future dwellings. These are likely to be exempt from the Earthworks Section of the Proposed Hastings District Plan where they are associated with a building consent. Accordingly any earthworks are unlikely to lead to any adverse effects on the environment.

8.3.3 Traffic Effects

Parking

In terms of car parking, the site has sufficient area to provide the required onsite carparking and the applicant confirms there will be sufficient car parking facilities to service the development proposal being an increase of 3 additional parks over the current parking spaces required by RMA20110411 and subsequently varied by RMA20120340. These consents require 10 carparks for customers, 2 car parks for staff and one loading bay.

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The applicant proposes that the carparking area be re-arranged along the lines of the diagram below:

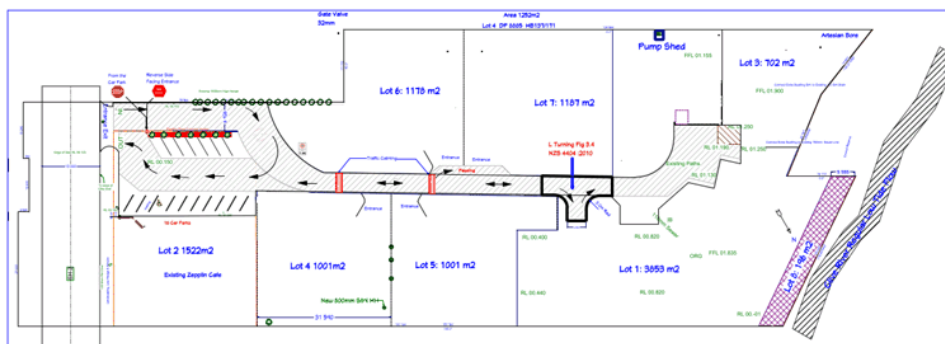


Figure 6 – Traffic and Parking layout

The proposed rearrangement and extension of the café car park area will require road marking information including the one way directional arrows and the car parking bays. The carpark extension is proposed to be carried out using concrete to match the existing. To ensure the road markings will clearly stand out against the light coloured concrete a contrasting paint colour will be used and it is recommended that such a requirement could be added as a condition of consent, if the Hearings Committee were of a mind to approve the application.

The NZTA in agreeing to provide affected persons consent are satisfied that the system of one-way flow will provide for satisfactory traffic management at the entrance of the site to the State Highway.

Comments from the submitter outline effects associated with the parking area of the café when it is busy and cars parking in the orchard within the site. It is acknowledged that there appears to be spill over of cars within the site during busy periods. An assessment against the Proposed District Plan reveals that the Café would only require 11 carparks. Given the significant on street parking resource in the vicinity, the 3 additional carparks and improved car parking layout and markings, it is considered that any parking effects will have a less than minor effect on the environment. If the Hearings committee are of a mind to approve the application conditions regarding the formation, location, signage and marking of the access and parking area would be recommended.

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Traffic Generation and Movements

Advice from the NZTA (being their written Approval) and a letter from a suitably qualified traffic engineer confirms that there are no traffic effects on the wider State Highway 2 network or the intersection with Mill Road which would result from the additional four residential dwellings.

Given this, no adverse traffic effects that are more than minor are anticipated on the wider environment as a result of the proposal.

Traffic Sightlines

Traffic sightlines beyond the immediate environment are not likely to be adversely affected.

Access to the Site

Access to the site will be via the existing access with a formal right of way being proposed to provide the required legal access. Both the NZTA and an expert traffic engineer have confirmed that there are no effects on the wider road network that would be more than minor. An appropriate turning head in accordance with NZS 4404:2010 has been provided at the end of the right of way.

Vehicle and Pedestrian Safety

It is unlikely that there would be more than minor effects on the environment in terms of vehicle and pedestrian safety, given the written approval of the New Zealand Transport Agency.

8.3.4 Infrastructural Capacity

The site currently has onsite servicing for water supply and stormwater but is connected to the Hastings District Council's reticulated sewer for wastewater disposal.

Advice received from the Hawke's Bay Regional Council and a well driller is that the water supply has sufficient volume characteristics to service the development. The water supply has also been tested for quality and is suitable for a potable supply.

In addition the HBRC's advice is that stormwater discharge to the Clive River is a Permitted Activity for the proposed subdivision provided no scouring occurs on the outlet.

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Advice from the Council's Wastewater Manager is that the four additional sites would probably be within the capacity of the Council's reticulated sewer system in Clive.

Accordingly it is anticipated that servicing of this proposal will not have any effects beyond the site boundaries and accordingly these effects will be less than minor.

8.3.5 Temporary Construction Effects

Noise, dust, odour, and traffic associated with construction of the residential buildings resulting from the proposed subdivision will be temporary in nature and will be largely concentrated to sites directly adjoining the subject site. Overall and given that construction effects will only be temporary it is considered that any construction effects are less than minor.

8.3.6 Cumulative Effects

The Act defines a cumulative effect as an effect that arises over time or in combination with other effects.

The proposed subdivision will cumulatively add additional noise and traffic characteristics that will result in a more intensive use of the site, such that, although individually, they may be appropriate and/or have limited effects, when coupled together they may have an adverse cumulative effect for neighbours adjoining the site.

In this instance, having regard to what is proposed, it is considered that any such cumulative effect will be minor, and limited to immediate neighbours. It is acknowledged that traffic movements will slightly increase, however, it is considered that the traffic effects in combination with other effects will result in less than minor cumulative effects on adjacent sites and the wider environment.

8.3.7 Adverse effects conclusion

Overall, it is considered that the adverse effects of the proposal on the environment are anticipated to be less than minor, with specific regard to amenity, visual, noise, natural environment, character effects, traffic/parking effects and cumulative effects.

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9.0 ANY MEASURE PROPOSED OR AGREED TO BY THE APPLICANT FOR THE PURPOSE OF ENSURING POSITIVE EFFECTS ON THE ENVIRONMENT - S104(1)(ab)

No specific measures have been proposed or agreed to by the applicant, other than to fence and plant the neighbouring property boundary where the site adjoins 120 Main Road and impose a no-complaint's consent notice with regards to normal rural practices.

10.0 RELEVANT STATUTORY DOCUMENTS - s104(1)(b)**10.1 National Environmental Standards - s104(1)(b)(i)****10.1.1 National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NЕСS)**

As of the 1st January 2012 the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (the NES) became operative. This standard identifies potentially hazardous activities and industries, and requires reporting, testing and potentially remediation of these soils affected by these activities should any fuel storage tank removal/replacement, soil disturbance, subdivision or change of use occurs.

A site visit and check of Council Records (GIS) has identified that the subject site has been used as a horticultural orchard in the past which is identified as a Hazardous Activity under the NES (A.10 persistent pesticide use).

The applicant has provided a report from a suitably qualified and experienced professional which confirms the soil contaminants are all under the rural residential / lifestyle 25% produce standard as shown in the SQEP's conclusion below:

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Item 2

Attachment A

CONCLUSION

The above PSI and DSI was carried out for the property located at 126 Main Road, Clive.

The analytical results of the soil collected at 12 random locations of the property confirms the following;

- The levels for arsenic and cadmium contamination were low; similar to what would be expected for background levels for arsenic in the Hawkes Bay
- The level of lead was higher than what would be expected for background levels for Hawkes Bay; however, the levels did not exceed the NES limits for composite sampling.
- The results for the organochlorine pesticides (OCP) were below or near the detection limits for all substances tested [4 - sample composite].
- Total DDT Isomers were lower or on the detection limit.

Although the "piece of land" does trigger a HAIL site by definition (A, 10 & 16 of the HAIL – appendix 3 National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health), the DSI confirms that the concentrations of expected contaminants do not exceed the NES limits, and hence this property does not require NES controls to be implemented.

From the information provided above I can state that it is highly unlikely that there is any risk to human health and safety from contact with the soil during any normal or gardening or building activities on the "piece of land".

In regards to controlled activities the NES states (for soil disturbance and change of use):

9(2) *The matters over which control is reserved are as follows:*

- (a) *the adequacy of the detailed site investigation, including —*
 - (i) *Site sampling:*
 - (ii) *Laboratory analysis:*
 - (iii) *Risk assessment.*
- (b) *how the activity must be—*
 - (i) *managed, which may include the requirement of a site management plan:*
 - (ii) *monitored:*
 - (iii) *reported on:*
- (c) *the transport, disposal, and tracking of soil and other materials taken away in the course of the activity:*
- (d) *the timing and nature of the review of the conditions in the resource consent:*
- (e) *the duration of the resource consent.*

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9(4) *The matter over which control is reserved is the adequacy of the detailed site investigation including –*

- (a) Site sampling:*
- (b) Laboratory analysis:*
- (c) Risk assessment.*

The DSI report (held by Council) confirms that despite the land having had a HAIL activity undertaken on it the soils are not contaminated. In particular Peter O'Donnell of Safety and Environmental Services (SES) have advised that the site meets the relevant 'rural residential lifestyle 25% produce' contaminant threshold, which is the most stringent standard.

This conclusion is accepted given that Peter O'Donnell is a suitably qualified and experienced person, and the DSI has been completed in accordance with the requirements of the NES. It is noted that as a consequence of the findings of the DSI, Mr O'Donnell has not recommended any management, monitoring or reporting requirements for the proposed activity.

Accordingly it is concluded that approval as a controlled activity pursuant to Regulations 9(1) and 9(3) of the NES can be issued, and that given the findings of the DSI, no conditions need be imposed.

Accordingly, it is considered that any adverse effects on human health within the area of the site (piece of land) proposed to be used for this proposal are unlikely to present a risk to human health.

10.1.2 National Environmental Standard for Sources of Human Drinking Water

The site is not within a catchment which has a registered drinking water supply. Given the nature of the proposal it is not considered that the NES: Sources of Human Drinking Water is relevant to the proposal.

10.2 National Policy Statements - s104(1)(b)(iii)

10.2.1 National Policy Statement for Freshwater Management 2014

This provides for managing water in an integrated and sustainable way. The proposal will maintain freshwater quality through existing

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infrastructure servicing the existing and proposed activities located on site without impacting on the quality of water in any nearby watercourses given that no physical changes will result from this proposal.

10.2.2 National Policy Statement on Urban Development Capacity 2016

The National Policy Statement on Urban Development Capacity (NPSUD) came into effect in 2016. Its preamble includes the following statement:

This national policy statement provides direction to decision-makers under the Resource Management Act 1991 (RMA) on planning for urban environments. It recognises the national significance of well-functioning urban environments, with particular focus on ensuring that local authorities, through their planning, both:

- *enable urban environments to grow and change in response to the changing needs of the communities, and future generations; and*
- *provide enough space for their populations to happily live and work. This can be both through allowing development to go "up" by intensifying existing urban areas, and "out" by releasing land in greenfield areas.*

The NPSUD includes the following objectives relating to 'Outcomes for planning decisions':

OA1: Effective and efficient urban environments that enable people and communities and future generations to provide for their social, economic, cultural and environmental wellbeing.

OA2: Urban environments that have sufficient opportunities for the development of housing and business land to meet demand, and which provide choices that will meet the needs of people and communities and future generations for a range of dwelling types and locations, working environments and places to locate businesses.

OA3: Urban environments that, over time, develop and change in response to the changing needs of people and communities and future generations.

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The following policy is also relevant:

PA4: When considering the effects of urban development, decision-makers shall take into account:

a) The benefits that urban development will provide with respect to the ability for people and communities and future generations to provide for their social, economic, cultural and environmental wellbeing; and

b) The benefits and costs of urban development at a national, inter-regional, regional and district scale, as well as the local effects.

I agree with the applicants comments in relation to the NPS which “although the NPSUD objectives provide high level direction it is considered that the proposed subdivision and residential development at 126 Main Road, Clive is generally consistent with these objectives. Particularly in seeking to provide residential choice in the form of new housing in Clive (where there are currently no greenfield residential opportunities available for new housing).”

The potential cost of the proposed development is the loss of Plains Production Zone land for productive use. As discussed above in the assessment of environmental effects, the land has however limited potential for such use. Other local effects are largely mitigated by the proposed new dwellings being located in the midst of the site. Also the additional traffic to the site will be via an existing commercial access to the café that is shared by the remainder of the site. The additional traffic generated by the 4 new dwellings will be somewhat masked by the existing traffic levels entering the café carpark and the applicant has comments from both the New Zealand Transport Agency (NZTA) and an independent traffic expert confirming that the existing access from Main Road (SH2) and the traffic generation resulting from the proposal is acceptable.

Overall the proposal is generally consistent with the NPSUD.

10.3 New Zealand Coastal Policy Statement - s104(1)(b)(iv)

The purpose of the New Zealand Coastal Policy Statement (NZCPS) is to state policies in order to achieve the purpose of the RMA in relation to the coastal environment of New Zealand. In this instance, the site does not directly connect to the coast and the NZCPS is not relevant.

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10.4 Hawke's Bay Regional Policy Statement – s104(1)(b)(v)

The Hawke's Bay Regional Resource Management Plan 2006 (RRMP) includes the regional policy statement (RPS) for the Hawke's Bay Region.

The Hawke's Bay Regional Policy Statement and the specific section on Managing the Built Environment has been developed to implement the principles and purposes of the Heretaunga Plains Urban Development Strategy. Upon analysis and in the context of this proposal, the relevant objectives and policies address the following matters:

- Preventing the loss of productive/versatile land and soils
- Avoiding inefficient use of existing and planned infrastructure
- Avoiding development in areas subject to natural hazards
- Transport and connections considerations
- Reverse sensitivity effects
- Ensuring compact and strongly connected urban form

Of interest in the RPS is that Clive is listed as an inappropriate greenfield growth area in Policy UD4.4 of the RPS as quoted below which is a direct implementation of the HPUDS 2010 document which identified the inappropriate greenfield growth areas.

*INAPPROPRIATE RESIDENTIAL GREENFIELD GROWTH
AREAS (HERETAUNGA PLAINS SUBREGION) POL UD4.4*

Within the Heretaunga Plains sub-region, areas where future residential greenfield growth has been determined as inappropriate, beyond existing settlements are:

- a) Waipatiki Beach*
- b) Tangoio*
- c) Whirinaki*
- d) Puketapu*
- e) Jervois town and Meeanee*
- f) Clive***
- g) East Clive*
- h) Clifton*
- i) Ocean Beach - apart from the potential for appropriate growth of the existing*
Waipuka bach settlement^{1d} *on Maori land inland of areas at risk of coastal hazards*
- j) Natural detention areas (50 year flood ponding areas).*
- k) Haumoana (north of East Road)*

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The recent HPUDS Review however resulted in the HPUDS Implementation Working Group making the following recommendation in regard to Clive (emphasis added):

1. *To the reference to Clive under the heading 'Areas Where Greenfield Growth is Deemed Inappropriate' is recommended:*

Clive (except for the areas off the end of Read Crescent, and between Main Rd (SH2) and Muddy Creek; and between Main Rd and the Clive River opposite the Mill Rd intersection).

2. *Identify the 4ha property at Clive South (i.e. the Batt property) as an indicative greenfield growth area.*
3. *Incorporate a map in HPUDS to illustrate the exception areas referred in the amendment above.*
4. ***The Working Group agrees that the 1.1ha property at 126 Main Road Clive (i.e. the Davidson property) should not be identified in HPUDS as a greenfield growth area, but notes that the landholders could choose to pursue a development proposal through a resource consent application process.***

The wording recommended by the Working Group shown in bold above was adopted by all three partner Council's and is now included in the 'Heretaunga Plains Urban Development Strategy - 2017' document (on page 25). Although the Working Group did not identify the applicant's property as an area suitable for greenfields growth (mainly due to its small size not justifying its inclusion), the property is specifically identified in the exceptions to Clive as an inappropriate development area, in that it is the property referred to above as "being between Main Road and the Clive River opposite the Mill Road intersection". By including this in the specific exception and with the wording of recommendation 4 above, the Working Group's decision contemplates that the applicant's property will be developed via a resource consent application.

I agree with the applicants assessment that although Policy UD4.4 of the RPS states Clive as an inappropriate area for greenfields residential growth, this policy has effectively become outdated with the adoption of the HPUDS 2017 document by the Hawke's Bay Regional Council (and the other two partner Councils being Napier City and Hastings District).

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The HPUDS 2017 document therefore forms the most recent Regional Council policy decision in regard to urban growth and should therefore be considered where there is conflict between it and the RPS as is the case here.

Given the findings of the Working Group and the subsequent amendments to HPUDS 2017 adopted by the three partner Council's, the proposed subdivision is not considered to be 'ad hoc' nor 'inappropriate' urban development'.

Other relevant objectives from the RPS to the proposed development relate to reverse sensitivity (OBJ 16) and natural hazards (OBJ 31) and are listed as follows:

OBJ 16 For future activities, the avoidance or mitigation of off site impacts or nuisance effects arising from the location of conflicting land use activities.

OBJ 31 The avoidance or mitigation of the adverse effects of natural hazards on people's safety, property, and economic livelihood.

The potential reverse sensitivity and natural hazard risks of the proposed subdivision and development have been discussed above under Objective UD1 and are able to be avoided, remedied or mitigated.

Overall it is considered that the proposal is generally consistent with, and is not contrary to the relevant objectives and policies of the Hawkes Bay Regional Policy Statement and in particular Chapter 3.1B (Managing the Built Environment).

10.5 Proposed Hastings District Plan (As Amended by Decisions September 2015) - s104(1)(b)(vi)

10.5.1 Subdivision: General Assessment Criteria – 30.1.8

30.1.8.1.1 Structure plans

There are no Structure Plans relevant to this site.

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30.1.8.1.2 Subdivision design - Connectivity, Street, Block and Site Orientation, Site or Lot Design, Public Open Space Design, Stormwater Management, Road/Street Design

In regard to the layout of the proposed subdivision there is a variation in lot size and shape between Lots 1 - 7, and also between the proposed new residential sites being Lots 4 - 7. The layout associated with Lots 1, 2 and 3 seeks to best accommodate the existing built development and the outdoor spaces associated with the respective buildings on these lots. The design of Lots 4 - 7 seeks to accommodate a building that can be orientated to the north lying diagonally with sufficient space available between the north of the building and the boundary so that sunny outdoor space is available.

Due to the long rectangular shape of the site stretching from Main Road through to the River and a narrower road frontage than the remainder of the site, there is no opportunity to change the streetscape as part of this application. The street frontage is occupied by the existing café building on proposed Lot 2 which has been designed to address the street in any case.

30.1.8.1.3 Property access

The proposed sites will be accessed via an existing access directly from State Highway 2. The NZTA have approved the access location in accordance with their requirements and provided written approval to the proposal. Given the assessment above it is considered that the proposed location of the access is practical.

Should consent be granted the Development Engineer has also suggested a number of conditions of consent that are recommended in terms of ensuring that the proposed internal access road meets the standards required by the Engineering Code of Practice 2011.

30.1.8.1.4 Water supply, wastewater disposal and stormwater disposal

The site currently has onsite servicing for water supply and stormwater but is connected to the Hastings District Council's reticulated sewer for wastewater disposal.

Advice received from the Hawke's Bay Regional Council and a well driller is that the water supply has sufficient volume characteristics to service the development. The water supply has also been tested for quality and is suitable for a potable supply.

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With regards to firefighting water supply the applicant has sought comment from Fire and Emergency NZ (FENZ) and subject to the fitting of an appropriate coupling to the existing bore FENZ has advised that the flow rate and access is generally acceptable to them. A condition of consent that the coupling be added is recommended should consent be granted.

In addition the HBRC's advice is that stormwater discharge to the Clive River is a Permitted Activity for the proposed subdivision provided no scouring occurs on the outlet.

Advice from the Council's Wastewater Manager is that the four additional sites would probably be within the capacity of the Council's reticulated sewer system in Clive.

Appropriate engineering conditions have been recommended by the Development Engineer. Having viewed these recommended conditions they are considered appropriate to manage the servicing effects of the proposed subdivision should consent be granted.

30.1.8.1.5 Natural Hazards

As outlined above in the assessment of environmental effect, Council's GIS reveals that the site has a 'high' level of liquefaction potential and moderate levels of earthquake amplification potential.

The geotechnical report undertaken by Cheal and submitted by the applicant following a request for further information has sufficiently addressed this, confirming that a residential dwelling could be constructed on the proposed lots, subject to particular recommendations being adopted in relation to foundation design.

A condition of consent is recommended for any future works on the proposed lots to be undertaken in accordance with the recommendations of the geotechnical report to ensure that development is undertaken in an appropriate manner.

Small areas of flooding and ponding are apparent at either end of the site, however the proposed subdivision is unlikely to adversely affect these areas and no new buildings will be located within them if consent is granted.

The site is also identified as being within a local source tsunami threat (as is much of Clive). The local source Tsunami threat applies to all low

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lying coastal areas in the Napier City and Hastings District areas, including much of Napier City itself. Warning systems and information campaigns are in place by the regional emergency management services to alert residents living in such areas about the Tsunami risk and the appropriate response in an earthquake. On this basis the local source Tsunami risk that applies to the site does not make it inappropriate for the proposed development.

Overall it is considered that the proposed subdivision can satisfy the requirements of Section 106 of the Resource Management Act 1991.

30.1.8.1.6 Building platforms

The proposed new sites will comprise between 1001m² and 1187m². On this basis, there will be adequate area to provide for a residential dwelling and associated accessory buildings, albeit without meeting the required 30m by 30m for sites in the Plains Production Zone.

The Preliminary Geotechnical Report undertaken by Cheal notes that sufficient area exists for each of the proposed house sites and that sufficient bearing for residential house foundations will likely be available at each site, subject to specific engineering design. The sites are flat so there are no slopes or stability issues that would restrict the placement of any future buildings.

Given this, it is considered that suitable building platforms exist that can contain a future residential dwelling, albeit based on the adjoining residential zone site sizes.

30.1.8.1.7 Esplanade areas (Reserves and Strips)

In the Plains Production Zone an esplanade reserve or strip with a maximum width of 20 metres is required as a condition of consent under Section 220 of the Act where the land adjoins the coast or adjoins or contains a waterbody of natural, cultural or recreational significance as identified in Appendix 54. The site adjoins the Clive River which is defined as the Ngaruroro River in Appendix 54 of the Proposed District Plan. In assessing Esplanade Reserves Council will have regard to the following:

- (i) *The creation of the esplanade area (esplanade reserve or esplanade strip) would contribute to the achievement of conservation, recreation, and access, values of the waterbody.*

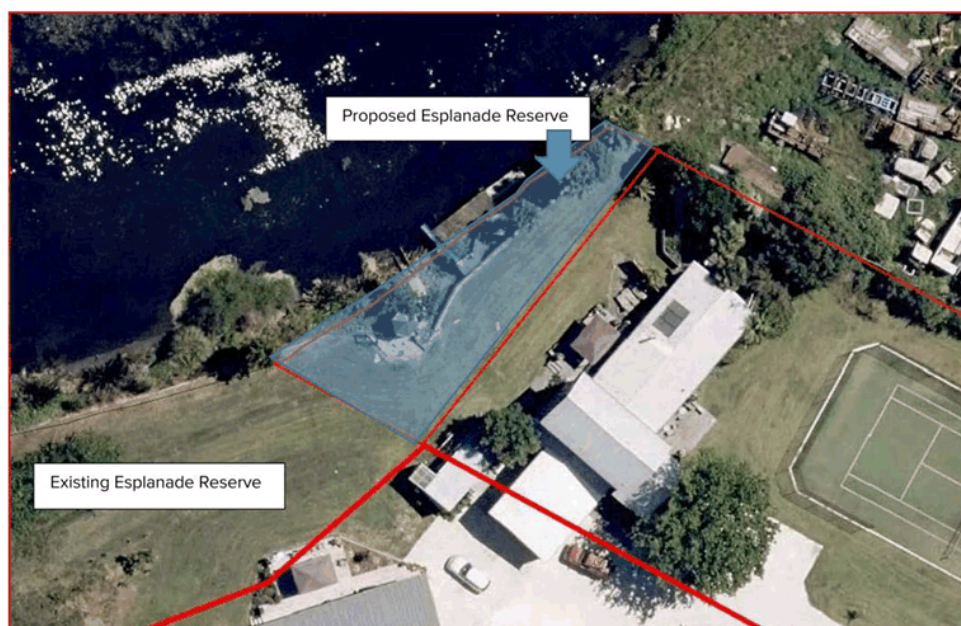
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- (ii) *The creation of the esplanade area would contribute to the effective management of risk from Natural Hazards in the District.*
- (iii) *Feedback from Hawke's Bay Regional Council on the strategic value of the esplanade area, and contribution toward providing compensation of the acquisition of the esplanade area.*
- (iv) *The most appropriate mechanism for securing the esplanade area (esplanade reserve or esplanade strip). Or an alternative means of protection and provision of access offered that is satisfactory to achieve the above assessment criteria (for example conservation covenant)*

Given the significance of the Clive River to the District (as confirmed by its identification in Appendix 54 of the Proposed Plan) the creation of an esplanade area upon the proposed residential subdivision is considered appropriate. As can be seen from Figure 1 above, esplanade reserves have been created from properties within the residentially zoned part of Clive in the past as well as off one of the two lots that form the subject site. The applicant proposes that the Esplanade Reserve is shaped to match the width of the existing Esplanade Reserve to the west before tapering down to the east as shown below:



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In regard to criterion (ii) the creation of an esplanade reserve in this case is not for the purpose of natural hazard mitigation. This is because the primary flood risk to Clive is from Muddy Creek rather than the Clive River which is managed as part of the Heretaunga Plains flood control scheme via the diversion of the Ngaruroro River.

In terms of criterion (iii) compensation and acquisition is not relevant in this case as under section 237E of the RMA 'Compensation for taking of esplanade reserves or strips on allotments of less than 4 hectares', compensation is only payable where esplanade reserves with a width greater than 20m are taken. Notwithstanding this the HBRC have provided comment to say that they agree with the taking of an esplanade reserve however the ultimate shape is up to the District Council to determine. The HBRC notes that the amended proposal by the applicant which would align the esplanade reserve with the adjoining one before tapering down is a pragmatic approach and despite the area being inaccessible from the road or other terrestrial pathway, the esplanade reserve would provide another 'building block' towards contiguous open spaces alongside the Karamu Stream.

In this case a reserve is considered appropriate (in regard to criterion (iv)) given that there are other existing esplanade reserves in the vicinity of the site. It is possible that over time as additional Main Road Clive properties are subdivided that one contiguous esplanade reserve will be available providing public access benefits along the bank of the River.

30.1.8.1.8 Access strips

No access strips are required as part of the proposed subdivision.

30.1.8.1.9 General

Of the General criteria the following are relevant to the proposal:

(i) The necessity for control over other aspects of works associated with the subdivision, including commencement, completion, bonding, damage liability, insurance, maintenance requirements and certification of compliance.

The proposed subdivision does not involve any works that necessitate the application of these mechanisms. Standard conditions applying to connections with Council's wastewater network will however apply if the Hearings Committee is of a mind to approve the application.

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(ii) Requirements for the provision of fencing adjoining public land, including pedestrian access-ways, service lanes and roads.

It is not considered necessary for any fencing conditions that would apply to the frontage with Main Road as the current situation of this frontage being occupied by the café, car park and private access to residential activities will not change.

The only other area of adjoining public land is that associated with the Clive River and the existing and proposed esplanade reserves. At this point in time fencing is not considered to be justified as there is no walking or vehicular access currently linking to this area of esplanade reserve from a public access point

If in time the esplanade reserves are linked to a public pedestrian access, then the definition of the boundary of the esplanade reserve will become more relevant. A consent notice condition specifying that once the esplanade reserves become publicly accessible, then any fencing of the boundary will be the responsibility of the owners of Lots 1 & 3 hereon, is recommended.

(iii) The creation of easements in favour of the Council for public services.

This criterion is not relevant as the public sewer service will be accessed from the Main Road frontage, while public water and stormwater services are not being utilised.

(iv) The design standards and guidelines in the Hastings District Council's Subdivision and Infrastructure Development in Hastings: Best Practice Design Guide.

Refer assessment above.

(v) The landscaping of property access on the site, road reserves and drainage reserves (e.g. tree planting).

The site frontage and accessway are already landscaped. It is proposed that plum trees will be retained where possible along one side of this access way (the south western side) to form an avenue with the existing palm trees on the north eastern side.

(vi) The design, location, extent and construction of any earthworks associated with the subdivision and development of the land.

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Where earthworks are proposed, assessment of the application with the relevant Earthworks, Mineral, Aggregate and Hydrocarbon Extraction assessment criteria in Section 27.1 will be required.

Given the flat nature of the site there is no need for significant earthworks. The only earthworks undertaken as a result of the subdivision will be that necessary to establish building platforms and to locate underground service connections.

(vii) Any potential cumulative effects that may occur as a result of the subdivision.

I agree with the applicants comments that it is not anticipated that there will be any cumulative effects arising from this subdivision. Due to the nature of the site frontage there will be little change to the visual appearance of the site as viewed from Main Road. There will be an increase in traffic flows to and from the site but this will be within the capacity of the existing accessway and within the capacity of the road widening that was undertaken prior to the opening of the café. This is confirmed by the NZTA's acceptance that the proposed subdivision will not result in any traffic safety effects on the State Highway.

(viii) Potential constraints to the development of the site such as the National Grid Corridor or storm water drains, and the ability for any resulting adverse effects to be avoided, remedied or mitigated.

The development of the subject site is not constrained by the National Grid Corridor, which is many kilometres away, or stormwater drains.

(ix) The potential effects from a proposed subdivision or development of land on the safe and efficient operation of network utilities.

The proposed subdivision is relatively small scale and is able to be serviced by the existing sewer, roading and electricity networks.

(x) The provision of electricity to the site boundary for any Urban Zone (Residential, Industrial or Commercial Zones), to be confirmed by the Electricity Network Utility/ Unison Networks Limited as a condition of consent.

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Unison Networks have confirmed that the new residential lots can be supplied with electricity.

- (xi) *Consideration to the potential effects on the principles of the Treaty of Waitangi or any sites or taonga of significance to Maori.***

There are no known archaeological sites or wahi taonga identified either over or within proximity of the subject site.

- (xii) *The ability for continued access to National Grid Transmission Lines for maintenance, inspection and upgrading.***

- (xiii) *The nature and location of any proposed vegetation to be planted in the vicinity of the National Grid Transmission Lines.***

- (xiv) *Any technical advice provided by the National Grid Transmission Line operator relating to safe electrical clearance distances in NZECP34:2001.***

The above criteria are not relevant as they all relate to National Grid Transmission Lines, which are not present in vicinity of the subject site.

10.5.2 Specific Subdivision Criteria 30.1.8.2(8) Esplanade Reserves

The following are the specific assessment criteria for Rural Subdivisions (30.1.8.2(8)):

- (i) *The purposes for the creation of esplanade reserves and/or esplanade strips set out in Section 229 of the Resource Management Act 1991.***

The following are the relevant purposes from Section 229:

- (a) *to contribute to the protection of conservation values by, in particular,—***
- (i) *maintaining or enhancing the natural functioning of the adjacent sea, river, or lake; or***
 - (ii) *maintaining or enhancing water quality; or***
 - (iii) *maintaining or enhancing aquatic habitats; or***
 - (iv) *protecting the natural values associated with the esplanade reserve or esplanade strip; or***
 - (v) *mitigating natural hazards; or***
- (b) *to enable public access to or along any sea, river, or lake; or***

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- (c) to enable public recreational use of the esplanade reserve or esplanade strip and adjacent sea, river, or lake, where the use is compatible with conservation values.***

See assessment below which covers the above criteria.

- (ii) Whether any reduction in size or width of an esplanade reserve/esplanade strip will adversely affect:***

- (a) The ecological characteristics of the land that contribute to the maintenance and enhancement of the natural functioning of the adjacent river, lake or sea.***
- (b) The water quality of the adjoining river, lake or sea.***
- (c) The land and water-based habitats present on or adjoining the subject land area.***
- (d) The public's ability to gain access to and along the lake, river edge or sea.***
- (e) The recreational use of the land and adjacent water.***
- (f) The natural character and visual amenity of the river, lake or sea.***
- (g) The ability of the Hastings District Council or the Hawke's Bay Regional Council to gain access to and along the margins of the river, lake or sea for maintenance purposes.***

The esplanade reserve proposed in Lot 8 will contribute to the protection of conservation values by ensuring that no built development or construction of sealed surfaces takes place within it and that therefore any stormwater runoff is from natural ground. It sets aside land within which riparian conservation planting can be undertaken to further enhance water quality, habitat and natural values.

As flooding of the Clive River is largely mitigated by the diverted channel of the Ngaruroro River and the Heretaunga Plains Flood Control Scheme, the mitigation of natural hazards will not be a primary purpose of this esplanade reserve.

Public access will be possible within proposed Lot 8 once vested as an esplanade reserve. The width of Lot 8 as proposed following the request for further information will be sufficient to enable both conservation planting and the construction of a walking path. Until such time as there is a street linkage to proposed Lot 8 and the existing esplanade reserve adjacent the subject site (between proposed Lot 3 and the river), it is recognised that the public access purpose of the reserve will be limited in value. In regard to public recreational use, this is likely to be more

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associated with the use of the river and accessing the reserve from the river at the present time. Aside from river bank access the primary recreational utility would be as a walking link when and if a public access linkage is established.

Any recreation use of the river is unlikely to change as a result of the subdivision.

With regards to maintenance it can be concluded that the proposal will not impede any access to and along the river margins required for access and the HBRC has confirmed that they have no requirement for maintenance purposes.

(iv) Whether a waiver or reduction of the width of an esplanade reserve/esplanade strip will:

- (a) Ensure the security of private property or the safety of people.***
- (b) Maintain or enhance the protection of Waahi Tapu, mahinga kai and other taonga, as well as the provision of access to areas of importance to Maori.***

Any increase in the width from the adjoining 15.5m wide esplanade reserve would incorporate existing buildings. The proposed narrowing of the reserve towards the north eastern end is to provide for the retention of a portion of the existing private outdoor living space and to create a buffer in protecting the security of the deck area of the applicant's dwelling.

No areas of significance to Maori have been identified.

(v) Whether the land is within a natural hazard area or in an area where there is an identified risk from one or more natural hazards (see Section 15.1 Natural Hazards).

There is no natural hazard mitigation benefit created by the proposed esplanade reserve.

(vi) Whether there is another protection mechanism such as QEII Trust Covenant, protective covenant under the Reserves or Conservation Act, or marginal strip under the Conservation Act is in place; or one is proposed to protect a similar area to that as required under 30.1.7H.

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Given the assessment above another protection mechanism is not required and would be of little benefit in the protection of conservation values associated with the river.

10.5.3 Specific Subdivision Criteria 30.1.8.2(9) Sites in the Rural Residential SMA/Zone, Special Character Zones And Lifestyle Lots in the Plains and Rural SMA/Zones, Which adjoin any site used for existing horticultural or Intensive Rural Production activities

The following is the relevant criteria from 30.1.8.2(9)

The design of the subdivision to ensure that of itself, or as a consequence of the development it will accommodate, cross boundary effects will not be unduly exacerbated. In particular, in assessing the development, regard will be had to the following:

- (i) The scale, design and location of the development is such that the number of sites and potential house sites adjoining the above activities is minimised.*
- (ii) The location of house sites which will avoid any potential for cross boundary effects.*
- (iii) The ability of the development to include methods which will mitigate against cross boundary effects being experienced.*
- (iv) Where these are necessary to achieve the Objectives, Policies and Anticipated Environmental Outcomes for the zone, particularly those relating to the Right to Farm provisions, the offer, if made, for registration of restrictive covenants and/or consent notices against the certificate of title(s) for any site where cross boundary effects are likely to result from activities operated in compliance with the provisions of the District Plan, which cannot otherwise be adequately avoided, or mitigated by other conditions of consent.*

As outlined above the applicant seeks to apply a 2.0m setback for residential buildings from those sites abutting the Plains Production Zone site boundaries based on the standards required by the Clive Whakatu Residential Zone, however it is considered a 10.0 metre setback is more appropriate in this case.

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The applicant has also volunteered a condition of consent to register a 'Plains Zone No Complaints Covenant' against the proposed residential sites. The effect of the covenant (which would be imposed as a Consent notice on the future titles if consent is granted), would be to inform future landowners that their properties may be exposed to effects arising from legitimate Plains Zone activities on the abutting and/or adjacent sites, and that they have no right of complaint or objection in relation to any adverse effects of those permitted activities. The applicant is also offering to build a fence along the boundary with 120 Main Road to further reduce any potential effects.

It is considered that the mitigation proposed and given the scale of the operation on the adjoining site which is relatively small that any cross boundary effects will not be further exacerbated by the proposal, if the Hearings Committee were of a mind to approve the application.

10.5.4 Land Use: Assessment Criteria

There are no relevant assessment criteria for the density or yard waiver's for the proposal which refers users back to the relevant outcomes of the standard which they fail to meet.

10.5.5 Land Use: Outcomes

The relevant outcomes of the Hastings District Plan, as they relate to this application, are as follows:

Density Outcomes

The potential to utilise the soil resource of the Plains Production Zone in a manner that supports the life-supporting capacity of the soil resource will be facilitated by the provision of Residential Activities.

While the outcome is somewhat confusing it would appear to be trying to say that residential activities should be provided for in a manner that supports the life supporting capacity of the soil resource. While the Plains Production Zone does not permit more than one primary dwelling and one secondary building on sites above 2500m², it is considered that the proposal does facilitate residential activities on land that is perhaps more suited to this use than a typical Plains Production Zone site. As concluded in the assessment of environmental effects, on a finely balanced

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conclusion, that in context of the overall Plains Production Zone the effects on the soils resource will be no more than minor in context of the extent of soils affected and the actual or potential productivity of the District's soil resource. It is considered that the proposal is consistent with this outcome.

Yard Waiver Outcomes

The open character and amenity of the Plains Production Zone will be maintained.

While there will be a change in the character of the site, it is considered that the open character of the Plains Production Zone will not be adversely affected.

Buildings on Sites created under the lifestyle Subdivision rules will be separated from adjoining Sites to ensure that potential conflicts between adjoining land Uses are avoided.

Subject to a no complaints consent notice, which has been offered by the applicant, fencing and building setbacks, and the small scale of the adjoining Plains Production Zone site, it is considered that there are not likely to be any issues relating to conflicts with adjoining landuses.

10.5.6 Proposed District Plan Objectives and Policies

Section 2.4 Urban Strategy

OBJECTIVE UDO1

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

POLICY UDP1

To achieve containment of urban activities and provide for residential greenfield growth in the areas identified as appropriate within the Hastings Urban Development Study document through to 2015 and in HPUDS for the period beyond 2015 and through to 2045.

POLICY UDP2

To manage the supply of greenfield sites to encourage medium density housing within the existing urban boundaries.

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OBJECTIVE UDO2

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

POLICY UDP3 Priority is to be placed on the retention of the versatile land of the Heretaunga Plains, the protection of the Heretaunga Plains Unconfined Aquifer from the adverse effects of urban development and the efficient utilisation of existing infrastructure.

OBJECTIVE UDO3

To establish an effective and sustainable supply of residential and business land to meet the current and future demands of the Hastings District Community.

POLICY UDP8

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

OBJECTIVE UDO4

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

POLICY UDP9

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

POLICY UDP10

To identify distinct and clear boundaries between the urban area and the Plains Zone.

POLICY UDP11

In the absence of distinct physical boundaries such as roads or rivers, require the provision of greenbelts to maintain separation distances between the Urban and Plains environment and also to separate distinctive urban areas.

In relation to Objective UDO1 the Heretaunga Plains Urban Development Strategy 2017 (HPUDS) specifically removed the subject site (and the area north of Main Road to the Clive River) from the list of inappropriate development areas and the HPUDS Working Group's decision

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acknowledges that the subject site is appropriate to consider for urban development via the resource consent process. The proposed subdivision is therefore generally consistent with HPUDS 2017 and the above objective and policies, albeit with the changes to HPUDS having not being brought through the Regional Policy Statement (Objective UDO2).

In regard to Policy UDP3 the versatile land within the subject site is considered to be appropriate for use for urban development as has been acknowledged in HPUDS 2017.

In terms of objective UDO4 and Policy UDP9 the objective does not state that expansion will not occur, rather if expansion is to be considered it must either able to be controlled or restricted to avoid further sprawl, or expansion should be restricted to areas of land that are of lesser productive potential, and where potential conflict effects can be avoided, remedied or mitigated. The proposal satisfies these criteria in that it is unlikely to give rise to sprawl and the productive potential of the site is already somewhat constrained and unlikely to be increased.

In terms of Policies UDP10 and UDP11, these are satisfied in that appropriate conditions of consent can be imposed to ensure that effects between the proposed residential and adjacent rural landuse can be mitigated, and the sites can be serviced without adverse effects on the existing infrastructure services (wastewater).

The ready availability of services to the site (in particular wastewater) allows for its efficient development, without increasing availability of services to adjoining land. This reduces expectations that adjoining land could also be developed for residential purposes on the back of those services and thereby facilitating the propose development while creating a mechanism that limited the potential for further residential subdivision in the area in a manner not inconsistent with UDP9.

Section 2.8 Rural Resource Strategy

RRS01

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

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RRSP1

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

RRSP3

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

RRSO2

To enable the efficient, and innovative use and development of rural resources while ensuring that adverse effects associated with activities are avoided, remedied or mitigated.

RRSP3

To enable rural activities which might generate adverse effects such as noise or smell, to operate in rural areas in accordance with accepted practices, without being significantly compromised by other activities demanding higher levels of amenity.

RRSP4

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

RRSO3

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

RRSO4

To ensure that the natural, physical, and cultural resources of the rural area that are of significance to the Hastings District are protected and maintained.

RRSP5

Establish mechanisms within the District Plan that will address the protection of outstanding landscape and natural areas, and items or areas of heritage or cultural significance but which also maximise the opportunity to sustainably utilise the resources of the rural area.

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Consideration of the objectives and policies of the Rural Resource Strategy can be undertaken from two perspectives; firstly in terms of the rural resource within the site, and, and secondly, in terms of the rural resource surrounding the site, should the consent be granted.

In terms of RRSO1, the proposal would clearly not 'promote the maintenance of the life supporting capacity' of the rural resource within the site, as those soils would be lost from production.

If the development was to be granted mitigation measures can be imposed that would ensure that the life supporting capacity of the surrounding sites would not be diminished, this also achieves consistency with RRSO3.

Under RRSO4, the Plains Production Zone soils resource is a significant natural resource that is to be protected and maintained. Granting consent would not protect or maintain the resource within the site, however, if granted the productivity of the soil resource surrounding the site would be protected and maintained.

It has been demonstrated that through mitigation, reverse sensitivity matters to rural activities can be addressed, thus satisfying RRSP3.

RRSP4 is a key policy in consideration of this application, it addresses issues relating to pressure for urban development onto rural land close to urban areas or on arterial routes, thus individually or cumulatively adversely affecting the sustainability of the rural resource base, it states that expansion at the fringe of urban areas will be controlled. Accordingly the rules of the Plan do not provide for uncontrolled conversion of rural land.

The explanation for RRSP4 focuses on reverse sensitivity issues, reductions in the life supporting capacity of rural resources and effects on national or arterial traffic routes through increases in the number and use of access ways. Most of these matters are mitigated by the application - as demonstrated in the effects analysis. The key aspect of RRSP4 relates to whether by granting of this subdivision Council would retain control, over urban fringe expansion, whether at Clive, or, at other locations throughout the District.

The principle mechanism for the control of urban peripheral expansion and development is HPUDS and any subsequent re-zoning of land. The

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Act however also provides for non-complying activities which by nature fall outside planned or controlled approaches. Council can retain control over growth by either declining applications not meeting the Plan's rules, or by granting applications only where it is clear that no precedent is established, to avoid cumulative effects.

It is my view that for the reasons set out in this report, the site is somewhat unique, and that from a precedent perspective the proposal has unique site characteristics, servicing and the general location and context of the receiving environment. Although finely balanced, I consider that the proposal while not specifically achieving RRSP4 it is not diametrically opposed to, or repugnant to this policy.

Section 6.1 Plains Strategic Management Area and Section 6.2 Plains Production Zone

OVERARCHING OBJECTIVE PSMO1

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

POLICY PSMP1

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

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.

POLICY PSMP4

Limit commercial and industrial activities to those that have a direct relationship to crops grown and/or stock farmed within the Plains environment.

POLICY PSMP5

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Establish clear and distinct urban boundaries to prevent incremental creep of urban activities into the Plains Production Zone.

POLICY PSMP6

Provide for other primary production activities that are not reliant on the life supporting capacity of the soil, provided they are an appropriate scale for a land based production environment and compatible with the amenity expectations of the Plains environment.

OBJECTIVE PPO1

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

POLICY PPP1

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

POLICY PPP3

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

POLICY PPP4

To enable land based primary production, including by providing for directly associated accessory buildings where they are not of such a scale as to adversely affect the life-supporting capacity of the versatile land resource and which are consistent with the rural character of the Zone.

POLICY PPP5

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

POLICY PPP6

Restrict the ability to create lifestyle sites within the Plains Production Zone to those from an existing non-complying site where the balance of the site is amalgamated with one or more adjoining sites to form a complying site.

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POLICY PPP7

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

OBJECTIVE PPO2

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

POLICY PPP8

Provide for industrial and commercial activities in the Plains Production Zone where they are linked to the use of the land and with limits on the scale and intensity to protect soil values and rural character.

POLICY PPP11

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

OBJECTIVE PPO3

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

POLICY PPP13

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

POLICY PPP14

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

POLICY PPP15

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

OBJECTIVE PPO4

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

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POLICY PPP16

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

The Proposed District Plan's description of the Plains Strategic Management Area discusses the potential for the Plains soil resource to be lost through activities such as buildings or sealed areas, damage to the soil resource and the fragmentation of the land into unsustainable sized sites through subdivision. The Plan draws attention to the potential consequences of such loss of the soil resource to the economic, social and cultural well-being of the community.

The Plan's objectives and policies also recognise the potential for, and importance of, avoiding conflicts between incompatible adjacent activities. It recognises that activities such as residential activities may have higher amenity expectations and may, as a consequence, conflict with permitted productive Plains Production Zone activities encouraged by the Plan. The Policies recognise the potential for conflict and seek to ensure adequate 'buffers' are in place to protect amenity for residential activities and also productive activities from reverse sensitivity.

Low density residential development is anticipated on the Plains but is only provided for through a specific set of provisions. These provisions are designed to allow for residential development in association with productive use, or to encourage the creation of complying sized sites from non-complying situations - an environmental benefit.

The proposal seeks the creation of 6 residential lots (four with development potential) varying in size from 702m² - 1178m² on a 1.0379 hectare site. There is one adjoining site in proximity that contains productive land uses, although the size of the operation is relatively small given the sites size of 1.3ha.

In terms of PPO1, as the soil of the site would be lost to residential development the proposal is contrary to maintaining the life-supporting capacity of that soil. That said, if granted, the life-supporting potential of adjacent productive sites could be maintained.

The proposal is also contrary to PSMP1, PPO1, PPP1, PPP3, PPP7 and PPP11 as it is clear that the proposed residential sites will totally alienate the life-supporting capacity of the soils within the site from future productive potential. And the residential sites will not be landholdings that

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can accommodate activities that retain the life-supporting capacity of the Plains resources.

PPO3 and PPO4 relate to maintaining existing levels of amenity associated with existing land based primary production and enabling the operation of activities relying on the productivity of the soil without limitation as a result of reverse sensitivities. The proposal will change the amenity of the sites from rural to residential, therefore it is contrary to PPO3, however the proposal is unlikely to restrict the operation of existing productive activities on adjacent sites as required by PPO4, given that there is only one adjacent site that is potentially affected and it is of a similar size to the subject site with a small kiwifruit orchard.

With regard specifically to subdivision the matters raised in PPO1, PPP1, PPO3 and PLP1 are tied into PPP11, the proposed sites are clearly contrary to PSMP1, PPP6 and PPP11 as the proposed subdivision will create additional lots with no relationship to the productive capacity of the soil resource and will ultimately alienate, perhaps forever, that part of the soil resource from productive use.

The Plan does attempt to provide for 'lifestyle' low density opportunities in the District but the Plains zone focuses primarily on the productive use of the soil and only permits residential activities where they are related to some benefit to the rural resource PSMP1. Reference to Policy PPP6 and its explanatory statement clearly indicates that the 'lifestyle' provisions are not intended to create new residential opportunities.

In relation to overarching policy PSMP5 that aims to establish clear and distinct urban boundaries to prevent incremental creep of urban activities into the Plains Production Zone, it is considered that while the proposal does extend into the Plains Production Zone the nature of expansion and the location is such that the nature of further incremental urban creep is low. It should be noted that no Council reticulated services are required to be extended for this proposal, given the site already has a connection to wastewater (and water and stormwater can be provided for onsite), and therefore no wastewater services will become available to any further sites along State Highway 2 (Main Road). Due to the lack of availability of wastewater services the subdivision of properties along the northern side of SH2 is unlikely to be further encouraged by granting of consent.

Overall, however, it is considered that the proposal is contrary to a number of key Plains Production Zone and Plains Strategic Management Objectives and Policies.

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Section 19.1 Riparian Land Management and Public Access**RMO1**

To protect areas of the coastline and the margins of rivers, lakes and streams that are identified as being of significant, natural, cultural, or recreational value.

RMP1

Require the establishment of esplanade areas (either esplanade reserves or esplanade strips) when land is subdivided in the Rural, Plains, Special Character and Rural Residential Zones that adjoins riparian areas identified in Appendix 54 as being of natural, recreational or cultural significance.

Lot 8 will be created as an Esplanade Reserve which will ensure that the ecological characteristics of the site are protected as well as the provision of access. It is considered that the proposal will not be contrary to the Objectives and Policies contained in Section 19.1.

Section 30.1 Subdivision and Land Development**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.

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.

SLDP1

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

SLDO3

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

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SLDP4

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

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.

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.

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.

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.

SLDP10

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

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.

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SLDP14

Ensure that earthworks associated with providing vehicle access, building platforms or services on land being subdivided will neither detract from the visual amenities of the area, nor have adverse environmental impacts, such as dust, or result in the destruction of heritage sites (include archaeological sites), cause natural hazards, or increase the risk of natural hazards occurring.

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.

SLDP16

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

The objectives and policies of the subdivision section generally reference back to the objectives and policies of the relevant zone in terms of creating sites of an appropriate size. They also seek to ensure that new sites can be adequately serviced. In this case the proposed subdivision and development is generally consistent with and can achieve the Objectives and Policies of the Urban Strategy, the Clive Whakatu SMA and the Clive Whakatu Residential Zone as the proposed subdivision would effectively result in a slight extension to the urban edge of Clive.

The subject site is however zoned Plains Production Zone and given that an urban residential development is proposed, the application is not consistent with the objectives and policies of the Plains Production Zone or the Plains SMA.

In regard to servicing, the subdivision is proposed to be serviced by an onsite bore and easements for water and by the reticulated wastewater network. Storm water is proposed to be adequately disposed of through onsite attenuation and then disposal to the Clive River. The sites can be adequately serviced and infrastructural costs will be borne by the applicant, therefore the proposal is not contrary to SLDO4 and SDP8, SDP8, SDP10 SDP11.

In regard to Objective SLDO2 the individual sites proposed to be created will be particularly suitable for residential activities. This is considered to

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be an appropriate range of activities in the context of extending the urban edge of Clive in a manner considered appropriate by the HPUDS Working Group.

The proposal is not contrary to SLDO3 as the site is not subject to any natural hazard that cannot be addressed.

Given the above assessment the proposed subdivision, is generally consistent with the relevant objectives and policies of the Subdivision and Land Development section of the Proposed District Plan.

10.5.7 Conclusion – Objectives and Policies – Proposed District Plan

The weighing up of a proposal's consistency with the objectives and policies requires that an overall assessment is made of how the proposal 'sits' within the policy framework of the Plan, rather than whether each objective and policy is individually satisfied. As such, it is the overall intent of the above objectives and policies that has been assessed in this case.

The Act guides this assessment by requiring that a proposal is not *contrary* (i.e. not *opposed* to or *repugnant* to the overall objectives and policies).

In this case, it is considered that this proposal is contrary to some of the key objectives and policies of the Proposed District Plan in relation to the containment and control of sporadic urban sprawl at the urban fringe, and in particular in urban fringe expansion onto the fertile soils of the Heretaunga Plains. The proposal however does achieve a degree of consistency with the objectives and policies for Urban Development.

It is also not contrary to aspects of the Plan broadly promoting urban expansion onto soils of lesser productivity (or potential productivity), or in terms of the mitigation of effects at the urban rural interface or the avoidance and mitigation effects between potentially conflicting activities in general. The proposal is also not contrary to objectives and policies in relation to land transport and traffic or infrastructure servicing.

For the purposes of whether the proposal is or is not contrary to the relevant objectives and policies of the Proposed Hastings District Plan, as required by Section 104D, I have come to the conclusion that the proposal is contrary, in particular to those objectives and policies directly

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and specifically focused on the protection of the soils resource of the Heretaunga Plains from uncontrolled urban expansion and development.

11.0 OTHER MATTERS – Section 104(1)(c)

11.1 Extension of Infrastructure Services / Urban Sprawl

The availability of Council services beyond the existing urban boundaries may encourage other Plains zoned landowners in the vicinity of the extended services to also seek subdivision of their Plains zoned properties resulting in uncontrolled and unplanned (cumulative) urban sprawl at the rural urban boundary. The potential for cumulative effects (on soils, rural character and amenity) arising from extension of services must be considered. The infrastructure service agreements confirm the potential for additional service connections subject to landowners paying the cost of any further extension, financial contributions and ongoing rating.

Demand for access to infrastructure services is not evident in the submission received. The submitter has advised that they intend to increase the land based primary production of the adjoining site.

There are a number of Plains Production zoned landholdings along the northern side of SH2 that are of a similar and slightly larger area and proximity to Clive Township as the subject site, they are arguably just as attractive for residential subdivision as the subject site. Subdivision applications of these sites could be encouraged if infrastructure services were to become more readily available as a consequence of this subdivision. As no Council services are required to be extended for this proposal, given the site already has a connection to wastewater (and water and stormwater can be provided for onsite), no wastewater services will become available to any further sites along State Highway 2. Due to the lack of availability of wastewater services the subdivision of properties along the northern side of SH2 is unlikely to be encouraged by granting of consent.

On balance it is considered that the proposal would not give rise to urban sprawl, the likelihood of further subdivision occurring on adjacent sites is low, given the lack of infrastructure services. If service extensions are sought it is most likely that these would be utilised to replace poor onsite servicing (water supply and septic tanks) rather than to provide for residential scale subdivision.

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11.2 Precedent Effects

Case law has established that adverse 'precedent effects' can be considered (*Blyth v Tasman DC EnvC C175/50*).

Precedent effects can arise where granting consent is 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.

In terms of Plan integrity guidance can be obtained from Court decisions on the previous Operative Hastings District Plan which had the same Plains Zone provisions.

- *Lightning Ridge Partnership Ltd v Hastings DC* (W049/2007) involved land zoned *Rural Residential* which was, as described in the decision as, an ...*island surrounded on three sides by Rural land and on the other by Coastal Residential*. Its future as potential productive land had already been compromised, in a planning sense, by the zoning given it in the Plan formation process.
- In *Pencarrow Hills Ltd v Hastings DC* (W010/2005), the site comprised 5000m² piece of *Plains* zoned land, of such a shape and configuration that its practical productive use was, to say the least, problematic. It was described in the decision as an ... *orphan*....

The *Pencarrow* and *Lightning Ridge* cases both involved land that although zoned *Plains* and *Rural* (respectively) was ultimately segregated from the remainder of the resource to the extent that its utility was more akin to that of the abutting or adjacent land (i.e *General Residential*, or *Coastal Residential*). Those sites were considered to be sufficiently unique to differentiate them from other non-segregated sites of the same zoning that the granting of consent would avoid setting precedent.

- In *Mckenna v Hastings DC* (W016/2008) the applicant sought to subdivide a 3.0ha *Plains* site to create a 4018m² lifestyle site containing an existing dwelling on the edge of Havelock North. The site in question lay abutting and contiguous with other substantial *Plains* zoned sites and no amalgamation was proposed. The Court identified that the site had no particular uniqueness that set it apart from any other urban fringe *Plains* site, and despite the Planner's

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agreeing that there would be no adverse effects on the environment – including on the Plains soil resource, the Court declined the appeal on the basis of effects on the integrity of the Plan and objectives. The Court held that there was little to differentiate the McKenna site from any other property of comparable size and character hard against the border of the Havelock North residential area and to grant consent would encourage other similar applications. If there were to be an insidious movement toward the non-complying subdivision of such lots, that is where it would logically start, and that would be directly contrary to the intent of policy RP5.

McKenna was effectively seen as a nibbling at the edge of the zone, whereas Lightning Ridge and Pencarrow Hills to a slightly lesser extent were clearly and distinctly definable as appropriate for development despite the zoning.

The subject site bears a strong resemblance to the key differentiating elements and characteristics that set *Lightning Ridge* and *Pencarrow* apart. The subject site is also unique in its own right. The subject site is physically defined and only adjoins one similar size (1.3ha) Plains Productive Zone site to the west, with the northern boundary adjoining the Clive River, the eastern boundary adjoining a residential zone and the southern boundary adjoining State Highway 2 and it is considered suitable for residential development in a manner that no other sites in the locality can demonstrate with the provision of an existing wastewater connection, that does not require Council reticulated services to be extended.

It is considered unlikely that if this consent was granted that others could follow in a manner that could cumulatively erode the public confidence in the consistent administration of the Plan, or result in an insidious creep of urban fringe development onto adjacent Plains Production Zoned land. As previously outlined in this assessment, although the proposal is overall contrary to the objectives and policies, there are site specific characteristics that make the site unique to the extent that those objectives and policies with which it is contrary to at face value can be given a reduced weight in consideration under Part II.

12.0 PARTICULAR RESTRICTIONS FOR NON-COMPLYING ACTIVITIES - s104D

Under s104D a non-complying activity must pass at least one of the 'gateway' tests of either s104D(1)(a) or s104D(1)(b) before a decision

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can be made on whether to grant a resource consent application under s104B.

If an application fails to pass both tests of Section 104D(1) then it must be declined.

It has been determined that the effects on the environment will be no more than minor, however the proposal is contrary to the key objectives and policies of the Proposed District Plan. The proposal can however qualify for consideration under Section 104D(1)(a), and pursuant to Section 104(1), and subject to Part II of the Act.

In terms of Section 104(1)(a) Council may also consider positive effects. In this instance positive effects would be associated with the provision of additional land to accommodate residential development within the perceived urban limits of the Clive Township, which currently, despite the intent of the Plan (and HPUDS), has no current substantial area available to accommodate residential expansion.

Additionally, the development of the site, sale of properties and subsequent residential development within each has potential for positive employment and economic 'flow-on' benefits. (The latter is based on an assumption that due to the desire of the applicant to sell properties they will be sold and developed at realistic market rates).

In terms of Section 104(1)(b) the proposal is consistent with national policy statement relevant to this application on urban development capacity. The NZ coastal policy statement is not relevant and the proposal is not considered to be inconsistent with the Regional Resource Management Plan. District Plan matters have been discussed in detail above.

Another matter that is indirectly related to precedent is whether the objectives and policies for the zone are relevant to the site in question. Zoning by necessity is a broad management tool, and not all land, sites or even localities within a particular zone demonstrate all the characteristics of the zone. It is considered that the subject site falls into this category, its containment and surrounds and the nature of the existing environment are not typical of the wider Heretaunga Plains. Consequently although the proposal is contrary to key Plains Production Zone objectives and policies, the relevance of these objectives and policies is reduced in their applicability to the site and it is reasonable that they can be given a reduced weighting.

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In terms of Section 104(1)(c) the relevance of other matters has been discussed above.

13.0 PART II OF THE RESOURCE MANAGEMENT ACT 1991

13.1 Section 5 - Purpose of the Act

The purpose of the Act is set out in Section 5, that is:

to promote the sustainable management of natural and physical resources. In essence this means managing the use, development and protection of natural and physical resources in such a way or at such a rate that enables people and communities to provide for their social, economic and cultural well-being, this is to be achieved while –

- ***sustaining the potential for resources to meet the reasonably foreseeable needs of future generations;***
- ***safeguarding the life-supporting capacity of air, water, soil and ecosystems , and;***
- ***avoiding, remedying or mitigating adverse effects on the environment.***

The Act accords priority to the matters of Part II and Part II provides the overall framework guiding all functions powers and duties under the Act. Any exercise of discretionary judgement must promote the statutory purpose. Applying Section 5 requires an overall broad judgement of whether a proposal would promote the sustainable management of natural and physical resources allowing for the balancing of conflicting considerations in proportion to the significance of the final outcome. The language used with Part II is deliberately open and it is intended to allow the application of policy in a general and broad way.

Of particular issue to this subdivision proposal is the balance between the potential impact of development on the valuable Heretaunga Plains soil resource and the permanent alienation of part of that resource, whether the new residential activity would limit the use of the adjacent soil resource, impacts on character and amenity of the local environment, and enabling the applicants to provide for their social, economic and cultural well-being, and overall whether the proposal represents an efficient use of resources (this includes all natural and physical resources impacted on by the proposal i.e. roading, soil, infrastructure).

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The assessment has concluded that despite alienating the soils within the site, the effects of the proposal on the overall soils resource will be no more than minor, and that the residential activities allowed will not limit the productive utility of the adjoining Plains Production zoned site. The soil resource within the site has a limited productive capacity and potential due to the inherent and unique features of the site and its small size (1.03ha). The proposal has demonstrated that the actual loss of soil resource is limited relative to the overall resource contained within the District. The extent of the loss then is relatively small.

In terms of character and amenity the site has no outstanding landscape values and it is perceived as part of the Clive settlement. The residential development of the site would likely be interpreted as a 'logical' extension of the township that would overall contribute to and reinforce the character and amenity values of the settlement.

Given the above assessment, it is considered that on balance the proposal will achieve the sustainable management purpose of the Act.

13.2 Section 6 - Matters of National Importance

Section 6, of Part II of the Act sets out matters of national importance. The only matter of national importance that is relevant to the proposal is in relation to the maintenance and enhancement of public access to rivers (Section 6(d)).

It is considered that the proposal recognises and provides for public access to rivers through the provision of the Esplanade Reserve, albeit acknowledging that no public access is directly provided to this at the present time. However it does create a potential future link if a walkway was established in the future.

13.3 Section 7 – Matters to have Particular Regard to

Section 7 of the Act sets out matters that Council shall have particular regard to in administering the Act. Of particular relevance to this application are:

(b) The efficient use and development of natural and physical resources:

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- (c) The maintenance and enhancement of amenity values:**
(f) Maintenance and enhancement of the quality of the environment:
(g) Any finite characteristics of natural and physical resources:

In assessing whether or not the proposal is an efficient use and development of natural and physical resources, consideration must be given to the options for use of those resources present on the site, and also resources in the locality. In this instance, the proposal would result in further fragmentation of the land and loss of soil resource. On the other hand, the ready availability of infrastructure services and roading access to the site contribute towards efficiency of development.

Section 7(g) requires the Council to have regard to the finite characteristics of natural and physical resources, which requires weighing up the importance of removing, almost certainly forever, the productive potential of this particular part of the land resource through subdivision, against other relevant matters, including the creation of a new housing resource.

The proposal allows the establishment of non-productive residential landuse that is likely to be of a long term duration, in context and on balance in this case, and taking into account all resource factors, the use of the land for housing for current and future generations can be considered to be an efficient use of this particular soil resource, and this is consistent with section 7(b) of the Act. This is particularly so given that this land, along with the land adjoining the southern extent of the township on the opposite side of Main Road, are the only areas clear of natural hazard and servicing constraints that apply to the other edges of Clive.

It is considered that the proposal does not compromise the maintenance and enhancement of amenity values and the quality of the environment (in regard to sections 7(c) and (f)) with little change being visible from the Main Road frontage which will still be fronted by the café, its associated carpark and the vehicular access into the site. New dwellings in the midst of the site may be visible beyond the carpark and row of plum trees proposed to be retained, but will have little effect on the amenity values of the wider area.

Maori Values and the Treaty of Waitangi

Section 6(e), 7(a) 7(aa) and 8 state that Council should recognise the relationship of Maori and their culture and traditions with their ancestral

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lands, water, sites, waahi tapu, and other taonga, have regard to kaitiakitanga and the ethic of stewardship, and take into account the Principles of the Treaty of Waitangi.

While the District Plan promotes the ethic of stewardship (the protection of resources for future generations), it also acknowledges that land will be required to accommodate various forms of development. The key aspect of this is the ability of Council to retain control over the rate and extent that this occurs, particularly at the urban fringe. The servicing of the site is unlikely to adversely affect the stewardship of the Clive River, given the only change would be an increase in the volume of stormwater discharged to the site. The provision of the Esplanade Reserve is however likely to enhance the stewardship of the river by enabling an area of land to be used for access and riparian management that would not have otherwise been the case.

Given the factors considered in this report, it is concluded that the granting of consent will not compromise Council's position of control over such expansion, either in the form of sprawl onto adjacent or abutting sites or at other locations throughout the District

No adverse effects on these matters have been identified, and consequently, there is no reason to consider this proposal to be inconsistent with these provisions of the Act.

13.5 Summary of Part II

Considering the points raised above, and those in the Assessment of Environmental Effects and Objectives and Policies (Hastings District Plan), the analysis and assessment within this report, it is considered that this application is, on balance, generally consistent with Part II of the Resource Management Act 1991, and that the development and use of the land for residential purposes represents sustainable management of natural and physical resources in terms of the Act.

14.0 CONCLUSION

The applicant seeks resource consent to subdivide a 1.0739 hectare site to create six residential lots, one commercial lot and an Esplanade Reserve. The applicant seeks a waiver from the yard setbacks for future dwellings and requests that the future lots be governed by the provisions of the Clive Whakatu Residential Zone.

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The application has been assessed as a Non-Complying Activity, and was limited notified.

An assessment of effects on the environment has identified that actual and potential adverse effects on the environment arising from the granting of consent will be avoided, remedied or mitigated through imposition of appropriate conditions of consent, and that effect will be no more than minor. The proposal is overall considered to be contrary to the relevant objectives and policies of the Proposed District Plan.

The proposal satisfies the threshold test under Section 104D(1)(a) of the Resource Management Act 1991, and qualifies for consideration under Section 104(1).

Having had regard to the matters set out in Section 104, the actual and potential effects on the environment, the relevant objectives and policies of the Proposed District Plan, matters raised in submissions and other matters, it is overall considered that, upon balance, the proposal represents sustainable management in terms of Part II of the Resource Management Act 1991 and, that subject to conditions of consent, can be granted.

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RECOMMENDATION**That pursuant to:**

- (a) Rules SLD25 (Subdivision) and PP38 (Land Use) of the Proposed Hastings District Plan (As Amended by Decisions 15 September 2015);
- (b) Regulations 9(1) and 9(3) of the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011; and
- (c) Sections 104, 104B, 104D, 108 and 220 of the Resource Management Act 1991, resource consent as a Non-Complying Activity is **GRANTED** to Charlie and Susan Davidson to:
 - (i) Subdivide Lot 1 and Lot 4 DP 8555 (CFR HB137/171) into 6 residential sites, a commercial site and an esplanade reserve; and
 - (ii) Waive the requirement for building platforms to comply with the zone setback distances (yards);
 - (iii) Waive the requirement to provide a 20 metre wide esplanade reserve adjacent the Ngaruroro (Clive) River; and
 - (iv) Waive the density and yard requirements for the Plains Production Zone for all sites.

SUBJECT TO THE FOLLOWING CONDITIONS:**GENERAL**

1. That unless otherwise altered by the consent conditions the proposal shall be carried out in general accordance with the application lodged with the Council on 16 January 2018 (HDC Ref: 57681#0286), and further Information provided on 12 and 27 June 2018, and 1 August 2018 (HDC Ref: 57681#0307-0312 and #0321).
2. The Land Transfer Plan to give effect to this subdivision consent shall be consistent with the scheme plan, prepared by Bill Moore dated: **31/07/2018**, Reference: **The Davidson's Subdivision, Sheet 3**, (HDC Reference: PID 57681#0321), a copy of the approved scheme plan is attached.

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EASEMENTS

3. That pursuant to Section 243 of the Resource Management Act 1991 all easements shown on the approved plan and included in the memorandum of easements submitted with the application, shall be included in a memorandum as part of the online LT plan package, and shall be granted or reserved. Easements shall be provided to secure stormwater disposal over Lot 8 (Esplanade Reserve).
4. All easement widths shall be in accordance with the requirements of the Proposed District Plan and Engineering Code of Practice 2011, and shall be duly granted or reserved upon deposit and issue of the Certificates of Title.
5. In terms of condition 4 above, the applicant shall demonstrate how all rights of way comply with the Hastings District Council's Engineering Code of Practice 2011 including access width, gradients, tracking circles/lines, passing bays etc.
6. That all cross-boundary services shall be removed or secured by easements.

ESPLANADE RESERVE

7. Lot 8 shall be vested as Esplanade Reserve in Hastings District Council.

COMMENCEMENT OF ENGINEERING WORKS

8. No engineering works shall be undertaken until the engineering design plans required by Condition 10 have been approved by the Environmental Consents Manager, Planning and Regulatory Services, Hastings District Council (or nominee).

MONITORING

9. That a monitoring deposit of \$190 (including GST) shall be payable to cover the reasonable costs of monitoring compliance with the consent conditions in accordance with Council's schedule of charges. In the event of non-compliance being detected by monitoring or justified complaint and/or the costs of monitoring the consent exceeding the deposit, the costs to Council of any additional monitoring shall be paid by the consent holder in accordance with the Council's advertised schedule of fees.

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ENGINEERING DESIGN

10. Prior to the commencement of engineering works, the consent holder shall submit engineering design plans to the Environmental Consents Manager, Hastings District Council (or nominee) for approval. The engineering design plans shall include, but not be limited to:
- a) Internal Roads and parking areas, including pavement design;
 - b) Access and turning circles on each proposed site, and turning heads;
 - c) Stormwater drainage systems, including discharge to the Clive River and Pre-development stormwater discharges not being exceeded;
 - d) Accommodation for 1 in 50 year storm events;
 - e) Water supply/storage to show compliance with the Hastings District Council's Engineering Code of Practice 2011 and the New Zealand Fire Service Firefighting Water Supplies Code of Practice (NZS 4509:2008) and the New Zealand Drinking Water Standards 2005, including provision of fire couplings on the water supply system;
 - f) Wastewater connections for all lots;
 - g) Fully staged producer statements and quality assurance statements.
11. The required engineering design plans shall detail the ways in which design and construction will comply with the Council's Engineering Code of Practice 2011, or a prior agreed alternative design where this varies from the Code of Practice.
12. That development within the site shall be required to implement low impact design principles in accordance with the Hawkes Bay Regional Council Waterway Design Guidelines. The required measures shall include the assessment and provision of treatment of storm water and that attenuation shall be provided to pre-development levels to minimise changes to the hydrological regime by attenuating post development peak flow rates to pre development levels for the 50 year ARI storm event. The net peak storm water discharge rate to the receiving drainage systems (beyond the site boundaries) shall not be increased by the proposal. Any surplus storm water runoff shall be suitably dissipated to ensure that no scour damage occurs to the receiving environment.
13. That Lots 4 - 7 shall be provided with a potable water supply connection to the existing water supply on the site.
14. That Lots 1-7 shall be provided with a stormwater connection to the Clive River or other approved stormwater disposal outlet. The combined/single

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outlet for all new lots shall be constructed in accordance with the requirements of the Hawke's Bay Regional Council.

15. That each Lot shall be provided with a connection to the sewer in Main Road (SH 2). Building Consent will be required for the reticulation works. Any existing drain proposed to serve the new lots shall be proven as being suitable for the additional load to the satisfaction of the Development Engineer (Consents) or nominee.
16. That all works within the legal road reserve shall be undertaken by a contractor who is pre-approved to do so by Hastings District Council.
17. Prior to Section 224(c) approval the consent holder shall construct the servicing, access and parking areas in accordance with the approved design plans.
18. Prior to Section 224(c) approval, the consent holder shall provide as-built plans in accordance with the Hastings District Council Engineering Code of Practice (2011) on completion of the construction of all vehicle accesses, parking areas, water supply, wastewater and stormwater drainage systems. These plans shall be submitted to the Environmental Consents Manager, Hastings District Council (or nominee) once construction is completed and shall be certified as a complete and correct record by a suitably qualified person.
19. That the consent holder shall submit a Form 5 "Certification of construction and completion of engineering works for subdivision", Appendix 62 Proposed Hastings District Plan (As Amended by Decisions September 2015), to the Environmental Consents Manager (or nominee), Hastings District Council, on the completion of the engineering works.

FIREFIGHTING WATER SUPPLY

20. That a firefighting coupling in accordance with Standards NZ PAS 4509:2008 shall be installed on the existing well head on the site **prior to** Section 224(c) certification.

PARKING AREAS

21. That the proposed changes to the traffic flow to the sites and the parking area for the café shall be implemented prior to Section 224(c) certification. These changes shall include appropriate signage, traffic calming

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measures, directional arrows and contrasting markings with the concrete surface.

22. That a minimum of 15 carparking spaces and one loading space shall be provided for the Commercial Activities on Lot 2.
23. That the parking area on Lot 2 shall be formed, drained, sealed and marked in accordance with the Proposed Hastings District Plan and Engineering Code of Practice 2011, **prior to** Section 224(c) certification.

FENCING & LANDSCAPING

24. That the consent holder shall erect a 2 metre high close bordered wooden fence, or other approved design to the satisfaction of the Environmental Consents Manager (or nominee), Hastings District Council, along the boundary of proposed Lots 1, 6 and 7 where it adjoins 120 Main Road Clive (Lots 1 and 2 DP 10515 (CFR HBA1/964), prior to Section 224(c) approval.
25. The consent holder shall submit a landscaping plan for the approval of the Environmental Consents Manager, Planning & Regulatory Services, Hastings District Council (or nominee) prior to Section 224(c) certification to achieve an effective screen (up to 4 metres in height) for the adjoining properties at 120 and 124 Main Road, Clive.
26. The landscaping plan shall include planting specifications detailing the specific planting species, the number of plants provided, locations, heights/Pb sizes (being a minimum of 1 metre at the time of planting), and leave sufficient space for ongoing maintenance/trimming from within the site, at 4 metres high. Provision shall also be made for irrigation of the landscaping.
27. Landscaping in accordance with the Approved Plan shall be planted **prior to** Section 224(c) certification.
28. That a Consent Notice pursuant to Section 221 of the Resource Management Act 1991 be issued by Council and registered against the certificate of title to be issued for **Lots 1, 6 and 7 inclusive**. The notice shall be registered at the consent holder's expense and shall read as follows:

Landscaping along the boundary with 120 and 124 Main Road, Clive, planted at the time of subdivision consent RMA20180010, shall be

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maintained in perpetuity with a minimum height of 2 metres and a maximum height of 4 metres. Note: Maintained means the ongoing replacement of any dangerous, dead or dying matter, the replacement of any plants that are lost or are otherwise defective and the general preservation of the landscaping to a healthy standard including irrigation.

29. That a Consent Notice pursuant to Section 221 of the Resource Management Act 1991 be issued by Council and registered against the certificate of title to be issued for **Lots 1 and 3 hereon**. The notice shall be registered at the consent holder's expense and shall read as follows:

In the event that the Esplanade Reserve (Lot 8 on DP....) becomes publically accessible, any fence built on or within 2 metres of the boundary of the reserve shall be a 1.2 metre to 1.8 metre high open style steel pool fence, galvanised and powder coated, or other similar alternative design if agreed to by the Environmental Consents Manager, Hastings District Council.

That a mowing strip shall be constructed with any fence.

The Hastings District Council is not liable for any costs associated with erecting, replacing or maintaining any fence bounding the reserve.

Gates between the residential lot and the reserve can be installed at the owner's discretion, and in a style matching the fence.

GEOTECHNICAL CONSENT NOTICE

30. That a Consent Notice pursuant to Section 221 of the Resource Management Act 1991 be issued by Council and registered against the certificate of title to be issued for **Lots 1 to 7 inclusive**. The notice shall be registered at the consent holder's expense and shall read as follows:

That all building development on this site shall only be undertaken in accordance with a site specific geotechnical report and the recommendations from a registered and professionally qualified engineer experienced in soils engineering and the recommendations of the 'Preliminary Geotechnical Report for Charlie & Susan Davidson' prepared by Cheal, dated: 18 May 2018, and referenced 18147, (HDC Ref: 57681#0308).

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REVERSE SENSITIVITY

31. That a Consent Notice pursuant to Section 221 of the Resource Management Act 1991 shall be issued by Council and registered against the certificate of title to be issued for **Lots 1 to 7 hereon**. The notice shall be registered at the consent holder's expense and shall read as follows:

This property is located in the Plains Production Zone where agricultural management practices such as agrochemical spraying, forestry, use of farm machinery, the operation of bird scarers and other similar activities may occur.

Where land use activities in the surrounding area are carried out in accordance with the relevant District Plan requirements, the property owner, or their successor in title shall not:

Bring any proceedings for damages, negligence, nuisance, trespass or interference arising from the use of that land; or

(a) Make nor lodge; nor

(b) Be party to; nor

(c) Finance nor contribute to the cost of;

Any application, proceeding or appeal (either pursuant to the Resource Management Act 1991 or otherwise) designed or intended to limit, prohibit or restrict the continuation of the operations of any rural activity on surrounding land, including without limitation any action to require the surrounding landowners/occupiers to modify the rural operations carried out on their land.

NO FURTHER SUBDIVISION RESTRICTION

32. That a Consent Notice pursuant to Section 221 of the Resource Management Act 1991 be issued by Council and registered against the certificate of title to be issued for **Lots 1 to 7** hereon. The notice shall be registered at the consent holder's expense and shall read as follows:

There shall be no further subdivision of this site.

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DEVELOPMENT CONTROLS

33. That a Consent Notice pursuant to Section 221 of the Resource Management Act 1991 be issued by Council and registered against the certificate of title to be issued for **Lots 1 to 7 hereon**. The notice shall be registered at the consent holder's expense and shall read as follows:

Notwithstanding the provisions of any District Plan, all building development on the site shall be in accordance with the Permitted Activities specified in Section 10.2.4 and the General and Specific Performance Standards in Sections 10.2.5 and 10.2.6 of the Clive-Whakatu Residential Zone of the Proposed Hastings District Plan (As Amended by Decisions 12 September 2015), except for the following site specific standards:

Density (Lot 3)

Development on the site shall not exceed one residential building and associated accessory buildings.

Yard Setbacks (Lots 6 and 7)

Any building used for a residential activity or visitor accommodation activity on Lots 6 and 7 shall be setback a minimum of 10 metres and any building accessory to a residential activity or visitor accommodation activity shall be setback a minimum of 5 metres from the boundary with 120 Main Road, Clive (Lots 1 and 2 DP 10515, CFR HBA1/964).

Commercial Activities (Lot 2)

To avoid doubt, the existing commercial activities occurring on Lot 2 have been established by resource consents RMA20110411, RMA20120304 and RMA20160043 and have been given effect to. Should the consents be surrendered or the commercial activities cease and Section 10 of the Resource Management Act 1991 does not apply (existing use rights), all development on Lot 2 shall be in accordance with the Permitted Activities specified in Section 10.2.4 and the General and Specific Performance Standards in Sections 10.2.5 and 10.2.6 of the Clive-Whakatu Residential Zone of the Proposed Hastings District Plan (As Amended by Decisions 12 September 2015).

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WITH THE REASONS FOR THIS RECOMMENDATION BEING:

1. The **GENERAL** conditions ensure that the subdivision proceeds in accordance with the information provided in the application.
2. The **EASEMENT** conditions ensure that the subdivision provides appropriate legal mechanisms for cross boundary services.
3. The **ESPLANADE RESERVE** condition ensures Lot 8 is vested as Esplanade Reserve to preserve public access to the Clive River in the future.
4. The **COMMENCEMENT OF ENGINEERING WORKS** condition ensures that no work is undertaken unless it has been approved by Council.
5. The **MONITORING CONDITION** ensures that the consent holder pays the reasonable cost of monitoring the conditions of consent.
6. The **ENGINEERING DESIGN** conditions ensure that the engineering works are designed in accordance with the relevant codes of practice.
7. The **FIREFIGHTING WATER SUPPLY** condition ensures that appropriate provision is made for firefighting in accordance with the relevant NZ Standard.
8. The **PARKING AREA** conditions ensure that the access and parking arrangements are developed in accordance with the approved plans.
9. The **FENCING and LANDSCAPING** conditions ensure that the development is landscaped in accordance with the approved landscaping plans and will mitigate visual or landscape effects from building development.
10. The **GEOTECHNICAL** condition ensures that future buildings will be designed and constructed appropriately and that all buildings and structures are able to be constructed with minimal risk of being affected by any potential geotechnical hazards.
11. The **REVERSE SENSITIVITY** condition ensures that reverse sensitivity effects are mitigated; that purchasers of the proposed sites do so with the knowledge of a no complaints covenant raising awareness of potential farming effects on adjoining residential uses.

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12. The **NO FURTHER SUBDIVISION RESTRICTION** condition restricts future subdivision of the sites.
13. The **DEVELOPMENT CONTROL** condition ensures that future buildings are built to the standards of the adjoining residential zone to ensure compatibility with the surrounding environment and ensures future dwellings are setback further to reduce cross boundary effects with the adjoining Plains Production Zone site.
14. In terms of Section 104(1)(a) the proposed subdivision is unlikely to have any more than minor adverse effects on the environment in that:
 - The sites can be adequately serviced by reticulated wastewater and onsite water and stormwater disposal;
 - Safe and efficient access can be provided;
 - The development controls imposed will ensure that any adverse effects on amenity levels and the environment will be no more than minor;
 - It is unlikely that there will be any major reverse sensitivity or cross boundary effects generated by this proposal;
 - Appropriate provision has been made for future access and protection of the Clive River margin via an Esplanade Reserve;
 - The proposal has been assessed by a Suitably Qualified and Experienced Practitioner as complying with the NES for Soil Contamination for the Rural Residential Lifestyle 25% produce standard, being the most stringent standard;
 - No adverse effects on human health resulting from contaminated soil are anticipated by the proposal.
15. In terms of Section 104(1)(b) the proposal is consistent with national policy statement relevant to this application on urban development capacity. The NZ coastal policy statement is not relevant and the proposal is not considered to be contrary with the Regional Resource Management Plan. The proposal is however considered to be contrary to the Proposed Hastings District Plan's objectives and policies as it is clear that the proposed residential sites will totally alienate the life-supporting capacity of the soils within the site from future productive potential and the residential sites will not be landholdings that can accommodate activities that retain the life-supporting capacity of the Heretaunga Plains soil resources.

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16. In terms of Section 104(1)(c) the proposal will not create a precedent effect, nor will it undermine the consistent administration of the Proposed District Plan in that:
- The proposal will not give rise to urban sprawl;
 - The site is unique in that it is serviced by a reticulated wastewater connection which no other Plains Production Zone site has on the northern side of Main Road, Clive;
 - Due to the lack of availability of wastewater services the subdivision of Plains Production Zone properties along the northern side of Main Road is unlikely to be encouraged by the granting of consent;
 - The proposal is not in an area identified in the Heretaunga Plains Urban Development Strategy 2017 as inappropriate for development.
17. In terms of Section 104D the effects on the environment will be no more than minor, however the proposal is contrary to the key objectives and policies of the Plains Production Zone of the Proposed Hastings District Plan. The proposal can however qualify for consideration under Section 104D(1)(a), and pursuant to Section 104(1), and subject to Part II of the Act.
18. No circumstances exist in Section 106 of the Resource Management Act 1991 (access and natural hazards) that would require Council to decline the application.
19. Overall the proposal promotes sustainable management as required by Part II of the Resource Management Act 1991 in that:
- It will result in acceptable adverse effects on landscape, rural character, and amenity effects;
 - Despite alienating the soils within the site, the life supporting capacity of the soil resource of the wider Heretaunga Plains will be not be adversely affected, and that the residential activities allowed will not limit the productive utility of the adjoining Plains Production zoned site;
 - Any potential adverse effects can be avoided, remedied or mitigated by conditions of consent.

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ADVICE NOTES:

1. *If it is intended to make any changes to the easements, staging or scheme plan approved by the Council as part of this resource consent, a new approval may be required. If you have any doubts as to whether or not a new application will be required, please contact one of Council's Environmental Consent Planners.*
2. *To avoid doubt, except as otherwise allowed by this resource consent, all landuses must comply with all remaining standards and terms of the relevant Hastings District Plan. The proposal must also comply with the Building Act 2004, Engineering Code of Practice and Hawke's Bay Regional Plans. All necessary consents and permits shall be obtained prior to development.*
3. *Under Section 125 of the Resource Management Act 1991 a resource consent will lapse if not given effect to within 5 years of the date the consent was granted, unless an extension is granted under Section 125(1A).*

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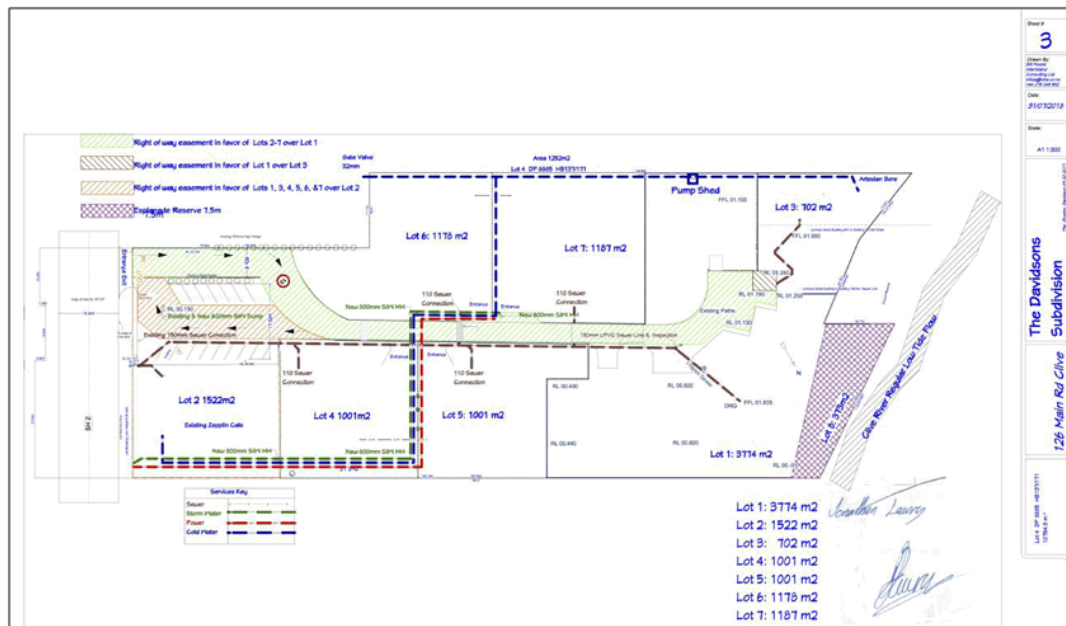
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Item 2

Attachment A

RMA20180010

Approved Scheme Plan (HDC Ref: 57681#0321)



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Approved Easement Schedule

Memorandum of Easements			
Purpose	Servient Tenement	Shown	Dominant Tenement
Right of Way and right to convey water, sewer, stormwater, electricity and telecommunications	Lot 1 Hereon	Diagonal Shading 'A'	Lots 2 – 7 Hereon
	Lot 3 Hereon	Diagonal Brown Shading 'B'	Lot 1 Hereon
	Lot 2 Hereon	Diagonal Shading 'C'	Lots 1, 3, 4, 5, 6 & 7 Hereon
Water Easement	Lot 3 Hereon	'D' (Pink line)	Lots 1, 2, 4, 5, 6 & 7 Hereon; and Lot 2 DP 8555
	Lot 1 Hereon	'E' (Pink line)	Lots 2, 3, 4, 5, 6 & 7 Hereon; and Lot 2 DP 8555
	Lot 7 Hereon	'F' (Pink line)	Lots 2, 4, 5 & 6 Hereon; and Lot 2 DP 8555
	Lot 6 Hereon	'G' (Pink line)	Lot 2 DP 8555
	Lot 5 Hereon	'H' (Pink line)	Lots 2, & 4 Hereon
	Lot 4 hereon	'I' (Pink line)	Lot 2 Hereon
Sewer Easement	Lot 2	'J' (Yellow line)	Lots 1, 3, 4, 5, 6 & 7 Hereon
	Lot 4	'K' (Yellow line)	Lots 1, 3, 5, 6 & 7 Hereon
	Lot 5	'L' (Yellow line)	Lots 1, 3, & 7 Hereon
	Lot 1	'M' (Yellow line)	Lots 3 & 7 Hereon
Stormwater Easement	Lot 1	'N' (Blue line)	Lots 4, 5, 6 & 7 Hereon
	Lot 5	'O' (Blue line)	Lots 4 & 6 Hereon
	Lot 4	'P' (Blue line)	Lot 6 Hereon
Electricity & Telecommunications easements	Lot 2	'Q' (Orange line)	Lots 1, 3, 4 & 5 Hereon
	Lot 4	'R' (Orange line)	Lots 1, 3, & 5 Hereon
	Lot 5	'S' (Orange line)	Lots 1, & 3 Hereon
	Lot 1	'T' (Orange line)	Lot 3 Hereon
	Lot 7	'U' (Orange line)	Lot 6 Hereon

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Item 2

Attachment A

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



Application for a Subdivision Resource Consent

RMA Number	RMA20180010	Submitted On	15/01/2018 04:36 p.m.
Submitted By	Philip McKay	Email Address	philip.mckay@mitchelldaysh.co.nz

1. Property Details

Property No	57681	Property Address	126 Main Road CLIVE 4102
Legal Description	LOTS 1 4 DP 8555	Valuation No	0966016100

2. Applicant Details

Person applying	I am the authorised agent applying on behalf of the owner		
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Name	C & S Davidson	Email	ibdavidsonnz@hotmail.com
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Daytime contact number	8700608 or 027 220 5024 (Susan Davidson)	Alternative contact	
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Postal address	126 Main Road, Clive 4102	Preferred means of formal correspondence	Email
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Agent Details

Name	Philip McKay	Company name	Mitchell Daysh Ltd
Contact phone	0274 955 442	Email	philip.mckay@mitchelldaysh.co.nz
Postal address	PO Box 149 Napier 4140	Customer reference	MDL000263

First point of contact for technical queries related to the processing of this application	Agent
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Billing Details (Debtor/ Billed to)	Applicant	Copy to agent	No
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3. Consent Details

Lawfully established uses on site	Dwelling, supplementary dwelling, cafe, various accessory buildings, a small plum orchard
Brief description of the proposed use	An 8 Lot subdivision to separate the existing activities; create 4 new residential sites; and an esplanade reserve.
Are any other resource consent required	Land use consent to waive yard & minimum site size stds for the future residential buildings
Activity status/type of resource consent	Non-compliant
Relevant rule(s) of the district plan	SLD25, PP38, PP24

Certificate of Title

Council to provide certificate of title

4. Declaration

Declaration by the Applicant

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

Terms of Business

- (iii) Additional charges over and above the deposit paid may accrue during processing of a resource consent application (depending on the quality of application and planning issues involved).
- (iv) These charges will be invoiced in accordance with the Schedule of Planning and Regulatory Fees and must be paid by the applicant. Any invoice that remains unpaid after 60 days may attract penalty fees as prescribed in the schedule of fees.
- (v) A full copy of the Schedule of Planning and Regulatory Fees can be viewed at the Council's office or at website www.hastingsdc.govt.nz

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

Applicant name

Philip McKay

Date

15/01/2018

5. Attachments (Supporting Documents)

Description of Proposal and Assessment of Environmental Effects

Final Application Document - C & S Davidson, 126 Main Rd, Clive.pdf [Download file](#)

Development Plans

Appendix 2 Final Plan of Subdivision - Davidson.pdf [Download file](#)

Other Application Documents

Appendix Documents Davison Resource Consent Application - 126 Main Rd, Clive.pdf [Download file](#)

Planning Assessment Report - Final - C & S Davidson, 126 Main Road, Clive.pdf [Download file](#)

*Resource Consent Application
C and S Davidson
126 Main Road, Clive
Assessment of Environmental Effects*

Resource Consent Application & Assessment of Environmental Effects – Proposed Subdivision of 126 Main Rd, Clive – C & S Davidson

The following application document has been prepared by Susan Davidson and is supported by an accompanying planning assessment prepared by Mitchell Daysh Ltd and various Appendix documents (see list of Appendices at the end of this document). This following document should be read in conjunction with the proposed 'Plan of Subdivision' which is attached as **Appendix 2**.

1.0 INTRODUCTION

This Resource Consent application is prepared for Susan and Charlie Davidson 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.

A Resource Consent pursuant to section 88 of the Resource Management Act 1991 is sought from the Hastings District Council to allow for an eight lot subdivision involving:

- A subdivision of land with existing buildings into three separate lots one of these being "Commercial" (Lot 2) with the other two "Residential" Lots 1 and 3)
- A subdivision of bare land into four separate "Residential" lots (Lots 4 – 7)
- The creation of an esplanade reserve adjacent the Clive River (Lot 8)

Land use consent is also sought to waive the Plains Production Zone standards for the construction of the residential dwellings and to instead apply Section 10A: Clive Whakatu Residential Zone and provide for the construction of one residential building per site on Proposed Lots 4 – 7.

Please see the accompanying planning assessment prepared by Mitchell Daysh Limited for a full explanation of the resource consent sought under the Proposed Hastings District Plan.

2.0 SITE & LOCATION

The site subject to this application is located at 126 Main Road, Clive being that land legally described as:

- Lots 1 and 4 DP 8555 contained in Certificate of Titles HB 137/171, being approximately 5842m² and 4896m² (1.0739 hectares) in total area. Please see **Appendix 1** for a copy of the certificate of title.

The Certificate of Title is subject to the following interests of relevance:

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C and S Davidson
126 Main Road, Clive
Assessment of Environmental Effects*

- Gazette Notice (716488.1) adjoining State Highway No 1 (Limited Access Road)
- Notice (720235.20) pursuant to Section 91 Transit New Zealand Act.

The site is rectangular in shape and flat in contour. Accessed directly off Main Road (gate 126) the site contains the following buildings:

- Main Dwelling (272m² gross floor area)
- Secondary Dwelling (130.30m² gross floor area)
- Sleep out
- Accessory shed
- Commercial Building 125m²

The sites location and location of existing building development is shown below



The site contains old unproductive plum trees along the southern side of the central driveway with a boundary hedge and a solid timber fence flanked by close grown ornamental Olive trees on the other side. The road boundary as shown below shows the slipway the Davidson family financed to gain consent for the commercial building (presently known as ZEPPLIN CAFÉ).

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The site is located in the Plains Production Zone. A small portion at the rear of the site is defined as a 'Riparian Area'. The sites zoning is shown below.

Zoning Map



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Surrounding Sites / Existing Environment

The surrounding sites are zoned General Residential and Plains. There is a Fish and Chop shop on the adjoining northern property with a Large Garage building behind it with unused land down to the river. These commercial building are zoned Clive - Whakatu Residential. There is a section of the original address divided off into a non-compliant sized section with a residential dwelling at 124 Main Road Clive. This subdivision occurred many years ago.

Opposite the property is a childcare centre and cycle tracks on both sides of the road. Residential dwellings dominate the area. There is a foot path which continues a short walk into Clive Village centre , a bus stop, garage, food shops and the Clive Medical centre.

The site directly adjoins the Clive River at the end where the existing Residential dwellings are built (being the north western end of the site).

3.0 BACKGROUND

This site has an unproductive plum orchard and a large area of grass totalling around 4,597 square metres in area. The owners wish to be able to develop this land and gain some economic benefit from it.

The following is a summary of the various consents applying to the subject site.

Resource Consents

- RMA20110411 - Apr 3 2012 - Proposed oversize Plains secondary dwelling and Commercial activity side yard waiver (Refer to variation RMA20120304).
- RMA20120304 - Dec 13 2012 - variation to RMA20110411
- RMA20160043 - Mar 2 2016 - Variation to RMA20120304 to remove requirement for resident to reside onsite

Building Consents

- ABA20060947 - Jul 25 2006 - Two Story Alterations and Additions (Main Dwelling)
- ABA20100724 - May 25 2010 - Install New Solid Fuel Heater with Wetback
- ABA20120246 - Apr 4 2012 - Alterations to Existing Shed
- ABA20120546 - Jul 19 2012 - Erect Secondary Dwelling
- ABA20121579 - Jan 21 2013 - Construct New Garage
- ABA20130464 - May 27 2013 - Erect Steel Framed Building with Loft (Commercial)

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HDC aerial photos indicate that the whole site (with exception of the shed) was planted in trees in 1972, and latterly a crop (strawberries) under some form of cover was grown behind the house on the northern ½ of the site.

Files show (see complaint about roadside stall) that strawberries were being grown on the site in 1983, and an application for a roadside stall in 1984 described the large shed as having been “used until approximately 15 years ago for the purposes of wool scouring, dag crushing and hides”.

4.0 NATURE OF THE PROPOSAL AND REASONS SUPPORTING IT

A Non Notified - Resource Consent for Subdivision and Land Use is sought to make the 4597 square metres of unproductive land at 126 Main Road Clive available for residential purposes (a Non-Complying Activity) as per the plan of subdivision attached as **Appendix 2**.

Each of Lots 4 – 7 is proposed to be available for residential development. Although the exact elevations of the buildings have not been finalised, it is anticipated all the buildings will be of single storey design and will not exceed 8 metres in height. The Plan of Subdivision in **Appendix 2** shows the nominal house positions on each of the proposed new lots (Lots 4 – 7).

It is proposed that the four new residential dwellings will utilise the existing driveway currently servicing the existing dwellings onsite (e.g. the existing formed access point off Main Road). This will ensure that driveways are not duplicated needlessly therefore minimising the land needing to be sealed in impervious surfaces. Substantial planning has gone into the design of this minor subdivision to ensure soils and water use, access and landscaping are maximised in accordance with Best Practise.

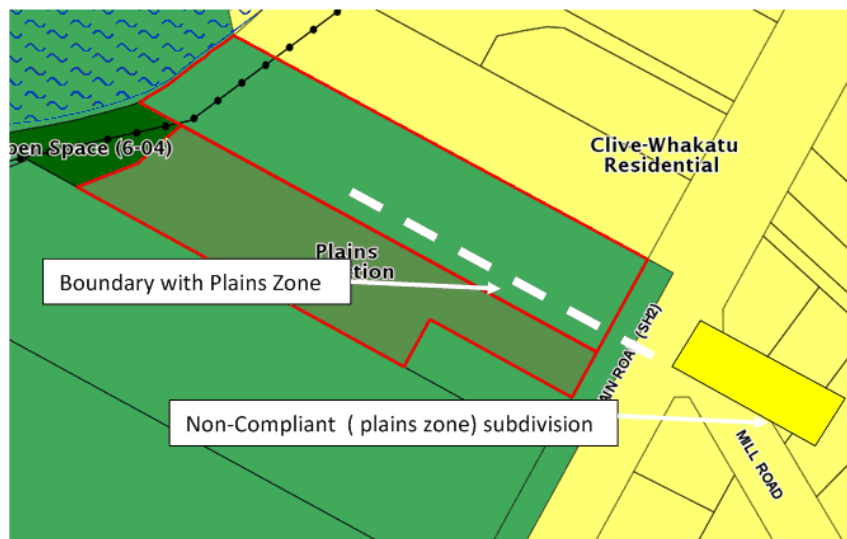
The following points set out key reasons why the proposed subdivision and landuse is considered to be a sustainable use of this property.

1) The property is already compromised by a non compliant (Plains Zone) dwelling essentially subdivided off at the roadside - (see below). This means the roadside approach is perceived as residential with associated appropriate activities.

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2) **Close proximity to neighbouring dwellings** making it quite unsuitable for any spraying purposes. Other agricultural or horticultural would be invasive on these homes surrounding the site, as would any dust or noise issues. Livestock on site would be dangerous and have smell issues. As the map shows there is only a minimal boundary with Non – residential land.



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3) **Land area unsuitable for Plains Zone Development** – as has been shown for over 20 years owners of this property have been unable to sustain any economic gain from the land. Records can be shown by the present owners that the Plum orchard does not make any profit. It is unreasonable to expect owners to carry out uneconomic plains zone activities when the area is clearly suitable for residential development.

5) **HPUDs review process has already identified the site as “ NOT unsuitable for future residential purposes”** . The owner believes the process undertaken to receive these comments from the HPUDs Review was robust and should be taken into serious consideration when this application is made. The HPUDS Review is discussed further below and in the Mitchell Daysh Planning Assessment.

The Plains Zone standards are unrealistic and also undesirable to be applied here. (See table assessing HPUDs criteria under 6.0 below)

6) **Sensitive planning of the four new dwellings will assure there will be minimal impact** on the infrastructure of the area and the environment.

7) **This would be a desirable location for a wide variety of people** wishing to live in the Clive area because of its excellent proximity to excellent village amenities. Walking – formed footpaths, Cycling – adjacent Cycle ways, driving and with close by Bus transport (both local and inter city). Because of this and the outcome of the HPUDS Review, it would be a negative response to disallow this proposed small settlement due to the Plains Zone rules.

8) **The OPUS report on alternative greenfield sites and review of the HPUDS settlement pattern** identifies that:

*Amongst other things, the report identified a need for action around **immediate greenfields supply availability issues**. This was related to higher than expected population and household growth, and issues with several of the identified development areas to the market.*

It is considered that the inclusion of our site in the HPUDS will help with the release of greenfield sites and given the servicing options proposed these sites could be provided to market very quickly (subject to council approving resource consent).

5.0 STATUTORY CONSIDERATIONS

The relevant statutory considerations are set out as follows:

Section 104D

Section 104(D) of the Resource Management Act 1991 requires that the Council may grant a Resource Consent for a non-complying activity only if it is satisfied that either:

(a) “the adverse effects on the environment (other than any effect to which Section 104(3) will be minor; or

Resource Consent Application

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Assessment of Environmental Effects

(b) the application is for an activity which will not be contrary to the objectives and policies of, -

i) the relevant plan, if there is both a plan but no proposed plan in respect of the activity”.

It should be noted that the Council only needs to be satisfied that the proposed activity meets either one of the above limbs. It is not necessary for the activity to pass both limbs.

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 policy statement:

(ii) a New Zealand coastal policy statement:

(iii) a regional policy statement or proposed regional policy statement:

(iv) a plan or proposed plan; and

(c) any other matter the consent authority considers relevant and reasonably necessary to determine the application.

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.

Please refer to the accompanying planning assessment prepared by Mitchell Daysh Limited for the assessment of the statutory considerations.

6.0 DISTRICT PLAN & REGIONAL POLICY STATEMENT PROVISIONS

District Plan Zoning

As discussed above in Section 2.0, under the Operative Hastings District Plan the entire subject land is zoned Plains Production. A portion of the site is identified as a Riparian Area in the Hastings District Plan.

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The subdivision plans are deemed Non – complying within the Plains Production Zone. Please refer to the accompanying planning assessment prepared by Mitchell Daysh Limited for a full assessment of the application under the Proposed Hastings District Plan.

Regional Policy Statement

Susan and Charlie Davidson made a submission to the HPUDS review in 2016 and provided an assessment in the submission of their land against the criteria of Policy UD4.2 of the Regional Policy Statement: *“NEW RESIDENTIAL GREENFIELD GROWTH AREA CRITERIA (HERETAUNGA PLAINS SUB-REGION) POL UD4.2 In determining future Residential Greenfield Growth Areas, not already identified within Policy UD4.3, for inclusion within urban limits in the Heretaunga Plains sub-region, the following general criteria shall apply:...”*

The assessment provided in the HPUDS submission against policy UD4.2 is set out in the following table:

a) Must form an extension contiguous with existing urban areas and settlements	Property is within 50k speed area and adjoins residential zone. Site already compromised with residential dwelling taken off original site at front. Residential properties opposite and on northern boundary.
b) Land is identified as having low versatility, and/or productive capacity has been compromised by:	See below
i. Size and shape of land parcels that mitigates against productive use	Land pocket too small to be economic.
ii. Surrounding land uses and reverse sensitivity	Close Residential dwellings would not allow spray use or animal farming.
iii. Lack of water and/or poor drainage	Tile drains and excellent artisan water supply
c) Clear natural boundaries exist, or logical greenbelts could be created to establish a defined urban edge.	Boundaries clearly defined by hedging and existing plum trees to create a reasonable set back. Outlook from the road would be unchanged.
d) Supports compact urban form	Built up on all sides bar one
e) Can be serviced at reasonable cost	Artesian water was tested in 2014 and deemed by Honor Well drillers to have sufficient pressure to service the whole of Clive – this can be verified by an simple test if necessary. Other services available on site.
f) Can be integrated with existing development	Yes
g) Can be integrated with the provision of strategic and other infrastructure (particularly strategic transport networks in order to limit network congestion, reduce dependency on private motor vehicles and promote the use of active transport	Site directly adjacent to Cycle track and foot paths. School bus stop directly over road. Bus stop for local towns within walking distance. Sewerage infrastructure has been discussed with David James HDC and although would have a negative effect but four houses would not

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modes)	impact seriously on capacity.
. h) An appropriate separation distance from electricity transmission infrastructure should be maintained in order to ensure the continued safe and efficient operation and development of the electricity transmission network	Electricity transmission existing to site
i) Promotes, and does not compromise, social infrastructure including community, education, sport and recreation facilities and public open space.	Doctors, Swimming pool, primary school, sports ground, Retirement home, Garage, Eating places, community hall, shopping, church all within walking, easy cycling or three minutes drive.
j) Avoids or mitigates the following locational constraints	See below
i. projected sea level rise as a result of climatic changes	Site has highest topographical measure in Clive area.
ii. active coastal erosion and inundation	None evident
iii. storm water infrastructure that is unable to mitigate identified flooding risk	Not identified as a flooding risk area. Stormwater from existing houses and café managed.
iv. flood control and drainage schemes that are at or over capacity	Recent flooding in Clive (6.8 2016) did not occur on site
v. active earthquake faults	no
vi. high liquefaction potential	Penetronic test for both ends of site identified liquefaction as high but was easily mitigated by piles instead of concrete pads for building (see Consent plans)
vii. nearby sensitive waterbodies that are susceptible to potential contamination from on-site wastewater systems or stormwater discharges	Clive river does not receive waste water from existing buildings. New dwellings would require stormwater discharge through existing town infrastructure however eco-friendly waste and stormwater systems are planned for new dwellings.
viii. no current wastewater reticulation and the land is poor draining	Drainage for site has no ponding issues.

This submission was largely accepted by the HPUDS Working Party and resulted in the specific exclusion of the Davidson's site from the 'areas inappropriate for urban development'. The officer's report to the Working Party made the following recommendation: "it is recommended that a slight adjustment in wording be made so that the Davidson land is also excluded from the 'inappropriate area' classification otherwise applicable to the wider Clive area. This would ensure that the land was

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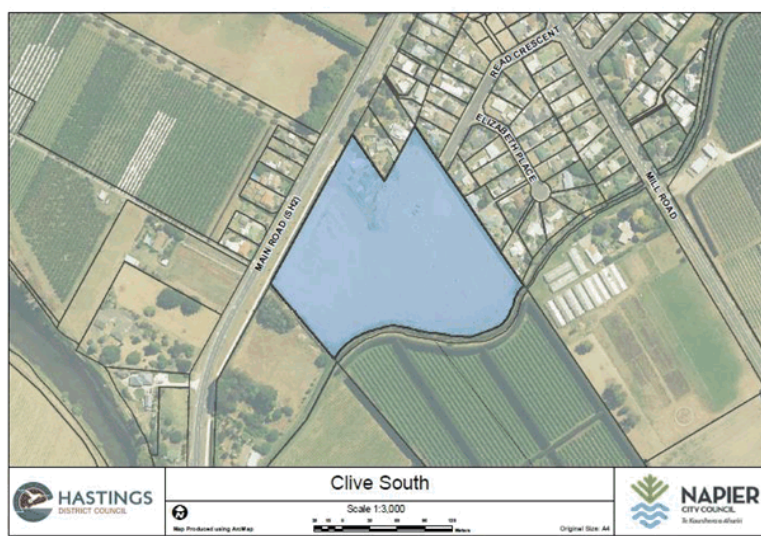
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able to be considered on its merits if a consent application were to be pursued, rather than being ruled out from consideration by HPUDS and the statutory documents that flow from it."

In making their decision that the Davidson property is to be excluded from the areas deemed inappropriate for residential development but is too small to be considered as a greenfield rezoning area, the HPUDS Working Party made the following statement: *"However, its lack of scale in itself suggests that any development may be more properly considered by way of a resource consent application, by which it can be distinguished from the generality of other land surrounding the Clive Township. Suffice to say that the Working Group does not consider that development of this small site on its own in the peculiar circumstances of Clive would be an affront to the HPUDS' aims and principles, particularly as only four lots are likely to be created."*

Although the proposed subdivision is for 8 Lots in total, it only involves 4 new residential lots (Lots 4 – 7) as is consistent with the expectations of the above statement from the HPUDS Working Party. Please see further discussion on the HPUDS review and the assessment of the application against the Regional Policy Statement in the accompanying Mitchell Daysh Planning Assessment. Relevant extracts from the HPUDS review are provided in **Appendix 9**.

Please note the recent **HPUDS review map** denoting land opposite the applicant and further south being designated suitable for Greenfields development.



7.0 ASSESSMENT OF ENVIRONMENTAL EFFECTS

Actual or Potential Effects

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

- Effects on the soil resource and it's continued life-supporting capacity.
- Effects on infrastructure
- Amenity and visual effects
- Other matters- including natural hazards, ecosystems, cultural and spiritual effects and hazardous substances.

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.

In assessing the effects an activity firstly, the Council may not take into account any effects on people who have given their written approval to the application. In this case, the written consent of the adjoining properties at 130 Main Road (owner and occupier) and 124 Main Road has been submitted with the application as is attached in **Appendix 10**. See further discussion under the heading 'Consultation and Affected Parties' below.

Effects on Infrastructure

The site is reticulated with Council services for sewerage and stormwater. On site water supply is proposed.

The new sites are therefore proposed to be connected to the public reticulated wastewater disposal system.

Stormwater disposal into the public system will not impact adversely on the environment, affect adjoining land or contaminate water resources as onsite attenuation will be provided in regard to the proposed new dwellings in accordance with the Hastings District Council requirements.

Water servicing will be provided via an extension of the existing 100mm diameter pipeline coming from monitored pump on Lot 1 – This water is already under regular testing from commercial use at Café on site. The owner of Lot 1 – (applicant) will take responsibility for further testing and monitoring of flow. Section owners will need to sign a contract with owners to allow ongoing use of this water. Legal access to this bore water supply will be provided by easement as set out in the plan of subdivision in **Appendix 2**.

See correspondence with David James (HDC) confirming that sewerage connection is available and the plan from Mark Watkins showing proposed stormwater and wastewater connections in **Appendix 8**. See also the plan of subdivision setting out the proposed easements to ensure that legal service connections are available to each lot. Accordingly any actual or potential adverse effects on infrastructure will be no more than minor.

Amenity and Visual Effects

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Amenity Values are defined in Section 2 of the Resource Management Act 1991 as “those natural or physical qualities and characteristics of an area that contribute to people’s appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes”.

The present owner has landscaped extensively in this site planting a long trail of locally sourced palms as well as a strip at the rear of the commercial site with a wide variety of fruit trees. Olive tree close planting on one side and hedging on the other will remain. Non – bearing Plum trees will be removed intermittently to allow for building and plans for swales and water gardens to be implemented over time.

Access and Traffic Generation

With the proposed addition of four new dwellings it is considered by the developer that traffic in and out of the site will require a restructuring of the internal pathways and access ways.

- It is planned to create a changed and larger parking area for the commercial building whilst using minimum of hard fill. Changes to the car park are summarised as follows:
 - A clearly make one way circle will be developed in the Commercial Buildings car parking area with a NO ENTRY sign at the entrance to the main road .
 - A Stop sign will be on the reverse of this sign to encourage traffic leaving the car park to ensure their way is clear.
 - New angle parking will be painted allowing for more car parking in the area
 - Marking parking spaces more clearly plus in / out traffic flow as shown on plan of subdivision
- The subdivision entrance off the main road is of sufficient width (as approved in RMA 20120304) to connect through the existing corridor off State Highway2, but will need clear signage to operate the one way circle proposed (see the plan of subdivision). A new central barrier will be erected to clearly demark the parking area from the anticipated two way Laneway for the subdivision to use.
- The Driveway will be altered to provide clear two way access off State Highway 2 providing a safer passage into the four new dwellings.
- The existing Laneway, although necessitating a small curve of further concrete infill to improve safety access from the main road will not need major widening.
- This would be a privately owned and maintained driveway .
- Traffic Flow from the laneway will be restricted to 10km/h with two passing bays and some traffic Calming measures (see plan of subdivision).
- Supplementary parking in the evening for dwellings may well be shared with the Commercial Building which does not operate after 3pm.

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Consultation with NZTA and HDC Traffic experts has been undertaken and is documented in **Appendix 4.**

Noise Generation

The proposed residential dwellings will not result in increased noise generated beyond that of the existing noise standards in the Hastings District Plan.

Riparian Area

As above, a portion of the site contains a 'Riparian Area' as identified in the Hastings District Plan. The location of the Riparian Area is shown below:



There will be no impact on the identified Riparian Area with the new residential development proposed in the midst of the site well away from this area.

Natural Hazards

This site is not subject to the flooding hazards affecting other parts of Clive.

Ecosystems, Cultural and Spiritual Effects

The proposal 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 there will be no adverse environmental effects on flora or fauna or animals and any physical disturbance of habitats in the vicinity. As above, the residential buildings position will not affect the identified 'Riparian Area' as shown on the Hastings District Plan Maps.

Hazard Substances

The proposed activities will not cause any adverse environmental effects on the surrounding environment in terms of hazardous substances, air emissions or the discharge of contaminants. The nature of activities undertaken within the dwellings will be residential in nature. The proposed use does not involve the use of hazardous materials or the discharge of any such hazardous substances.

Monitoring

In terms of Clause 1(i) 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

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not be required, other than that undertaken by the Council as part of its normal monitoring programme.

Further Assessment of Effects via Reference to Assessment Criteria

The Operative Hastings District Plan Subdivision Section General Assessment criteria are set out below (Section 15.1.10.1) with comments in italic regarding the proposed subdivision to assist in further explaining the nature and intent of the subdivision proposed:

(1) STRUCTURE PLANS Council will have regard to any approved Structure Plan for a Proposed New Urban Development Area (as identified in Appendix 2.4-
1) Subdividers and/or developers will be expected to address how the outcomes proposed in any Structure Plan will be achieved by their proposals.

Not relevant to this subdivision.

(2) SUBDIVISION DESIGN There are six key elements to the design of subdivisions that the Council focuses its assessment around. These are described below. Guidance on the application of these design elements can be found in the document Subdivision and Infrastructure Development in Hastings: Best Practice Design Guide (Best Practice Design Guide). <http://www.hastingsdc.govt.nz/files/all/documents/infrastructure/engineering-cop/best-practicedesign-guide.pdf>

CONNECTIVITY

The creation of direct connections between roads and pathways increases the number of route and transport mode choices available. This is an important component of creating a walkable neighbourhood. By creating a dense network of interconnecting roads, travel distances and times to shops, bus stops, schools, employment and other amenities can be reduced. Poor connections (i.e. the predominance of dead end cul-de-sacs) result in greater travel costs and higher vehicle emissions. See Section D1 (Connectivity) of the abovementioned Best Practice Design Guide. Street, Block and Site Orientation The layout and design of streets, the size of blocks and orientation of sites within a subdivision will influence the quality and attractiveness of the development and its surrounding area (and thus the value and demand of the development). Primarily the layout of subdivisions should integrate and retain the existing topography and landscape features of a site. Residential streets should follow a north-south axis as much as natural features allow so that sites can be orientated east-west to maximise the amount of sunlight a dwelling will receive. Typically, a 80-100m grid block spacing creates an easily walkable neighbourhood, providing a choice of routes for pedestrians, cyclists and vehicles. Refer Section D2 (Street and Block Orientation) of the Best Practice Design Guide Site or Lot Design Last Amended 10 December 2012 Hastings District Plan Operative 10 June 2003 Section 15.1: Subdivision and Land Development Page 15.1- 38

Due to the small size of the land area involved no new internal roading networks are proposed however the proposed shared accessway will provide, walking, cycling and vehicular connections to Clive Central, a short distance away.

VARIATION IN LOT SIZE AND SHAPE allows for a greater range of house types which meets the needs of a wider proportion of the community and provides interesting and

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attractive urban landscapes. It also means development appeal to a wider range of potential purchasers. The number of right of ways, access lots and vehicle crossings can have an impact on the character of the streetscape and safety of pedestrians and cyclists. Rear sites with no street frontage can create issues in terms of privacy as the public front or entrance to a site abuts the rear private area of neighbouring sites and therefore reduces privacy. Sites that front or overlook the street improve visibility of the pedestrian environment and the overall safety and amenity of the streetscape. Refer Section D3 (Lot Design) of the Best Practice Design Guide Public Open Space Design The placement and integration of public open spaces within a subdivision are one of the most important elements to the long term success of a development. Public open spaces in prominent locations can provide a high level of amenity and character that add significant value to the development and a focal point for the neighbourhood in general. Refer Section D4 (Open Space Design) of the Best Practice Design Guide.

Each site has been designed around existing landscape features to maximise the opportunities available for siting of dwellings for sun and privacy and use of available mature trees as well as the see through nature of the existing tennis court.

STORMWATER MANAGEMENT Low impact design solutions for stormwater management can reduce construction costs, long term maintenance costs and future development pressure on existing stormwater infrastructure. Low impact design promotes at source treatment of stormwater runoff and involves infiltration of stormwater via swales, rain gardens and tree pits, the use of porous or pervious surfaces and in some cases the provision of rain tanks. Low impact stormwater design can add value and a point of difference to developments and enhance local amenity and ecology. When combined with appropriate street design and landscaping and/or the development of public open space areas, it can achieve multiple outcomes for the benefit of the subdivider, the community and the environment. Refer Section D5 (Stormwater Management) of the Best Practice Design Guide Road/Street Design Street design is about much more than just providing good roads for vehicles – it is also about creating quality places, liveable neighbourhoods and sustainable communities. Considering the range of functions a street provides, the time spent on planning and design, maximises the potential to create great streets that function well and contribute to quality of life. Great street design can also add significant value to developments and plays an important role in establishing and maintaining a subdivision's identity and character. Refer Section E (Road Design) of the Best Practice Design Guide.

It is proposed to create some more efficient measures to retain stormwater onsite. These may include the use of swales, water gardens and porous roadside areas.

PROPERTY ACCESS Council will have regard to the following: (i) The design and construction of roads, with reference to the Council's District Transport Hierarchy (see Section 2.5 of the District Plan on Transportation and the Road Hierarchy Maps in the District Planning Maps and the guidelines contained in the Subdivision and Infrastructure Development in Hastings: Best Practice Design Guide). (ii) The provision, location and design of access for vehicles, pedestrians and cyclists. (iii) The design of the subdivision to accommodate the provision of roads identified as being required in the Council's District Transport network strategies. (iv) The application of the requirements of Section 321 of the

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Local Government Act 1974 to any subdivided site. (v) The vesting of roads in the Hastings District Council. (vi) The requirements of New Zealand Transport Agency (NZTA) and Part IV of the Transit NZ Act 1989 with regard to vehicle entrances onto State Highways.

*Property access from State Highway 2 has been addressed in RMA20110411 - Apr 3 2012 with the building of a corridor to support traffic into and off the site. It is proposed to make this safer and more visible with a new two way drive servicing both the existing commercial site as well as the expanded residential area. A "shared zone" will be created after this to keep speeds to an absolute minimum and allow safe passage of pedestrians and cyclists as well as vehicle traffic. Passing bays incorporated into the two new driveways will allow for the safe passing of vehicles (see plan of subdivision in **Appendix 2**).*

WATER SUPPLY, WASTEWATER DISPOSAL AND STORMWATER

DISPOSAL Council will have regard to the following: (i) The location of reticulation facilities to allow suitable servicing of the sites and reasonable access for the maintenance of the facilities.

(v) The use of low impact design solutions to collect and dispose of stormwater on site.

Connection to the HDC sewerage system is available and provides a desirable solution. Measures to use grey water tanks to reduce wastewater could be incorporated if necessary as a condition of consent.

*Water supply at present is from the existing spring through a pump system. It is proposed to use this to service the new dwellings as shown in the Water Supply Plan in **Appendix 6**.*

NATURAL HAZARDS Under Section 106 of the Resource Management Act the Council is required to not grant consent to the subdivision of land in accordance with that section. The Council will have regard to the following assessment matters: (i) Whether the land, or any potential structure on that land, will be subject to material damage by erosion, falling debris, subsidence, slippage or inundation from any source. (ii) Whether there are any methods/measures available to overcome or reduce the risk of any hazard(s), and whether these methods/measures may have any significant adverse effects on the environment. In assessing the above matters, the Council will have regard to the following: (i) Any information held on the Council's Natural Hazard Database and the Natural Hazards Historical Database. (ii) The Objectives, Policies and Methods of the Natural Hazards Section of the District Plan (see Section 12.3). (iii) Information by suitably qualified professionals whose investigations are supplied with the subdivision consent applications.

No natural Hazards identified at this site (other than those applying generally across coastal portions of the District such as liquefaction and tsunami).

BUILDING PLATFORMS Council will have regard to the following: (i) The local ground conditions and suitability of the site for a building, and whether development on the site should be restricted to parts of the site. (ii) Where a parcel of land may be subject to inundation, whether there is a need to establish minimum floor heights for buildings in order to mitigate potential damage to them. Last Amended 10 December 2012 Hastings District Plan Operative 10 June 2003 Section 15.1: Subdivision and Land Development Page 15.1- 40

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(iii) The potential adverse effects of site development on the efficient use and operation of high voltage transmission lines and the potential for site development to place human health and safety at risk from such lines, including: - the location and form of proposed buildings, structures, earthworks and vegetation plantings (compliance with New Zealand Electrical Code of Practice for Electrical Safety Clearance Distances: NZECP:34 1993 shall be considered sufficient to avoid any potential adverse effects on the transmission lines or human health and safety); - the ability to continue to access the transmission lines and support structures 24 hours a day. - The outcome of any consultation with Transpower. (iv) The protection of any listed waahi tapu.

Generally Clive tests for High Liquification – this site has been measured in RMA20110411 - Apr 3 2012 and found that using piles for dwelling construction should mitigate any potential damage.

No other issues with power or Electricity access exist.

GENERAL Council will have regard to the following: (i) The necessity for control over other aspects of works associated with the subdivision, including commencement, completion, bonding, damage liability, insurance, maintenance requirements and certification of compliance. (ii) Requirements for the provision of fencing adjoining public land, including pedestrian accessways, service lanes and roads. (iii) The creation of easements in favour of the Council for public services. (iv) The design standards and guidelines in the Hastings District Council's Subdivision and Infrastructure Development in Hastings: Best Practice Design Guide. (v) The landscaping of property access on the site, road reserves and drainage reserves (e.g. tree planting). (vi) The design, location, extent and construction of any earthworks associated with the subdivision and development of the land. (vii) Any potential cumulative effects that may occur as a result of the subdivision. (viii) Potential constraints to the development of the site such as high voltage transmission lines or stormwater drains, and the ability for any resulting adverse effects to be avoided, remedied or mitigated.

HISTORIC PERSISTENT CHEMICAL RESIDUES OR OTHER POTENTIAL HAZARDOUS SOIL RESIDUES. Council will have regard to the following: ...) - NES now applies.

Soil Testing has been undertaken to determine any problems here, see Appendix 3.

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8.0 CONSULTATION AND AFFECTED PARTIES

It is considered by the applicant that due to all care and diligence taken with boundary fences and planting as is proposed, that the effect on all four affected parties (the owner and occupier of 130 Main Road, and the owners of 124 and 120 Main Road respectively) will be minimal. The following map identifies the location of the sites referred to in the table commenting on potentially affected neighbours below.



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Site in Relation to Neighbouring Properties	
Property	Comment
130 Main Road Clive	<p>This is a Truck Stop on the northern (Napier) side of the property zoned residential. It is not busy and much of the land is overgrown and unused.</p> <p>At the front, set back from the main road with its own carpark is the tenant "Halfway House" fish and chip shop.</p> <p>A 1.8 metre close board fence lines the boundary and mature close planted Olive Trees separates the properties at 126 and 130 Main Road, Clive.</p> <p>Access to this property at 130 main Road is some 20 metres away from the existing driveway to the Davidson site and will not be impacted upon by further traffic flow, noise or views of or from the new dwellings. The Owner Gary Deakin and the tenant Kevin Mc Ilroy have signed affected Party consent forms which are duly attached.</p>
124 Main Road Clive	<p>Is an undersized section (at 984m² not meeting the Clive/ Whakatu Residential Zone standards) zoned Plains Production, directly at the front / road end of the Davidson land. The driveway comes off State Highway 2 directly beside the Davidson access on the Hastings side. Because of this the Davidsons were required to widen the road at this point to ensure safe traffic flow into both properties and during the times when the on-site Café is open (see NZTA CAR R58145). NZTA supervised and sanctioned this new road shoulder and this is now considered a safe access way for the four proposed new dwellings (see the written approval provided by NZTA attached as Appendix 4).</p> <p>Owner residents Johnny and Katie Lawry at this address will be affected in that their view from the back changes and proximity to new neighbours will change. As they are directly situated off State Highway 2 it is unlikely further noise from a neighbour some 15 metres away will be significant. A carpark separates 124 Main Rd from the Café which only operates during the middle of the day and at present is closed on Sundays.</p> <p>The Lawry's were consulted early in this process and showed eagerness to purchase the land affecting their view for their parents to build on. The Davidsons have offered to complete further planting and retain as many plum trees as possible to screen the new dwellings from this property as well as agreed fencing at their expense. At present the Davidsons supply water to this section from their bore and have offered to maintain this during the new subdivision process and provide easement.</p> <p>Johnny Lawry has signed the Affected persons consent form (attached)</p>
120 Main Road Clive	<p>Is a largely unproductive lifestyle block housing a small Kiwi fruit orchard , and a residential dwelling owned by John Trevor Spain and Charles Robert Spain. The property is directly adjacent to the Southern (Hastings) side of the Davidson property with access on the Southern side of 124 Main Road Clive.</p> <p>The residential dwelling on this property has a river outlook and views will not be affected. The access way has also been improved by the road widening and shifting of the 50km/hr sign to further towards Hastings.</p> <p>There may be some noise generated by new neighbours and the new homeowners may experience noise from the orchard. With this in mind the Davidsons have included in their application that they erect a close board fence with dense planting to mitigate noise from either side. 'No Complaints Covenants' are</p>

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	<p>also proposed to apply to the new titles created to mitigate potential reverse sensitivity effects on the kiwi fruit orchard.</p> <p>Again these neighbours were consulted early in the process.</p> <p>It is strongly considered that they have no intention to use the Davidson subdivision as a precedent for future development of their land as they have advised that they are not going to provide their written approval, given the Plains Production zoning of the land.</p>
127 Main Rd, 2 Mill Rd	<p>These two properties are located opposite the Davidson site with 127 Main Rd being on the northern side of the Mill Rd intersection with Main Rd and 2 Mill Rd being on the Hastings side of this intersection.</p> <p>Given the location of these two dwellings adjacent a busy intersection with State Highway 2 the occupants would not be affected by the increased traffic resulting from the proposed subdivision, which will be negligible in comparison to the traffic volumes on Main Rd (SH2). Further to this these two properties will be well separated from the proposed new dwellings with the 30m wide width of Main Rd (SH 2) providing a physical buffer to the Davidson property.</p> <p>The property at 127 Main Road is in use as 'Chuckles Learning Centre' being an early childhood education provider. This property is located opposite the existing café and the proposed subdivision will not result in any new visible development given that the new dwellings would be screened by the café.</p> <p>The property at 2 Mill Road is partially opposite the café carpark and partially opposite the neighbouring dwelling at 124 Main Road. The closest point of 2 Mill Rd will be over 60m away from the eastern boundaries of proposed Lots 2 and 4 while the new development on these Lots would be screened by the café landscaping and plum trees adjacent the access way.</p> <p>Given the above, these neighbours on the opposite side of Main Road are not considered to be 'affected parties'.</p>

9.0 CHARACTER OF APPLICANTS

Despite not being a conventional addition to a Subdivision Consent we believe it is worth noting the character of the applicants.

Charlie and Susan Davidson believe they are making a difference in Clive. Their intent is not merely to profit and move on, but to remain and live out the rest of their lives in what they believe is the best spot in Hawkes Bay. They have gathered their family close with their secondary dwelling and have been proactive in making Clive a better place to live wherever possible.

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Notably they have single handedly over the last three years, produced the “Stars in Clive’s Eyes” show using locals, and raised nearly \$30,000 for the school, which none of their family attend. They have built Zeppelin Café on site which provides employment for many Clive people and Susan has been part of the group developing the Clive Community Plan recently presented to HDC. Susan is on the Clive Hall committee and the family sponsors the Clive Rugby Club.

They then, are not “fly by night” profiteers, and genuinely believe the opportunity for four homes on this obviously positive site for development will provide a valuable opportunity for the Clive community.

10.0 SUMMARY

Overall the proposed subdivision is appropriate, given:

- the proximity to the existing residential zone,
- the natural boundary to the west (Clive River) and
- the existing urban development on the property
- Ability to easily connect to council services
- Location outside of flood hazard
- Provides for residential demand in Clive only 500m from town centre
- Does not remove economically productive soil resource
- Can be easily and cheaply serviced
- Subject to consent these sites could be provided to market relatively quickly

In addition to the above, the accompanying Planning Assessment from Mitchell Daysh Ltd concludes that the proposed land use and subdivision consent is able to be granted under section 104 of the RMA as being consistent with the relevant statutory planning instruments.

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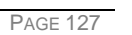
11.0 APPENDIX LIST

Accompanying document:

C & S Davidson - *Planning Assessment Supporting 8 Lot Subdivision & Land Use Consent Application – 126 Main Road, Clive*, Mitchell Daysh Ltd, January 2018.

List of Appendices:

Appendix 1	Certificate of Title
Appendix 2	Plan of Subdivision
Appendix 3	NES Contaminated Soils Assessment
Appendix 4	Written Approval from NZTA & summary of Comments from HDC Traffic
Appendix 5	Natural Hazards Property Report
Appendix 6	Water Safety Plan
Appendix 7	Water Test 2017
Appendix 8	Stormwater & Wastewater Reticulation Comments and Plan
Appendix 9	HPUDS Documents
Appendix 10	Written Approvals from Neighbours



APPENDIX DOCUMENTS IN SUPPORT OF RESOURCE CONSENT APPLICATION FROM C & S DAVIDSON, 126 MAIN ROAD, CLIVE

The following Appendix documents are provided:

Appendix 1	Certificate of Title
Appendix 2	Plan of Subdivision
Appendix 3	NES Contaminated Soils Assessment
Appendix 4	Written Approval from NZTA & summary of Comments from HDC Traffic
Appendix 5	Natural Hazards Property Report
Appendix 6	Water Safety Plan
Appendix 7	Water Test 2017
Appendix 8	Stormwater & Wastewater Reticulation Comments and Plan
Appendix 9	HPUDS Documents
Appendix 10	Written Approvals from Neighbours

APPENDIX 1

Certificate of Title

**COMPUTER FREEHOLD REGISTER
UNDER LAND TRANSFER ACT 1952**

Search Copy



Identifier **HB137/171**
Land Registration District **Hawkes Bay**
Date Issued 27 January 1953

Estate Fee Simple
Area 1.0739 hectares more or less
Legal Description Lot 1 and Lot 4 Deposited Plan 8555
Proprietors
Ian Brian Davidson, Susan Claire Davidson and Gavin James Cook

Interests

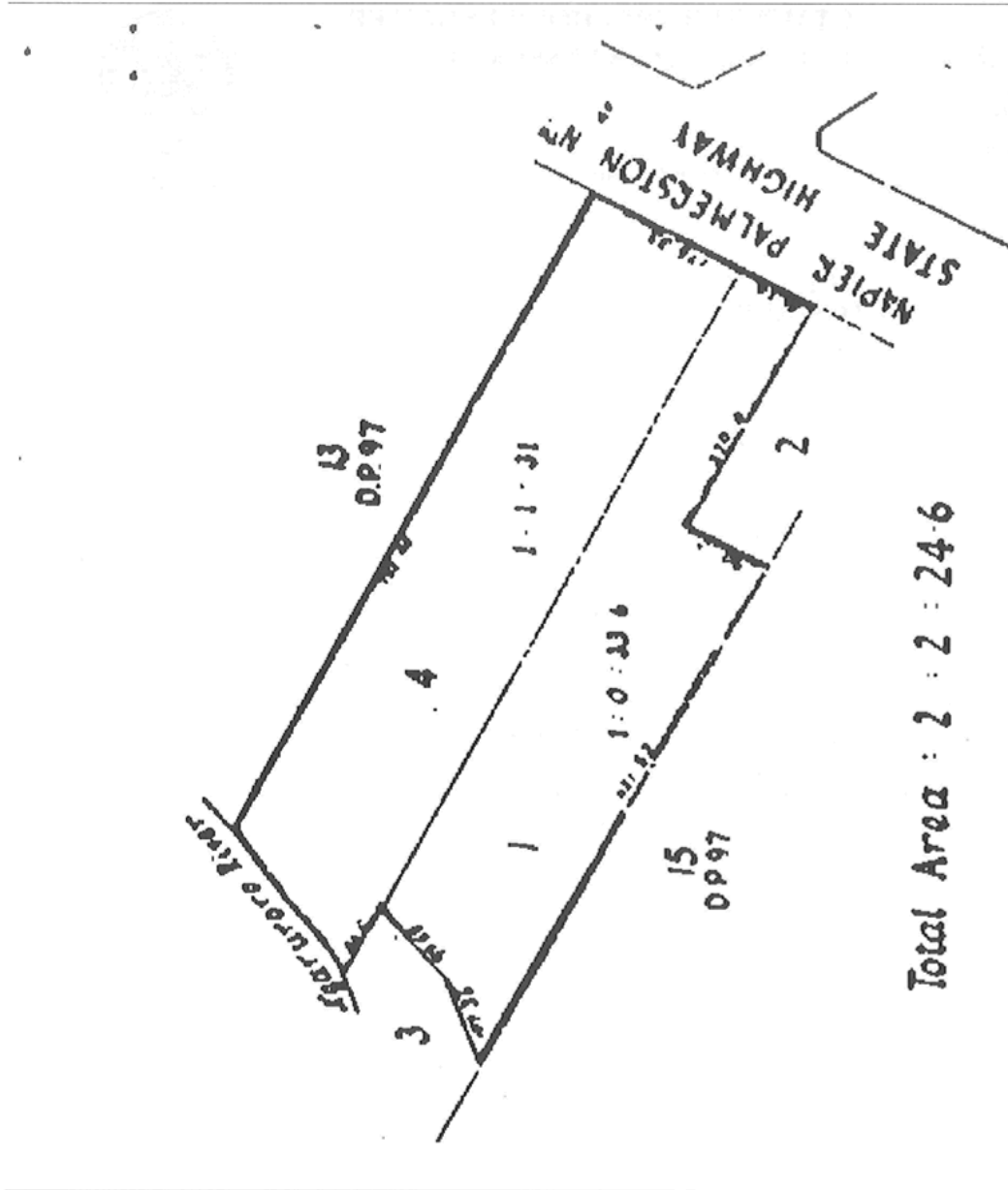
716488.1 Gazette Notice declaring the adjoining State Highway No 2 to be a limited access road - 5.6.2001 at 11.25 am
720235.20 Notice pursuant to Section 91 Transit New Zealand Act 1989 - 11.9.2001 at 3.59 pm
8400788.11 Compensation Certificate pursuant to Section 19 Public Works Act 1981 - 27.1.2010 at 2:42 pm
9117363.1 Encumbrance to Hastings District Council - 6.7.2012 at 5:13 pm
9295761.1 CERTIFICATE PURSUANT TO SECTION 77 BUILDING ACT 2004 THAT THIS COMPUTER REGISTER IS SUBJECT TO THE CONDITION IMPOSED UNDER SECTION 75(2) - 25.1.2013 at 7:00 am
9423361.1 Variation of Encumbrance 9117363.1 - 26.6.2013 at 9:32 am

Transaction Id
Client Reference mtoia001

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Register Only

Identifier

HB137/171

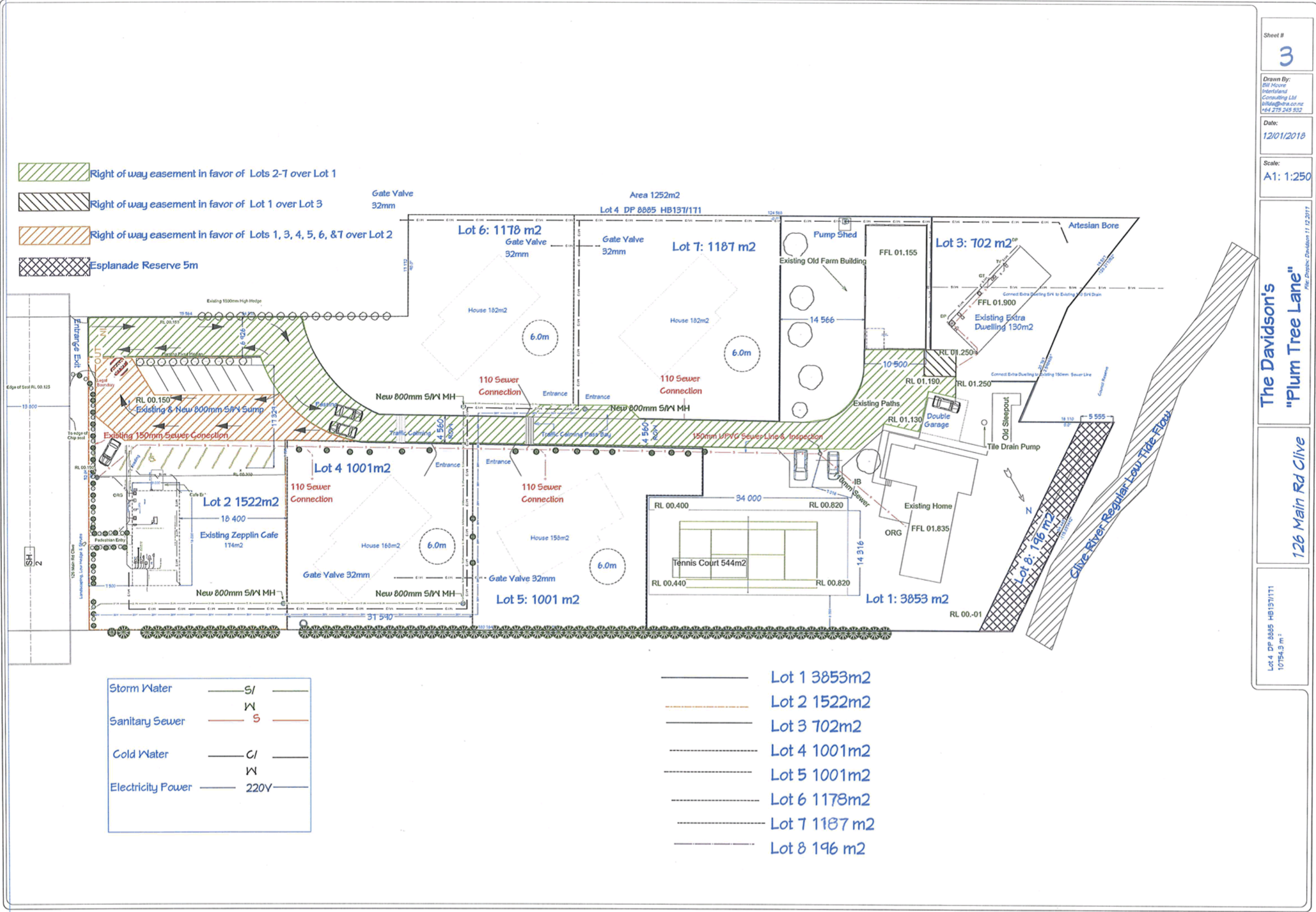


Transaction Id
Client Reference mtoia001

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APPENDIX 2

Plan of Subdivision



APPENDIX 3

NES Contaminated Soils Assessment



NES Soil Assessment Preliminary Site Investigation and Detailed Site Investigation

Property Located at
126 Main Road, Clive,
Hastings 4102

Report to Charlie Davidson

Peter O'Donnell

October 2017

24 Washington Parade, Milson 4414, Palmerston North, New Zealand

p: 06 353 0507

m: 021 575 270



AIM

To provide an assessment on the current status of the property relating to National Environmental Standards (NES) compliance for potential soil contamination for the property located at 126 Main Road, Clive.

PROPERTY DESCRIPTION

Property No: 57051

Address: 126 Main Road, Clive, Hastings, 4102

Legal Description: LOTS 1 4 DP 8555

Land Area: 1.0739 Ha (total with house) – 4,000 m² (requirement for NES assessment). Refer to Appendix 1 for a site plan for the proposed sub-division.

SITE CONTAMINATION INVESTIGATIONIntroduction

The owner of the property is seeking a consent to subdivide the property into four sections. Prior to the consent being issued the Hastings District Council requires a NES soil assessment to be carried out. The assessment requires a Preliminary Site Investigation (PSI) and if the site is contaminated a Detailed Site Investigation (DSI) will be required.

Preliminary Site Investigation (PSI)

Following discussions with the current owner it is evident that the property has been used for various crops and some orcharding activities as there are currently Omega plum trees on approximately 2,000 m² of the existing property.

Historical photos (Figures 1 to 2) confirm that it is not evident the "piece of land" under investigation was previously used for orchard activities prior to the 1970's.

Correspondence with the Hastings District Council (25 September 2017) states:

- Aerial photos indicate that the whole site (with the exception of the shed) was planted in trees in 1972 (trigger for HAIL, A 10 – Appendix 3).
- Evidence from a complaint about a roadside stall on-site confirmed that strawberries were grown on-site in 1983.
- The large shed was used until approximately 15 years ago for purposes of wool scouring, sheep dag crushing and hides.

Due to the above activities it is essential that a Detailed Site Investigation (DSI) be undertaken.

Figure 1: Historical photo 1940's (HDC Website)



Figure 2: Historical photo 1970's (HDC Website)



Google Earth (Figures 3 to 5) show that there has been orcharding activities on the "piece of land" post 2003.

Figure 3: Photo 7 Google Earth



Figure 4: Photo 8 Google Earth



Figure 3: Photo of Google Earth



Hazardous Activities and Industries List

As the “piece of land” has been used in the 1970’s as an orchard, the Hazardous Activities and Industrial List (HAIL) has been triggered; hence there is a requirement for a DSI to be performed.

The old aerial mapping photographs (Figures 1 and 2) obtained from the Hastings District Council website has provided two photos for 1940’s and 1970’s, could be 1970 or 1971 as evidence for the Hastings District Council confirm that “the piece of land” was used as an orchard from 1972 to an unknown date. Strawberries were also grown and activities undertaken in the shed which may result in potential contamination.

Google Earth photos (Figures 3 to 5) indicated orchard activities on the “piece of land”. The current plums, and other crops in 2003.

Property File DC

This does contain correspondence between the current owners and the HDC; although a consultant had recommended that a DSI was not necessary, however, dates of activities prior to the 1990’s had not been considered. More recent comments from the HDC recommended that testing was advised.

Soil Sampling

The contaminated Land Management Guidelines (CLMG) Number 5 was used to evaluate the number of soil samples required to establish any potential contamination. The land area is 4000 m², hence the minimum number of soil samples recommended was 11 samples. However, 12 was chosen to increase the accuracy of the testing.

The “piece of land” is to be subdivided into 4 sections (each approximately 1,000 m²). The number of soil samples for each section is 3 ($12/4 = 3$).

Composite testing was undertaken as a screening process to establish whether there is any likely contamination.

The laboratory undertaking the soil testing prepares the composite samples. For heavy metal testing (As, Cd, Pb) a 2-sample composite was used, 6 composites in total (C1 to C6).

For organochlorine pesticides a composite size of 3 samples per composite was used – 4 composites in total (C7 to C10). When using composite testing the original NES limit for each contaminant changes.

The new limit is the original limit (for individual samples) divided by the size of the composite e.g. the limit for arsenic is $17/2 = 8.5$ mg/kg (composite size = 2).

Table 1: Soil Test Results

Sample Number	Sample Locations	Testing Undertaken			DDT	Limits mg/kg	Status
		Arsenic	Lead	Cadmium			
Composite 1	A1	7.86	42.0	0.26	-	8.5/80/4	Ok
	A2						
Composite 2	A3	7.07	28.2	0.22	-	✓	Ok
	B1						
Composite 3	B2	7.10	30.5	0.24	-	✓	Ok
	B3						
Composite 4	C1	7.33	57.7	0.19	-	✓	Ok
	C2						
Composite 5	C3	7.53	44.0	0.20	-	✓	Ok
	D1						
Composite 6	D2	6.80	44.4	0.21	-	✓	Ok
	D3						
Composite 7	A1	-	-	-	0.02	15	Ok
	A2						
	A3						
Composite 8	B1	-	-	-	<0.02	15	Ok
	B2						
	B3						
Composite 9	C1	-	-	-	0.02	15	Ok
	C2						
	C3						

Composite □□	D1						
	D2	-	-	-	0.02	15	Ok
	D3						

Note:

- (1) Limits calculated for a 2-sample composite and a 3-sample composite
- (2) Limits for heavy metals (As/Pb/Cd)

The soil sampling pattern is provided in Appendix 2.

Results

All results are provided in Appendix 3 are from Analytica Laboratory (Hamilton).

All heavy metals tested (As, Pb, Cd) were less than the NES limits (for composite testing).

The arsenic levels were marginally higher than typical background levels for Hawkes Bay (3 - 6 mg As /Kg).

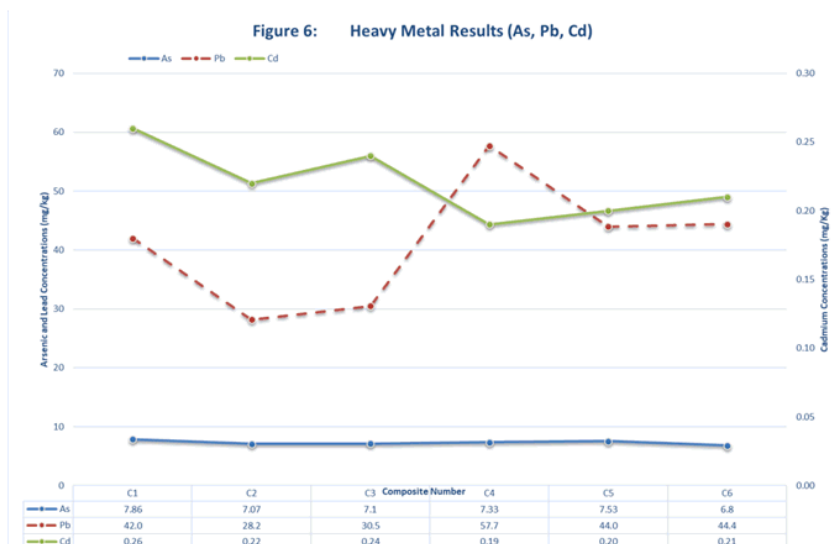
The lead levels were significantly higher than the background levels for Hawkes Bay (5.7 - 13.7 mg Pb/Kg – refer to Appendix 7). The background levels for lead where horticultural activities have taken place typically range between 11 - 31 mg Pb/Kg. The results are higher than the typical range.

The cadmium levels were at the lower level of the typical background levels for Hawkes Bay.

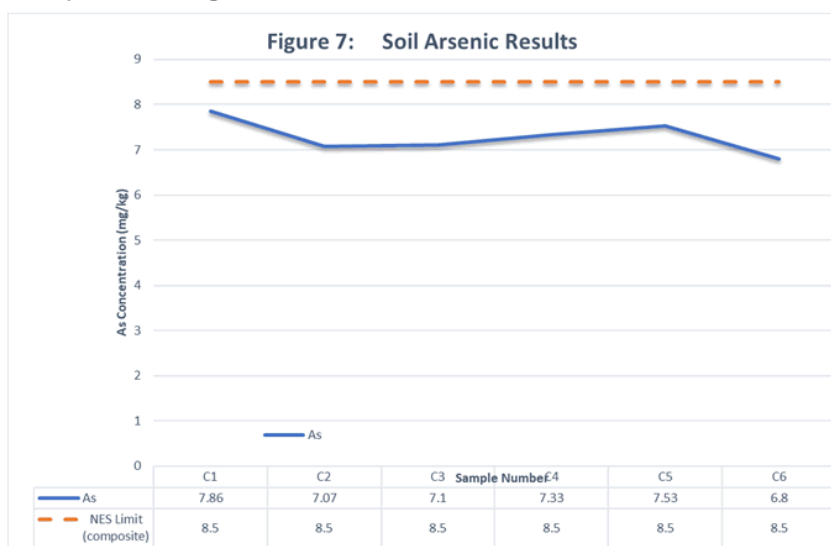
The organo-chlorine pesticides (OCP's) results were below the detection limit for many of the analytes tested, and low for the remaining analytes. DDT measurements consists of the combined forms of DDD, DDE, and DDT. The composite (tested for the OCP test) showed that the total DDT Isomers was below or at the detection limit (<0.02 or 0.02 mg/kg).

The NES limit for "rural residential/lifestyle block 25% produce" is shown in Appendix 5.

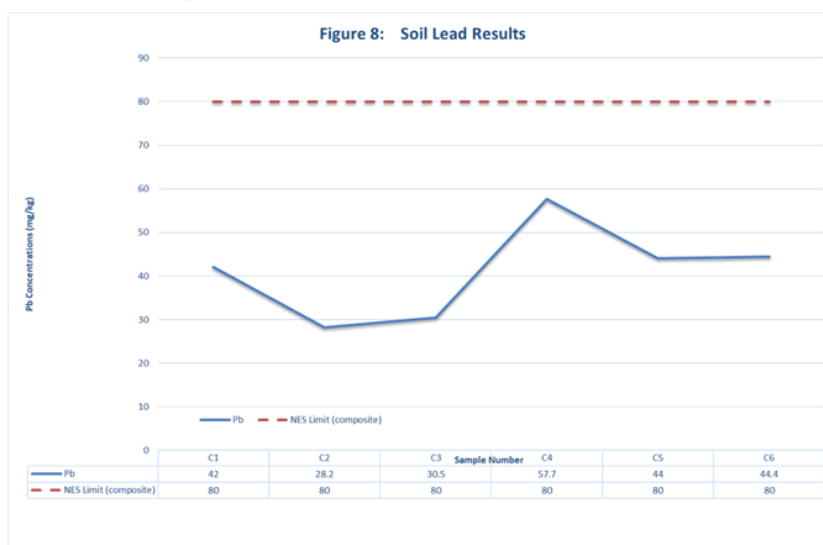
Heavy metal results are provided in Figure 6.



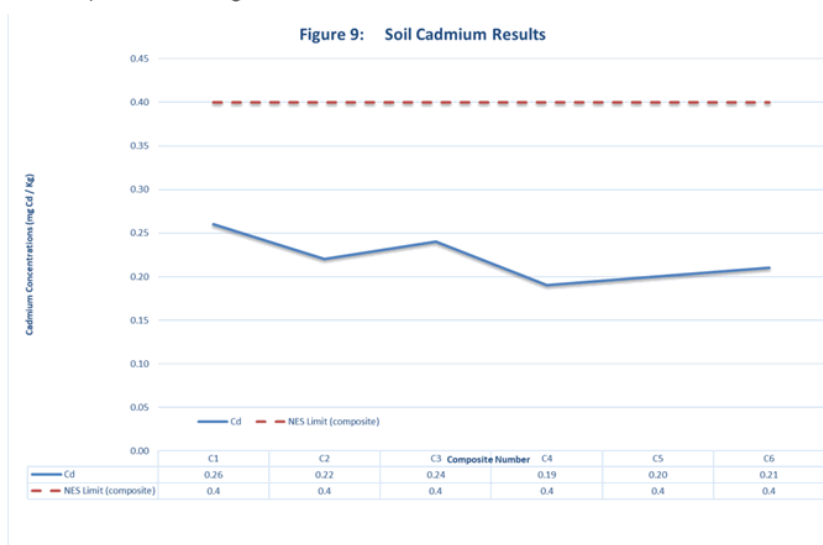
Arsenic results are provided in Figure 7.



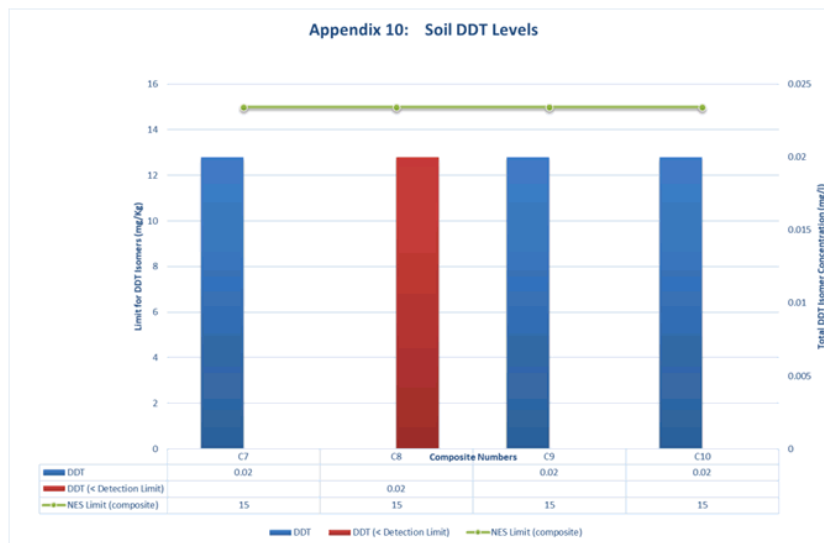
Lead results are provided in Figure 8.



Cadmium results are provided in Figure 9.



Total DDT Isomer results are provided in Figure 10.



No further testing was required.

DISCUSSION

The PSI established that the piece of land required a DSI to be undertaken, due to previous orchard activities that occurred during the 1970's.

The soil concentrations for arsenic and cadmium were below the NES limits for "rural residential/lifestyle block 25% produce"; they are similar to background levels for this area. The lead results show a significantly higher level than typical background levels – they do comply with the NES limits.

The soil concentrations for OCP (based on composite testing) were below or near the detection limits for each analyte tested. Total DDT Isomers were low, complies with the NES limits

The DSI found that the piece of land did not shown any levels of contamination that exceeds the NES limits ("rural residential/lifestyle block 25% produce") from any previous activities that occurred on the land.

CONCLUSION

The above PSI and DSI was carried out for the property located at 126 Main Road, Clive.

The analytical results of the soil collected at 12 random locations of the property confirms the following;

- The levels for arsenic and cadmium contamination were low; similar to what would be expected for background levels for arsenic in the Hawkes Bay
- The level of lead was higher than what would be expected for background levels for Hawkes Bay; however, the levels did not exceed the NES limits for composite sampling.
- The results for the organochlorine pesticides (OCP) were below or near the detection limits for all substances tested [4 - sample composite].
- Total DDT Isomers were lower or on the detection limit.

Although the "piece of land" does trigger a HAIL site by definition (A, 10 & 16 of the HAIL – appendix 3 National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health), the DSI confirms that the concentrations of expected contaminants do not exceed the NES limits, and hence this property does not require NES controls to be implemented.

From the information provided above I can state that it is highly unlikely that there is any risk to human health and safety from contact with the soil during any normal or gardening or building activities on the "piece of land".

Please do not hesitate to contact the writer should further information be required.

REFERENCES

- (1) Resource Management for Assessing and Managing Contaminants in Soil to Protect Human Health Regulation 2011
- (2) Users guide: NES for Assessing and Managing Contaminants in Soil to Protect Human Health
- (3) CLMG No 5
- (4) Background soil concentrations of selected trace elements and organic contaminants in NZ – Envirolink Tools Grant: CO9X1402 (Landcare)



Peter O'Donnell

Environmental Engineer / Test Certifier

Appendices

Appendix 1: Site Plan for Proposed Building

Appendix 2: Soil Sampling Plan

Appendix 3: Analytical Results

Appendix 4: Tabulated Results

Appendix 5: NES Limits

Appendix 6: Documentation from Property File (HDC)

Appendix 7: Soil Contaminant Background Levels

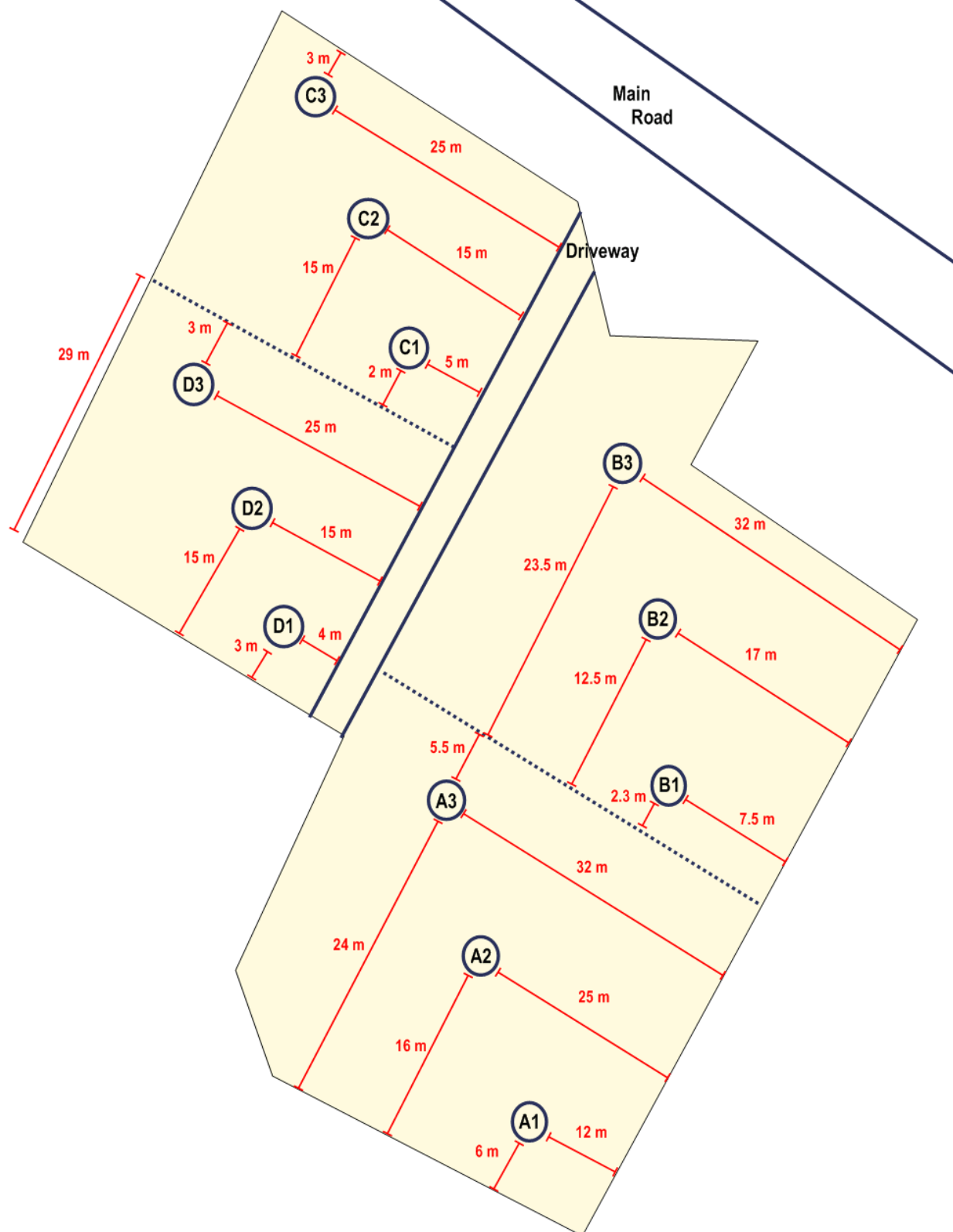
Appendix ☐: Site Plans ☐ or Proposed Sections



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Appendix Soil Sampling Locations

SOIL SAMPLING PATTERN, 126 MAIN ROAD, CLIVE (NOT TO SCALE)



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Item 2

Attachment B

Appendix □: Anal□tical Results

ANALYTICA
LABORATORIES


Analytica Laboratories Limited
Ruakura Research Centre
10 Bisley Road
Hamilton 3214, New Zealand
Ph +64 (07) 974 4740
sales@analytica.co.nz
www.analytica.co.nz

Certificate of Analysis

Safety & Environmental Services
126 Main Road
Clive
Attention: Peter O'Donnell
Phone: 021 575 270
Email: peter@saes.co.nz

Lab Reference: 17-23633
Submitted by: Peter O'Donnell
Date Received: 2/10/2017
Date Completed: 5/10/2017
Order Number: Peter413-Main road
Reference: NES soil

Sampling Site: 413 Main Road, Clive

Elements in Soil

Client Sample ID			composite 1 (A1,A2)	composite 2 (A3,B1)	composite 3 (B2,B3)	composite 4 (C1,C2)	composite 5 (C3,D1)
Date Sampled			29/09/2017	29/09/2017	29/09/2017	29/09/2017	29/09/2017
Analyte	Unit	Reporting Limit	17-23633-13	17-23633-14	17-23633-15	17-23633-16	17-23633-17
Arsenic	mg/kg dry wt	0.125	7.86	7.07	7.10	7.33	7.53
Cadmium	mg/kg dry wt	0.005	0.26	0.22	0.24	0.19	0.20
Lead	mg/kg dry wt	0.05	42.0	28.2	30.5	57.7	44.0

Elements in Soil

Client Sample ID			composite 6 (D2,D3)
Date Sampled			29/09/2017
Analyte	Unit	Reporting Limit	17-23633-18
Arsenic	mg/kg dry wt	0.125	6.80
Cadmium	mg/kg dry wt	0.005	0.21
Lead	mg/kg dry wt	0.05	44.4

Organochlorine Pesticides - Soil

Client Sample ID			composite 7 (A1,A2,A3)	composite 8 (B1,B2,B3)	composite 9 (C1,C2,C3)	composite 10 (D1,D2,D3)
Date Sampled			29/09/2017	29/09/2017	29/09/2017	29/09/2017
Analyte	Unit	Reporting Limit	17-23633-31	17-23633-32	17-23633-33	17-23633-34
2,4'-DDD	mg/kg dry wt	0.005	<0.005	<0.005	<0.005	<0.005
2,4'-DDE	mg/kg dry wt	0.005	<0.005	<0.005	<0.005	<0.005
2,4'-DDT	mg/kg dry wt	0.005	<0.005	<0.005	<0.005	<0.005
4,4'-DDD	mg/kg dry wt	0.003	<0.005	<0.005	<0.005	<0.005
4,4'-DDE	mg/kg dry wt	0.005	0.012	0.007	0.008	0.009
4,4'-DDT	mg/kg dry wt	0.005	0.012	0.007	0.011	0.011
Total DDT	mg/kg dry wt	0.02	0.02	<0.02	0.02	0.02



All tests reported herein have been performed in accordance with the laboratory's scope of accreditation, with the exception of tests marked *, which are not accredited.

Organochlorine Pesticides - Soil

Client Sample ID			composite 7 (A1,A2,A3)	composite 8 (B1,B2,B3)	composite 9 (C1,C2,C3)	composite 10 (D1,D2,D3)
Date Sampled			29/09/2017	29/09/2017	29/09/2017	29/09/2017
alpha-BHC	mg/kg dry wt	0.005	<0.005	<0.005	<0.005	<0.005
Aldrin	mg/kg dry wt	0.005	<0.005	<0.005	<0.005	<0.005
beta-BHC	mg/kg dry wt	0.005	<0.005	<0.005	<0.005	<0.005
cis-Chlordane	mg/kg dry wt	0.005	<0.005	<0.005	<0.005	<0.005
cis-Nonachlor	mg/kg dry wt	0.01	<0.01	<0.01	<0.01	<0.01
delta-BHC	mg/kg dry wt	0.005	<0.005	<0.005	<0.005	<0.005
Dieldrin	mg/kg dry wt	0.05	<0.05	<0.05	<0.05	<0.05
Endosulfan I	mg/kg dry wt	0.005	<0.005	<0.005	<0.005	<0.005
Endosulfan II	mg/kg dry wt	0.01	<0.01	<0.01	<0.01	<0.01
Endosulfan sulphate	mg/kg dry wt	0.005	<0.005	<0.005	<0.005	<0.005
Endrin	mg/kg dry wt	0.05	<0.05	<0.05	<0.05	<0.05
Endrin aldehyde	mg/kg dry wt	0.01	<0.01	<0.01	<0.01	<0.01
Endrin ketone	mg/kg dry wt	0.005	<0.005	<0.005	<0.005	<0.005
gamma-BHC	mg/kg dry wt	0.005	<0.005	<0.005	<0.005	<0.005
Heptachlor	mg/kg dry wt	0.005	<0.005	<0.005	<0.005	<0.005
Heptachlor epoxide	mg/kg dry wt	0.005	<0.005	<0.005	<0.005	<0.005
Hexachlorobenzene	mg/kg dry wt	0.005	<0.005	<0.005	<0.005	<0.005
Methoxychlor	mg/kg dry wt	0.01	<0.01	<0.01	<0.01	<0.01
trans-nonachlor	mg/kg dry wt	0.01	<0.01	<0.01	<0.01	<0.01
trans-Chlordane	mg/kg dry wt	0.01	<0.01	<0.01	<0.01	<0.01
Chlordane (sum)	mg/kg dry wt	0.02	<0.02	<0.02	<0.02	<0.02
TCMX (Surrogate)	%	1	103.0	102.6	103.2	106.1

Method Summary

Elements in Soil Acid digestion followed by ICP-MS analysis. US EPA method 200.8.

OCP in Soil Samples are extracted with hexane, pre-concentrated then analysed by GC-MSMS. In house method.
(Chlordane (sum) is calculated from the main actives in technical Chlordane: Chlordane, Nonachlor and Heptachlor)

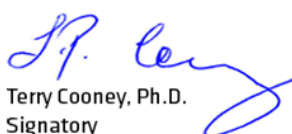
Total DDT Sum of DDT, DDD and DDE (4,4' and 2,4 isomers)

Report Comments

Samples were received by Analytica Laboratories in acceptable condition unless otherwise noted on this report.



Elizabeth Fitzgerald, B.Sc.
Inorganics Team Leader



Terry Cooney, Ph.D.
Signatory

Appendix 4 : Tabulated Results
126 Main Road, Clive

Contaminant	Composite Number						
	C1	C2	C3	C4	C5	C6	Avg
As	7.86	7.07	7.1	7.33	7.53	6.8	7.3
Pb	42.0	28.2	30.5	57.7	44.0	44.4	41.1
Cd	0.26	0.22	0.24	0.19	0.20	0.21	0.2

Limits for As	C1	C2	C3	C4	C5	C6
As NES Limit	17	17	17	17	17	17
Composite size	2	2	2	2	2	2
New NES Limit	8.5	8.5	8.5	8.5	8.5	8.5

Limits for Pb	C1	C2	C3	C4	C5	C6
Pb NES Limit	160	160	160	160	160	160
Composite size	2	2	2	2	2	2
New NES Limit	80	80	80	80	80	80

Limits for Cd	C1	C2	C3	C4	C5	C6
Cd NES Limit	0.8	0.8	0.8	0.8	0.8	0.8
Composite size	2	2	2	2	2	2
New NES Limit	0.4	0.4	0.4	0.4	0.4	0.4

Contaminant	C1	C2	C3	C4	C5	C6
As	7.86	7.07	7.1	7.33	7.53	6.8
NES Limit (composite)	8.5	8.5	8.5	8.5	8.5	8.5

	C1	C2	C3	C4	C5	C6
Pb	42	28.2	30.5	57.7	44	44.4
NES Limit (composite)	80	80	80	80	80	80

	C1	C2	C3	C4	C5	C6
Cd	0.26	0.22	0.24	0.19	0.20	0.21
NES Limit (composite)	0.4	0.4	0.4	0.4	0.4	0.4

OCP

	C7	C8	C9	C10
DDT NES limit	45	45	45	45
Composite size	3	3	3	3
New NES limit	15	15	15	15

DDT

	C7	C8	C9	C10
DDT	0.02		0.02	0.02
DDT (< Detection Limit)		0.02		
NES Limit (composite)	15	15	15	15

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Appendix □: N□S Limits

Appendix B: Soil contaminant standards

The five standard land-use scenarios for which soil contamination standards (SCSs) have been derived are contained in Table B1. A summary of the SCSs is presented in Tables B2 and B3. More detailed versions of these tables are contained in Section 7 of the *Methodology*, in which additional residential sub-scenarios have also been derived.

Table B1: Land-use scenarios

Scenario	Description
Rural / lifestyle block	Rural residential land use, including home-grown produce consumption (25 per cent). Applicable to the residential vicinity of farm houses for protection of farming families, but not the productive parts of agricultural land. Note: Consumption of eggs, milk and meat from animals raised on site is excluded. Produce consumption is limited to home-grown vegetables. Sites for which consumption of home-grown eggs, milk or meat is important will need to be evaluated on a site-specific basis.
Residential	Standard residential lot, for single dwelling sites with gardens, including home-grown produce consumption (10 per cent).
High-density residential	Urban residential with limited soil contact, including small ornamental gardens but no vegetable garden (no home-grown produce consumption); applicable to urban townhouses, flats and ground-floor apartments with small ornamental gardens, but not high-rise apartments.
Parks / recreational	Public and private green areas and reserves used for active sports and recreation. This scenario is intended to cover playing fields and suburban reserves where children play frequently. It can also reasonably cover secondary school playing fields but not primary school playing fields.
Commercial / industrial outdoor worker (unpaved)	Commercial / industrial site with varying degrees of exposed soil. Exposure of outdoor workers to near-surface soil during routine maintenance and gardening activities with occasional excavation as part of maintaining subsurface utilities (ie, a caretaker or site maintenance personnel). Also conservatively applicable to outdoor workers on a largely unpaved site.

Table B2: Soil contaminant standards for health (SCS_(health)) for inorganic substances

	Arsenic	Boron	Cadmium (pH 5) ¹	Chromium		Copper	Inorganic lead	Inorganic mercury
				III	VI			
	mg/kg	mg/kg	mg/kg	mg/kg	mg/kg	mg/kg	mg/kg	mg/kg
Rural residential / lifestyle block 25% produce	17	>10,000	0.8	>10,000	290	>10,000	160	200
Residential 10% produce	20	>10,000	3	>10,000	460	>10,000	210	310
High-density residential	45	>10,000	230	>10,000	1,500	>10,000	500	1,000
Recreation	80	>10,000	400	>10,000	2,700	>10,000	880	1,800
Commercial / industrial outdoor worker (unpaved)	70	>10,000	1,300	>10,000	6,300	>10,000	3,300	4,200

Notes: All concentrations refer to dry weight (ie, mg/kg dry weight).

¹ Default value is for soil that is pH 5. Concentrations increase with increasing pH (see *Methodology*).

Table B3: Soil contaminant standards for health (SCS_(health)) for organic compounds

Scenario	BaP ¹	DDT	Dieldrin ²	PCP	Dioxin	
					TCDD	Dioxin-like PCBs
	mg/kg TEQ	mg/kg	mg/kg	mg/kg	µg/kg TEQ	µg/kg TEQ
Rural residential / lifestyle block 25% produce	6	45	1.1	55	0.12	0.09
Residential 10% produce	10	70	2.6	55	0.15	0.12
High-density residential	24	240	45	110	0.35	0.33
Recreation	40	400	70	150	0.6	0.52
Commercial / industrial outdoor worker (unpaved)	35	1,000	160	360	1.4	1.2

Notes: All concentrations refer to dry weight (ie, mg/kg dry weight or µg/kg dry weight).

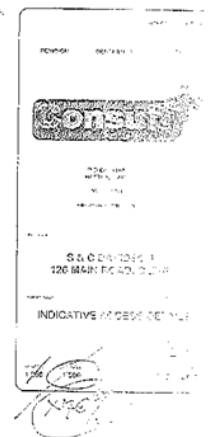
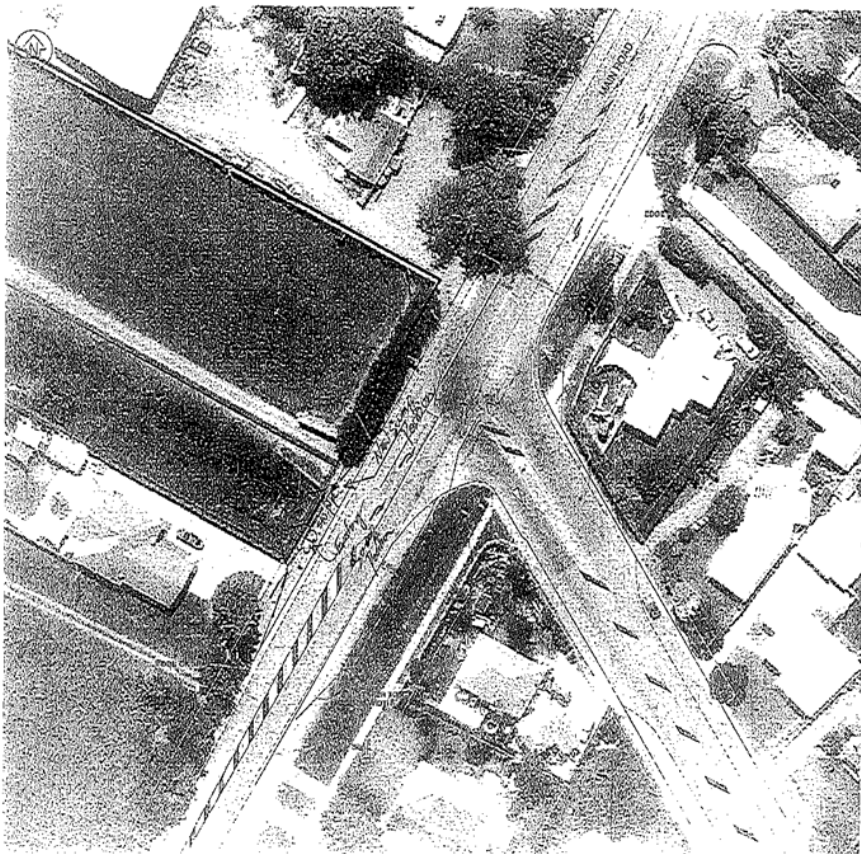
¹ For benzo(a)pyrene, the equivalent BaP concentration is calculated as the sum of each of the detected concentrations of nine carcinogenic PAHs (benzo(a)anthracene, benzo(b)fluoranthene, benzo(j)fluoranthene, benzo(k)fluoranthene, benzo(a)pyrene, chrysene, dibenzo(a,h)anthracene, fluoranthene and indeno(1,2,3-cd)pyrene), multiplied by their respective potency equivalency factors (see table 40 of the *Methodology*).

² The SCS is applicable to either dieldrin or aldrin separately, or to the sum of aldrin and dieldrin if both are involved.

TEQ = Toxic equivalency, an indication of the toxicity of a mixture of compounds.

For dioxins and dioxin-like PCBs the total toxicity is assessed as a toxic equivalency (TEQ) to 2,3,7,8-TCDD using toxic equivalency factors (TEF). The TEQ is defined as the sum of the products of the concentration of each compound multiplied by the value of its TEF (see table 46 of the *Methodology*).

Appendix A: Documentation from Property File DC



B.H. WILLIAMS CONSULTING ENGINEERS LTD
CONSULTING CIVIL, STRUCTURAL AND TRANSPORT ENGINEERS

125 Queen St. E.
P.O. Box 1206, Hastings
Phone/Fax (06) 876-5533
bhwilliamsconsulting@stra.co.nz

DIRECTOR:
B.H. WILLIAMS, MIPENZ
B.E. (Civil), CPEng.

09 03 2012

Consult Plus
P. O. Box 11048,
Hastings.

Dear Sirs,
No 126, Main Road Clive.
Relocating of Storm-water Sump at New Vehicle Entrance.
I refer to the attached drawing by Consult Plus.

As noted there is an existing storm-water sump on the buried s.w. pipe running along the roadside in this area.

The present sump is near the middle of the new vehicle entrance way. The s.w. pipe falls in a s.w. direction from an open channel to another length of open channel. Falls are such that the position of the sump is not critical.

It is therefore proposed that the sump be relocated by approximately 10m. to the N.E. and be re-built to standard details on the new paved area edge as defined by the 9m. radius arc in the Consult Plus drawing. The existing sump area is to have a new, matching, r.c. pipe section cut in, the area made good and filled as part of the access-way construction.

Construction of the access-way is to be formed so as to lead road-side stormwater to the new sump, with a grating level to match the new paving level.

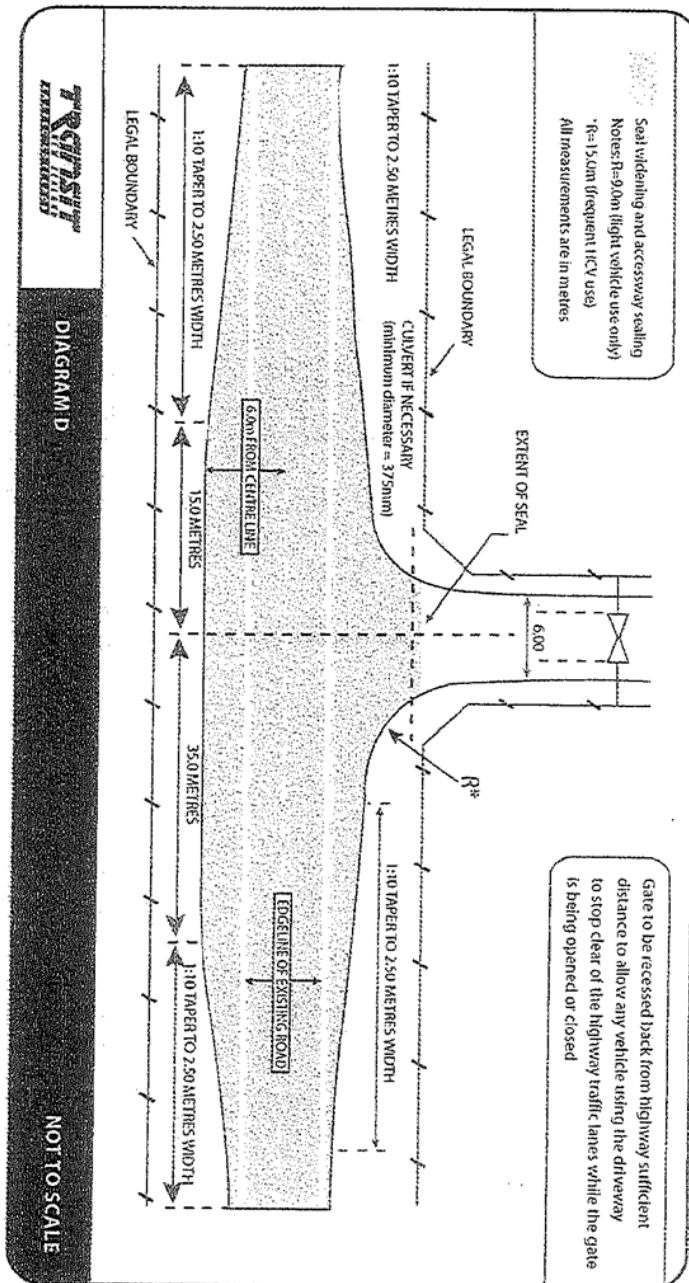
Yours Faithfully

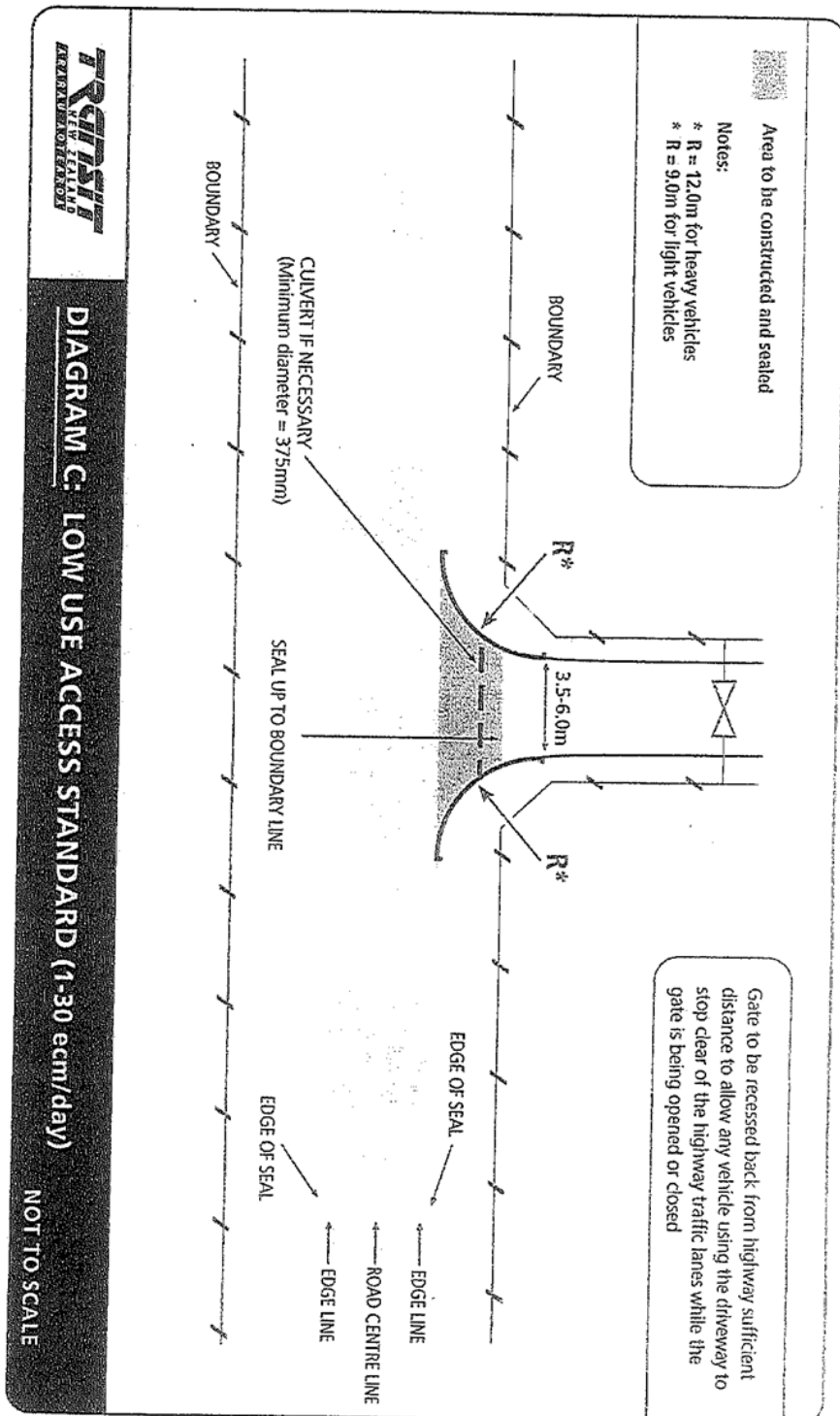


Bruce H. Williams CPEng.

Appendix 5B - Accessway standards and guidelines

Refer to Table App5B/4 for when this accessway type should be applied





Brad Nicol

From: Oliver Postings <Oliver.Postings@nzta.govt.nz>
Sent: Monday, 19 March 2012 2:01 p.m.
To: Brad Nicol
Subject: RE: 126 Main Road Clive - Stormwater Sump

Hi Brad,

It would appear after some investigation that the storm water sump is actually part of the Hastings DC storm water system so they have the final say on whether this proposal is acceptable. From NZTA's point of view we have no objections to the overall proposal providing that the following conditions are attached to any consent:

1. That the new entrance is sited on the southern boundary of Lot 1 DP 8555 and is built to a NZTA Diagram C standard with Diagram D widening opposite. Final design of the access and widening must be submitted for approval prior to the commencement of works on site.
2. The existing speed limit sign will need to be relocated 20metres to the south. This would need to be done at the expense of the applicant.

It is NZTA's consideration that the effects of the proposed café would be mitigated by these proposed works. The widening opposite

With regards to the storm water sump affected by the new entrance this is an HDC matter then would need to be resolved with their engineers.

Once I have confirmation of your clients acceptance of these conditions I will in a position to give NZTA's affected parties consent.

Regards
Oliver

Oliver Postings
Senior Resource Planner- Planning and Investment
DDI 64 6 974 6502
M 021 221 3483
E oliver.postings@nzta.govt.nz

Please consider the environment before printing this email

From: Brad Nicol [<mailto:brad@consultplus.co.nz>]
Sent: Monday, 12 March 2012 8:55 a.m.
To: Oliver Postings
Subject: 126 Main Road Clive - Stormwater Sump

Hi Oliver

I have attached the comments from our Clients Engineer in regards to the stormwater sup relocation. In short, the engineer has recommended that the stormwater sump is relocated approximately 10m to the north east of its current location. Would NZTA have any objection to a condition of consent requiring this?

Thanks

- No accessory buildings shall be erected to the south east of the dashed line identified on the approved scheme plan (by Consult Plus Ltd ref: EA2 dated November 2011).
- 2. No industrial activities or wineries shall be allowed to establish on the subject site while the oversize secondary residential dwelling and commercial activities remain on the site.
- 3. No additional garaging or storage buildings shall be established on the subject site (other than within the area marked in 1 above).

National Environmental Standard – Soil Contamination

As identified by Council on the 20th of March, the subject site and the activities for which resource consent is sought are covered by the NES. Given that the applicant accepts that the site falls within a HAIL area and therefore requires resource consent, given it is not intended that a detailed analysis be provided it must be assessed as a Discretionary Activity. We believe the NES allows for us to accept that the site has potential contamination without requiring specific testing and proceeding to mitigate any actual or potential contamination effects through conditions. Accordingly as part of this application we hereby apply for resource consent to establish a Discretionary Activity pursuant to Regulation 11 of the NES. To mitigate any adverse environmental effects which could result from the subject application we propose the following conditions of consent:

- That residents of the site shall not undertake and will not permit to be undertaken any gardening activity of whatsoever kind or nature unless the gardening activity is to be undertaken within a raised bed garden, using clean imported soils.
- That no soil (including the soil to be excavated during the construction of either the commercial or residential building) shall be removed from the subject site at any time, without first identifying to the Manager of Resource Management at Hastings District Council of the disposal destination.

Should you wish to discuss matters further please do not hesitate to contact me.

Yours Faithfully
Consult Plus Ltd



Brad Nicol
Town Planning Consultant



20 March 2012

Hastings District Council
Private Bag 9002
Hastings

Attention: Roger Wilfin

Dear Sir,

RE: Further Information Request – RMA20110411 (126 Main Road Clive)

Access

Further to previous correspondence on the 18 January 2012 and our subsequent discussions in relation to matters identified, we are pleased to confirm that safe and efficient access can be provided to the subject site, subject to relevant conditions of consent being imposed as part of any consent approval. The attached correspondence from NZTA identifies that safe and efficient access can be provided through a new access point located to the southern boundary of Lot 1 DP 8555. NZTA have recommended the following conditions of consent:

- *That the new entrance is sited on the southern boundary of Lot 1 DP 8555 and is built to a NZTA Diagram C standard with Diagram D widening opposite. Final design of the access and widening must be submitted for approval prior to the commencement of works on site.*
- *The existing speed limit sign will need to be relocated 20 metres to the south. This would need to be done at the expense of the applicant.*

The applicant is happy that they form part of the application and accordingly that they form conditions of consent.

Stormwater Sump

Given the location of the proposed access an existing roadside stormwater drain/sump will need to be relocated 10m to the north east of its current location. The attached correspondence from Bruce Williams (the applicant's engineer) identifies that this can be satisfactorily achieved. Accordingly a condition of consent to this effect is both appropriate and acceptable to the applicant.

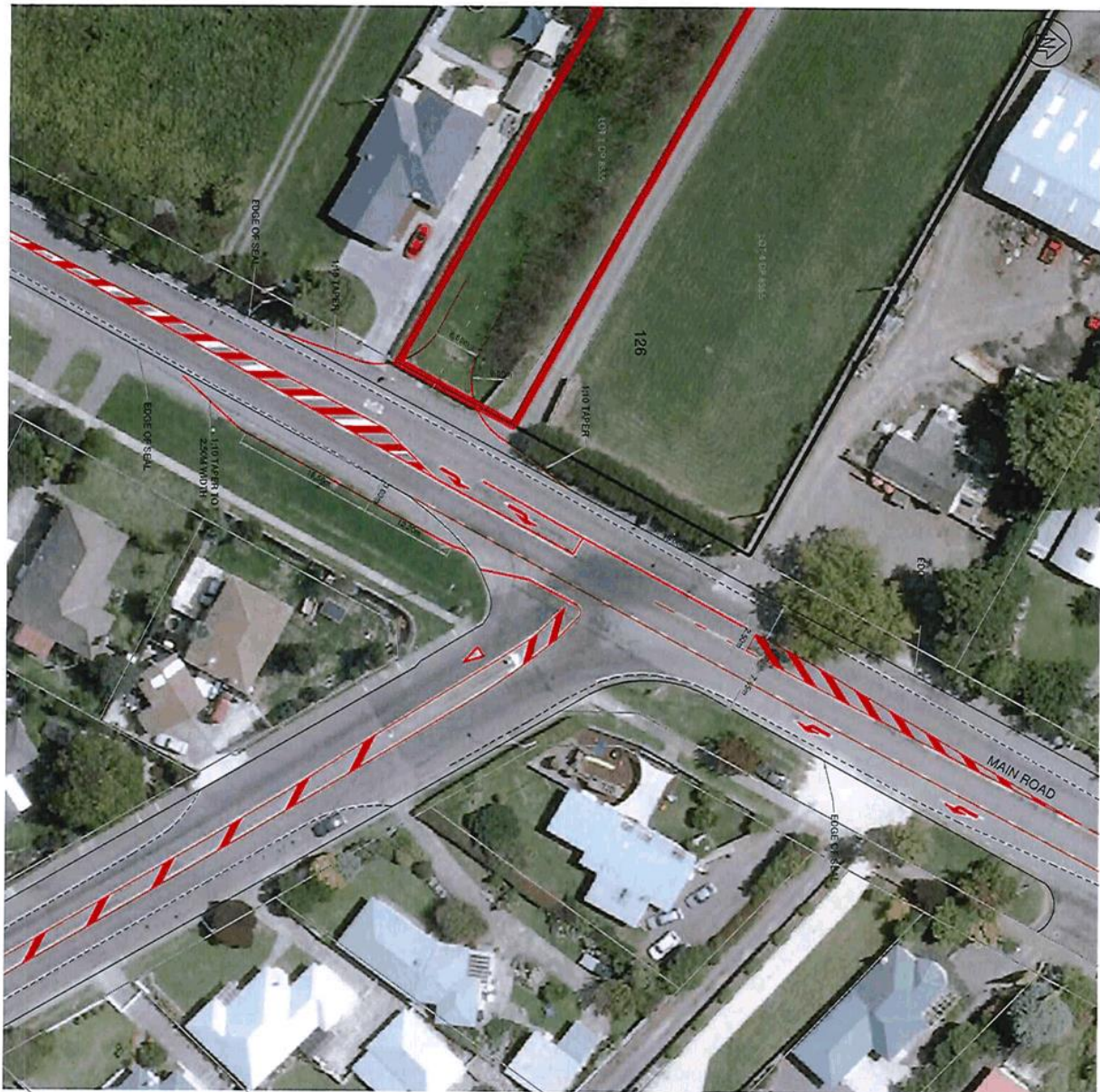
The Hastings District Council's Development Engineer (Nick Beacock) has been consulted in relation to this matter and we understand he is currently in the process of providing written confirmation that Council has no objection to this relocation procedure.

Other Matters

Conditions of Consent

As a means to mitigate any actual or potential adverse effects the proposed activity could have on the environment, the following conditions of consent are offered:

1. *That a Memorandum of Encumbrance shall be entered into and registered on the certificate of title for the site, stating that:*



REVISION	DESCRIPTION	DATE
1	126 MAIN ROAD, CLIVE	NOVEMBER 2011

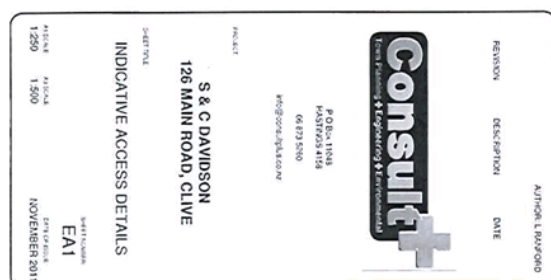
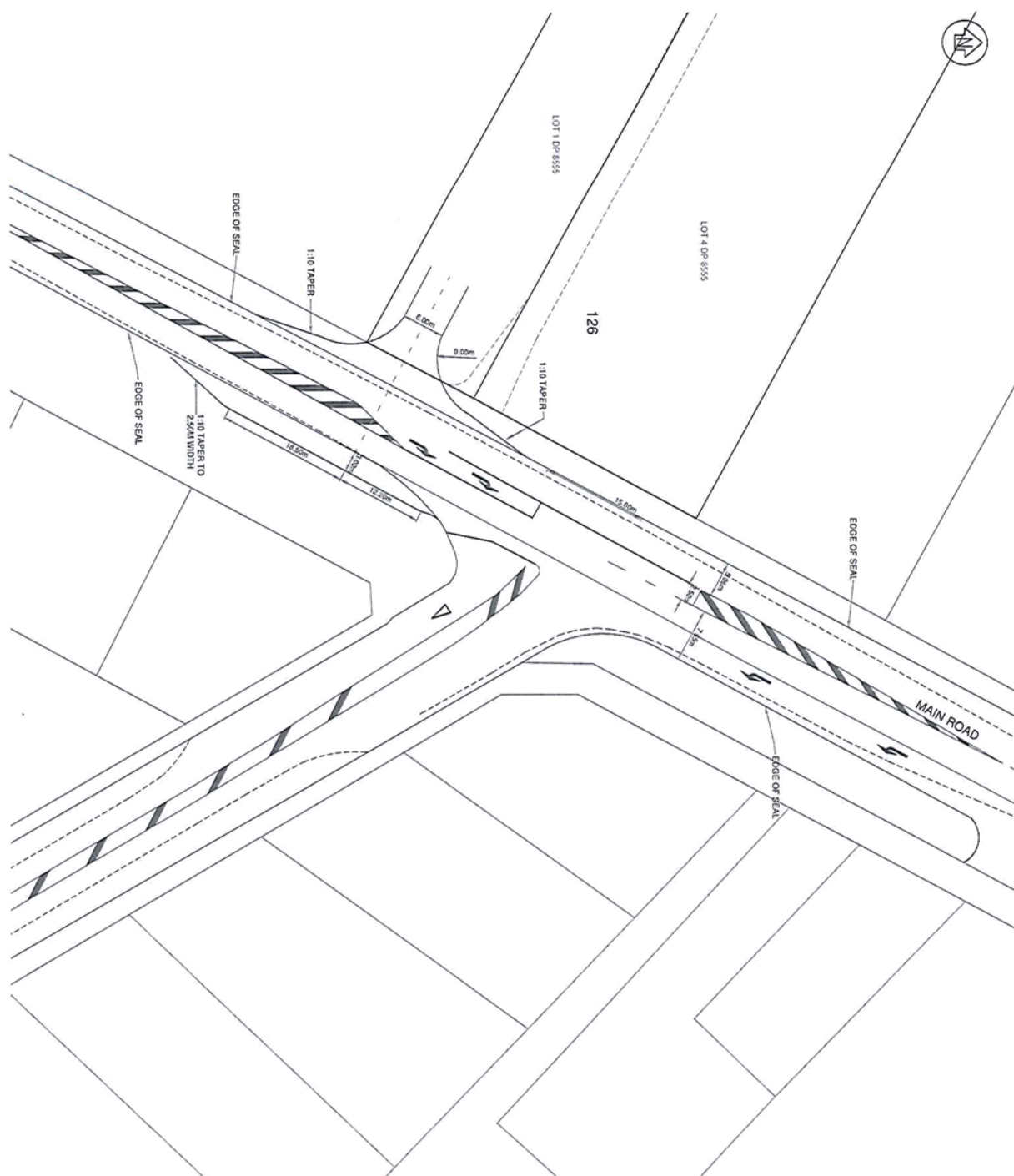
Consult
Engineering & Construction

20 SHAW
MASTERS RD
66 82 5283
info@consult.co.nz

S & C DAVIDSON
126 MAIN ROAD, CLIVE

INDICATIVE ACCESS DETAILS

DATE: 12/11/2011
TIME: 1:50
EAI
NOVEMBER 2011



Val Mitchell

From: Lesley Maxwell <Lesley@consultplus.co.nz>
Sent: Thursday, 22 March 2012 4:51 p.m.
To: Roger Wiffin
Cc: Brad Nicol
Subject: Further Information RMA20110411
Attachments: Indicative access and slip lane BW - 126 Main Rd.pdf; Indicative access and slip lane - 126 Main Rd.pdf; image-3221344-0001.pdf

Categories: Red Category

Good Afternoon

Please find attached correspondence. The original will follow in the post.

Kind Regards

Lesley Ranford



Ph 06 873 5280
Fax 06 873 5281

134 Queen Street East
Hastings 4201

PO Box 11048
Hastings 4158

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File 8652

NES CONTAMINANTS

This proposal is to transfer Lot 2 to the owners of adjoining Lot 1 DP 322374 C & K Speers (Family). The parcels will be amalgamated.

The Speers property has always been used for annual farm or food processing crops, with the paddocks being grassed down for winter and early spring grazing of livestock hence the small two stand Woolshed and yards. There is no sheep dip or overhead sprayer in existence.

Our client advises that the property has never been in Orchard or Permanent crop, other than Lucerne.

I am also advised that oil or fuel waste from the workshop on Lot 2 has always been re-cycled.

SCANNED TO TRIM

With Compliments of...

SHANLEY & CO
LICENSED CONSULTANT
SURVEYORS

Phone 8785 623, Fax 8783489
117E Avenue Road
P O Box 194 HASTINGS



Roger Re Speers
Cheers Colin

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Should you wish to discuss matters further please do not hesitate to contact me.

Yours Faithfully
Consult Plus Ltd



Matthew Holder
Director

SCANNED TO TRIM



26 March 2012

Hastings District Council
Private Bag 9002
Hastings

Attention: Roger Wiffin

Dear Sir

RE: RMA20110411 (126 Main Road Clive) – NES for Contaminated Soils

Thank you for your email on the 23 March 2012 and our subsequent discussions in relation to the National Environmental Standard for Contaminated Soils (NES) and how/whether it relates to the subject site. In order to determine, under regulation 5(7) of the NES, whether the NES applies to the areas of the subject site affected by the proposed development a summary of the history of the landuse activities in these areas is provided in accordance with regulation 6 of NES.

Area of Land Affected By the Proposed Secondary Residential Dwelling

For at least the last 18 years the area of the site set aside for the construction of the proposed secondary residential dwelling has been occupied for its most part by building development (sealed with a concrete floor slab foundation design) and in its remaining part used as a residential lawn due to the constraints created by the location of building development and the river (this is depicted by the appended aerial photograph taken in 1994). At no point during this time has this area of the subject site ever been used for activities which involve chemical manufacturing, application and/or storage (or any other of the activities identified on the Hazardous Activities and Industries List (HAIL)). Accordingly this piece of land is unlikely to be affected by contamination. The former shed building has been used for vehicle & household item storage and as a household accessory workshop.

Area of Land Affected By the Proposed Commercial Activity

Since at least 1994 the area of the proposed new cafe building has remained in well maintained grass associated with its current residential use. We understand this area was ploughed in 1994 before being re-sewn in grass. At no point after 1994 does the information on the land held by the Hastings District Council ever suggest that this area of land was used for any activities which involve chemical manufacturing, application and/or storage (or any other of the activities identified on the Hazardous Activities and Industries List (HAIL)). Accordingly this piece of land is unlikely to be affected by contamination.

To this end the landuse activities previously undertaken in the areas of the subject site affected by the proposed development do not fall within the Hazardous Activities and Industries List (HAIL). It is therefore concluded that a detailed site investigation is not required and the NES should not apply to the subject application.

Val Mitchell

From: Roger Wiffin
Sent: Friday, 23 March 2012 4:41 p.m.
To: 'Matthew Holder'
Subject: RMA20110411 126 Main Road Clive - NES for Contaminated Soils

Matthew,

Further to our earlier telephone conversation, please confirm that a further summary of the history of landuse activities in the areas affected by the proposed development will be provided in to assist with determining if the activity is captured by the NES. Upon receipt of this information Council will determine if a detailed site investigation (including soils sampling and analysis) is required.

ROGER WIFFIN
SENIOR ENVIRONMENTAL PLANNER (CONSENTS)



Phone (06) 871 5110 (ext5366)
Email rogerw@hdc.govt.nz Web hastingsdc.govt.nz
Hastings District Council, Private Bag 9002, Hastings 4156, New Zealand

If you haven't talked to council yet, Murray Arnold, team leader consents HDC would be the man to see if you want.

A PSI report costs \$ 1,940.- ex GST and takes about a week to complete. A short contract is attached for you to fill out and return to me.

Click on Susans' Gallery Link

<https://www.facebook.com/media/set/?set=a.179835822108650.41583.179633502128882&type=1>



From: Charlie Davidson [mailto:ibdavidsonnz@hotmail.com]

Sent: Monday, 25 September 2017 8:51 a.m.

To: Murray Arnold <murraya@hdc.govt.nz>

Subject: Davidsons of Clive

Hi Murray - thanks for your time last week - I now know what I am doing much more clearly.

We have been investigating soil testing and have got the below info:

Surely there is a way we can avoid nearly \$2000 fee if there is very little likelihood of contamination?

Any ideas?

Susan

RE: 126 Main Road Clive soil test?

Hi Charlie, Thank you for contacting me. Under the NES legislation the minimum report required by council would be a Preliminary Site Investigation report. There is no soil sampling involved. The report is based on a search of historic records, council files, aerial photographs etc. PSI reports usually have 20 – 30 pages and follow the contents as required by the NES legislation.

I had a look at the 1950 and 1972 aerial photos which show hay land and pasture. The likelihood of contamination is very small, so a PSI report will likely suffice.



1994



1999

Val Mitchell

From: Murray Arnold <murraya@hdc.govt.nz>
Sent: Monday, 25 September 2017 11:07 a.m.
To: 'Charlie Davidson'
Subject: RE: Davidsons of Clive - PID 57681
Attachments: RMA PRODUCE STALL 16 FEB 1984 (HDC reference 57681#007).pdf

Hi Susan,

Is the person you contacted aware that the site has been/is in orchard trees?

Our aerial photos indicate that the whole site (with exception of shed) was planted in trees in 1972, and latterly a crop (strawberries) under some form of cover was grown behind the house on the northern ½ of the site.

Our files show (complaint about roadside stall) that strawberries were being grown on the site in 1983, and an application for a roadside stall in 1984 described the large shed as having been "used until approximately 15 years ago for the purposes of wool scouring, dag crushing and hides" (copy attached pages 10-13)

Because the site has contained an orchard the NES Regulations require that a report is provided

Regards,
Murray

1972

Appendix 7: Background Soil Contaminants in NZ

Background soil concentrations of selected trace elements and organic contaminants in New Zealand.

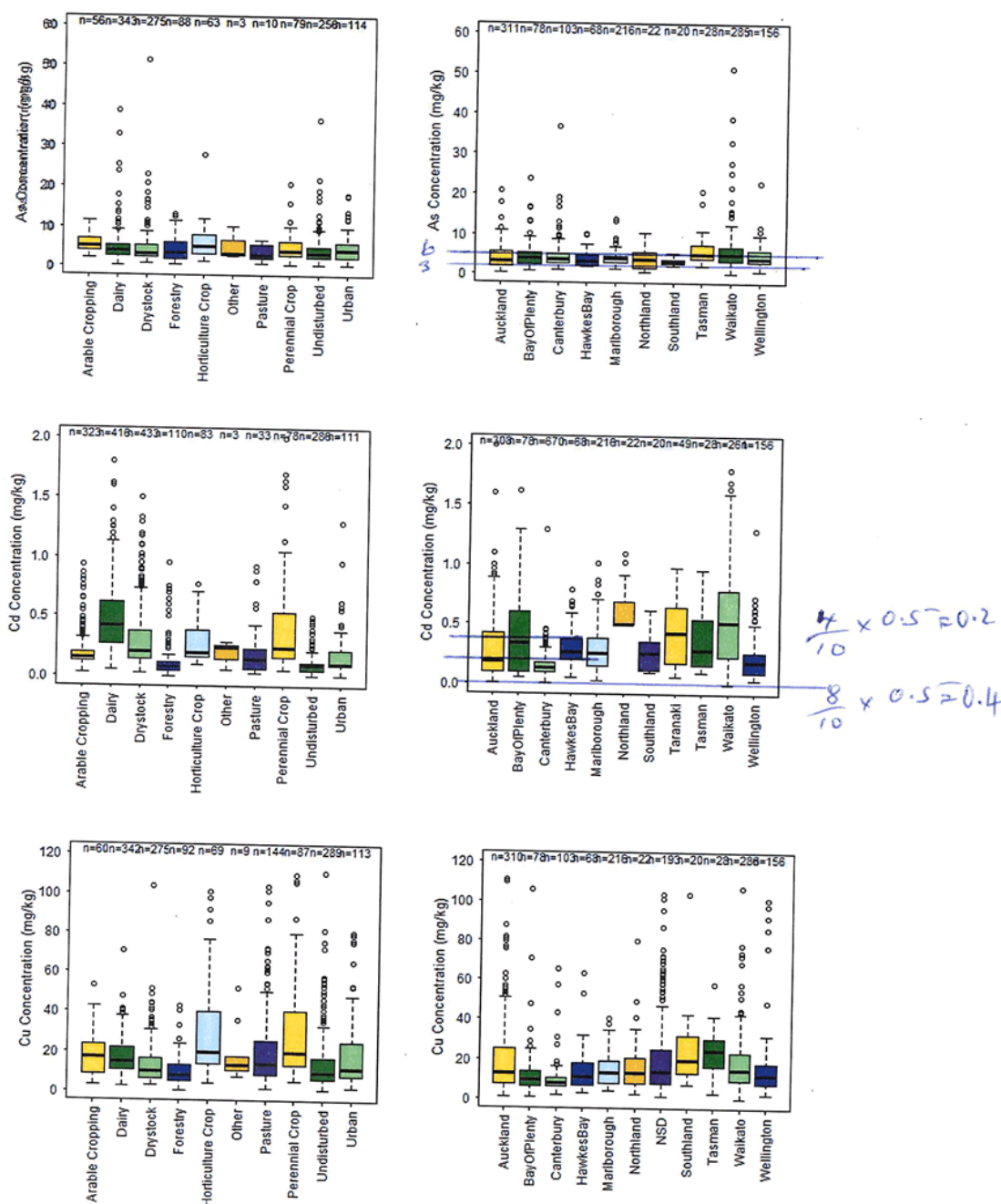


Figure 4 Boxplots of Arsenic (As), cadmium (Cd) and copper (Cu) concentrations from the regional council dataset grouped by land use and region. Whiskers represent maximum or minimum observations within 1.5 x inter-quartile range; outlying data shown as open circles.

Landcare Research

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Background soil concentrations of selected trace elements and organic contaminants in New Zealand.

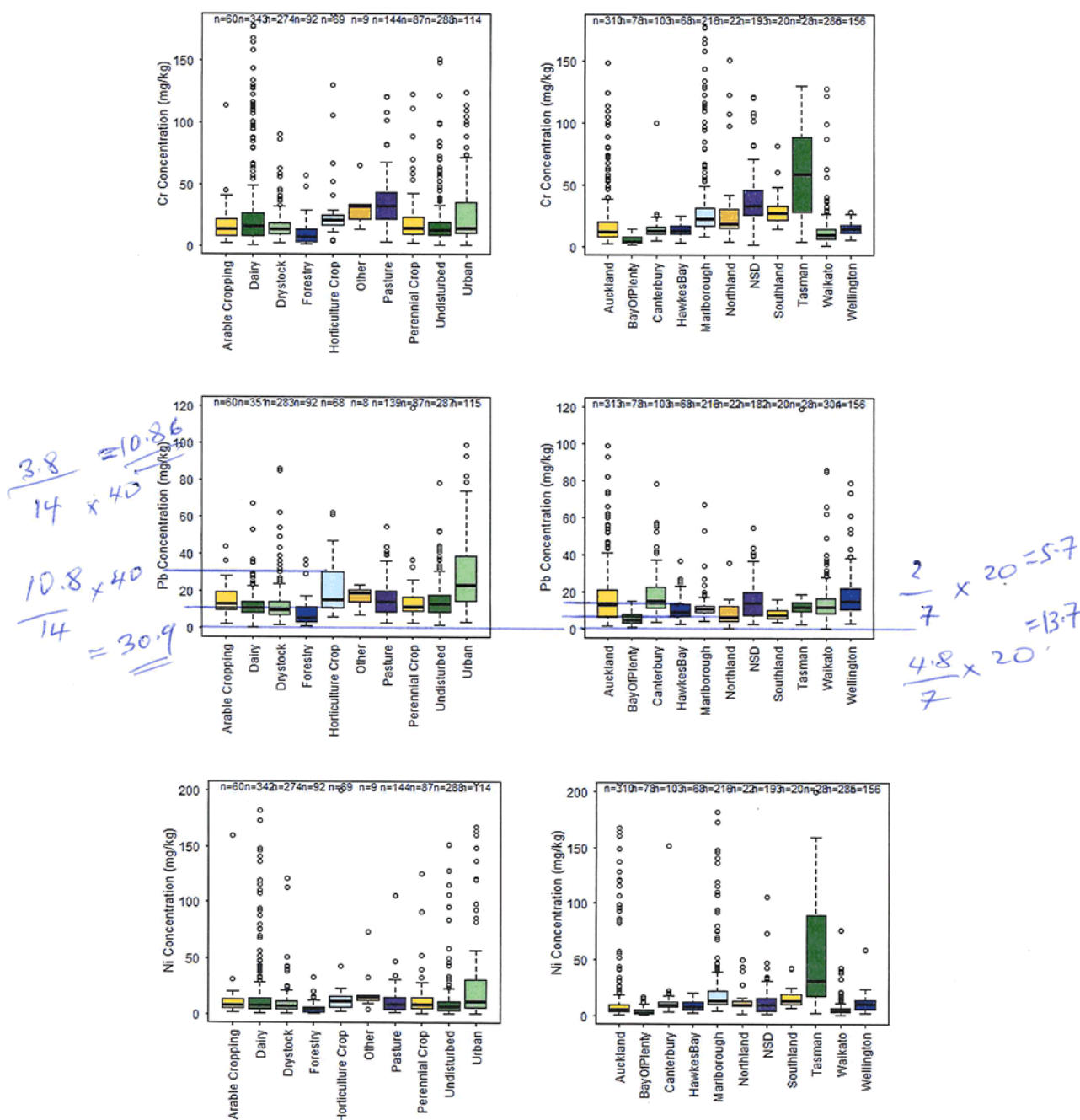


Figure 5 Boxplots of chromium (Cr), lead (Pb) and nickel (Ni) concentrations from the regional council dataset grouped by land use and region. Whiskers represent maximum or minimum observations within 1.5 × inter-quartile range; outlying data shown as open circles.

APPENDIX 4

Written Approvals from NZTA & Summary of Comments from HDC Traffic

Comment from Transit and HDC Traffic Experts

Form 8A

**Affected person's written approval to an activity that is the subject
of a resource consent application**
Section 95E(3), Resource Management Act 1991

To: Susan and Charlie Davidson

Name of person giving written approval: the NZ Transport Agency

This is written approval to the following activity that is the subject of a resource consent application:

- Proposed 4 additional dwellings on Lot 1 DP 8555 and Lot 4 DP 8555, at 126 Main Road, State Highway 2, Clive.

The Transport Agency has read the full application for resource consent, the Assessment of Environmental Effects, and any site plans as follows:

- Proposed 4 additional dwellings on Lot 1 DP 8555 and Lot 4 DP 8555, at 126 Main Road, State Highway 2, Clive, accompanied with email dated 17 August 2016.

In signing this written approval, the Transport Agency understands that the consent authority must decide that it is no longer an affected person, and the consent authority must not have regard to any adverse effects on the Transport Agency.

The Transport Agency understands that it may withdraw its written approval by giving written notice to the consent authority before the hearing, if there is one, or, if there is not, before the application is determined.

Please note this approval expires within two years of the date below.

Date: 25/08/2016

Signature:

Cole O'Keefe - Senior Planner - Central Region, on behalf of the NZ Transport Agency.

Address for service of person giving written approval: NZ Transport Agency, Level 5, 43 Ashley Street, PO Box 1947, Palmerston North Central, Palmerston North 4440

Telephone: (06) 953 6671

Fax/email: (06) 953 6203/shaun.harvey@nzta.govt.nz

Contact person: Shaun Harvey – Planning Advisor

Consultation with Sarath Kuruwita HDC

Suggestions

- Use some plantings at the barrier- heavy duty fixed median see through.
- Get Assessment from a Transit person to assess adequacy of traffic flow and add in the Transit decisions.
- Signs for parking/ turning /NP on site in zone.
- Shared Driveway good idea – new owners must be made aware.

APPENDIX 5

Natural Hazards Property Report

	<h2 style="text-align: center;">HAWKE'S BAY NATURAL HAZARD PROPERTY REPORT</h2> <p style="text-align: center; font-size: small;">CROWN COPYRIGHT RESERVED. © Copyright Hawke's Bay Regional Council.</p>	<p style="text-align: right;">Tuesday, 19 December 2017</p>
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126 Main Road, Clive, Clive
Hastings District
Lot 1 DP 8555
0966016100

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
 - Stage II - Earthquake Analysis: Part II - Evaluation of liquefaction potential in the Hawke's Bay Region
- (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

 <p>HAWKE'S BAY NATURAL HAZARD PROPERTY REPORT</p> <p><small>CROWN COPYRIGHT RESERVED. © Copyright Hawke's Bay Regional Council.</small></p>	<p>Tuesday, 19 December 2017</p>
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(vii) Coastal Hazard

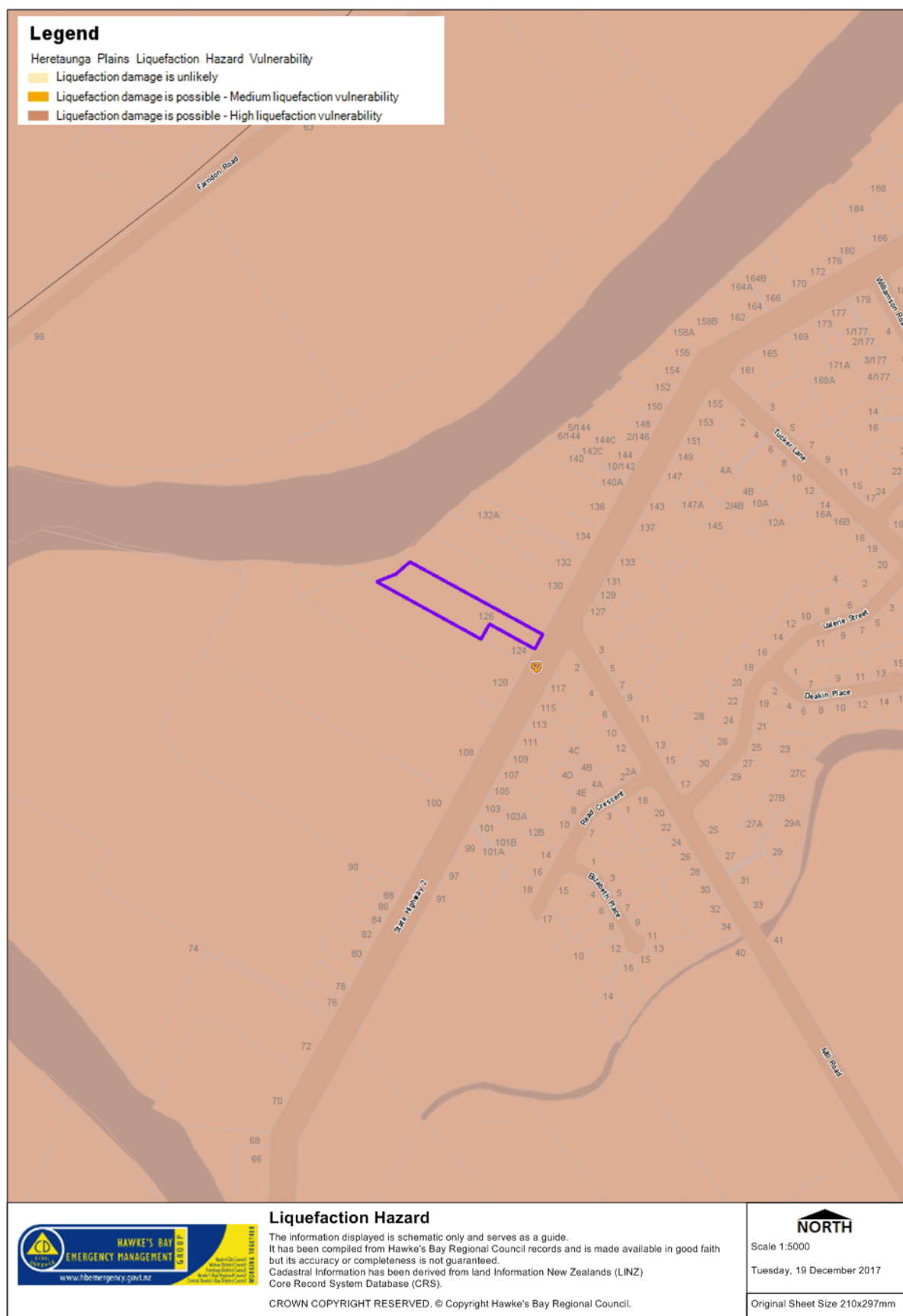
- Regional Coastal Environmental Plan
- Clifton to Tangoio Coastal Hazards Strategy 2120 - Coastal Hazard Assessment
- Clifton to Tangoio Coastal Hazards Strategy 2120 - Coastal Risk Assessment
- Other Coastal Hazard Reports
- Cliff Hazard Zone Delineation

(viii) Wairoa River Bank Stability Zones

- Wairoa River Bank Stability Assessment

Online Mapping Conditions of Use

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.
8. Hawke's Bay Regional Council reserves the right to change the content and/or presentation of any of the information contained in these maps at its sole discretion, including these notes and disclaimer.
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.



	Natural Hazards Report 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). CROWN COPYRIGHT RESERVED. © Copyright Hawke's Bay Regional Council.	Tuesday, 19 December 2017
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Liquefaction

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.

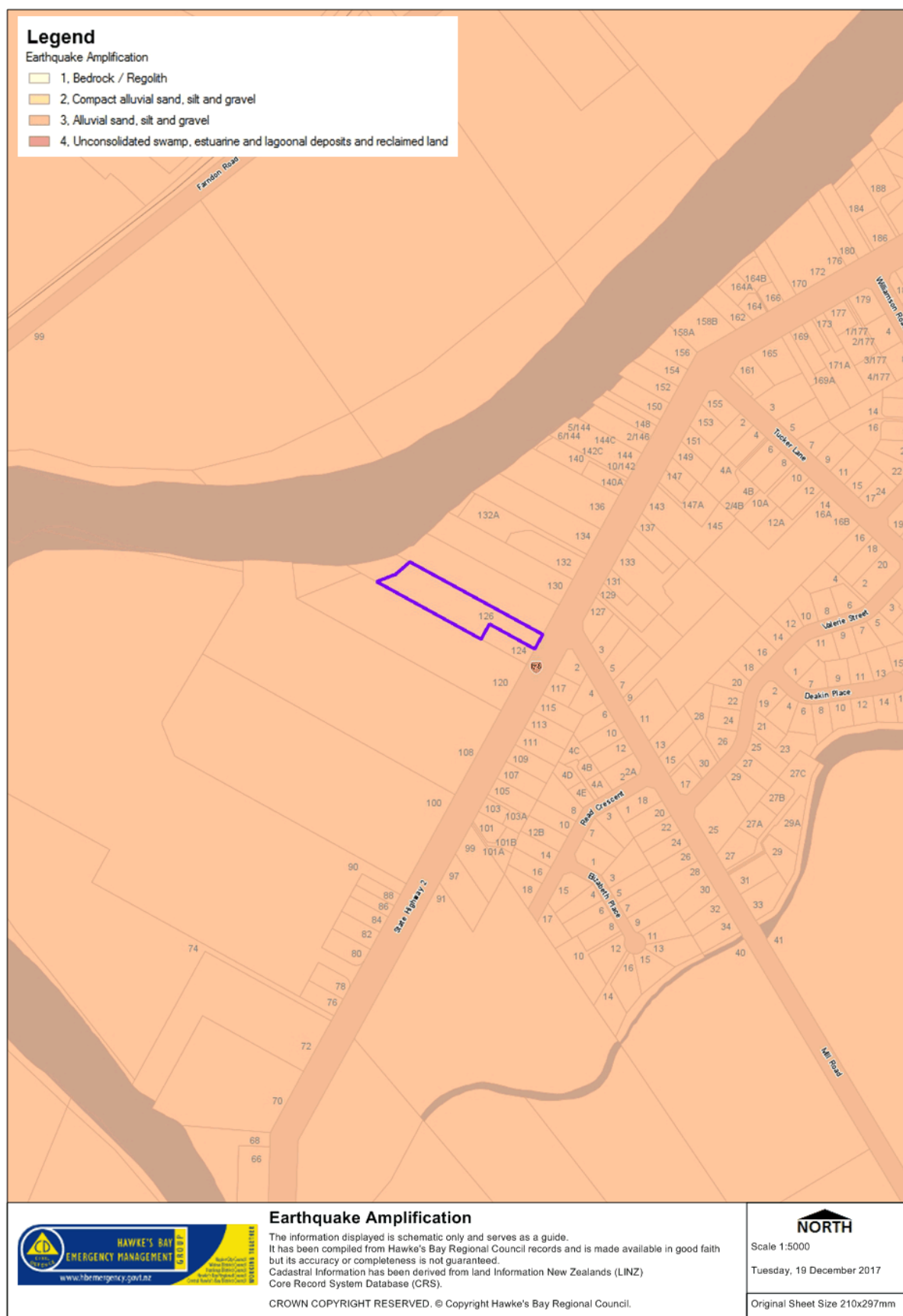
Liquefaction most often occurs when three conditions are met:


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).

Return periods for different earthquake shaking intensities in Hawke's Bay		
Modified Mercalli Intensity Scale	Description	Return Period
MMVI	Felt by everybody, Difficulty walking Objects tend to fall from shelves Slight damage to poorly constructed buildings	6
MMVII	Difficulty standing, furniture movement Noticed by drivers of cars Tiles, water tanks, walls and some buildings damaged	26
MMVIII	Steering of cars affected Buildings damaged including some damage to earthquake resistant buildings. Cracks in ground	130



 <p>Natural Hazards Report</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>Tuesday, 19 December 2017</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.

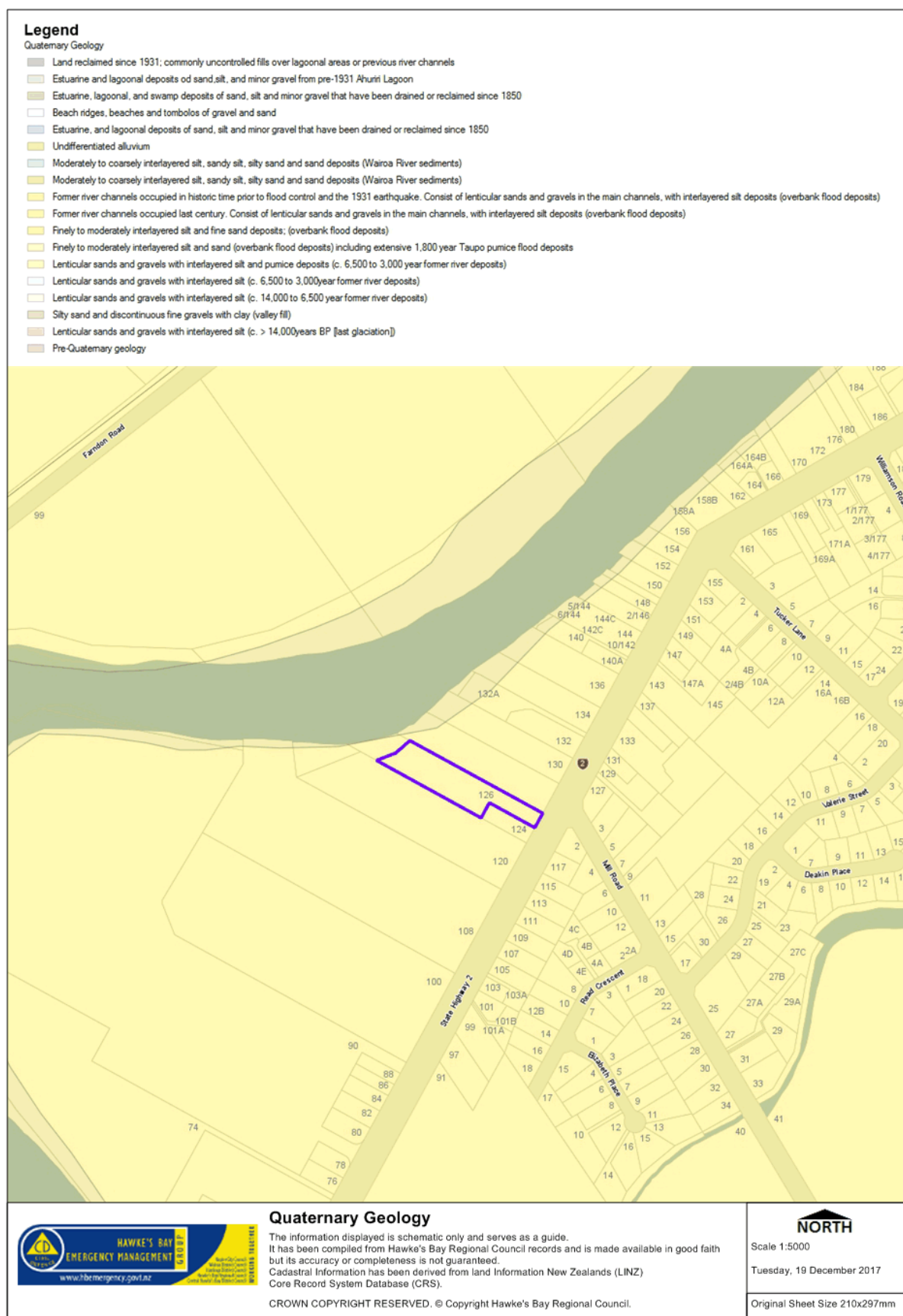
Seismic waves, travelling through the earth at different speeds and amplitudes because of a fault rupture, cause the ground to vibrate and shake in an earthquake. The intensity of the shaking is measured on the Modified Mercalli (MM) scale of 1 to 12, although MM10 is the maximum ever observed in New 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





	Natural Hazards Report 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). CROWN COPYRIGHT RESERVED. © Copyright Hawke's Bay Regional Council.	Tuesday, 19 December 2017
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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.

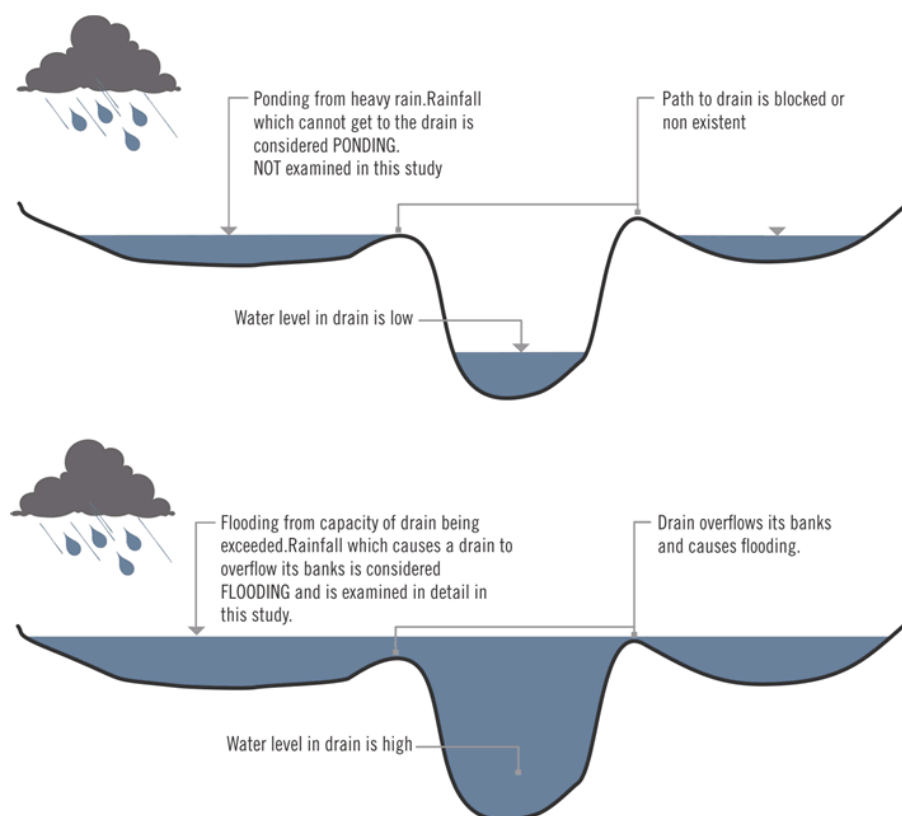
In some flood risk areas, houses and other structures may be elevated above the ground, and would be considered not floodable. These cases are not identified in this flood modelling.

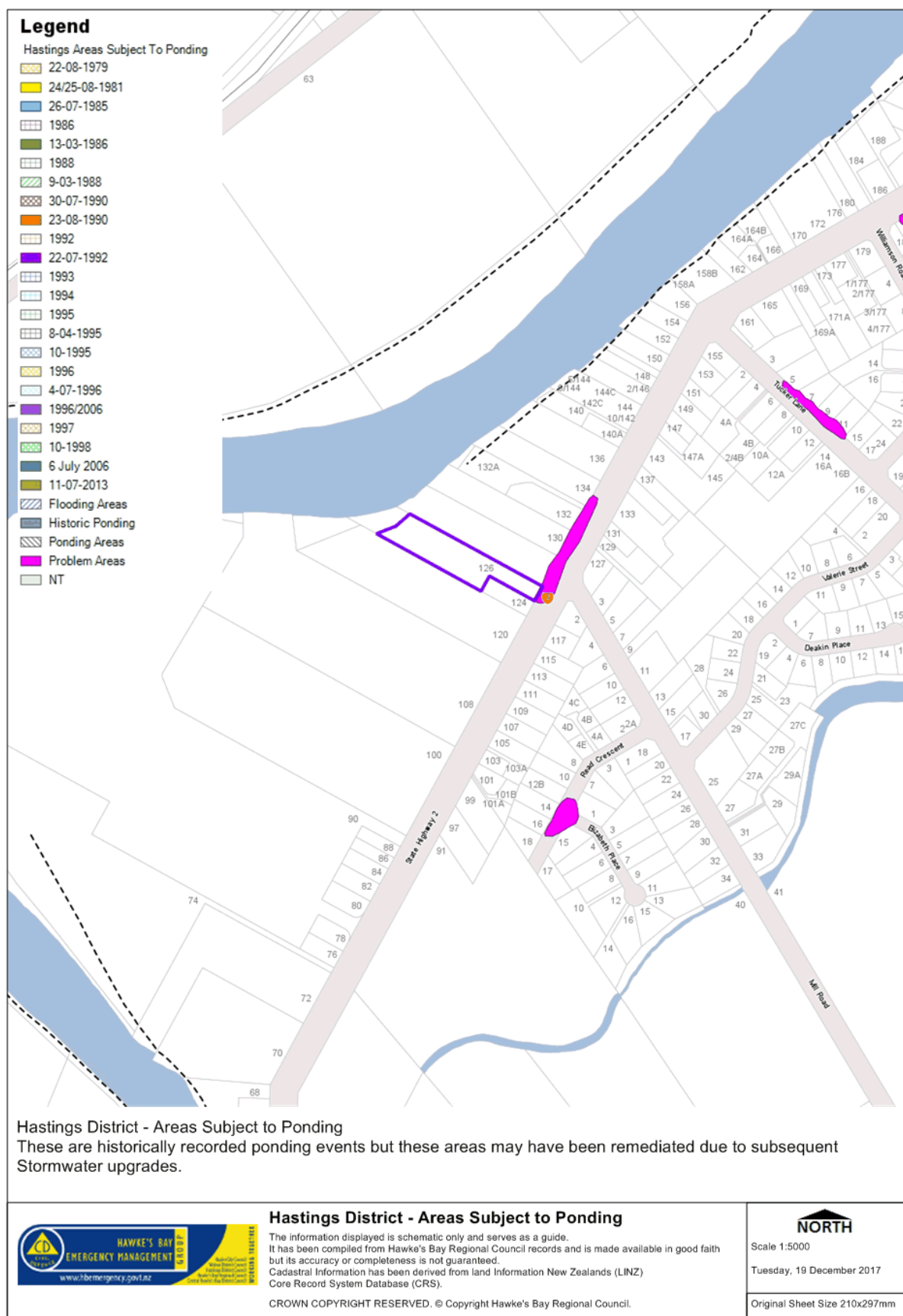
Flood modelling is based on 100 year return period events (1% annual exceedance probability) for river flood risk areas, and 50 year return period events (2% annual exceedance probability) for floodplain flood risk areas.

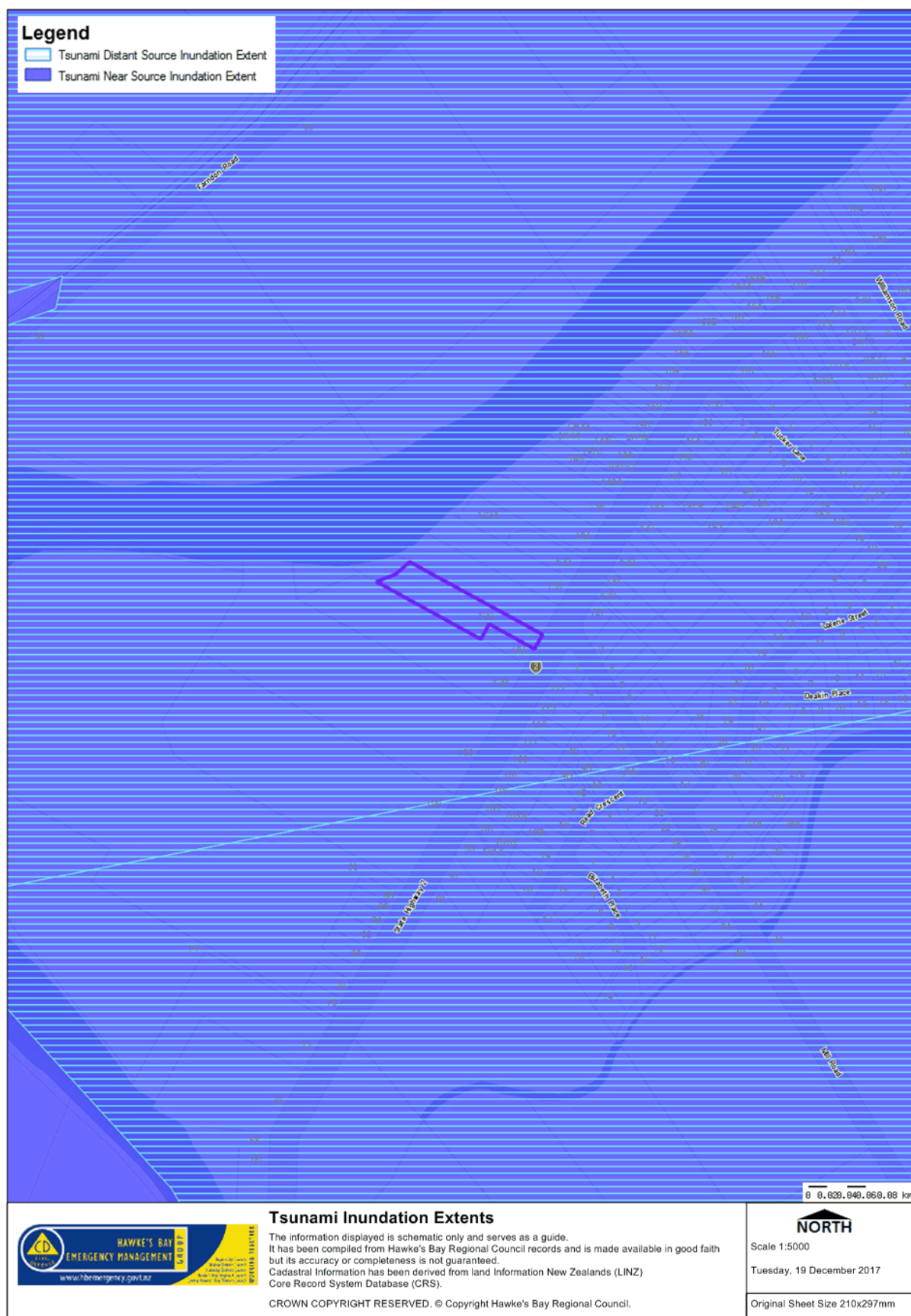
The effects of climate change have not been included in this flood modelling


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.





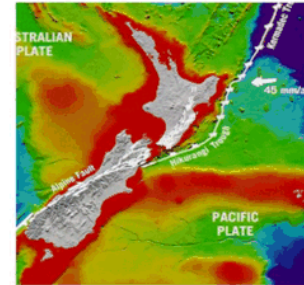


	Natural Hazards Report The information displayed is schematic only and serves as a guide. It has been compiled from Hawke's Bay Regional Council records and is made available in good faith but its accuracy or completeness is not guaranteed. Cadastral Information has been derived from land Information New Zealand's (LINZ) Core Record System Database (CRS). CROWN COPYRIGHT RESERVED. © Copyright Hawke's Bay Regional Council.	Tuesday, 19 December 2017
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Tsunami Report

RISK

The East Coast of New Zealand has been identified with a significant tsunami risk because of our subduction zone marked by the Hikurangi Trough. The massive tsunami in 2004 in the Indian Ocean, in 2009 in the South Pacific and in 2011 in Japan overturned many assumptions regarding the potential for severe tsunami to be generated on subduction zones throughout the Pacific. As new research into New Zealand's subduction tsunami sources will take time, it is best to assume that our subduction zone could generate severe tsunami from earthquake sizes of MW 8-9.



LOCATION

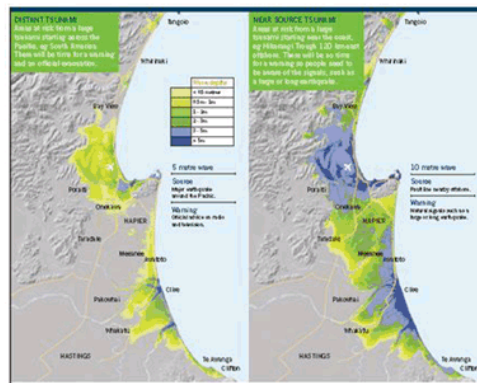
Hawke's Bay's position on the Pacific Ocean means there are risks of tsunami from both local, regional and distance sources, and the East Coast of NZ has the highest risk in the country. Tsunami (pronounced tsu - nam - ee) is a Japanese word meaning 'harbour wave'. It describes a series of fast travelling waves caused by large disturbances on the ocean floor, such as earthquakes, landslides or volcanic eruptions. In the deep ocean tsunami pass almost unnoticed, but as they approach land and therefore shallower coastal waters, they change dramatically - a wave 1-2 metres at sea grows into waves that can be over 30 metres in height.

INUNDATION

As New Zealand's entire coast is at risk of tsunami, the Hawke's Bay Regional Council has developed tsunami hazard maps to help residents and councils prepare for a large tsunami impacting our region.

These are overview maps only and are not specific enough to predict impact on your individual property. They show some of the worst case scenarios (2,500 year return period) for Hawke's Bay for tsunami coming from both a very large local earthquake or from across the Pacific Ocean.

The maps from Clive to Tangoio are shown below and maps for Wairoa are attached. Further mapping for the remaining Hawke's Bay coastline is due to be published in 2015.

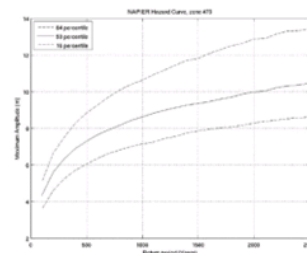


Wave height predictions are shown on this graph based on probabilistic tsunami hazard from all sources for Napier.

Our risks include destruction of homes, businesses and infrastructure in inundation zones, along with injuries and loss of life, with environmental devastation and the slow process of recovery.

Tsunami modelled results are being used by District and City Councils working with local people to prepare community response plans and evacuation maps. If you are keen to be involved, please contact your local Council for information.

The Hawke's Bay CDEM is the lead agency for managing any natural hazard event, like tsunami that affects the people of Hawke's Bay.



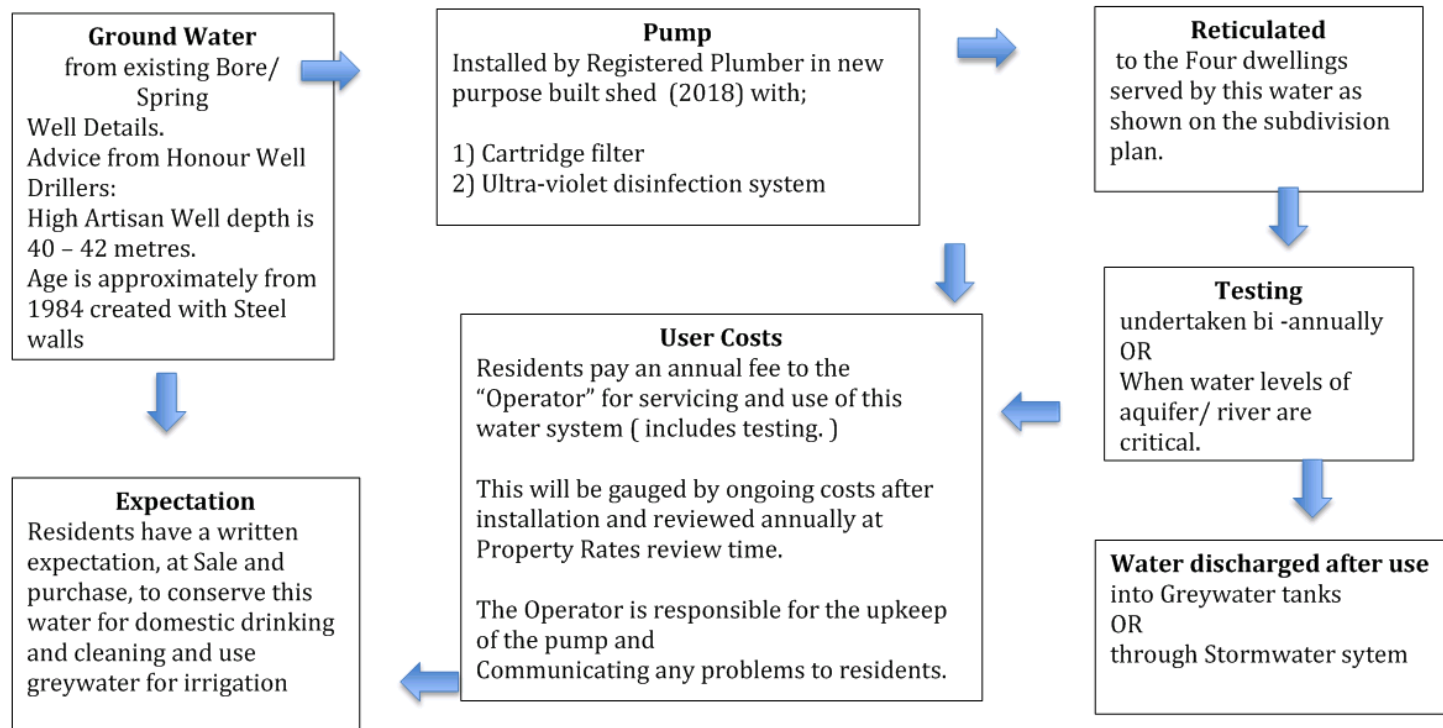
APPENDIX 6

Water Safety Plan

WATER SAFETY PLAN

126 Main Road Clive Subdivision

FLOW CHART OF PROPOSED NEW WATER SAFETY PLAN 2017



- The individual Guides used in the preparation of this Plan were:
- · S1.2 catchments
- · P6.3 Cartridge filtration
- · P7.4 Ultra-violet irradiation
- · P10 Pump operation
- · D2.3 Operation (reticulation network)
- · D2.4 Backflow prevention
- · G1 Operator training
- · G2 Monitoring

Barriers to Contamination

The barriers to contamination in place in the subdivision supply, and the concerns about how well they work, are summarised in the following table:

Barriers to:	Comment
Stop contamination of raw water	There are a number of ways in which the raw water could be contaminated. The improvements needed to stop contamination are listed. At the writing of this document Novemeber 2017 the Bore has been used for 20 plus years without identified contamination. The past 6 years has included vigilant testing because of Commercial use. No suspect resukts have been returned. It is thus considered that the danger of contamination is minimal.
Remove particles from the water	Cartridge filter
Kill germs	Ultra-violet disinfection

Prevent recontamination after treatment	<div>The important steps to stopping contamination after treatment have been or are being taken:<ul style="list-style-type: none">• The water supply is totally enclosed after treatment and not open to external contamination.• There are no places where water could be sucked back into the supply.• A qualified plumber is always called when work on the water supply is needed.</div>
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Where possible, the checks listed in the risk information table below, are those that can be made without having to test the water, but checks to test the water can and should be done at any time if there are worries about the water quality.

Risk Information Table

Checking water quality

Checks for germs are the most important checks on water quality you can do. As a result, these checks could be listed many times in the following table. To keep the table as simple as possible, the checks for germs are not included, but it must be remembered that the *Drinking-water Standards for New Zealand* require that:

Checks for germs (the test is usually for a germ called *E. coli*) in the water at regular intervals and logged:

- directly after treatment
- and in the reticulation network.

If *E. coli* is found in either case, there is a problem that needs to be investigated. You may also wish to take a sample of water before treatment from time to time, to check on the quality of water entering your supply.

If something happens to make you think animal or human excrement may have got into the water, you should immediately take samples to check whether there are germs in the water. Where you take the samples will depend on what has happened.

If you are unsure about what you have to do when checking for germs, contact a health protection officer with your local District Health Board.

Where possible, the checks listed in the risk information table are those that can be made without having to test the water, but you can do checks to test the water if you are worried about the water quality.

Causes	Preventive measures	Checking preventive measures		Corrective action
		What to check	Signs that action is needed	
Event: NOT ENOUGH WATER Possible hazards: <i>Hazards associated with poor hygiene.</i> Level of risk: Moderate				
C1.4.1 Too little rainfall , high use of water.	<ul style="list-style-type: none">Stop unnecessary use of water.	<ul style="list-style-type: none">Rate of water use.	<ul style="list-style-type: none">Water supply often runs out.Water level is low..	<ul style="list-style-type: none">Find a new or additional source of water.Take steps to save water.
C1.4.2 Mechanical failure of pump	<ul style="list-style-type: none">Do preventive maintenance on pump:<ul style="list-style-type: none">daily visual inspectionslubricationseal replacementleaks repairedcorroded components replacedannual ammeter tests.Planned maintenance programme for replacement of pump parts (follow per manufacturer's recommendations).	<ul style="list-style-type: none">Pump maintenance log.	<ul style="list-style-type: none">Frequent pump breakdowns.Pump maintenance not being done.	<ul style="list-style-type: none">Revise, or put in place a pump maintenance schedule.
C1.4.3 Power failure to pump.	<ul style="list-style-type: none">Install an alarm that warns that the power has failed.Install a stand-by generator.Regularly maintain the power supply (if you have a diesel generator, for example).	<ul style="list-style-type: none">Alarm.Electricity supply.Water flow.	<ul style="list-style-type: none">Alarm is triggered.No electricity reaching the pump.No water flow when pump should be operating.	<ul style="list-style-type: none">Make arrangements to get a more reliable power supply.

Causes	Preventive measures	Checking preventive measures		Corrective action
		What to check	Signs that action is needed	
Cartridge filtration				
Event: FILTER NOT REMOVING PARTICLES DOWN TO 2 µm IN SIZE Possible hazards: <i>Large germs (Giardia and Cryptosporidium not removed).</i> Level of risk: High ⁴				
C1.5.1 Wrong type of cartridge filter.	<ul style="list-style-type: none">Use filters that are certified to remove particles down to 2 µm in size.Make sure filter cartridge is compatible with the filter housing and note the type of filter used.	<ul style="list-style-type: none">National or international certificate of filter's capabilities.⁵Record of filter types used.	<ul style="list-style-type: none">Cloudiness in the water following filtration.Customer complaints.Cases of diarrhoea in people drinking the water.Wrong filter type used.	<ul style="list-style-type: none">Change to a different type of filter.Keep list of filters that match the housing in use.
C1.5.2 Damage to the seal between the cartridge and filter housing.	<ul style="list-style-type: none">Check the condition of the filter housing and the cartridge seal when changing filters.Make sure the person replacing the cartridges knows the correct way to do it.	<ul style="list-style-type: none">The state of the filter seal.Filter maintenance log.Appearance of the water.	<ul style="list-style-type: none">Cloudiness in the water following filtration.Customer complaints.Cases of diarrhoea in people drinking the water.Frequent damage to seal.	<ul style="list-style-type: none">Decide whether the cartridge or housing is damaged, and replace damaged unit.Train Manager in replacing cartridges if necessary.Read filter manufacturer's instructions.
C1.5.3 Cartridge not properly seated in the mounting.	<ul style="list-style-type: none">Make sure the cartridge is fitted the correct way round (some only work one way).Make sure base of filter housing is wiped clean before reseating filter cartridge.Make sure cover is replaced properly.Check, directly after re-seating it, that the filter is removing particles. (Checks are described in <i>Sections 3.2.3.1 and 11 of DWSNZ: 2000</i>).Make sure the person replacing the cartridges knows the correct way to do it.	<ul style="list-style-type: none">Results from particle removal checks.Appearance of the water.	<ul style="list-style-type: none">Cloudiness in the water following filtration.Filter unable to remove more than 99.9% of particles greater than 2 µm in size entering it.Customer complaints.Cases of diarrhoea in people drinking the water.Frequent incorrect seating of filter.	<ul style="list-style-type: none">Read filter manufacturer's instructions.

4 The level of risk will depend on the type, and effectiveness, of any disinfection after cartridge filtration.

Causes	Preventive measures	Checking preventive measures		Corrective action
		What to check	Signs that action is needed	
Event: FILTER NOT REMOVING PARTICLES DOWN TO 2 µm IN SIZE – cont'd				
C1.5.4 Cartridge failure.	<ul style="list-style-type: none">Regularly replace filter cartridges, and wash pre-filters. Note the date and what is done.Before buying new cartridges check they have certificates showing they meet specifications.	<ul style="list-style-type: none">Flow rate.Difference between the pressure before the filter and after the filter. (Sudden changes in flow or the pressure difference may indicate filter or pre-filter failure.)Performance certificates.	<ul style="list-style-type: none">Pressure difference is lower than usual, or flow is higher than usual.Cloudiness in the water following filtration.Customer complaints.Cases of diarrhoea in people drinking the water.Records not kept.	<ul style="list-style-type: none">Wash the filter cartridge and flush to waste until checks show that particle removal is again effective.Get another batch of cartridges.Consider changing filter supplier.
C1.5.5 Contamination of filter housing when changing the cartridge.	<ul style="list-style-type: none">Disinfect filter housing when installing the cartridge, and flush to waste to remove residual disinfectant.Make sure the person replacing the cartridges knows the correct way to do it to avoid contamination.	<ul style="list-style-type: none">Test the water leaving the filter for the disinfectant.⁶	<ul style="list-style-type: none">Disinfectant concentration not reduced to an acceptable level.Customer complaints.Cases of diarrhoea in people drinking the water.	<ul style="list-style-type: none">Continue flushing until the disinfectant cannot be detected.
C1.5.6 Flow too high for cartridge design.	<ul style="list-style-type: none">Keep flow rate less than the maximum the filter can handle.	<ul style="list-style-type: none">Flow rate.	<ul style="list-style-type: none">Flow too high.Cloudiness in the water following filtration.Customer complaints.Cases of diarrhoea in people drinking the water.	<ul style="list-style-type: none">Reduce flow to within specifications.

6 If household bleach (chlorine) is used to disinfect the filter housing, chlorine test tablets from a swimming pool test kit can be used for this. They turn pink when there is chlorine in the water. Use 1 tablet in 10ml of water; a slight pink colour indicates that the chlorine concentration is acceptable.

Causes	Preventive measures	Checking preventive measures		Corrective action
		What to check	Signs that action is needed	
Event: GROWTH OF GERMS IN THE FILTER Possible hazards: <i>Germs (released from filter into treated water).</i> Level of risk: Moderate				
C1.6.1 Filter used in the wrong situation or beyond its capacity.	<ul style="list-style-type: none">Disinfect⁷ the water before it goes through activated carbon cartridges used to reduce taste problems (including those claiming to stop the growth of bacteria).Regularly replace filter cartridges (especially carbon filters). Note the replacement date.	<ul style="list-style-type: none">Record filter type used.Check recommended filter lifetime and installation date of cartridge in use.	<ul style="list-style-type: none">Customer complaints and sickness.Timetable for replacing filters not followed.	<ul style="list-style-type: none">Avoid using a carbon filter or disinfect the water before it gets to the cartridge.Disinfect water after the filter.Plan when filters have to be replaced, and note replacement dates.
UV disinfection				
Event: UV DOSE TOO LOW Possible hazards: <i>Germs not killed.</i> Level of risk: Low				
C1.7.1 Too little UV light passing through the water.	<ul style="list-style-type: none">Regularly clean the lamp sleeves and light sensor lens.Regularly replace lamp and record the date.Make sure the light sensor is on the wall of the unit farthest from the lamp.Lubricate the lamp seal each time the lamp is removed (use water-based lubricant).Install an alarm that warns when the light intensity is too low and shuts off the water flow.	<ul style="list-style-type: none">Light intensity.Alarm.Signs of scale on the lamp sleeve and sensor lens.Records of lamp replacement and when sleeves and sensor were cleaned.	<ul style="list-style-type: none">Alarm triggered (light intensity too low).Water flow shut off.Water inside lamp sleeve (poor seal).No maintenance records.	<ul style="list-style-type: none">Clean lamp sleeve and sensor lens.Replace lamp.Move sensor so that it measures the light intensity at the wall farthest from the lamp, or buy a unit with a sensor in the right place.Lubricate lamp seal with approved lubricant.Add chlorine to the storage tank until satisfactory water quality can be restored, or close the supply down and arrange for another supply of water.

⁸ The quality of the source water and how well other treatment processes before the UV unit work will affect the level of risk.

Causes	Preventive measures	Checking preventive measures		Corrective action
		What to check	Signs that action is needed	
Event: UV DOSE TOO LOW – cont'd				
C1.7.2 Germs exposed to too little light because water flow is too fast or water is too cold.	<ul style="list-style-type: none">Regularly check and record water flow to make sure it meets manufacturer's requirements.Follow manufacturer's instructions about adjusting water flow if the water is cold.	<ul style="list-style-type: none">Water flow records.Minimum-maximum thermometer readings of water temperature.	<ul style="list-style-type: none">Flows are low or very changeable.Water temperature is low enough to affect lamp intensity.	<ul style="list-style-type: none">Replace or repair the flow controller.Reduce the water flow if the water temperature is too low.
C1.7.3 Water discoloured or cloudy.	<ul style="list-style-type: none">Install a filter before the UV disinfection unit and make sure it works (see C1.5.1–C1.6.1).	<ul style="list-style-type: none">See C1.5.1–C1.6.1.		
C1.7.4 Power supply failure.	<ul style="list-style-type: none">Install an alarm that warns that the power has failed, and shuts off the water flow.Regularly maintain the power supply	<ul style="list-style-type: none">Alarm.Power to UV disinfection unit.	<ul style="list-style-type: none">Alarm is triggeredNo electricity reaching the UV unit.	<ul style="list-style-type: none">Make arrangements to get a more reliable power supply.Until satisfactory water quality can be restored, close the supply down and arrange for another supply of water.

Causes	Preventive measures	Checking preventive measures		Corrective action
		What to check	Signs that action is needed	
Reticulation system				
Event: CONTAMINATION ENTERS THE WATER AFTER TREATMENT Possible hazards: <i>Germ</i> s, <i>chemical</i> s. Level of risk: High ⁹				
C1.8.1 Breaks, leaks or damage to the pipes.	<ul style="list-style-type: none">Where you can see pipes, check them for signs of damage or breaks every six months. If the pipes could be damaged by floods or slips, also check after heavy rain.Reduce the corrosiveness of the water by placing marble chips in the holding tank, for example.Where pipes are above ground, make sure they are protected from accidental damage.Require subcontractors to report any damage to water supply pipes they cause.	<ul style="list-style-type: none">Water pressure at taps.Damage checks.	<ul style="list-style-type: none">Signs of leaks found during checks.Much more water used than expected.Rust-coloured water, or water with a bitter "iron" taste.Leaks appear often.	<ul style="list-style-type: none">Start checking the pipes regularly.Get advice on how to make the water less corrosive.See if you can provide better protection for the pipes.
C1.8.2 Contaminants enter the water during repairs to the reticulation.	<ul style="list-style-type: none">Get a properly qualified person to make any repairs. This person must:<ul style="list-style-type: none">thoroughly wash their hands before making the repairclean and disinfect with chlorine all tools (very important if they have also been used with wastewater)flush the repaired pipe to remove any dirtfill the repaired section of pipe with chlorinated water, allow it to sit, then thoroughly flush.Record where the repair was made, and who made it.	<ul style="list-style-type: none">Appearance of the water.Repair records.	<ul style="list-style-type: none">Water is discoloured, or tastes or smells bad.People who drink the water get sick.Repair is not recorded.	<ul style="list-style-type: none">Employ a registered plumber to make the repairs OR make sure the person making the repairs is properly trained.
C1.8.3 Water pipes are laid too close to the sewer.	<ul style="list-style-type: none">Use a properly qualified contractor to lay pipes.	<ul style="list-style-type: none">Plans showing locations of sewers and drinking-water pipes.	<ul style="list-style-type: none">Plans show the sewer and drinking-water systems run close together.	<ul style="list-style-type: none">Get contractor to relocate pipes to make sure there is enough separation.

⁹ The level of risk will be high if UV disinfection takes place a long way from the point of use, or water is stored after treatment.

Causes	Preventive measures	Checking preventive measures		Corrective action
		What to check	Signs that action is needed	
Event: CONTAMINATION ENTERS THE WATER AFTER TREATMENT – cont'd				
C1.8.4 Illegal cross-connection to the water supply.	<ul style="list-style-type: none">Make sure only properly qualified people make connections to the supply.	<ul style="list-style-type: none">Inspection of work.	<ul style="list-style-type: none">Cross-connections found.People who drink the water get sick.Water is discoloured, or tastes or smells bad.	<ul style="list-style-type: none">Employ a registered plumber to make connections OR make sure the person making the repairs is properly trained.
C1.8.5 Contaminants are sucked into the reticulation ("backflow").	<ul style="list-style-type: none">Check the reticulation for places where water can be sucked back into the drinking water if the supply pressure drops.Where backflow is possible, make sure that one of the following is installed:<ul style="list-style-type: none">backflow-prevention devicedouble check valveair gap. <p>(Some places where these devices may be needed are: swimming pools; stock troughs; boilers; tanks used for preparing agrichemicals; school laboratories.)</p>	<ul style="list-style-type: none">Check the supply for places where backflow prevention is needed.	<ul style="list-style-type: none">Check shows there are places where backflow may occur, but there is no device to prevent it occurring.Water is discoloured, or tastes or smells bad.People who drink the water get sick.	<ul style="list-style-type: none">Install devices to stop backflow where they are needed.
C1.8.6 Vandalism or sabotage.	<ul style="list-style-type: none">Regularly inspect backflow prevention devices, and exposed pipes or valves.Where possible, provide lockable enclosures for parts of the supply that might be intentionally damaged.	<ul style="list-style-type: none">Check for signs of damage.	<ul style="list-style-type: none">Signs of damage to a part of the supply.Water is discoloured, or tastes or smells bad.People who drink the water get sick.	<ul style="list-style-type: none">Repair or replace damaged components.Provide protection to stop future damage.

Causes	Preventive measures	Checking preventive measures		Corrective action
		What to check	Signs that action is needed	
Monitoring				
Event: WATER TEST RESULTS UNRELIABLE¹⁰ Possible hazards: <i>Germs, chemicals.</i> Level of risk: High				
C1.9.1 Samples taken wrongly.	<ul style="list-style-type: none">Get advice from a health protection officer about the sampling you need to do to comply with the <i>DWSNZ</i>. You need to know:<ul style="list-style-type: none">where to take the sampleshow often samples have to be takenhow to take the samples so that there is no contamination of the samplewhat to do if a sample shows the water quality is poor. (This table will help with this.)Prepare a sampling plan to record when and where samples need to be taken, and who is to take them.	<ul style="list-style-type: none">Check that the sampling plan is being followed.	<ul style="list-style-type: none">Sampling does not meet the requirements of the <i>DWSNZ</i>.	<ul style="list-style-type: none">Get more advice from a health protection officer to discover why there are problems with the monitoring.
Event: TREATMENT NOT OPERATED PROPERLY Possible hazards: <i>Germs, chemicals.</i> Level of risk: High				
C1.8.1 Operator not trained well enough.	<ul style="list-style-type: none">Get experienced operators to pass on their knowledge to new operators.Make sure the operator understands:<ul style="list-style-type: none">how the supply operateshow it has to be maintainedwhat to look for to check it is operating properlywho to contact if they need help.	<ul style="list-style-type: none">How well the supply runs.	<ul style="list-style-type: none">Things happen in the supply that result from poor operator skills and/or knowledge.	<ul style="list-style-type: none">Check with the operator if there are things about the system they do not understand.Make plans to get the operator the training they need.

Regular Checks and Maintenance Schedules

The following table summarises checks that are carried out on the 126 Main Road Subdivision School water supply, how often they need to be made and who is responsible for them.

Regular checks

	Check	Details	How often	Responsibility
1	Levels of germs (<i>E. coli</i>)	<ul style="list-style-type: none">Take samples directly after treatment, and from the reticulationCheck the <i>Drinking-Water Standards for New Zealand</i> for details, or get advice from an HPO if needed	Monthly	Operator
2	State of Bore / Spring area	<ul style="list-style-type: none">ErosionDepositsUnexpected objects (vandalism)	Quarterly (once every three months)	Operator
3	Appearance of the water	<ul style="list-style-type: none">Cloudy or discoloured	Daily	All Residents / Operator
4	Difference between the filter's inlet and outlet pressures	<ul style="list-style-type: none">Low difference means a filter problem	Daily	Operator
5	Minimum water temperature	<ul style="list-style-type: none">Poor UV disinfection at low temperature	Daily during winter	Operator
6	Parts of the reticulation that might be easily damaged	<ul style="list-style-type: none">Signs of damage	Daily while moving around the area	Operator
9	New situations that might lead to water being sucked back into the drinking-water supply		Annual	Operator
10	Water pressure at taps	<ul style="list-style-type: none">Lower pressure than usual	Daily	Operator

Maintenance schedules

	Schedule	Responsibility
1	Filter (including replacement) – follow manufacturer’s instructions	Operator
2	UV disinfection unit – follow manufacturer’s instructions	Operator

A log book is to be kept to record any maintenance undertaken, including any work carried out on the reticulation system by a properly qualified plumber. The manufacturer’s maintenance instructions must be filed so that they can be easily found. The Log Book should be kept available within the Pump Shed for use of a trainee or replacement Operator.

Contingency Plans

The following set of Contingency Plans are guides to what to do in case an *event* occurs despite *preventive measures* or *corrective actions* to stop it.

If there are difficulties in deciding how serious the event is, contact the local Medical Officer of Health (MOH).

Event – Water contaminated by spraydrift or overspraying

Indicators:

- Spraydrift or overspraying reported.
- Noticeable taste or odour.
- Test results.
- Reported illness in the community.

Required actions:

- Stop using the water. Find another source of drinking water until water of acceptable quality can again be supplied.
- Identify the person or organisation doing the spraying, and if possible, the product used. Inform the MOH.
- Drain contents of domestic tanks..
- Check that no more chemical is getting into the water by having the water tested again after the next rain, BEFORE using the v
- Record details of incident and provide ESR with this information for entry into its spray drift database – Driftnet.
- Modify your water safety plan if necessary.

Responsibility:

Operator.

Event – Water shortage**Indicators:**

- No rain.
- Water level in the tank is low.
- Increased levels of turbidity as water is drawn from lower levels of tank.

Required actions:

- Provide another source of potable water until water of acceptable quality can again be supplied.
- Find ways of reducing water usage.
- Identify the reason for the lack of water. The obvious is lack of rain, but there may also be loss of water because of leaks.
- If changes in weather patterns are likely to cause shortages of water often, install an additional or bigger tank, or find a supplementary or 1 source.
- Modify water safety plan if necessary.

Responsibility:Operator

Event – Contamination enters the reticulation**Indicators:**

- The water is cloudy, or the cloudiness is changeable.
- In 100 ml samples of water from the reticulation, *E. coli* is continually found or is present at levels more than 10 per 100 mL.
- People using the water complain of its taste and smell and of getting sick.

Required

- Follow the actions given in Figure 3.3 of the *DWSNZ:2000*.

actions:

- Find out the cause of the contamination, and fix the problem.
- Record what went wrong and why, and what you have done to overcome the problems.
- Modify your water safety plan if necessary.

Responsibility: Operator

Water Safety Plan Performance Assessment

Each year this plan is to be checked to make sure it is effective. This is done by:

- checking the water quality that has been shown by the monitoring done for compliance with the *Drinking-Water Standards for New Zealand*
- seeing whether any problems have been found during checks (these should be easily done by checking the log book that is kept).

If germs have been found in the water, or the checks have shown there to be problems, the plan needs to be changed to show:

- any new *causes* that have been found
- new *preventive measures* for existing *causes*, or to deal with any new *causes*
- any changes to how often checks should be made (experience may show the need for changes)
- any new Improvements needed.

Each year the Improvements Schedule and Action Timetable will need to be updated, because a number of improvements may have been made, and new ones may need to be added.

If there have been any changes to the supply, such as new treatment, changes to the bore housing, new events should be added to the Risk Information Table.

If a Contingency Plan has been used, any improvements to the Contingency Plan should be made. The operator has responsibility for reviewing how well the plan is working and making the changes necessary.

APPENDIX 7

Water Test 2017



Water Testing HB (2016) Ltd
 1105 Plunket St St Leonards
 Hastings, 4120
 E: info@watertestinghb.nz
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TEST REPORT

Zepplin Café
 4 Mill Road
 Clive 4201

Report Number 17-1993
 Date Report Issued 07 August 2017
 Date Sample(s) Submitted 27 July 2017

Lab Number 17-1993-1
 Sample Name Zepplin

Test	Result	Units	Guideline Value	MAV	
E. coli	<1	cfu/100ml	-	<1	
Total Coliforms	<1	cfu/100ml	-	-	
pH	7.7		7.0-8.5	-	Sub-contracted
Conductivity	177	mS/m	-	-	Sub-contracted
Alkalinity-Total	74	gCaCO3/m3	-	-	Sub-contracted
Turbidity	0.13	NTU	2.5	-	Sub-contracted
Dissolved Solids (TDS)	118	g/m3	1000	-	Sub-contracted
Total Hardness	64	g CaCO3/m3	200	-	Sub-contracted
Nitrate-N	0.23	g/m3	-	11.4	Sub-contracted
Silica	18.9	g/m3	-	-	Sub-contracted
Chloride	7.12	g/m3	250	-	Sub-contracted
Sulphate	9.12	g/m3	250	-	Sub-contracted
Boron	0.107	g/m3	-	1.4	Sub-contracted
Arsenic	0.0005	g/m3	-	0.01	Sub-contracted
Copper	0.0226	g/m3	1	2	Sub-contracted
Iron	<0.005	g/m3	0.2	-	Sub-contracted
Manganese	<0.0005	g/m3	0.10	0.4	Sub-contracted
Zinc	0.313	g/m3	1.5	-	Sub-contracted
Calcium	18.9	g/m3	-	-	Sub-contracted
Magnesium	4.1	g/m3	-	-	Sub-contracted
Potassium	1.2	g/m3	-	-	Sub-contracted
Sodium	9.2	g/m3	200	-	Sub-contracted

Zepplin Café
4 Mill Road
Clive 4201

Report Number 17-1993
Date Report Issued 07 August 2017
Date Sample(s) Submitted 27 July 2017

NOTE: To be considered safe to drink the DWSNZ determine that water must not exceed Maximum Acceptable Values (MAV). The standards also give Guideline Values (GV) which if exceeded may impact on the taste, odour and colour of the water, but may not have direct impact on the water safety. Sample(s) highlighted in Red exceed the MAV for the test performed. Sample(s) highlighted in Green exceed the GV. Tests which do not have GV or MAV's are not DWSNZ tests.

Comments	
<u>E. coli</u>	It is impractical to monitor water supplies for all potential human pathogens. In the DWSNZ E. coli is used as an indicator organism for contamination of drinking water by faecal material. If your E. coli result is '<1' (less than one), E. coli bacteria were not detected. Any positive result indicates the water is not safe for human consumption without further treatment.
<u>Total Coliforms</u>	Total coliforms are bacteria used to indicate the probable contamination of water by organic material. Total Coliform bacteria are not specified in DWSNZ, and a positive result does not determine whether your water is unsafe to drink. The higher the total coliform concentration in a water supply, the higher the risk of pathogens being present.
<u>pH</u>	Water with a pH lower than 7 is considered acidic, and with a pH greater than 7 is considered basic. The normal range for pH in surface water systems is 6.5 to 8.5, and the pH range for groundwater systems is between 6 and 8.5. Water with a pH < 6.5 will corrode pipes which leads to elevated levels of toxic metals (lead, copper, iron, zinc). In addition, it may lead to the staining of clothes, sinks and drains. Water with a pH > 8.5 could indicate that the water is hard. Hard water does not pose a health risk, but can cause aesthetic problems such as bad taste, formation of scale deposits on dishes, utensils, and laundry basins, difficulty in getting soaps and detergents to lather, and the formation of insoluble precipitates on clothing.
<u>Alkalinity-Total</u>	A measure of buffering capacity. A buffer limits the change in pH that occurs when water comes in contact with acidic or alkaline substances. Strong alkaline water will have an undesirable taste, but does not have any direct health effects. The value is needed when considering a filtration system.
<u>Conductivity</u>	The ability for water to conduct electricity. The higher the conductivity, the more corrosive the water may be. The NZDWS does not specify the maximum value, however, it is an important parameter to take into account when considering a filtration system as well as to determine if the water will corrode pipelines in the house.
<u>Chloride</u>	Chlorides give water a salty taste and can give an indication of a breach in a private well by sea water. High chloride concentrations leads to brackish water, which has an undesirable taste. It also leads to an increase of conductivity.
<u>Boron</u>	Boron is a naturally-occurring element found in rocks, soil, and water. However, in geothermal areas, the concentration of this element exceeds the NZDWS limit and has a toxic effect on humans. Regular water filtration systems may not remove boron from water.
<u>Calcium</u>	See hardness
<u>Copper</u>	Copper concentrations in drinking-water vary widely as a result of variations in water characteristics, such as pH, hardness and copper availability in the distribution system (pipes). Copper in high concentrations (>2 mg/L) is toxic to humans. Staining of laundry and sanitary ware occurs at copper concentrations above 1 mg/L.
<u>Iron</u>	High iron is not a health issue, but can lead to staining of bath tubs and sinks and also has an undesirable taste.
<u>Magnesium</u>	See hardness
<u>Manganese</u>	Manganese is a mineral that naturally occurs in rocks and soil and may also be present due to underground pollution sources. Manganese concentrations >0.04 mg/L will cause staining, >0.1 mg/L will cause water to smell and taste undesirable, and >0.4 mg/L will have a toxic effect on human health.
<u>Potassium</u>	Potassium is an essential element in humans and is seldom, if ever, found in drinking water at levels that could be a concern for healthy humans. This is not a concern for the general population; however, increased exposure to potassium could result in significant health effects in people with kidney disease or other conditions, such as heart disease. This depends on the age, weight etc. of the person(s). Potassium is commonly used in water softeners.
<u>Sodium</u>	Sodium salts occur naturally in water. High concentrations tend to increase the corrosiveness of water. Sodium salts also give water an unpleasant taste. High sodium concentration also may decrease the effect of water softeners, leading to water still being "hard" after treating with a softener.
<u>Zinc</u>	In tap water, the zinc concentration can be much higher as a result of the leaching of zinc from piping and fittings. This is mostly influenced by the pH of the water. High concentrations of zinc leads to the water having an undesirable taste.

Zepplin Café
4 Mill Road
Clive 4201

Report Number 17-1993
Date Report Issued 07 August 2017
Date Sample(s) Submitted 27 July 2017

Total Hardness Hard water is water with a high mineral content (mostly calcium and magnesium). Although not having an effect on health, hard water is undesirable to drink. In addition, it causes scale deposition (off-white solid on the surface of pipes), and scum formation. Signs of hard water includes white spots on glasses and dishes when dry, soap scum on glass shower doors, white layer inside your kettle, scum floating on your coffee or tea. Low hardness (<100) may be more corrosive.

Turbidity Turbidity reflects the amount of suspended particles in water, including silt, salts, metals, microorganisms, oils etc. Although the water may not necessarily be unsafe to drink, it will aesthetically not be acceptable to drink as the water will look "cloudy". This is an important parameter to take into account as water with a high turbidity may contain bacteria that may be dangerous as well shorten a filtration system's lifespan if the incorrect filtration unit is installed.

Dissolved Solids Total dissolved solids (TDS) measures the combined total of organic and inorganic substances that are dissolved in water, including minerals and salts. High TDS indicates the possibility of scale build up in pipes and appliances. In addition, water supplies can contain dissolved organic chemical contaminants which are usually pollutants that enter water as a result of man's activities, such as insecticides, pesticides and herbicides which usually are carcinogenic, even in small amounts. Taste may become unacceptable from 600–1200 mg/L. Even the best water purification systems on the market require monitoring for TDS to ensure the filters and/or membranes are effectively removing unwanted particles from your water.

Nitrate-N Nitrates are a good indicator of pollution as it is one of the products of decomposition of animal and human wastes. Nitrate in water is undetectable without testing because it is colourless, odourless, and tasteless. However, it has a negative effect on human health (can cause methemoglobinemia in bottle fed infants). Regular water filters may not remove nitrates in water.

Silica Silica occurs in natural water supplies, and the state of the silica molecule is pH dependent. Silicates are classed as salts. The higher the silica concentration in water, the higher its capacity to form scale deposits on surfaces. Also, in its colloidal form (if it's not in its salt state), it will increase turbidity.

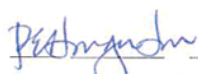
Sulphate Sulphate is a constituent of TDS and may form salts with sodium, potassium, magnesium, and other cations. In high concentrations it gives water an undesirable taste.

Arsenic Arsenic is a naturally occurring element in rocks, mineral surfaces as well as due to a variety of industries including lumber, agriculture, livestock and general industries. The NZDWS specifies a MAV for arsenic as it causes a variety of health problems, including cancers, heart problems, etc. Regular water filtration systems may not remove arsenic from water.

Summary of Methods

for Sub-Contracted Tests refer to methods on attached reports

Test	Test Method	Detection Limit
E. coli	MPN Colilert	1.0 cfu/100ml
Total Coliforms	MPN Colilert	1.0 cfu/100ml



Report Released by;
Rowena (Winnie) Houghton KTP


Verified;



This laboratory is accredited by International Accreditation New Zealand and its reports are recognised in all countries affiliated to the International Laboratory Accreditation Co-operation Mutual Recognition Arrangement. The tests reported have been performed in accordance with our terms of accreditation, with the exception of tests marked "not IANZ", which are outside the scope of this laboratory's accreditation. Test subcontracted have been performed in accordance with the terms of the sub-contracting laboratories accreditation.

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ANALYTICA
LABORATORIES



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Certificate of Analysis

Water Testing HB
1105 Plunket St
Hastings 4120
Attention: Vickey Diedericks
Phone: 06 870 6449
Email: vickey@watertestinghb.nz

Lab Reference: 17-17722
Submitted by:
Date Received: 28/07/2017
Date Completed: 3/08/2017
Order Number:
Reference: 17-1993

Sampling Site:

Water Aggregate Properties and Nutrients

Client Sample ID		17-1993-1 Zeplin	
Date Sampled		27/07/2017	
Analyte	Unit	Reporting Limit	17-17722-1
pH	pH	1	7.7
Electrical Conductivity	µS/cm	0.2	177
Total Alkalinity (CaCO ₃)	g/m ³	1	74
Turbidity	NTU	0.05	0.13
Total Dissolved Solids*	g/m ³	3	118
Total Hardness	g equiv CaCO ₃ /m ³	0.05	64.0
Nitrate-N	g/m ³	0.05	0.23
Silica	g/m ³	0.01	18.9
Chloride	g/m ³	0.5	7.12
Sulphate	g/m ³	0.15	9.12

Elements in Water (Total Recoverable)

Client Sample ID		17-1993-1 Zeplin	
Date Sampled		27/07/2017	
Analyte	Unit	Reporting Limit	17-17722-1
Arsenic	g/m ³	0.0005	0.0005
Boron	g/m ³	0.005	0.107
Copper	g/m ³	0.0002	0.0226
Iron	g/m ³	0.005	<0.005
Manganese	g/m ³	0.0005	<0.0005
Zinc	g/m ³	0.001	0.313



All tests reported herein have been performed in accordance with the laboratory's scope of accreditation, with the exception of tests marked *, which are not accredited.

Report ID 17-17722-[R00]

Page 1 of 2

Report Date 3/08/2017

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Cations Suite.

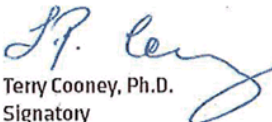
Client Sample ID		17-1993-1 Zep/In	
Date Sampled		27/07/2017	
Analyte	Unit	Reporting Limit	17-17722-1
Calcium	g/m ³	0.05	18.9
Potassium	g/m ³	0.05	1.2
Magnesium	g/m ³	0.01	4.1
Sodium	g/m ³	0.01	9.2

Method Summary

pH	Samples measured as received using a conventional pH electrode. APHA 4500 H+ B. (22 nd edition).
Electrical Conductivity	Samples analysed as received using a conventional conductivity electrode. APHA 2510 B. (22 nd edition).
Total Alkalinity (CaCO ₃)	Samples analysed as received by automated titration. APHA 2320 B. (22 nd edition).
Turbidity	Samples analysed as received using a conventional turbidimeter. APHA 2130 B. (22 nd edition).
Total Dissolved Solids	Filtration followed by complete drying at 180°C. APHA 2540 C. (22 nd edition).
Total Hardness	Result calculated from soluble Magnesium and Calcium. APHA 2340B. (22 nd edition)
Nitrate as N (High)	Analysis by Ion exchange chromatography following sample filtration. APHA 4110B. (22 nd edition).
Soluble Trace Elements	Samples were analysed as received by the laboratory using ICP-MS following a 0.45µm membrane filtration (except when field filtered). US EPA method 200.8.
Chloride	Analysis by Ion exchange chromatography following sample filtration. APHA 4110B. (22 nd edition).
Sulphate	Analysis by Ion exchange chromatography following sample filtration. APHA 4110B. (22 nd edition).
Recoverable Trace Elements	Samples were analysed as received by the laboratory using ICP-MS following an acid digestion. US EPA method 200.8.

Report Comments

Samples were received by Analytica Laboratories in acceptable condition unless otherwise noted on this report.


Terry Cooney, Ph.D.
Signatory



Water Testing HB (2016) Ltd
 1105 Plunket St St Leonards
 Hastings, 4120
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 W: www.watertestinghb.nz

TEST REPORT

Zepplin Café
 4 Mill Road
 Clive

4201

021 907875
 zep.cafe@outlook.com

Report Number 17-1993
 Date Report Issued 02 August 2017
 Date Sample(s) Submitted 27 July 2017
 Date Testing Commenced 28 July 2017

Lab Number	Sample Name	Limits			
		Drinking Water Standards for New Zealand 2005 (revised 2008)		World Health Organization Guidelines for Drinking-water Quality	
17-1993-1	Zeplin				
Test	Result	Units			
E. coli Colilert	Not Detected	cfu/100ml	<1.0	<1.0	
Total Coliforms Colilert	Not Detected	cfu/100ml	<1.0 [^]	<1.0 [^]	
Sub-contracted Chemistry	Analytica				

Summary of Methods		
Test	Test Method	Detection Limit
E. coli Colilert	MPN Colilert	1.0 cfu/100ml
Total Coliforms Colilert	MPN Colilert	1.0 cfu/100ml
Sub-contracted Chemistry	refer sub-contracting laboratory report	

Sample(s) that are unhighlighted comply with the requirements of The Drinking-water Standards for New Zealand 2005 (revised 2008), limited to the tests performed.

In the DWSNZ E. coli is used as an indicator organism for contamination of drinking water by faecal material. It is impractical to monitor water supplies for all potential human pathogens. Additionally, to be considered safe to drink the DWSNZ determine that water must not exceed Maximum Acceptable Values (MAV) for a range of chemicals. The standards also give Guideline Values (GV) for other chemicals, which if exceeded may impact on the taste, odour and colour of the water, but have no direct impact on the water safety. [^]Not a DWSNZ test when E.coli is tested. Most coliform bacteria do not cause disease, however total coliform counts give a general indication of the sanitary condition of a water supply.

Report Released by;
 Vickey Diedericks KTP

Verified;



This laboratory is accredited by International Accreditation New Zealand and its reports are recognised in all countries affiliated to the International Laboratory Accreditation Co-operation Mutual Recognition Arrangement. The tests reported have been performed in accordance with our terms of accreditation, with the exception of tests marked "not IANZ", which are outside the scope of this laboratory's accreditation. Test subcontracted have been performed in accordance with the terms of the sub-contracting laboratories accreditation.

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ENTERED

Water Testing HB Limited
1105 Plunket Street
HASTINGS 4120
ph. 06 870 6449
email: info@watertestinghb.nz
www.watertestinghb.co.nz

SAMPLE SUBMISSION FORM

Owner/Sender Information			
Company	Zeppelin Cafe		
Order number		Contact Name	MICKY ROBERTSON
Sampler Name		Telephone No.	001 90 78 75
Date and time of sampling	27/7/17	Invoice Email address	
Date of Submission	27/7/17	E-mail Address	zep.cafe@outlook.com
Number of Samples	1	Postal address	4 Munn Road CHURCH 4201

	Lab number	Sample ID	Sample type	Test required	Comments
1	17-1993-1	Zeplin	Pot	Dom 2, E. coli, TC.	
2					
3					
4					
5					
6					
7					
8					
9					
10					
11					
12					
13					
14					

Whatever is contained in this form is subject to the following:

1. Water Testing HB 2016 Ltd accepts that the water samples provided, originates from the relevant sampling point(s) as indicated on the relevant sample bottles provided;
2. Water Testing accepts that all samples from external sources are correctly labelled and accurate;
3. Water Testing shall not be responsible for human and/or technical errors that could not have been foreseen;
4. This document is solely for the use of the addressee and only in connection for the purpose set out in this document. In no event shall Water Testing assume liability or responsibility to any third party to which this document is disclosed or otherwise made available;
5. Water Testing reserves the right to decline testing of samples;
6. No guarantees are made with regards to turn-around time and results, and no liability will be accepted for any delays.

I hereby declare that I have read and agree to the terms and conditions set forth above.

MICKY ROBERTSON

Print Name

Signature

Office Use Only

Job number:	17-1993-1993	Temperature of samples (if applicable):	15.8
Do the samples meet all the necessary requirements to be processed?		YES	NO
Samples received and laboratory numbers assigned by:		(If NO, specify):	
Assignment of laboratory numbers verified by:		Signature	
		Signature	

APPENDIX 8

Stormwater & Wastewater Reticulation Comments and Plan

Stormwater / Waste water Reticulation

- It is noted that there is a 150m pipe into the Clive Stormwater system to the site in place.
- To encourage minimal future effect on the existing Clive water reticulation it is proposed to encourage individual Greywater systems into the two larger sites.
- A water garden or swales may be constructed at the lowest parts of the sections should this be recommended but it appears the Stormwater Plan as designed should be suitable.

These will need to be designed specifically for the needs of the household to specifications found in the below link:

<http://www.level.org.nz/water/wastewater/on-site-wastewater-treatment/greywater-recycling/greywater-systems/>

Consultation with HDC

Subject: FW: 126 Main Road Clive Storm water and Sewerage

Importance: High

From: David James <davidj@hdc.govt.nz>

Sent: Wednesday, 10 August 2016 10:30 a.m.

To: Charlie Davidson

Subject: RE: 126 Main Road Clive Storm water and Sewerage

Hi Charlie

I'm sorry I did not get back to you yesterday , I know you're timelines are tight.

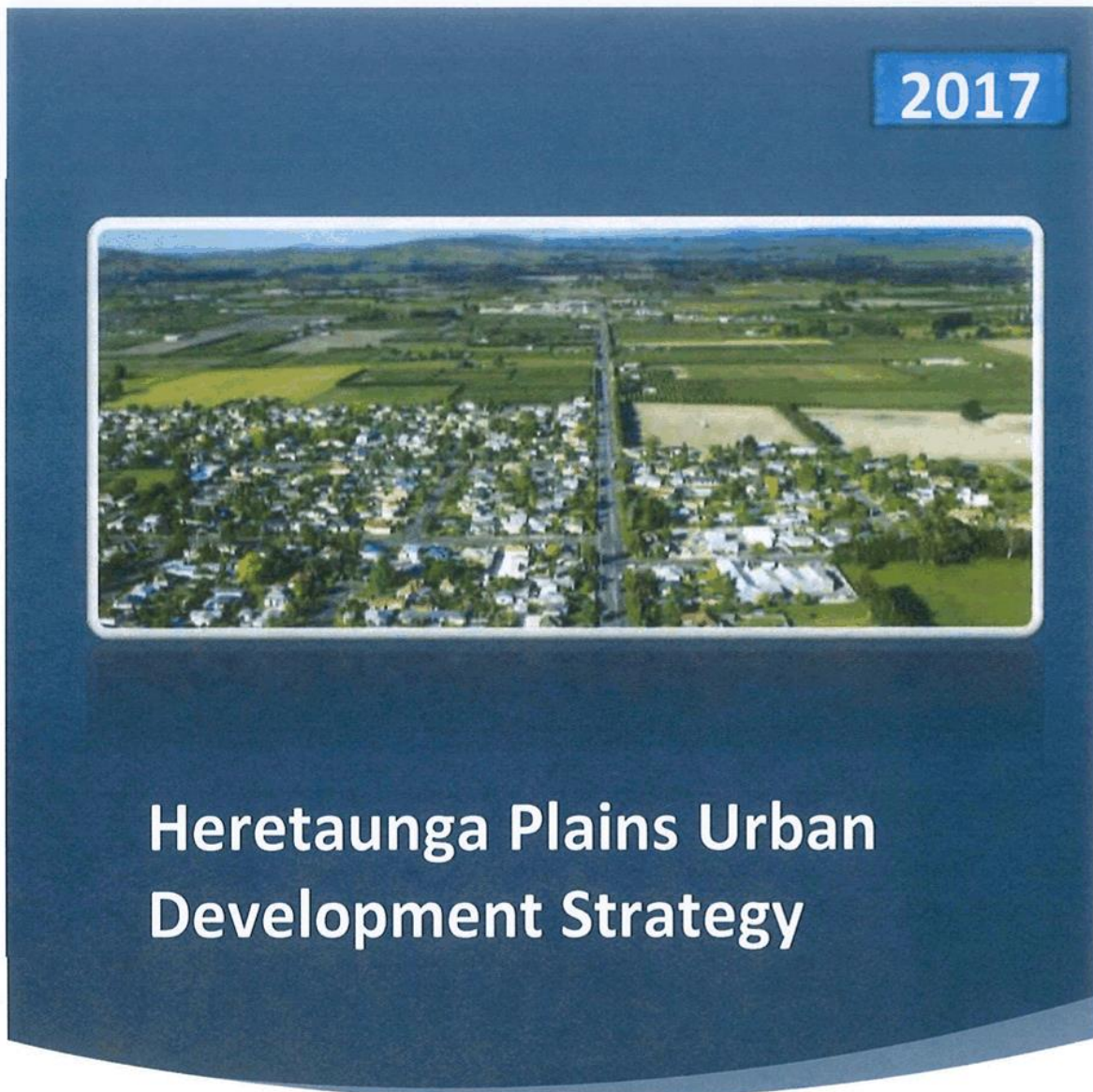
Regarding wastewater servicing of your property there is a mains connection in close proximity to your property so physical connection will not be difficult. Our hydraulic model assessment of the Clive wastewater system indicated that the system is near capacity in a 1 in 5 year wet weather, however , it would probably be able to cater with 4 more connections. A more detailed assessment could be carried out if your project progresses.

Following are the Storm/ Waste Water Schematics as designed by Mark Watkins – Advanced Plumbing.



APPENDIX 9

HPUDS Documents



HASTINGS
DISTRICT
COUNCIL



HAWKE'S BAY
REGIONAL COUNCIL



NAPIER
CITY COUNCIL
Te Kaitiaki o Aoraki

ADOPTED in 2017 by:

Hastings District Council

Hawke's Bay Regional Council

Napier City Council

2.5. AREAS WHERE GREENFIELD GROWTH IS DEEMED INAPPROPRIATE

The Strategy identifies a number of areas which are inappropriate for future residential growth beyond existing settlements¹⁵. These are:

- a) Waipatiki Beach
- b) Tangoio
- c) Puketapu
- d) Clive (except for the areas off the end of Read Crescent, between Main Rd (SH2) and Muddy Creek; and between Main Road and the Clive River opposite the Mill Road intersection).
- e) Clifton
- f) Ocean Beach (excepting that there is potential for growth of the existing Waipuka bach settlement on Maori land beyond the coastal hazard zones).
- g) Jervoistown / Meeanee / East Clive
- h) Natural detention areas (50 year flood ponding areas)
- i) Haumoana (north of East Road).

Note: as part of the 2016 HPUDS Review process, Whirinaki and an area of land in South Clive (off the end of Read Crescent and opposite the Main Road (SH2) / Mill Road intersection) were removed from the list of inappropriate greenfield growth areas. An independent review of the Heretaunga Plains Settlement Pattern carried out as part of the 2016 HPUDS review process¹⁶ supported their removal from HPUDS' list of inappropriate greenfield growth areas, but didn't go as far as recommending inclusion on the list of appropriate residential greenfield growth areas nor reserve area list for the 2015-2045 period (excepting a 4ha property located off the end of Read Crescent, Clive which has been added as a residential greenfield growth area).

¹⁵ This does not apply to areas already identified in existing growth strategies, or zoned for some form of residential development in existing district plans at 31 December 2015.

¹⁶ 'Review of Alternative Greenfields Sites and Review of the HPUDS Settlement Pattern', Opus International Consultants Ltd (June 2016)

aging population, but the 2016 Review confirms this increase is still able to be accommodated within the HPUDS identified growth areas and the infill growth projections, particularly with the additional capacity provided by new greenfield and additions to existing greenfield areas in the Review.

Of particular note however, is the increasing number of older people – especially those over the age of 75 (the usual starting age for entry to a retirement village). Forecasts for retirement sector housing demand³⁰ based on existing uptake of retirement villages in the Strategy area points to the significant shift in age-profile over the next 30 years, and even further beyond, which sees the 65+, 75+ and 90+ age groups increasing by 94%, 172% and 286% respectively.

Retirement Sector

The retirement sector analysis³¹ suggests retirement units will represent 30-40% of all future new-build housing in the Heretaunga Plains sub-region between now and 2045 (~3,340 of the total 9,960), with half of these (~1,770) likely in 'traditional' retirement villages. The average size of existing villages of this kind, in the Strategy area, is about 6.25ha. Sites of this size are only likely to be found on greenfield land. The likely future trend toward increasing numbers of retirement villages, and toward compact retirement housing in general, suggests a need to reflect on future housing density rules and ways in which greater densities can be achieved without compromising (and ideally enhancing) the urban living environment.

If retirement housing (with associated higher housing densities) becomes an increasingly significant factor in the overall housing market it is possible that current predictions for the amount of land required for future housing development in the HPUDS study area could be reduced. It is, however, a complex balance. On the one hand, retirement housing generally requires less land for the same number of housing units. On the other hand, unless inner city retirement apartment housing becomes popular in Hawke's Bay, it is likely that the vast majority of future retirement village development will occur on greenfield land.

Rural Residential

Following further analysis of potential uptake of development opportunities, the 2016 HPUDS Review concludes that sufficient supply should be available to meet the demand of 850 rural lifestyle living lots over the period of the Strategy (2015 to 2045) – essentially concurring with the original findings.

This conclusion relies on ongoing subdivision to create new lots however, particularly in areas of market preference. In this regard, while a sufficient rate of further subdivision is anticipated, this nature of reliance presents a risk that the initial conclusions in HPUDS that "there will be a predicted surplus in supply of rural residential sites over the period" may not hold true. Consequently, regional and district planning documents might require a review over the longer term to revisit Policies based on the 2010 HPUDS initial conclusions. Further review of actual and potential supply during programmed reviews of the Strategy is therefore recommended³².

Amendments to the Settlement Pattern

Following further analysis of the Settlement Pattern, the 2016 HPUDS Review concludes that some small alterations are appropriate in response to a number of current and emerging issues with HPUDS greenfield growth areas³³.

Specifically, the Arataki Extension³⁴ was removed from the list of 2010 HPUDS greenfield growth areas, and a number of 'reserve' growth areas were introduced to enable a ready supply response if other greenfield growth areas prove unviable or unable to meet their assumed capacity (e.g. if servicing cost issues affect the viability of Kaiapo Road in Hastings, and the completion of Te Awa in Napier). Whirinaki and a small area in South Clive³⁵ were also removed from the list of areas identified as being inappropriate for further residential greenfield development.

An independent evaluation was undertaken to assess the comparative suitability of the sites put forward as reserve areas. This was commissioned as part of the 2016 HPUDS Review, and supports the inclusions of the 'reserve' growth areas listed below.

³⁰ 'Retirement Sector Housing Demand Forecasts 2016-2045 – A report for the Heretaunga Plains Urban Development Strategy Review (2016)', Environmental Management Services Limited (June 2016).

³¹ 'Retirement Sector Housing Demand Forecasts 2016-2045 – A report for the Heretaunga Plains Urban Development Strategy Review (2016)', Environmental Management Services Limited (June 2016).

³² 'Review of Rural Residential Lifestyle Sites', Cheal Consultants Ltd (June 2016)

³³ 'Current & Emerging Issues with HPUDS Greenfields Growth Areas', Hastings District Council & Napier City Council (March 2016)

³⁴ Removed due to odour issues relating to its proximity to Te Mata Mushrooms.

³⁵ The area off the end of Read Crescent and between Main Road (SH2) and Muddy Creek.

■ Ocean Beach

Ocean Beach is recognised by the wider community as a natural coastal environment of significance. Previous development proposals at Ocean Beach were met with considerable resistance from the community as result of the effect on the landscape quality of the area. There are also considerable infrastructure issues for any development at this location. Notwithstanding the Resource Management Act merits or otherwise of urban development at Ocean Beach, the Hastings District Council's preference is that there be no subdivision and development for residential or other significant development activities on the Haupouri Flats, including around and north of the Haupouri Woolshed area. Accordingly it is not proposed to encourage or facilitate further housing development at Ocean Beach beyond the existing Waipuka settlement and consideration should be given to appropriate mechanisms for retaining this value for future generations. Accordingly no allocation of projected demand has been made for Ocean Beach.

■ Waimarama

The Hastings Coastal Environment Strategy recommended that provision be made for future growth at Waimarama. The natural coastal character of Waimarama has already been impacted on by the existing level of development.

It is recommended that in order to provide for a range of living environments, low level growth be provided for at Waimarama. This is contingent on planning for infrastructure as the water supply is already fully committed and the surface waters in the area are sensitive to any development. The settlement may also provide an opportunity for further holiday home development once servicing constraints are overcome and depending upon demand this should be considered in the planning for Waimarama.

Rural Settlements

■ Bay View

Bay View is located approximately 10km north of Napier City and has been a popular alternative to suburban living. Bay View is characterised by large sites and this is due to the area not previously being serviced. Since becoming part of Napier City in 1989 a water supply has been provided but this has placed additional strain on the onsite wastewater systems upon which the community relies. There is a proposal for a serviced wastewater system with cost implications for residents. In order to provide residential choice growth of the area is recommended at a low level to recognise the infrastructure limitations which include development adjacent to the State Highway. This growth must be sequenced to occur when the servicing issues are resolved.

■ Puketapu

Puketapu was identified in the Hastings Low Density Strategy as a potential growth option. While the area is located in relatively close proximity to both Napier and Hastings there are parts of the settlement that are susceptible to flooding and servicing in the long term would be problematic. It is recommended that no further growth be provided for due to the natural character of the area and servicing issues.

■ Clive

The Clive Development Strategy which was undertaken in 2002 looked at the servicing aspects of future growth to ascertain the potential for future development. Stormwater is the major issue for Clive and a number of sites were identified for future growth that were outside the potential flood hazard areas. Since that time these sites have largely been developed. There has been no stormwater upgrading and therefore it is recommended that no growth be provided for in Clive due to stormwater servicing issues, apart from some smaller parcels in Clive South where stormwater effects can be managed on site.

■ Maraekakaho Settlement

In considering the future of the Maraekakaho settlement consideration was given to a number of factors. It has an existing level of settlement and established social infrastructure including a school. The area is popular in the market but this must be balanced against the energy efficiency principles with the settlement located some distance from the main employment opportunities in Hastings. Previous flood hazards have been mitigated. However constraints around access to water are recognised and will need to be resolved. Maori have reservations about development west of Bridge Pa due to potential effects on the aquifer.

Overall it is recommended that low level growth be provided at Maraekakaho to ensure that there is rural settlement choice for Hastings.

HERETAUNGA PLAINS URBAN DEVELOPMENT STRATEGY (HPUDS) REVIEW 2016



Implementation Working Group Recommendations - Theme 3: Hastings District New Areas Requested for Inclusion in HPUDS

Sub #	Submitter Name	Submission Theme
7	Boyes, Whiting & Stone	Include Ada - Howard - Awahou Drain in HPUDS as greenfields growth area / reserve area.
3	Bayley, Kevin	Include new Hastings Greenfield – Pakowhai Rd
19	Gregory Group	Include Pakowhai Rd / Lyndhurst Rd adjacent Gracelands
13	Davidson, Charlie & Susan	Include 126 Main Rd, Clive
2	Batt, Mervyn & Robyn	Include Clive South (off Read Cres) as reserve
16	Endsleigh Cottages	Identify upper terrace fronting Raymond Road, Haumoana for Rural Residential development
39	Raymond Road Rezoning Group (Development Nous)	
40	Raymond Road Rezoning Group (Mr Maurenbrecher)	
20	Gunn, Gerard	Waiohiki - provide for lifestyle dev near Marae or allow for wider development of Marae communities
17	Evans Family Trust	Whirinaki – identify land off North Shore Rd at southern end of Whirinaki for growth in HPUDS

Submission Theme 3.1: Ada Street

Submissions Addressed:

J Boyes, K & D Whiting and K Stone (submission 7), requested the inclusion of the land bounded by Howard Street and Ada Street to the Awahou Drain as a residential growth area or alternatively as a reserve area.

Consideration and Recommendations:

We were advised that current projections indicate that no additional supply is required and too much greenfield supply would affect the ability to meet the intensification targets. This is on the basis that the long term indicative yield (of the greenfield growth areas identified in the strategy) over and above projected demand is 615 dwellings or 16%, but where the proposed reserve areas are included these figures increase to 2,365 dwellings and 54%.

HPUDS Implementation Working Group's Recommendations:

That no amendments are made to the strategy as a result of these submissions.

The Working Group agrees that the land being subject of submissions from Kevin Bayley and The Gregory Group respectively, should not be identified in HPUDS for either greenfields growth or as a reserve area and rather should remain part of the Plains Production Zone land resource.

Submission Theme 3.3: Clive South**Submissions Addressed:**

Mervyn & Robyn Batt (submission 9) sought that their 4ha property at Clive South be removed from the list of 'Inappropriate Areas for Development' and included as a reserve greenfield growth area. Charlie & Susan Davidson (submission 13) also requested that their 1.1ha property at 126 Main Road, Clive along with a neighbouring property, be identified for the future residential development.

Consideration and Recommendations:

We were advised that two areas identified in the 'Inappropriate Areas for development' list have had some of the issues addressed that might have previously precluded suitable development. These are Clive South (an area off Read Crescent and bounded by SH2 and Muddy Creek) and Whirinaki. Both were identified as 'inappropriate' greenfield growth areas principally due to infrastructural servicing issues.

HPUDS 2016 Review amended the Inappropriate areas to provide:

"Clive (except for the area off the end of Read Crescent and between Main Rd (SH2) and Muddy Creek)"

Although the Clive South statement is specific to the Batt's property it is noted that Davidson's property is at a similar level to the Batt's property at its road frontage and slopes up towards the Clive River to be over a metre higher at the rear.

Given this it is recommended that a slight adjustment in wording be made so that the Davidson land is also excluded from the 'inappropriate area' classification otherwise applicable to the wider Clive area. This would ensure that the land was able to be considered on its merits if a consent application were to be pursued, rather than being ruled out from consideration by HPUDS and the statutory documents that flow from it.

In terms of the requested "reserve Area" status requested, we note that the purpose of the reserve areas is to be able to be called upon as a like substitute for the area that it is replacing. Although Clive is handily located to the main urban areas, it is a settlement in its own right, with its own character. For this reason, we consider that the area of Clive South that has development potential, may be better considered for development in its own right in the wider context of the HPUDS settlement pattern, rather than as a reserve area. The subject sites of the respective submissions are 1.1 and 4ha respectively so are relatively small in the context of the strategy.

We also note that the last study of residential growth for Clive was undertaken in 2002. Given that development of the rezoned land resulting from this study was completed prior to 2010 and in light of the challenges to the 2010 HPUDS' conclusions regarding Clive being inappropriate for further development, it may be timely for the Hastings District Council to consider the potential of Clive South in time for the next review. The consideration would need to be in the context of whether limited greenfield growth can be provided in Clive in a

manner that does not undermine the current HPUDS preferred settlement pattern and greenfields / intensification targets.

Given the above, we consider it is appropriate that Clive South is removed from the areas listed as 'inappropriate for residential greenfield growth', and the Batt property is shown as a Greenfields Growth area. We consider that the Davidson property is not of sufficient scale, and does not provide a sufficiently strong limit to development to the south urban limit, to warrant sanctioning in HPUDS as a greenfields growth area in its own right. However, its lack of scale in itself suggests that any development may be more properly considered by way of a resource consent application, by which it can be distinguished from the generality of other land surrounding the Clive Township. Suffice to say that the Working Group does not consider that development of this small site on its own in the peculiar circumstances of Clive would be an affront to the HPUDS' aims and principles, particularly as only four lots are likely to be created.

HPUDS Implementation Working Group's Recommendations:

1. To the reference to Clive under the heading 'Areas Where Greenfield Growth is Deemed Inappropriate' is recommended:
Clive (except for the areas off the end of Read Crescent, and between Main Rd (SH2) and Muddy Creek; and between Main Rd and the Clive River opposite the Mill Rd intersection).
2. Identify the 4ha property at Clive South (i.e. the Batt property) as an indicative greenfield growth area.
3. Incorporate a map in HPUDS to illustrate the exception areas referred in the amendment above.
4. The Working Group agrees that the 1.1ha property at 126 Main Road Clive (i.e. the Davidson property) should not be identified in HPUDS as a greenfield growth area, but notes that the landholders could choose to pursue a development proposal through a resource consent application process.

Submission Theme 3.4: Raymond Road

Submissions Addressed:

Endsleigh Cottages (Submissions 16), **Raymond Road Rezoning Group (RRRG)** b(Submission 39), and **(RRRG – Anton Maurenbrecher** (Submission 40) addressed a combined area of approximately 20ha of land with a number of different owners on the corner of Raymond Road/Parkhill Road and extending along Raymond Road. Essentially these submissions sought recognition for rural residential development.

Consideration and Recommendations:

The key HPUDS principle to consider in respect of the Raymond Road area is whether 'Productive value of its soil and water resources are recognised and provided for and used sustainably'.

The productivity and versatility of the soil resource in this area's needs and Reverse Sensitivity on surrounding productive uses should be considered. A Horticulture assessment comments that wine grapes may tolerate the conditions, but with question

APPENDIX 10

Written Approvals from Neighbours



HASTINGS DISTRICT COUNCIL
 207 Lyndon Road East
 Hastings 4122
 Private Bag 9002
 Phone 06 871 6000
 www.hastingsdc.govt.nz
 TE Kaitiaki Take Kōwhiri

RESOURCE MANAGEMENT ACT 1991: AFFECTED PERSONS CONSENT FORM

RESOURCE CONSENT APPLICANT/ DEVELOPER TO COMPLETE:

Full name of applicant

Ian (Charlie) and Susan Davidson

Site address of proposal

126 Main Road, Clive 4102

Brief description of proposal

Subdivision of uneconomic land.

AFFECTED PERSONS (OWNERS AND OCCUPIERS) TO COMPLETE:

Full Name of Person/s Signing: (please print)

GARY STUART DEAKIN

And

130 Main Road Clive

(Second Name if more than one owner)

(Third Name if more than one owner)

(Fourth Name if more than one owner)

Name of Trust or Company where applicable:

Physical and Legal Address of Affected Property:

Please tick all relevant boxes below:

- ☒ I am/ we are, the OWNER(s) of the property. (Note – Every owner and occupier has to sign, or supply power of attorney for signatory to sign on behalf)
- ☐ I am/ we are, the OCCUPIERS(s) of the property. (Note – Every owner and occupier has to sign, or supply power of attorney for signatory to sign on behalf)
- ☐ I/we have authorisation to sign on behalf of the Trust and/or Company on behalf of all Trustees/Shareholders
- ☐ I/we have signed a copy of the full and final proposal including, a copy of the proposal, assessment of environmental effects, elevations and site plans to which I/we are giving approval. (Note - Every owner and occupier has to tick this box)

Page 1 of 2

Issue No 1

Last update 21 February 2012

TRIM Ref REG-10-8-12-567

Please note that

- by giving my/our written consent, the Council cannot take into account any actual or potential effects of the proposal on my/our property when considering the application. I/we understand that our written consent is unconditional and cannot be subject to conditions
- any time before the decision is made on the application, I/We may give notice in writing to the Council that this consent is withdrawn, under Section 104(4) of the Resource Management Act 1991.

Signature:



Date: 19-12-17

Second Signature if more than one owner:

Date:

Postal Address: 130 Main Road Clive

PRIVACY INFORMATION: The information on this form is required so that this application can be processed under the Resource Management Act 1991. The information will be stored on a public register, and held by the Hastings District Council.

NOTES FOR AFFECTED PERSONS

1. Why have you been asked for your consent?

You have been consulted and/or asked to give written consent to a proposal because you are the owner or occupier of land or a building, and may be affected in some way by a development proposal in your neighbourhood.

2. Who decides who is affected by a proposal?

A Council Planner makes the decision as to who might be affected and whose consent is required. Please note that it is common for applicants to seek written approval before lodging a resource consent with Council. Therefore even if the applicant has sought your permission, the Council may still decide you are not affected

3. What happens if you give your consent?

If you give your consent, Council is not able to take into account any adverse effects on you. If you and all the other people deemed by Council likely to be affected have given your consent, an application is considered by Council officer's under powers delegated by the Council and no hearing is held.

It is very important that you understand a proposal fully before you give your consent. If you do not understand the proposal or this form, please seek advice before signing. Do not hesitate to contact a member of the Planning staff to discuss a proposal or its possible effects.

4. How much information should you be given?

You should be given enough information to allow you to understand the proposal and how it will affect you. This should include a full description of the proposal, plans and an assessment of effects on the environment.

5. Can you ask for changes to an application?

You can ask an applicant to change his proposal so that the possible side effects on you are minimised or avoided; (for example, by reducing the hours or by providing screening).

6. Can you put conditions in your consent?

Council cannot accept a written consent with conditions. However you may ask the applicant to amend their application to reflect any changes or conditions you would like. If these changes are included within the application and are within the scope of Council's powers,

they could be enforced as a condition of Council's consent.

7. Can you refuse to give consent?

Yes. You do not have to explain your reasons but it is helpful to the applicant if you do. You can let the Council know so that your refusal can be recorded on the file.

8. What happens if you refuse to give consent?

If the Council decide that a party is affected, and that party will not provide their written approval then the application must be notified. The applicant may decide not to continue with their application. If they do however, you will be directly notified by Council and can make a submission or against the proposal, whether you originally gave your consent or not. A separate pamphlet on Notified Applications is available from the Council.

9. Can you change your mind?

You can withdraw your consent at any time before the Council makes a decision on the application. You must advise Council in writing that your consent has been withdrawn. You should also let the applicant know.



HASTINGS DISTRICT COUNCIL
207 London Road East
Hastings A122
Private Bag 9002
Phone 05 071 5000
www.hastingsdc.govt.nz

TE HAUHIHERA O HERETAUNGA

RESOURCE MANAGEMENT ACT 1991: AFFECTED PERSONS CONSENT FORM

RESOURCE CONSENT APPLICANT/ DEVELOPER TO COMPLETE:

Full name of applicant Ian (charlie) and Susan Davidson

Site address of proposal
126 Main Road, Clive 4102

Brief description of proposal
Subdivision of uneconomic land

AFFECTED PERSONS (OWNERS AND OCCUPIERS) TO COMPLETE:

Full Name of Person/s Signing: (please print) Kevin McIlroy And
Chere McIlroy (Second Name if more than one owner)
(Third Name if more than one owner)
(Fourth Name if more than one owner)

Name of Trust or Company where applicable: 'Halfway House'

Physical and Legal Address of Affected Property: 130 Main Rd Clive

Please tick all relevant boxes below:

- ☐ I am/ we are, the OWNER(s) of the property. (Note – Every owner and occupier has to sign, or supply power of attorney for signatory to sign on behalf)
- ☐ I am/ we are, the OCCUPIERS(s) of the property. (Note – Every owner and occupier has to sign, or supply power of attorney for signatory to sign on behalf)
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Page 1 of 2

Issue No 1

Last update 21 February 2012

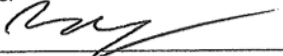
TRIM Ref REG-10-8-12-567

Please note that

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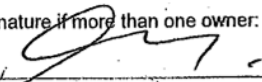
Signature:

Date:

 21.12.17

Second Signature if more than one owner:

Date:

 21.12.17

Postal Address:

162 Mill Rd RD 10 Hastings 4180

PRIVACY INFORMATION: The information on this form is required so that this application can be processed under the Resource Management Act 1991. The information will be stored on a public register, and held by the Hastings District Council.

NOTES FOR AFFECTED PERSONS

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 TE HAINIHERA O HERETAINGA

RESOURCE MANAGEMENT ACT 1991: AFFECTED PERSONS CONSENT FORM

RESOURCE CONSENT APPLICANT/ DEVELOPER TO COMPLETE:

Full name of applicant

lan (charlie) and Susan Davidson

Site address of proposal

126 Main Road, Clive 4102

Brief description of proposal

Subdivision of uneconomic land

AFFECTED PERSONS (OWNERS AND OCCUPIERS) TO COMPLETE:

Full Name of Person/s Signing: (please print)

Jonathan Peter Lawry

And

(Second Name if more than one owner)

(Third Name if more than one owner)

(Fourth Name if more than one owner)

Name of Trust or Company where applicable:

Physical and Legal Address of Affected Property:

124 Main Rd Clive

Please tick all relevant boxes below:

☒ I am/ we are, the OWNER(s) of the property. (Note – Every owner and occupier has to sign, or supply power of attorney for signatory to sign on behalf)

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Page 1 of 2

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Signature: _____

Date: _____

11/01/2018

Second Signature if more than one owner: _____

Date: _____

Postal Address: 124 Main Road Clive

PRIVACY INFORMATION: The information on this form is required so that this application can be processed under the Resource Management Act 1991. The information will be stored on a public register, and held by the Hastings District Council.

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MITCHELL
DAYSH

C & S DAVIDSON

**PLANNING ASSESSMENT
SUPPORTING 8 LOT
SUBDIVISION AND LAND USE
CONSENT APPLICATION**

126 Main Road, Clive

15 January 2017

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Non-complying Subdivision & Land Use Consent, 126 Main Rd, Clive



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REPORT INFORMATION

Report Status	Final
Our Reference	MDL000263
File Location	Napier
Author	Philip McKay
Review By	Anita Anderson

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1. INTRODUCTION

This report is prepared to provide a professional planning assessment to support the subdivision and land use consent application of C & S Davidson for 126 Main Road, Clive.

Please refer to the separate application document for the descriptions of the proposal and the site.

Please see **Appendix 2** of the application for the Plan of Subdivision that this assessment relates to.

2. PLANNING ASSESSMENT

2.1 ZONING AND ACTIVITY STATUS

Under the Proposed Hastings District Plan the subject site is located within the 'Plains Production Zone'. The subject site is split between Planning Maps 63 and 69 of the Proposed Plan. Planning Map 63 identifies the 'Riparian Area' associated with the Clive River (or 'Ngaruroro River' as identified in Appendix 54) within the site and adjacent to the cadastral boundary with the River. No other additional features or layers are identified over 126 Main Rd, Clive on the Planning Maps. See Figure 1 below which shows the Proposed Plan map layer identifying the zoning and 'Riparian Area' symbol over the site.

The relevant sections of the Proposed Plan in establishing the status of the proposed activity are sections: 6.2 'Plains Production Zone', 19.1 'Riparian Land Management and Public Access District Wide Activity', 26.1 'Transport and Parking', and 30.1 'Subdivision and Land Development'. The 'E-Plan'¹ confirms that there are no outstanding appeals relating to section 26.1, but that sections 6.2, 19.1 and 30.1 remain under appeal. It is understood however that the Plains Production Zone provisions are generally settled aside from those relating to specific scheduled activities, and that the relevant provisions of sections 19.1 and 30.1 to this application are not subject to any of the remaining outstanding appeals.

The provisions of the Proposed Plan relevant to this application can therefore be considered to be past the point of legal challenge and can be treated as operative in accordance with section 86F of the RMA. Accordingly no reference is required to be given to the zone provisions of the Operative Hastings District Plan in the assessment of this resource consent.

¹ <https://eplan.hdc.govt.nz/#>



The proposed subdivision of 126 Main Road, Clive, is a 'non-complying activity' under Rule SLD25 due to the 'Minimum Site Sizes' (Standard 30.1.6A) as applying to the Plains Production Zone (12ha), not being met.

In terms of the new buildings proposed on Lots 2 – 5, land use consent is required to enable the buildings to be erected on sites not meeting the specific performance standard for residential activities (6.2.6B), which requires a minimum site area of 2,500m² before a residential building can be erected. Lot 2 – 7 are all proposed to be smaller than 2,500m² and range in size from 702m² to 1,522m². Resource consent is therefore required under Rule PP38 as a 'non-complying activity'.

Land use consent is also required to enable the 15m yard requirement (Standard 6.2.5B) for residential activities to be breached in regard to the proposed new internal boundaries for the existing residential buildings on Lots 1 and 3 and to enable new residential buildings to be erected on Lots 4 – 7. Resource consent is required under Rule PP24 as a restricted discretionary activity as a result of this standard not being complied with. Discretion is restricted to the ability of the activity to meet the stated outcome of the standards which it fails to meet and the relevant assessment criteria in section 6.2.8K.

In regard to Section 19.1 'Riparian Land Management and Public Access' includes a standard (19.1.6.1(a)) restricting 'riparian vegetation modification' within 15m of any River Identified in Appendix 54. The only portion of the subject site within 15m of the Clive River is the back lawn of the applicant's dwelling on Proposed Lot 6. The dwelling itself is approximately 18m from the edge of the normal water's edge of the river (or 15m from the cadastral boundary of the river). The proposed subdivision does not necessitate any 'riparian vegetation modification' within this area, which would remain unchanged.

Of relevance to both sections 19.1 and 30.1 is the standard 30.1.7H 'Esplanade Reserves and Strips', which in the Plains Production Zone requires:

An esplanade reserve or strip with a maximum width of 20 metres will be required as a condition of consent under Section 220 of the Act where the land adjoins the coast or adjoins or contains a waterbody of natural, cultural or recreational significance as identified in Appendix 55 (sic)

Note: There is provision for consideration of waiver of Esplanade Areas having regard to the matters in Specific Assessment Criteria 30.1.8.2. (8)

Rule SDL17 provides for the consideration of subdivisions not meeting any of the 'General Site Standards and Terms' in Section 30.7 to be considered as a Restricted Discretionary Activity. Standard 30.1.7H refers to a maximum width of 20m, clearly such a width would not be appropriate given the location of the applicant's dwelling at only 18m from the water's edge, therefore a width of 5m is proposed. Consideration should be given to assessment criteria 30.1.8.2(8) in determining whether this width is appropriate.



The combined subdivision and land use consent has the overall status of a non-complying activity as the most stringent activity status applying to the application.

2.2 STATUTORY CONSIDERATIONS

In regards to the consideration of resource consent applications section 104 of the RMA states:

104 Consideration of applications

When considering an application for a resource consent and any submissions received, the consent authority must under section 104(1), subject to Part 2, have regard to—

- (a) any actual and potential effects on the environment of allowing the activity; and*
- (b) any relevant provisions of—*
 - (i) a national environmental standard;*
 - (ii) other regulations;*
 - (iii) 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 104D of the RMA sets out additional restrictions for non-complying activities, with the relevant components to this application set out as follows:

104D Particular restrictions for non-complying activities

(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 proposed plan, if there is a proposed plan but no relevant plan in respect of the activity; or...*



3. ASSESSMENT AGAINST PART 2

As required by Schedule 4, Clause 2(1)(f) of the Resource Management Act 1991 (the RMA), the following is an assessment against the matters set out in Part 2. It is noted that recent case law in the High Court decision on *RJ Davidson Family Trust v Marlborough District Council (2017)* NZHC 52 determined that “the Court is not required to consider Part 2 of the RMA beyond its expression in the planning documents...”. However, the ‘Davidson’ decision is currently under appeal, because of this and for completeness in regard to RMA Schedule 4 a brief assessment against Part 2 is provided below.

3.1 PURPOSE OF THE ACT ‘SECTION 5’

The purpose of the Act is set out in section 5 as follows:

- (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.*

The proposed subdivision and residential development will provide opportunity for an intensification of residential activity on the existing 1.0739ha site, which already contains an existing dwelling, a supplementary residential building, accessory buildings, a commercial café and associated car parking. The site also includes horticultural activity in the form of an area of around 3,000m² planted in plum trees, which the applicant advises are unable to make a profit. Effectively then the existing site is a large residential and commercially used property with little potential for economically sustainable horticulture.

The location of the site immediately adjoining the Clive – Whakatu Residential Zone boundary to the north east lends itself to providing additional residential land for Clive.

Intensification of residential activity on this property would effectively extend the southern boundary of the Clive residential area by 70m (at the widest part of the site) and in doing so will provide for the well-being of the applicant's and the residents of the proposed new residential sites without resulting in any significant loss of productive plains zoned land.

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The additional population provided for will also help support Clive's commercial infrastructure. In this way the application is consistent with 'sustainable management'.

The versatile soils of the Heretaunga Plains are a natural resource. Consideration to this resource must therefore be given under s5(2)(a) & (b) as to whether it will be threatened in terms of availability to future generations or in terms of its life supporting capacity, by the proposal. Given the existing capitalisation of buildings and development on the site and the existing unprofitability of the site for production (due to an uneconomic size), the loss of the versatile soil resource to urban development that would result from the proposal is not considered significant in terms of section 5 of the RMA.

In terms of physical resources under section 5.2(a) the proposed subdivision does help make the physical resource of the township of Clive have greater potential to meet the needs of future generations by providing new residential sites and dwellings to the market.

In terms of section 5(2)(c), the greatest potential for adverse effects on the environment from the proposal is in regard to the loss of Plains Production Zone land to urban development. The remainder of this assessment demonstrates that on balance this effect is no more than minor. As is also demonstrated in the remainder of this application, all other effects are able to be avoided remedied or mitigated.

Given the above assessment, the proposed subdivision will achieve the sustainable management purpose of the RMA.

3.2 MATTERS OF NATIONAL IMPORTANCE 'SECTION 6'

The proposed activity is not relevant to any of the matters of national importance in section 6 of the RMA aside from the following:

(d) the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:

This is in regard to access along the bank of the Clive River.

The Proposed Plan maps identify existing esplanade reserve areas as 'Open Space Zone' land with a dark green shading. Figure 1 below includes a Proposed Plan map followed by an aerial photograph of the same area below. The subject site is shown in a red outline. As can be seen below the subject site consists of two lots, one of which has had an esplanade reserve taken out of it at some stage in the past. Figure 1 also shows 2 narrower esplanade reserves (zoned Open Space) lying between residential zoned land and the river further to the north. None of the esplanade reserves are however contiguous so there is currently no public access along this portion of the Clive River bank to be maintained.

In regard to the matter of national importance identified in section 6(d), it has been given effect to by the 'esplanade reserve' provisions in the Proposed Plan which will be



discussed further below. The provisions of the Proposed Plan are given regard to below, including the assessment criteria relating to esplanade reserves. As is set out below the application offers a 5m wide strip of land adjacent the bank of the river as esplanade reserve. Section 6(d) can therefore be considered to have been recognised and provided for.



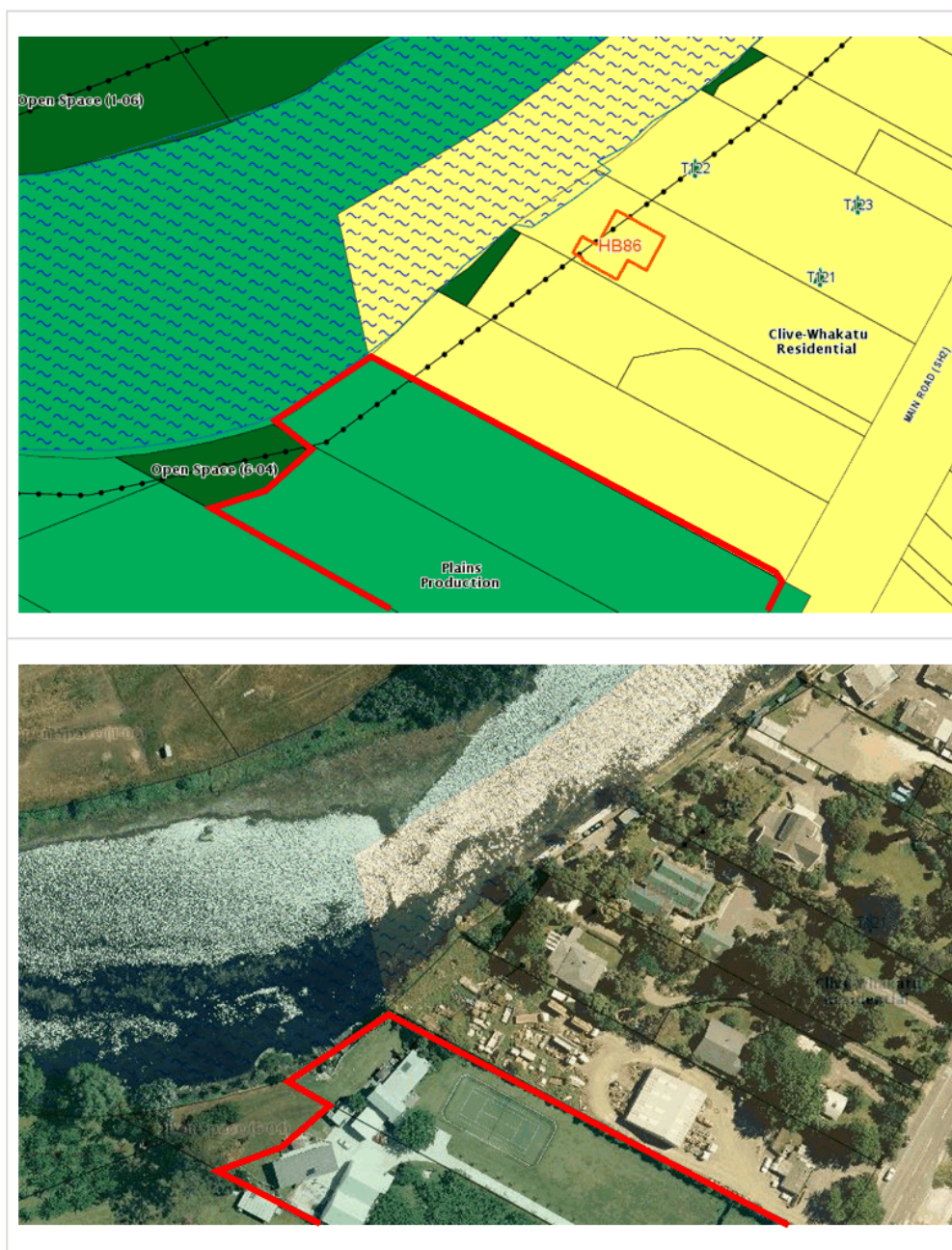


Figure 1 – HDC Intramaps Proposed Plan Layer, 126 Main Road Clive

3.3 OTHER MATTERS 'SECTION 7'

In terms of section 7 of the RMA the following matters are considered relevant:

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(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:

(f) maintenance and enhancement of the quality of the environment:

With regards to section 7(b), the proposed subdivision could not be considered an efficient use of Plains Production Zone land in the context of that zone which promotes activities utilising the versatile soil resource and seeks to protect that resource from urban encroachment. In a wider context however it is efficient use and development of a land resource with little potential for economically sustainable horticulture and which immediately adjoins an existing residential zone at 126 Main Road, Clive. This is particularly so given that this land, along with the land adjoining the southern extent of the township on the opposite side of Main Road, are the only areas clear of natural hazard and servicing constraints that apply to the other edges of Clive. As will be discussed further below this has been recognised in the recent review of the Heretaunga Plains Urban Development Strategy (HPUDS) in which the HPUDS Working Group's decision acknowledged that residential development on this site could be considered consistent with the aims and principles of HPUDS.

Section 7(ba) requires regard to be had to the efficient end use of energy. The proposed residential development despite being on the edge of Clive, is only 400m from the commercial zone in the centre of Clive. Providing opportunity for future housing within such close proximity to the Clive Village Centre will reduce the length of future vehicle trips and provide opportunity for the new residents to walk and cycle to the village centre in comparison to the same houses being provided in new greenfield areas located a greater distance away from commercial zones. Further to this cycling opportunities are also available to future residents with Main Road, Clive connecting the off road cycle paths to both Hastings (via Whakatu) and Napier.

The development does not compromise the maintenance and enhancement of amenity values and the quality of the environment (in regard to sections 7(c) and (f)) with little change being visible from the Main Road frontage which will still be fronted by the café, its associated carpark and the vehicular access into the site. New dwellings in the midst of the site may be visible beyond the carpark and row of plum trees proposed to be retained, but will have little effect on the amenity values of the wider area

3.4 TREATY OF WAITANGI – 'SECTION 8'

The proposed activity does not give rise to any issues in terms of the principles of the Treaty of Waitangi.



3.5 PART 2 CONCLUSION

In terms of an overall assessment under Part 2, given the above the proposed subdivision and land use activity can be considered positive in terms of promoting sustainable management.



4. ASSESSMENT OF DOCUMENTS REFERRED TO IN SECTION 104(1)(B)

As required by Schedule 4, Clause 2(1)(g) of the Act, the following is an assessment against any relevant provisions of a document referred to in section 104(1)(b).

4.1 NATIONAL ENVIRONMENTAL STANDARD FOR ASSESSING AND MANAGING CONTAMINANTS IN SOIL TO PROTECT HUMAN HEALTH (NESCS) (SECTION 104(1)(B)(i))

The proposed subdivision is occurring over former production land, with the plum orchard being a remnant of this use. Accordingly the applicant has commissioned a contaminated soils expert to report on this matter under the NESCS as is referred to in, and appended to, the main application document as **Appendix 3**. This report prepared by Safety and Environmental Services includes both a PSI and DSI and confirms that: “...the concentrations of expected contaminants do not exceed the NES limits, and hence this property does not require NES controls to be implemented”²

4.2 NATIONAL POLICY STATEMENT ON URBAN DEVELOPMENT CAPACITY (SECTION 104(1)(B)(iii))

The National Policy Statement on Urban Development Capacity (NPSUD) came into effect in 2016. Its preamble includes the following statement:

This national policy statement provides direction to decision-makers under the Resource Management Act 1991 (RMA) on planning for urban environments. It recognises the national significance of well-functioning urban environments, with particular focus on ensuring that local authorities, through their planning, both:

- *enable urban environments to grow and change in response to the changing needs of the communities, and future generations; and*
- *provide enough space for their populations to happily live and work. This can be both through allowing development to go “up” by intensifying existing urban areas, and “out” by releasing land in greenfield areas.*

The NPSUD includes the following objectives relating to ‘Outcomes for planning decisions’:

OA1: Effective and efficient urban environments that enable people and communities and future generations to provide for their social, economic, cultural and environmental wellbeing.

OA2: Urban environments that have sufficient opportunities for the development of housing and business land to meet demand, and which provide choices that will

² NES Soil Assessment Preliminary Site Investigation and Detailed Site Investigation, Property Located at 126 Main Road, Clive, Hastings 4102, Report to Charlie Davidson, Safety and Environmental Services, October 2017 (Page 11).



meet the needs of people and communities and future generations for a range of dwelling types and locations, working environments and places to locate businesses.

OA3: Urban environments that, over time, develop and change in response to the changing needs of people and communities and future generations.

Although the NPSUD objectives provide high level direction it is considered that the proposed subdivision and residential development at 126 Main Road, Clive is generally consistent with these objectives. Particularly in seeking to provide residential choice in the form of new housing in Clive (where there are currently no greenfield residential opportunities available for new housing).

The most relevant policy of the NPSUD to this application is considered to be the following:

PA4: When considering the effects of urban development, decision-makers shall take into account:

a) The benefits that urban development will provide with respect to the ability for people and communities and future generations to provide for their social, economic, cultural and environmental wellbeing; and

b) The benefits and costs of urban development at a national, inter-regional, regional and district scale, as well as the local effects

The proposed subdivision and residential development would provide benefit for the well-being of the future owners and residents.

In regard to benefits these apply across territorial local authority boundaries in providing for additional residential development in a location that will support an existing urban area in Clive, which is within comfortable commuting distance of the employment available in both Hastings and Napier.

The potential cost of the proposed development is the loss of Plains Production Zone land for productive use. As discussed above however the land has limited potential for such use. Other local effects are largely mitigated by the proposed new dwellings being located in the midst of the site. Also the additional traffic to the site will be via an existing commercial access to the café that is shared by the remainder of the site. The additional traffic generated by the 4 new dwellings will be somewhat masked by the existing traffic levels entering the café carpark and the applicant has comments from both the New Zealand Transport Agency (NZTA) and the Hastings District Council confirming that the existing access from Main Road is acceptable for the proposed development. See **Appendix 4** of the application documents. The NZTA comment is provided in the form of an affected person's written approval to the application and in particular the existing access serving an additional 4 dwellings.

As set out in the application any adverse effects of the proposed subdivision can be avoided, remedied and mitigated.



4.3 HAWKE'S BAY REGIONAL RESOURCE MANAGEMENT PLAN (SECTION 104(1)(B)(v))

The Hawke's Bay Regional Resource Management Plan 2006 (RRMP) includes the regional policy statement (RPS) for the Hawke's Bay Region, which contains the following relevant objectives and policies set out in italic font with the assessment of the proposed activity against them in plain font.

OBJ UD1 Establish compact, and strongly connected urban form throughout the Region, that:

a) achieves quality built environments that:

- i. provide for a range of housing choices and affordability,*
- ii. have a sense of character and identity,*
- iii. retain heritage values and values important to tangata whenua,*
- iv. are healthy, environmentally sustainable, functionally efficient, and economically and socially resilient, and*
- v. demonstrates consideration of the principles of urban design;*

b) avoids, remedies or mitigates reverse sensitivity effects in accordance with objectives and policies in Chapter 3.5 of this plan;

c) avoids, remedies or mitigates reverse sensitivity effects on existing strategic and other physical infrastructure in accordance with objectives and policies in Chapter 3.5 and 3.13 of this plan;

d) avoids unnecessary encroachment of urban activities on the versatile land of the Heretaunga Plains; and

e) avoids or mitigates increasing the frequency or severity of risk to people and property from natural hazards.

Principal reasons and explanation

A sprawling uncontrolled pattern of development does not promote sustainable forms of development and promotes less efficient use of existing infrastructure. High levels of amenity, quality living environments, and retention of significant features and values are harder to achieve when development is not well designed and connected. Sprawling development also leads to unsustainable encroachment onto versatile land which underpins much of the Region's economy. Transitioning to a more compact, well-designed and strongly connected urban form better supports the economic, social and cultural wellbeing of the Region's people and communities.

The proposed application is consistent with the above objective insofar as it will promote a connected urban form in allowing for a minor extension of the Clive settlement. As the frontage of the site is already developed with a café and carpark and is within the urban 50km/hr speed zone, the proposed residential subdivision and development would appear from a visual perspective to be more of an intensification within the existing edge of Clive rather than an extension.

In regard to the matters listed, the proposal is consistent with providing for a quality built environment consistent with the principles of urban design as it will:

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- Provide a greenfield residential housing choice in Clive with the proposed 4 new sites;
- The location of the new sites behind the café will have character and identity from the existing landscape features including the fruit trees adjacent the café outdoor space and the tennis court and open space area in front of the applicant's dwelling, and the proposed tree lined access;
- The new sites will be sustainable and efficient given the site layout designed to maximise sunlight to outdoor living spaces and the living areas of the dwellings and due to the close proximity to the Clive town centre, cycle ways, bus routes and the State Highway network;

The proposed subdivision is not anticipated to give rise to any reverse sensitivity effects. The main risk for such effects is in regard to the neighbouring Plains Production Zone property to the southwest (120 Main Road, Clive) which is effectively a lifestyle residential property, with a site size of 1.38ha but contains an area of kiwifruit orchard. The red dashed line shown on the aerial photograph in Figure 2 below identifies that part of the boundary with this adjoining Plains Production Zone property that two of the proposed new lots would adjoin.



Figure 2 – Interface with adjoining Plains Production Zone site

The Plains Production Zone building setback is 15m which would be unreasonable to comply with in the context of the proposed development as it would reduce the efficiency of the proposed site layout which seeks to push the buildings back towards this boundary to maximise the north facing outdoor living space. It is noted that the Clive Whakatu Residential Zone only requires a building set back of 2m from boundaries and does not require any greater set back from Plains Production Zone boundaries.



It is noted that the owners of 120 Main Road Clive have not provided their written approval to the application. To avoid both reverse sensitivity effects and visual effects on these neighbours the following mitigation measures are proposed:

- A close boarded 1.8m high wooden fence along the boundary (identified with the red dashed line in Figure 2 above) to form an acoustical and visual barrier.
- Hedge row planting of an upright tree species on the inside of this boundary to additionally buffer reverse sensitivity effects and delineate the edge of residential development.
- A consent notice condition requiring 'no-complaints covenants' on the titles to be issued for the new lots created, to mitigate reverse sensitivity effects on 'Land Based Primary Production' activities within the Plains Production Zone.

Objective UD1(d) refers to avoiding unnecessary encroachment on to the versatile soils of the Heretaunga Plains. The proposed subdivision and residential development is considered to be appropriate urban development in providing for a minor extension of the Clive Settlement on land that is suitable for supporting such development. This conclusion is supported by the HPUDS Working Party's decisions on the 2016 / 2017 HPUDS review as is discussed further below.

In regard to natural hazards and Objective UD1(e) the proposed development is clear of any flooding hazards (unlike other areas around Clive) as verified by the 'Hawke's Bay Natural Hazard Property Report' for the site attached to the application as **Appendix 5**. As with this part of the Heretaunga Plains and the existing Clive settlement, the area is identified as having high earthquake liquefaction susceptibility but this is able to be mitigated with the appropriate building design as required by the New Zealand Building Code.

PLANNED PROVISION FOR URBAN DEVELOPMENT (HERETAUNGA PLAINS SUB-REGION) OBJ UD4

Enable urban development in the Heretaunga Plains sub-region, in an integrated, planned and staged manner which:

- a) allows for the adequate and timely supply of land and associated infrastructure; and*
- b) avoids inappropriate lifestyle development, ad hoc residential development and other inappropriate urban activities in rural parts of the Heretaunga Plains sub-region.*

Principal reasons and explanation: Successful long term growth management is dependent on integrating long term land use, the infrastructure necessary to support this growth and the ability to fund and supply the infrastructure in a timely and equitable manner. In order to protect the productivity of rural land in the Heretaunga Plains, all inappropriate urban development should be avoided.



As has already been discussed the proposed development is not considered to be an inappropriate urban activity and has been acknowledged as being capable of being provided for by way of resource consent in the recent HPUDS review which resulted in the *Heretaunga Plains Urban Development Strategy 2017*. This is explained in more detail below.

PROVISION FOR URBAN ACTIVITIES (HERETAUNGA PLAINS SUB-REGION) POL UD1

In providing for urban activities in the Heretaunga Plains sub-region, territorial authorities must place priority on:

- a) the retention of the versatile land of the Heretaunga Plains for existing and foreseeable future primary production, and*
- b) ensuring efficient utilisation of existing infrastructure, or*
- c) ensuring efficient utilisation of planned infrastructure already committed to by a local authority, but not yet constructed.*

Principal reasons and explanation: Efficient utilisation of existing infrastructure investment (or planned infrastructure already committed to (e.g. by funding) by not yet constructed) and the retention of the versatile land of the Heretaunga Plains for existing and foreseeable future primary production must underpin all decisions surrounding provision for urban activity in the Heretaunga Plains sub-region in order to achieve the desired settlement pattern outlined in HPUDS2010. For clarification, the supply of land for residential and industrial activities where they support effective and efficient use and management of versatile land would not conflict with Policy UD1, and would assist in achieving Policy UD1(a).

It is acknowledged that the subject site is located on the versatile land of the Heretaunga Plains. The property is however unable to be used in an economically sustainable way for productive purposes due to the small land area available for production. This means that the proposed residential subdivision and development of the property in a manner that provides for a logical extension of the Clive settlement is an effective and efficient use of versatile land. As is explained below the logic of such development on the site was recognised by the HPUDS Implementation Working Group (the Working Group) and resulted in amendments to the reviewed HPUDS document³ that specifically exempt this property and another larger site on the opposite side of Main Road from the reference to Clive as being inappropriate for greenfields residential development.

Such an acknowledgement by the Working Group recognises that residential development of the subject site does ensure an efficient development of existing infrastructure. The roading infrastructure and footpaths are already in place outside the property, which due to the café and the neighbouring residential sized site to the south west already appears visually to be part of the Clive settlement. As is explained in the application the new

³ *Heretaunga Plains Urban Development Strategy 2017* (page 25)



residential dwellings are proposed to be connected to the reticulated sewage system and can be serviced for water from an existing artesian bore (See **Appendix 6, 7 and 8**). Other infrastructure available includes both local and intercity bus services located a short walk from the site into Clive.

NEW RESIDENTIAL GREENFIELD GROWTH AREA CRITERIA (HERETAUNGA PLAINS SUB-REGION) POL UD4.2

In determining future Residential Greenfield Growth Areas, not already identified within Policy UD4.3, for inclusion within urban limits in the Heretaunga Plains sub-region, the following general criteria shall apply:

- a) Must form an extension contiguous with existing urban areas and settlements.*
- b) Land is identified as having low versatility, and/or productive capacity has been compromised by:

 - i. Size and shape of land parcels that mitigates against productive use;*
 - ii. Surrounding land uses and reverse sensitivity;*
 - iii. Lack of water and/or poor drainage.**
- c) Clear natural boundaries exist, or logical greenbelts could be created to establish a defined urban edge.*
- d) Supports compact urban form.*
- e) Can be serviced at reasonable cost.*
- f) Can be integrated with existing development.*
- g) Can be integrated with the provision of strategic and other infrastructure (particularly strategic transport networks in order to limit network congestion, reduce dependency on private motor vehicles and promote the use of active transport modes).*
- h) An appropriate separation distance from electricity transmission infrastructure should be maintained in order to ensure the continued safe and efficient operation and development of the electricity transmission network.*
- i) Promotes, and does not compromise, social infrastructure including community, education, sport and recreation facilities and public open space.*
- j) Avoids or mitigates the following locational constraints:

 - i. projected sea level rise as a result of climatic changes*
 - ii. active coastal erosion and inundation*
 - iii. stormwater infrastructure that is unable to mitigate identified flooding risk*
 - iv. flood control and drainage schemes that are at or over capacity*
 - v. active earthquake faults*
 - vi. high liquefaction potential*
 - vii. nearby sensitive waterbodies that are susceptible to potential contamination from on-site wastewater systems or stormwater discharges*
 - viii. no current wastewater reticulation and the land is poor draining*
 - ix. identified water short areas with the potential to affect the provision of an adequate water supply.**



The main application document comprehensively responds to the criteria listed under Policy UD4.2 in demonstrating that the proposed subdivision is consistent with this Policy. There is no need for this assessment to be repeated here.

INAPPROPRIATE RESIDENTIAL GREENFIELD GROWTH AREAS (HERETAUNGA PLAINS SUBREGION) POL UD4.4

Within the Heretaunga Plains sub-region, areas where future residential greenfield growth has been determined as inappropriate, beyond existing settlements are:

- a) Waipatiki Beach*
- b) Tangoio*
- c) Whirinaki*
- d) Puketapu*
- e) Jervois town and Meeanee*
- f) Clive*
- g) East Clive*
- h) Clifton*
- i) Ocean Beach – apart from the potential for appropriate growth of the existing Waipuka beach settlement^{1d} on Maori land inland of areas at risk of coastal hazards*
- j) Natural detention areas (50 year flood ponding areas).*
- k) Haumoana (north of East Road)*

Clive is listed as an inappropriate greenfield growth area in Policy UD4.4 of the RPS as quoted above which is a direct implementation of the HPUDS 2010 document which identified the inappropriate greenfield growth areas. The recent HPUDS Review however resulted in the HPUDS Implementation Working Group making the following recommendation in regard to Clive⁴:

1. *To the reference to Clive under the heading 'Areas Where Greenfield Growth is Deemed Inappropriate' is recommended:*

Clive (except for the areas off the end of Read Crescent, and between Main Rd (SH2) and Muddy Creek; and between Main Rd and the Clive River opposite the Mill Rd intersection).

2. *Identify the 4ha property at Clive South (i.e. the Batt property) as an indicative greenfield growth area.*
3. *Incorporate a map in HPUDS to illustrate the exception areas referred in the amendment above.*
4. *The Working Group agrees that the 1.1ha property at 126 Main Road Clive (i.e. the Davidson property) should not be identified in HPUDS as a greenfield growth area, but notes that the landholders could choose to pursue a development proposal through a resource consent application process.*

⁴ <http://www.hpuds.co.nz/assets/Document-Library/Strategies/FINAL-HPUDS-IWG-Recommendations-Themes-1-6.pdf>



The wording recommended by the Working Group shown in bold above was adopted by all three partner Councils and is now included in the 'Heretaunga Plains Urban Development Strategy – 2017' document⁵ (page 25). Although the Working Group did not identify the applicant's property as an area suitable for greenfields growth (mainly due to its small size not justifying its inclusion), the property is specifically identified in the exceptions to Clive as an inappropriate development area, in that it is the property referred to above as "*being between Main Road and the Clive River opposite the Mill Road intersection*". By including this in the specific exception and with the wording of recommendation 4 above, the Working Group's decision contemplates that the applicant's property will be developed via a resource consent application.

Given all of the above, although Policy UD4.4 of the RPS states Clive as an inappropriate area for greenfields residential growth, this policy has effectively become outdated with the adoption of the HPUDS 2017 document by the Hawke's Bay Regional Council (and the other two partner Councils being Napier City and Hastings District). The HPUDS 2017 document therefore forms the most recent Regional Council policy decision in regard to urban growth and should therefore be considered where there is conflict between it and the RPS as is the case here.

AD HOC URBAN DEVELOPMENT (HERETAUNGA PLAINS SUB-REGION) POL UD10.2
In the Heretaunga Plains sub-region, avoid inappropriate ad hoc urban development within the residential greenfield growth areas identified in Policy UD4.3 or created under Policy UD4.2 prior to rezoning taking place.

Given the findings of the Working Group and the subsequent amendments to HPUDS 2017 adopted by the three partner Council's, the proposed subdivision is not considered to be 'ad hoc' nor 'inappropriate' urban development'.

Other relevant objectives from the RPS to the proposed development relate to reverse sensitivity (OBJ 16) and natural hazards (OBJ 31) and are listed as follows:

OBJ 16 For future activities, the avoidance or mitigation of off site impacts or nuisance effects arising from the location of conflicting land use activities.

OBJ 31 The avoidance or mitigation of the adverse effects of natural hazards on people's safety, property, and economic livelihood.

The potential reverse sensitivity and natural hazard risks of the proposed subdivision and development have been discussed above under Objective UD1 and are able to be avoided, remedied or mitigated.

⁵ <http://www.hpuds.co.nz/assets/Document-Library/Strategies/2017-Heretaunga-Plains-Urban-Development-Strategy-incl-Maps-AUG17.pdf>



4.4 OTHER DOCUMENTS REFERENCED IN 104(1)(b)

In terms of other documents referred to by section 104(1)(b) of the RMA, the site is not within the coastal environment so the New Zealand Coastal Policy Statement is not relevant, nor is it considered that any other national policy statements or other regulations are necessary to consider in terms of this application. This leaves regard to be had to 104(1)(b)(vi) 'a plan or proposed plan'. In regards to this, the Proposed Hastings District Plan is the relevant document (as discussed under section 2.1 above) and this is assessed below.



5. PROPOSED HASTINGS DISTRICT PLAN

As discussed under section 2.1 of this assessment, non-complying resource consent is required under Rule SLD25 of the Subdivision and Land Development section of the Proposed Plan, due to standard 30.1.6A 'Minimum Site Sizes' not being met. Non-Complying Activity consent is also required under Rule PP38 of the Plains Production Zone due to standard 6.2.6B 'Residential Buildings' not being met and Restricted Discretionary Activity consent is required under Rule PP24 for breaches of the building yard setback performance standards (6.2.5B).

I consider that the following sections of the Proposed Plan are relevant to the assessment of this application: Sections: 2.4 Urban Strategy; 2.8 Rural Resource Strategy; 6.1 Plains Strategic Management Area; 6.2 Plains Zone; Section 10.1 Clive Whakatu Strategic Management Area, Section 10.2 Clive Whakatu Residential Zone, Section 26.1 Transport and Parking and Section 30.1 Subdivision and Land Development. Accordingly, the provisions in these sections are assessed below.

As required by Schedule 4, Clause 2(2) the following assessment is against the objectives and policies of the Proposed Plan and the relevant rules (in terms of Plan Standards and Assessment Criteria). The relevant objectives and policies and where appropriate, rules, are assessed in the numerical order of plan section as follows, with the provisions listed in italic font and the assessment of them in plain font.

5.1 SECTION 2.4 URBAN STRATEGY

Section 2.4 includes the following relevant objectives and policies:

OBJECTIVE UDO1

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

POLICY UDP1

To achieve containment of urban activities and provide for residential greenfield growth in the areas identified as appropriate within the Hastings Urban Development Study document through to 2015 and in HPUDS for the period beyond 2015 and through to 2045.

POLICY UDP2

To manage the supply of greenfield sites to encourage medium density housing within the existing urban boundaries.

Explanation

The provision for urban growth is provided for under both the Hastings Urban Development Study which outlines the growth areas for the City through to 2015 and thereafter by the Heretaunga Plains Urban Development Strategy. HPUDS recommends a policy of urban containment requiring greater levels of medium

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density housing within the existing urban boundaries. In order to ensure that containment occurs, HPUDS identifies growth areas and also areas where growth is not appropriate.

As explained above HPUDS 2017 specifically removes the subject site from the list of inappropriate development areas and the HPUDS Working Group's decision acknowledges that the subject site is appropriate to consider for urban development via the resource consent process. The proposed subdivision is therefore consistent with HPUDS 2017 and the above objective and policies.

OBJECTIVE UDO2 To ensure that new urban development is planned for and undertaken in a manner that is consistent with the matters outlined in the Hawke's Bay Regional Policy Statement.

POLICY UDP3 Priority is to be placed on the retention of the versatile land of the Heretaunga Plains, the protection of the Heretaunga Plains Unconfined Aquifer from the adverse effects of urban development and the efficient utilisation of existing infrastructure.

As has been assessed above the proposed subdivision and development is generally consistent with the Hawke's Bay Regional Policy Statement.

In regard to Policy UDP3 the versatile land within the subject site is considered to be appropriate for use for urban development as has been acknowledged in HPUDS 2017.

OBJECTIVE UDO3

To establish an effective and sustainable supply of residential and business land to meet the current and future demands of the Hastings District Community.

POLICY UDP8

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

Explanation

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

The proposed subdivision and development will provide a residential choice for new residential sections in Clive. There was a fast uptake of residential development in Clive in the 2000's demonstrating that this is a sought after area for its location adjacent to the river and close to the coast and the urban centres of Napier and Hastings. This proposal will offer the opportunity for more people to benefit from living in this location.



OBJECTIVE UDO4

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

POLICY UDP9

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

POLICY UDP10

To identify distinct and clear boundaries between the urban area and the Plains Zone.

POLICY UDP11

In the absence of distinct physical boundaries such as roads or rivers, require the provision of greenbelts to maintain separation distances between the Urban and Plains environment and also to separate distinctive urban areas.

Explanation

Studies have shown that primary production is and will continue to be the force behind the local economy. Feedback from the community makes it clear that there should be greater recognition given to the importance of the versatile land of the District and the protection of them from land uses that are not associated with primary production. There has been a perception by the community of an on-going creep of urban development onto the Plains; and the Council has ensured that the identified greenfield growth areas are accompanied by clear and distinct boundaries which will be able to be readily defended from further expansion proposals in the future. The community also recognised that there is a need to keep the identities of distinctive communities such as Havelock North and Hastings separate and therefore a greenbelt should always be maintained between such communities.

Council also wishes to curb the trend for out of zone commercial development that has found its way into the Plains Zone over recent years. This has often been on the premise that it is an efficient use of a resource by re-using existing buildings but there has been no recognition given to the effect that these activities are having on the existing commercial centres of the District.

Given the recognition of the subject property in HPUDS 2017 and in the Working Group's decision document, its subdivision and residential development should not be considered 'ad hoc residential development' or 'unnecessary urban expansion'. In regards to a distinct physical boundary, the northern and eastern boundaries of the site are adjacent and opposite existing residential zoned land and the western boundary is well defined by the Clive River.

It is acknowledged that there is not a distinct physical buffer between the southern boundary of the site and the adjoining Plains Production zoned property (see Figure 2 above). This is however no different to the existing situation where there is no defined edge to the current Clive Whakatu Residential Zone boundary along the subject's sites northern edge. As discussed above however the mitigation measures proposed in regard



to reverse sensitivity effect would result in the construction of a 1.8m high close boarded wooden fence and an associated hedge along the southern boundary of proposed Lots 6 & 7.

The existing accessory building and dwelling on proposed Lot 3 and the existing residential sized property at 124 Main Road, Clive prevents a buffer strip of any width being formed along the full extent of the southern boundary. Implementing a buffer strip on Lots 6 & 7 only would reduce the residential potential and therefore the efficiency of the proposed subdivision as one of both of Lots 6 and 7 would require removal to provide for a buffer strip (of 10m or greater in width). In these circumstances it is considered that the proposed application better provides for sustainable management than the creation of a planted buffer area in place of Lots 6 and 7 would.

As already discussed, physical demarcation of the edge of the residential area and a buffer to mitigate potential noise, odour, dust and reverse sensitivity effects is proposed by a close boarded 1.8m high wooden fence and a shelterbelt of an upright species inside the fence on Lots 6 and 7.

5.2 SECTION 2.8 RURAL RESOURCE STRATEGY

Section 2.8 includes the following relevant objectives. As the proposal is to change the subject site from being part of the rural resource to being urban, the policies of the zone are generally not relevant aside from Policy RRSP4 which relates to urban activities.

OBJECTIVE RRSO1

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

OBJECTIVE RRSO2

To enable the efficient and innovative use and development of rural resources while ensuring that adverse effects associated with activities are avoided, remedied or mitigated.

The proposed subdivision and development is a deliberate conversion of the subject site from part of the rural resource to part of the urban resource in a manner that is generally consistent with HPUDS 2017, the RPS and Section 2.4 of the Plan's Urban Strategy. As such it is not expected that the proposed subdivision and development would be consistent with the above objectives.

OBJECTIVE RRSO3

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

Objective RRSO3 relates to reverse sensitivity. It is acknowledged that residential development of the subject site creates potential for new residents to complain about noise or odour from productive rural activities further to the south. As explained above a



physical barrier in the form of a closed boarded wooden fence and shelter belt are proposed along the boundary of Lots 6 and 7 to mitigate against reverse sensitivity effects. In addition to this it is also proposed that a 'no complaints' condition to be applied to Lots 1 – 7 by way of consent notice, to help mitigate reverse sensitivity effects.

POLICY RRSP4

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

Explanation

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

This policy seeks to protect the rural land resource from conversion to sporadic and uncontrolled urban activities and in particular land adjacent urban areas and national traffic corridors. Although the subject site is adjacent an urban area and a national traffic corridor (Main Road is part of State Highway 2), the proposed subdivision and development is not 'sporadic and uncontrolled', due to the potential of the site for residential development being acknowledged in HPUDS 2017 and in the HPUDS Working Group's decision documents. This means that the subject site has been through the comparative analysis carried out as part of the HPUDS review where various sites were considered in regard to their appropriateness for future residential use. Such use was considered to be inappropriate for a number of sites and the Working Group did not include reference to those sites in HPUDS 2017. It is therefore significant that the potential of the subject site was acknowledged and in this way its residential development can be considered appropriate rather than 'sporadic and uncontrolled'.

OBJECTIVE RRSO4

To ensure that the natural, physical, and cultural resources of the rural area that are of significance to the Hastings District are protected and maintained.

The Clive River is identified in the Proposed Plan as a resource of significance to the Hastings District. The proposed 5m esplanade reserve acknowledges this importance of



future public access being available along the banks of the river. The appropriateness of the 5m width is discussed further below under Section 30.1.

5.3 SECTION 6.1 PLAINS STRATEGIC MANAGEMENT AREA

The most relevant 'over arching objective' in this section is:

OVER ARCHING OBJECTIVE PSMO1

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

There are six policies listed under this objective in section 6.1. These policies set out how the productive potential and open nature of the Plains environment is sought to be retained. Clearly the subdivision and residential development of the subject site is not consistent with this objective or policies as it will effectively result in urban development within the Plains Strategic Management Area. As set out above, the urban development proposed in the application is assessed positively in terms of Part 2 of the Act, the NPS for Urban Development Capacity, the RPS and Section 2.4 Urban Strategy of the Plan. On this basis it is not expected that the application could also achieve consistency with those objectives and policies seeking to protect the land resource of the Plains Production Zone from urban activities.

5.4 SECTION 6.2 PLAINS PRODUCTION ZONE

Similar comments apply in relation to the Plains Production Zone Objectives and Policies as for those made above in regard to the Plains Strategic Management Area. For completeness the Objectives applying to the Plains Production Zone are listed as follows:

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

OBJECTIVE PPO2 To provide for flexibility in options for the use of versatile land.

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

OBJECTIVE PPO4 To enable the operation of activities relying on the productivity of the soil without limitation as a result of reverse sensitivities.

OBJECTIVE PPO5 To enable Wineries to vertically integrate activities associated with the production of grapes where they do not compromise the versatile land.

OBJECTIVE PPO6 To provide for Existing Regional Infrastructure facilities that contribute to the transport and service network.

OBJECTIVE PPO7 To ensure the Integrated management of the land and water resources on the Heretaunga Plains.

OBJECTIVE PPO8 To recognise and provide, as scheduled activities, land uses that are long established on a site, or previously zoned industrial sites, that have a proven economic benefit to the community.



OBJECTIVE PPO9 To ensure the life supporting capacity of the Heretaunga Plains Unconfined Aquifer water resource is not compromised by the effects of land use occurring above it.

OBJECTIVE PPO9 (sic) To recognise the unique soil and climatic characteristics and the uniform land use of the Roys Hill area of the District.

Of these objectives, 1 – 4 and 7 are general while the others are all specific to particular types of activities or locations. Of the general objectives, they are based around protecting the versatile land resource for productive activities which use this resource and the character and amenity values that are associated with such land uses. As explained above this application seeks to change the subject site to urban residential use. If granted it would be appropriate for the subject site to be rezoned residential in the next review of the District Plan. On this basis it cannot be expected that the proposed application would be consistent with the objectives and policies of the Plains Production Zone.

5.4.1 Plains Production Zone Performance Standards

Because the Plains Production Zone is still the current zoning of the site the proposed development is still subject to the relevant rules and standards of this zone. Table 1 below sets out the standards within Section 6.2 that are relevant to the proposed development.

Table 1 - Relevant General and Specific Performance Standards from Section 6.2

Plan Standard	Proposed	Comment
6.2.5A BUILDING HEIGHT <i>Maximum height 10 metres.</i>	The proposed residential buildings are still to be designed but will comply with this standard.	Will comply
6.2.5B YARDS <i>Residential Activities</i> <i>Residential Buildings</i> <i>(including supplementary units) on Plains Sites</i> <i>Front yard 7.5 metres</i> <i>All other boundaries 15.0 metres, except for accessory buildings where 5m applies.</i>	The 15m setback from other yards is impracticable to achieve in a residential subdivision and will not be complied with by the proposed dwellings to be erected on Lots 4 – 7.	Consent required
6.2.5C PROTECTION OF FLOOD CHANNELS <i>Note: Under the Regional Resource Management Plan, there is a requirement for</i>	No buildings are proposed in proximity to the Clive River as part of this development.	Will comply

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Plan Standard	Proposed	Comment
<i>setbacks from watercourses...</i>		
6.2.5D SCREENING <i>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.</i>	The existing Café is a commercial activity that has been separately consented and includes front yard landscaping.	No change to commercial activity landscaping.
6.2.5E LIGHT AND GLARE <i>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.</i>	Will be complied with.	Will comply
6.2.5F TRAFFIC SIGHTLINES, PARKING, ACCESS AND LOADING <i>Activities shall comply with the provisions of Section 26.1 of the District Plan on Transport and Parking.</i>	See assessment below.	See Table 3 below.
6.2.5G NOISE <i>Activities shall comply with the provisions of Section 25.1 of the District Plan on Noise.</i>	Compliance will be required on an ongoing basis.	Will comply
6.2.5H SHADING OF LAND, BUILDINGS AND ROADS <i>3. Buildings on Sites Adjoining Residentially Zoned Land Buildings adjacent to any boundary of a residentially zoned site, shall not project</i>	The building platforms shown on each of Lots 4 – 7 are setback from all boundaries by approximately 5m. This standard will be easily met with residential buildings at such a set back.	Will comply

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Plan Standard	Proposed	Comment
beyond a building envelope constructed from recession planes from points 2.75 metres above the boundary. The angle of such recession planes shall be determined for each site by use of the recession plane indicator in Appendix 60.		
6.2.5I HEIGHT IN RELATION TO BRIDGE PA AERODROME	Not applicable to Clive	Will comply
6.2.5J TOTAL BUILDING COVERAGE (INCLUDING HARDSTAND AND SEALED AREAS) <i>The maximum building coverage (including hardstand and sealed areas) shall not exceed 35% of the net site area or 1500m², whichever is the lesser.</i>	An exact figure is not available but the combined area of the sealed areas and buildings on proposed Lot 1 is already non-complying at approximately 2,000m ² . There will be no significant change to existing area of building coverage on Lots 1, 2 and 3. Development on proposed Lots 4 – 7 will comply with 35%.	Existing situation Lots 1 – 3. Lots 4 – 7 will comply.
6.2.6B RESIDENTIAL BUILDINGS <i>One residential building shall be allowed per site provided that the site shall be a minimum area of 2500m².</i>	This standard will not be complied with on Lots 3 – 7 as these sites either contain or are proposed to contain residential activities and have the following site areas: Lot 3: 702m ² Lot 4: 1,001m ² Lot 5: 1,001m ² Lot 6: 1,178m ² Lot 7: 1,187m ²	Consent required.

As set out above land use consent is required due to con-compliance with standards 6.2.5B 'Yards', and 6.2.6B 'Residential Buildings'.

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5.5 SECTION 10.1 CLIVE WHAKATU STRATEGIC MANAGEMENT AREA

The relevant objectives and policies of the Clive Whakatu Strategic Management Area are set out and assessed below:

OVERARCHING OBJECTIVE CPO1

The existing scale, extent, and identity of the built environment of Clive and Whakatu is retained.

POLICY CPP1

To ensure that the subdivision of urban land within the Clive SMA does not adversely impact on identified hazards and infrastructure limitations.

Explanation: Clive and Whakatu have stormwater capacity issues with the Muddy Creek system unable to accommodate any further stormwater without significant downstream impacts. The larger lot sizes are required to reduce the volume of stormwater runoff and this will also assist in maintaining the level of amenity currently enjoyed within the settlement. In order to mitigate the effects on the existing flood hazard, on-site attenuation of stormwater will be required.

POLICY CPP2

Ensure that with any infill development the existing level of amenity of the residential environment is maintained by establishing minimum site sizes, site coverage, and landscaping rules that are compatible with the existing residential environment.

Explanation: While the future growth of the Clive-Whakatu residential area is confined to its existing zoned boundaries, there is the potential for additional infill to occur. This could result in a level of effects that may not be compatible with the level of amenity that the Clive and Whakatu communities value. A set of standards for residential development will assist in ensuring that the current levels of amenity enjoyed will be retained.

In regard to objective CPO1 and Policy CCP2, the minimum site size in the Clive Whakatu Residential Zone is 1,000m². Proposed Lots 4 – 7 all comply with this ranging in size from 1,001m² to 1,187m². This will be consistent with the established residential density and amenity levels in Clive.

Proposed Lot 3 is only 702m², however its boundaries are based on existing buildings and access arrangements and will not give rise to any additional development so existing amenity levels would remain unchanged. Further to this any amenity effects from the smaller site size would be internalised to the applicant's dwelling within proposed Lot 1 rather than any other person.

In regard to CCP1, the subject site is clear of identified flood hazards as shown in the Emergency Management Portal Hazard Report in **Appendix 5**. Water supply is to be from an existing bore with connections secured by easement (see also **Appendices 6 and 7**) and as set out in the main application document (and in **Appendix 8**) wastewater connections are available and proposed to be secured to each lot by easement.

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OVERARCHING OBJECTIVE CPO2

To ensure that any development within the Clive-Whakatu Strategic Management Area provides for a safe and sustainable built environment and recognises the importance of the adjacent versatile soil resource to the District.

POLICY CPP3 Future residential development and subdivision must be undertaken within the existing Zone boundaries to avoid the identified flood hazard areas and safeguard versatile soils.

Explanation: The Heretaunga Plains Urban Development Strategy has recommended that no further growth beyond the existing zoned residential boundaries be provided for at Clive or Whakatu. This is due to stormwater capacity issues, beyond the boundary of parts of the existing zoned area and also to achieve compact development within the existing urban areas in the District to prevent spread onto the versatile soils. The no growth recommendations does not preclude further infill development from occurring on the larger sites as long as the stormwater effects can be successfully attenuated, and the character valued by the Clive and Whakatu communities maintained.

The proposed development will add to the sustainability of Clive by providing additional residents within walking distance of the commercial centre in a manner that is visually compatible with the existing urban extent of Clive. That is development will not extend beyond the existing Café and neighbouring 124 Main Road, Clive which are within the existing 50km/hr speed restriction area. There will be little noticeable change in the street frontage of the site when viewed from Main Road as a result of the development.

As discussed above the residential development of the subject site has been considered in the recent HPUDS review and considered to be an appropriate use of the versatile soil resource of the site and specifically exempted from the reference to Clive as an inappropriate area for residential development. One of the reasons for this is that the subject site and that part of Clive between Main Road and the Clive River is the highest part of Clive at over 3m above sea level. The residential areas on the opposite side of Main Road are generally only 2m or less above sea level. The subject site is therefore not subject to the same flooding risk that other fringe areas of Clive are.

POLICY CPP4 All new development in the Clive Whakatu SMA should be managed to ensure that any adverse effects on the safety and efficiency of the local road network of the State Highway is avoided.

Explanation: Transport is an important issue for the Clive and Whakatu communities as many of the residents travel to and from either Hastings or Napier for work and schooling. The commercial centre of Clive is located on the State Highway and many of the community facilities are accessed directly off the State Highway. It is important that consideration is given to the effects of the land use on the State Highway and to safe access to and from properties.

As confirmed in the main application documents and the attached written approval from NZTA and comments from Hastings District Council (**Appendix 4**), the existing access



arrangement from Main Road and the proposed internal access to the new Lots avoids any adverse effects on the road network.

5.6 SECTION 10.2 CLIVE WHAKATU RESIDENTIAL ZONE

The following objectives and policies of section 10.2 are considered relevant to the application. Although the subject site is not zoned Clive Whakatu Residential, it is anticipated that it would be rezoned to such a zoning in the future. As set out below this application also requests that the relevant standards of the Clive Whakatu Residential Zone be applied to the residential development of proposed Lots 4 – 7.

OBJECTIVE CWRO1 To maintain and enhance environmental quality in Clive and Whakatu by facilitating a reasonable balance between development intensity and achieving high standards of residential amenity.

POLICY CWRP1

Minimise the adverse effects of developments in the Clive and Whakatu residential areas created by inappropriate building scale, overshadowing, building bulk, excessive site coverage or invasion of neighbourhood privacy.

Explanation: People's perception of the residential amenity in their neighbourhood is largely dependent upon adequate access to daylight, sunlight, private open space and outlook. These amenity characteristics will be adversely affected by buildings which are out of character or scale with the residential environs. A further concern is infill development, where a site is subdivided in order to build one or more additional houses behind the existing dwelling. This type of development can have a negative impact on residential amenity; in particular, buildings can end up as the dominant feature at the expense of private open space and landscaping. There will be little potential for this type of development in Clive-Whakatu given that it is not an area where intensification will be provided for, and the minimum site size requirement will also assist in managing the effects of infill development.

The proposed subdivision is consistent with Objective CWRO1, in providing a balance between development intensity and achieving high standards of residential amenity. The residential development sites in proposed Lots 4 – 7 comply with the 1,000m² minimum site area. As explained above, Lot 3 does not comply but is based on existing development. Little change will be evident from public spaces with the new residential sites in the midst of the existing property set back from both the road and river.

POLICY CWRP2

Residential activities within the Clive/Whakatu Residential zone shall be built and managed to take in to account the high standard of amenity influenced by larger sites, usable open space and low scale development.

Explanation: Urban and residential amenity in the District is dependent upon achieving a minimum environmental standard for all developments, but more importantly through developments capturing the essence of the Hawke's Bay lifestyle. This lifestyle is founded on a free and open transition between indoors and outdoors and a strong relationship between built form and the natural site



characteristics which is especially true in Clive and Whakatu where larger site sizes are evident. Council seeks to encourage building innovation and variety while maintaining or enhancing the amenity of the zone.

As set out on the subdivision plan (**Appendix 2**) the proposed building platforms are all orientated to accommodate a sizeable north facing outdoor living space. Further to this additional amenity will be available to the future residents on proposed Lots 5 and 7 from the view over the open space tennis court area. Similarly Lots 4 will benefit from the open space and landscaped outdoor areas associated with the café. Lot 6 is the largest Lot at 1,347m² and therefore has ample space available for onsite landscaping in creating a high standard of amenity in accordance with this policy.

OBJECTIVE CWRO3 Development that is compatible with the existing built and open space character of Clive and Whakatu.

POLICY CWRP3

Maintain and enhance the attractive open space character of the Clive-Whakatu Residential Zone by ensuring that development is compatible in scale to surrounding activities and the design and appearance of buildings is in keeping with the character of the surrounding townscape.

Explanation: Hawke's Bay is characterised by its attractive landscape character and the climate lends itself to an outdoor lifestyle. Retention of significant existing vegetation, maintenance of open green space in Clive and Whakatu, screening and new street planting associated with development, will ensure that the attractive landscape character is maintained and enhanced. The original residential developments in both Clive and Whakatu is characterised by generous front yards, mature trees and greenery, garages set back behind dwellings, and low or no front fences.

This character should be retained. The Policy also recognises that people's perceptions of amenity are influenced by their impressions of the general design, appearance and compatibility of buildings and structures when viewed individually and cumulatively within the urban landscape. Larger section sizes, the presence of trees, and diversity in housing styles are all factors of the development of both settlements over time that have provided this amenity. In Clive, more recent development has been characterised by smaller sections and larger homes which may present a threat to residential amenity if not managed effectively. The standards are based on the existing character and the desire to retain this. New developments should include generous yard space, low and/or open fences, retain existing vegetation where possible, and should maintain visual amenity...

The reference in the above policy explanation to more recent development being characterised by smaller sections and larger homes is referring to those areas of Clive developed during the 2000s at Hynes Place, Delta Mews Place and Waitaha Place, all of which were based around sections in the 6-700m² size range. The sizing of the new Lots proposed in this development at over 1,000m² is respectful of this policy and the existing character of Clive and will result in the existing townscape and amenity being maintained and enhanced.



OBJECTIVE CWRO5

To ensure that residential development does not occur unless adequate levels of infrastructural services are in place.

POLICY CWRP7

The provision of adequate community or on-site infrastructure including sewage collection, treatment and disposal; water supply; stormwater collection; roading and flood hazard mitigation as a prerequisite to development and subdivision.

Explanation: Development which is inadequately serviced is likely to generate adverse environmental and social effects. The complexity and scale of infrastructure required will depend largely on the intensity, scale and location of development.

As explained in the application document and set out further under the Subdivision Section heading below the proposed subdivision ensures that adequate levels of infrastructural services will be available to each lot created.

OBJECTIVE CWRO6

To protect the people, property and infrastructure of the community from flooding and ponding effects associated with stormwater runoff.

POLICY CWRP8

Ensure that stormwater runoff that has the potential to create flooding or ponding effects will be attenuated on site.

Explanation: New development increases the area of a site that is covered by impervious surfaces and decreases soakage and infiltration of rainwater. This increases the rate of stormwater runoff. The Council's stormwater system is only designed to accommodate a certain rate of stormwater runoff and, if this is exceeded, flooding may occur in local streams or on downstream properties. On-site attenuation slows the rate of discharge to the Council stormwater system and therefore reduces the potential for flooding or ponding.

POLICY CWRP9

Avoid residential or non-residential development which is unable to adequately mitigate the adverse effects of stormwater runoff on its own site.

Explanation: Flooding and ponding are unacceptable effects of new development. If these effects cannot be adequately mitigated then development should not proceed. In particular, given its low lying nature, stormwater collection and disposal and flood hazard mitigation are major constraints to future residential development in Clive and Whakatu. This has determined the need for a relatively high minimum residential density standard of 1 dwelling per 1000m².

In regard to stormwater, onsite attenuation is proposed in accordance with the standards of the Clive Whakatu Residential Zone prior to discharge into the reticulated system, as shown on the proposed plan of subdivision (**Appendix 2**).

The proposed new residential sites all being greater than 1,000m² in area will also assist in ensuring there is a reasonable area of uncovered natural ground retained on each site which will help to absorb stormwater on site.



5.6.1 Clive Whakatu Residential Zone Performance Standards

As the subject site is in the Plains Production Zone the proposed development is not subject to the standards of the Clive Whakatu Residential Zone. It is however proposed that consent notices will be applied to the residential sites to be created for Lots 1, 3, 4, 5, 6 & 7 such that the provisions of the Clive Whakatu Residential Zone would be applied to any future development on these sites. Table 2 below sets out the relevant standards from Section 10.2.

Table 2 - Relevant General and Performance Standards from Section 10.2

Plan Standard	Comment
10.2.5A DENSITY <i>One residential building per 1,000m² net site area</i>	Lots 4 – 7 which seek to provide for new residential development are all greater than 1,000m ² in area.
10.2.5B BUILDING HEIGHT <i>Maximum height 8 metres.</i>	The proposed residential buildings are still to be designed but will comply with this standard.
10.2.5C HEIGHT IN RELATION TO BOUNDARY	It is appropriate for future residential development to be subject to height in relation to boundary rules.
10.2.5D BUILDING SETBACKS <i>Front yard 7 metres</i> <i>All other boundaries 2 metres</i> <i>River 6 metres</i>	Such standards are more appropriate than the 15m setback from other boundaries that applies in the Plains Production Zone.
10.2.5E BUILDING COVERAGE <i>The maximum building coverage shall be 45% of the net site area.</i>	Again such a standard is appropriate for the proposed residential development and should be easily complied with given the generous site sizes proposed.
10.2.5F STORMWATER <i>The peak stormwater runoff from the site shall not exceed the specified standards</i>	This standard is important as it requires a level of onsite stormwater attenuation to be provided to give effect to Policies CWRP7 & 8.
10.2.5G OUTDOOR LIVING SPACE <i>Each Principal Residential Dwelling shall have an Outdoor Living Space which shall:</i> <i>Have a minimum area of 50m² and</i>	The proposed subdivision plan included with this application (Appendix 2) is based around achieving compliance with this standard and identifies 6m diameter circles to the north of each nominal house outline in addition to

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Plan Standard	Comment
<p><i>Include 1 area capable of containing a 6 metre diameter circle;</i></p> <p><i>Be directly accessible from the principal residential building;</i></p> <p><i>May comprise one or more area(s); but each area shall have a minimum width of 2 metres (so the space is useable); and</i></p> <p><i>May take the form of a deck, terrace or verandah, but must be unobstructed by buildings, car parking areas, vehicle manoeuvring areas or notional garages.</i></p>	<p>sufficient outdoor space to achieve an area of 50m².</p>
<p>10.2.5I FENCING</p> <p><i>(d) Fences on any other boundary shall have a maximum height of 1.8 metres</i></p>	<p>This is the only portion of the fencing standard that is relevant as the road frontage of the site is already developed with the commercial café on proposed Lot 2.</p>
<p>10.2.5L NOISE</p> <p><i>Activities shall comply with the provisions of Section 25.1 of the District Plan on Noise.</i></p>	<p>It will be more appropriate for the residential activities on the proposed Lots to be subject to the noise provisions of the residential zones rather than the Plains Production Zone.</p>
<p>10.2.5N MINIMUM FLOOR LEVELS</p> <p><i>Buildings on some properties in Clive are required to meet a minimum freeboard standard. In many cases this will require reference to Section 15.1 on Natural Hazards but in some other cases an additional requirement is registered against the Certificate of Title. Prior to any application for a new dwelling, Certificates of Title should be obtained and checked, and the Natural Hazards Section of this District Plan should also be checked.</i></p>	<p>As discussed above the subject site is on relatively higher ground so will not be subject to the minimum floor levels applied by this standard.</p>

The above assessment demonstrates that it would be appropriate to for the proposed new lots to be subject to the general performance standards of the Clive Whakatu Residential Zone by way of consent notice conditions, rather than remaining subject to the Plains Production Zone standards which are based around sites with a minimum area of 2,500m².

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5.7 SECTION 26.1 TRANSPORT AND PARKING

5.7.1 Objectives and Policies

It is not considered necessary to assess the application against the objectives and policies of this section given compliance is achieved with the relevant standards as demonstrated in Table 3 below.

5.7.2 Plan Standards

Table 3 - Assessment against the relevant General & Specific Performance Standards of Section 26.1.

Standard	Threshold	Proposal	Comment
General Performance Standards – Section 26.1.5			
26.1.6A Access	1. Access to Property (a) Every owner or occupier shall provide a legal, safe and effective vehicular access to any activity undertaken on a site, ... from an existing, formed legal road, to enable vehicles to enter the site, ... (b) There shall be a maximum of one vehicle crossing per property within the Residential Zone. ... c) The minimum legal widths for private access are contained in Table 26.1.6.1-1 ...In the Residential Environment a legal access width of 4.5m is required where 4 – 6 house hold units are serviced.. An allowance for passing is required every 50m.	(a) Access to the subject site and proposed future sites is provided from an existing approved commercial standard vehicle access. (b) Complied with as the existing access and proposed Right of Way will ensure that Lots 1 – 7 are all serviced by the one existing crossing. (c) the stretch of driveway from the existing café carpark to beyond Lot 5 has a proposed Right of Way legal width of 4.5m in compliance with this standard. The existing formed width is 3.4m, Allowance has been made for passing adjacent the side by side vehicle entrances to Lots 6 and 7 which is approximately 30m from the café carpark area which is also of sufficient width to provide for passing.	Will comply.
	2. Distance of Vehicle Access from Road Intersections Where there are two adjacent accesses, vehicle crossings shall be offset from the legal property boundary (side boundary) by 1.5 metres.	The location of the vehicle entrance from Main Road is existing and approved under previous consent applications.	Approved existing.

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Standard	Threshold	Proposal	Comment
26.1.6D Parking	<p>1. Provision of On-Site Parking</p> <p>Every owner or occupier who proposes to construct or substantially reconstruct, alter or add to a building on any site, ..., 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>Dwellings and Supplementary Residential Buildings: 1 vehicle space per household unit (can include spaces within garages or carports) plus one additional space for a vehicle standing bay.</p>	<p>Ample space is available on proposed Lots 4 – 7. Lot 1 has an existing double garage and various options for vehicle standing clear of the Right of Way.</p> <p>Proposed Lot 3 does not have a garage but still has space on site for a car park and standing bay.</p>	Will comply.
	<p>5. Design and Construction of Parking Areas</p> <p>(a) All parking spaces and access and manoeuvring areas, ... shall be of a sufficient size and suitable layout to accommodate a "passenger vehicle" ... refer to Appendix 72 for the dimensions of this vehicle.</p> <p>(b) Parking Spaces for Residential Activities</p> <p>Parking spaces for Residential Activities in any Residential zone shall have a minimum internal dimension of 3.0 m (width) by 5.0 m (length).</p>	<p>The proposed garaging on each of the unbuilt on lots will need to be designed to comply with the 3m x 5m minimum dimension.</p> <p>Lot 1 includes a double garage which meets this dimension and has ample additional space available for car parking. Proposed Lot 3 has space adjacent its north eastern boundary with Lot 1 in which a 5 x 3m car park can be located.</p>	Will comply
26.1.7A Access	<p>1. Vehicle Standing Bay</p> <p>(a) Residential Zones</p> <p>In all Residential Zones, a 5 metre long Vehicle Standing Bay shall be located within the Vehicle Access to all garages and carports and notional garage spaces.</p>	<p>Again space is available on proposed Lots 4 – 7. Lot 1 has various options for vehicle standing clear of the Right of Way.</p> <p>Proposed Lot 3 does not have a garage but still has space on site for a car park and standing bay.</p>	Will comply.



5.8 SECTION 30.1 SUBDIVISION AND LAND DEVELOPMENT

5.8.1 Objectives and Policies

The relevant objective and policies of the Subdivision and Land Development Section are listed as follows:

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

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

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

Explanation: The subdivision of land should create sites which are of an appropriate size to achieve the scale, density and type of development which is provided for by the Objectives, Policies and Methods for each SMA/Zone. The District Plan establishes minimum site size standards (and in some cases average or maximum site size standards), which ensure that the Objectives, Policies and Methods for the respective Zones can be achieved, while still providing certainty for landowners and sufficient flexibility for them to create sites to suit their particular needs.

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.

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.

Explanation: Subdivisions and developments need to be provided with adequate means of connection to a water supply and services for the disposal of wastewater and stormwater. In the urban area subdividers or developers will generally be required to connect to the Hastings District Council reticulation network and meet the requirements of the Engineering Code of Practice and, in terms of low impact design solutions for stormwater, the Subdivision and Infrastructure Development in Hastings: Best Practice Design Guide

The objectives and policies of the subdivision section generally reference back to the objectives and policies of the relevant zone in terms of creating sites of an appropriate size. They also seek to ensure that new sites can be adequately serviced.

In this case the proposed subdivision and development is generally consistent with and can achieve the Objectives and Policies of the Urban Strategy, the Clive Whakatu SMA and the Clive Whakatu Residential Zone as the proposed subdivision would effectively result in a slight extension to the urban edge of Clive. The subject site is however zoned

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Plains Production Zone and given that an urban residential development is proposed, the application is not consistent with the objectives and policies of the Plains Production Zone or the Plains SMA.

In regard to servicing, the subdivision is proposed to be serviced by an onsite bore and easements for water and by the reticulated wastewater network. Storm water is proposed to be adequately disposed of through onsite attenuation and then disposal to the reticulated network.

In regard to Objective SLDO2 the individual sites proposed to be created will be particularly suitable for residential activities. This is considered to be an appropriate range of activities in the context of extending the urban edge of Clive in a manner considered appropriate by the HPUWS Working Group.

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

POLICY SLDP4 Ensure that land being subdivided, including any potential structure on that land, is not subject to material damage by the effects of natural hazards.

Explanation

Some areas within the Hastings District are unsuitable for development, or require specific measures to be undertaken to avoid the effects of natural hazards, these can include flooding, inundation, erosion, subsidence or slippage and earthquake faults (see Section 15.1 of the District Plan on Natural Hazards). Section 106 of the Resource Management Act requires that Council may refuse consent to any subdivision in these areas, or any adjacent or nearby areas that maybe affected by the activities that could take place once the subdivision has been approved, unless adequate measures are available to overcome or reduce the risk of the hazard.

As discussed above, the subject site is clear of the flooding hazard that affects other parts of Clive.

Given the above assessment the proposed subdivision, is generally consistent with the relevant objectives and policies of the Subdivision and Land Development section.

5.8.2 Plan Standards

Standard	Threshold	Proposal	Comment
Subdivision Site Standards and Terms – Section 30.1.6			
30.1.6A General Site Standards	Plains Production Zone 12ha	The proposed net site areas are: Lot 1: 3,853m ² Lot 2: 1,522m ² Lot 3: 702m ² Lot 4: 1,001m ² Lot 5: 1,001m ² Lot 6: 1,178m ² Lot 7: 1,187m ²	None of the proposed sites comply with the net site area required.

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Standard	Threshold	Proposal	Comment
		Lot 8: 196m ² (Esplanade Reserve)	
General Site performance Standards and Terms – Section 30.1.7			
30.1.7B WATER SUPPLY	Sites for any activity that will require water shall be connected to public reticulated water supply, where such a supply is available.	Reticulated water supply is only available on that part of Main Road north of Tucker Lane. The subject site is some distance south of this point and so proposes that the new sites be serviced by the existing artesian bore and associated easements (see Appendices 6 & 7).	Will comply
30.1.7C WASTEWATER DISPOSAL	Sites for any activity that will create wastewater shall be connected to a public reticulated wastewater disposal system, where one is available.	Connection to the existing reticulated sewer in Main Road, Clive is proposed for each of the new Lots.	Will comply
30.1.7D STORMWATER DISPOSAL	Sites for any activity that will create stormwater shall be connected to a public stormwater disposal system, where one is available, except where an additional level of service is required that exceeds the level of service available from public reticulated stormwater systems, this shall be provided by the subdivider.	The new lots are proposed to be connected to the reticulated stormwater network on Main Road following onsite attenuation.	Will comply
30.1.7E PROPERTY ACCESS	Activities shall comply with the provisions of Section 26.1 Transport and Parking,	As per the written approval from NZTA and the assessment against the standards in section 26.1 above, the proposed subdivision complies.	Will comply
30.1.7G ELECTRICITY	In all Residential, Industrial, and Commercial Zones, sites for any activity that will require electricity shall be connected to the electricity network.	The new residential sites (Lots 4 – 7) are proposed to connect to the electricity network	Will comply

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Standard	Threshold	Proposal	Comment
		while the existing developed sites of Lots 1 – 3 are already connected.	
30.1.7H ESPLANADE RESERVES AND STRIPS	<p>Rural, Plains Production, Nature Preservation, Tuki Tuki Special Character, Te Mata Special Character and Rural Residential Zones.</p> <p>An esplanade reserve or strip with a maximum width of 20 metres will be required as a condition of consent under Section 220 of the Act where the land adjoins the coast or adjoins or contains a waterbody of natural, cultural or recreational significance as identified in Appendix 54</p> <p>Note: There is provision for consideration of waiver of Esplanade Areas having regard to the matters in Specific Assessment Criteria 30.1.8.2. (8)</p>	<p>The Clive River, being the original bed of the Ngaruroro River is identified in Appendix 54.</p> <p>Proposed Lot 8 is an esplanade reserve of 5m width adjoining the cadastral boundary of the Clive River. The appropriateness of the 5m width is considered under the assessment criteria below, but the standard is met as an esplanade reserve is provided within the maximum width specified.</p>	Complies

Of the standards within the Subdivision Section it is only the Plains Zone minimum site size that is not met.

5.8.3 Assessment Criteria

The relevant assessment criteria to this application are listed in italic font below with a comment assessing the proposed subdivision against each criterion provided in normal font.

30.1.8.1 GENERAL ASSESSMENT CRITERIA

2. Subdivision Design

There are six key elements to the design of subdivisions that the Council focuses its assessment around. These are described below. Guidance on the application of these design elements can be found in the document Subdivision and Infrastructure Development in Hastings: Best Practice Design Guide (Best Practice Design Guide).

Council will have regard to whether subdivision applications can successfully implement each of the six key elements, listed (a) to (f) as follows (and improve upon the minimum structure plan requirements for urban development areas where practical):

(c) Site or Lot Design

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Variation in lot size and shape allows for a greater range of house types which meets the needs of a wider proportion of the community and provides interesting and attractive urban landscapes. It also means development appeal to a wider range of potential purchasers. The number of right of ways, access lots and vehicle crossings can have an impact on the character of the streetscape and safety of pedestrians and cyclists. Rear sites with no street frontage can create issues in terms of privacy as the public front or entrance to a site abuts the rear private area of neighbouring sites and therefore reduces privacy. Sites that front or overlook the street improve visibility of the pedestrian environment and the overall safety and amenity of the streetscape. Refer Section D3 (Lot Design) of the Best Practice Design Guide.

In regard to the layout of the proposed subdivision there is a variation in lot size and shape between Lots 1 – 7, and also between the proposed new residential sites being Lots 4 – 7. The layout associated with Lots 1, 2 and 3 seeks to best accommodate the existing built development and the outdoor spaces associated with the respective buildings on these lots. The design of Lots 4 – 7 seeks to accommodate a building that can be orientated to the north lying diagonally with sufficient space available between the north of the building and the boundary so that sunny outdoor space is available.

Due to the long rectangular shape of the site stretching from Main Road through to the River and a narrower road frontage than the remainder of the site, there is no opportunity to change the streetscape as part of this application. The street frontage is occupied by the existing café building on proposed Lot 2 which has been designed to address the street in any case.

3. Property Access

Council will have regard to the following:

(ii) The provision, location and design of access for vehicles, pedestrians and cyclists

The existing Commercial access from Main Road and the proposed Right of Way connection to the remainder of the subdivision has been deemed satisfactory by both the NZTA and the Hastings District Council Transportation Engineer (see **Appendix 4**).

(vi) How the proposed subdivision may be related to the resubdivision or development of adjoining land and the ability for optimum development for all the land concerned to be realised.

The land to the south west is zoned Plains Production and any subdivision of it would be a non-complying activity. In this regard creating a physical barrier through the proposed closed boarded wooden fence and a screening hedge along the boundary of this property with proposed Lots 6 and 7 is more appropriate than trying to assist with any future subdivision of this land.

The residential zoned site to the north east is over 4,000m² in area and therefore has development potential, including the potential for its own internal access to service future residential sites. Given that the concrete access way to the existing dwelling on Lot 1 has



the potential to provide Right of Way access to the proposed new residential sites, it would be a waste of this physical resource and of land in creating any new separate accessway to service these new residential sites even if that access was to be placed adjacent a boundary to cover the possibility of utilisation by a neighbouring property. The proposed subdivision design is therefore considered to be the most efficient and appropriate for the subject site and overall.

4. Water Supply, Wastewater Disposal, Stormwater Disposal

Council will have regard to the following:

(i) The location of reticulation facilities to allow suitable servicing of the sites and reasonable access for the maintenance of the facilities.

See explanation above against the corresponding subdivision section standards.

Appropriate easements are proposed to ensure reasonable access can be provided for maintenance of the proposed utility services and their connections.

5. Natural Hazards

The Council will have regard to the following assessment matters:

(i) Whether the land, or any potential structure on that land, will be subject to material damage by erosion, falling debris, subsidence, slippage or inundation from any source.

(ii) Whether there are any methods/measures available to overcome or reduce the risk of any hazard(s), and whether these methods/measures may have any significant adverse effects on the environment

No additional notations applying specifically to the subject site in relation to natural hazards are shown on the District Plan maps. The Flooding Maps in the Hawke's Bay Emergency Management Hazards Portal show the site clear of any flooding hazards which is different to many other sites in Clive that are subject to flooding risk. An extract from that map is shown below:



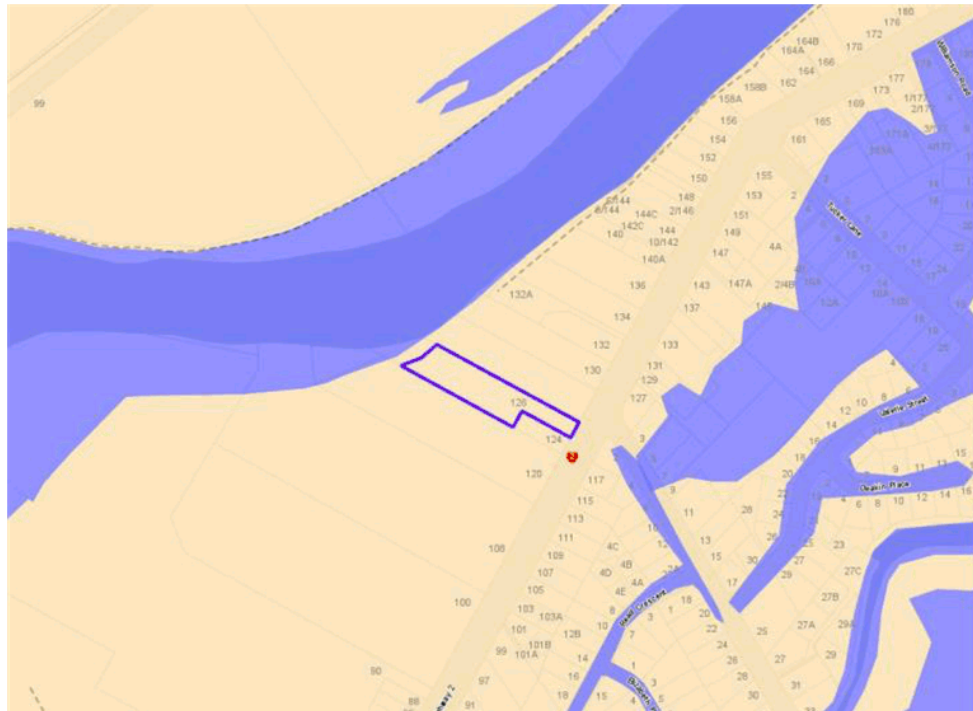


Figure 3 – Flooding Maps Extracted from Hawke's Bay Hazards Portal⁶

The full hazards portal report is appended to this application as **Appendix 5** and identifies the subject site along with the remainder of Clive as being subject to both high liquefaction susceptibility and local source Tsunami threat. The New Zealand Building Code will need to be complied with for future dwellings on Lots 4 – 7 to gain building consent and as part of this building foundations will need to be designed to mitigate risk from liquefaction. The local source Tsunami threat applies to all low lying coastal areas in the Napier City and Hastings District areas, including much of Napier City itself. Warning systems and information campaigns are in place by the regional emergency management services to alert residents living in such areas about the Tsunami risk and the appropriate response in an earthquake.

A number of the areas identified as appropriated for future greenfield development in HPUDS 2017 are subject to the same 'local source' tsunami risk as the subject site, including the Clive South area off the end of Read Crescent and on the opposite side of

⁶

<http://hbhazards.intramaps.co.nz/IntraMaps/DMSNZ/ManyMaps4/manymaps.aspx?print=open&context=HBHazardReport20171128&mapkey=4184092>



Main Road. On this basis the local source Tsunami risk that applies to the site does not make it inappropriate for the proposed development.

6. Building Platforms

Council will have regard to the following:

(i) The local ground conditions and suitability of the site for a building, and whether development on the site should be restricted to parts of the site.

(ii) Where a parcel of land may be subject to inundation, whether there is a need to establish minimum floor heights for buildings in order to mitigate potential damage to them.

As shown in Figure 3 above, the site is clear of any identified flood risks and is flat in contour. On this basis there is no need to restrict development to particular locations within the site or to set minimum floor levels.

7. Esplanade Areas (Reserves and Strips)

Council will have regard to the following:

(i) The creation of the esplanade area (esplanade reserve or esplanade strip) would contribute to the achievement of conservation, recreation, and access, values of the waterbody.

(ii) The creation of the esplanade area would contribute to the effective management of risk from Natural Hazards in the District.

(iii) Feedback from Hawke's Bay Regional Council on the strategic value of the esplanade area, and contribution toward providing compensation of the acquisition of the esplanade area.

(iv) The most appropriate mechanism for securing the esplanade area (esplanade reserve or esplanade strip). Or an alternative means of protection and provision of access offered that is satisfactory to achieve the above assessment criteria (for example conservation covenant)

Given the significance of the Clive River to the District (as confirmed by its identification in Appendix 54 of the Proposed Plan) the creation of an esplanade area upon the proposed residential subdivision is considered appropriate. As can be seen from Figure 1 above, esplanade reserves have been created from properties within the residentially zoned part of Clive in the past as well as off one of the two lots that form the subject site.

In regard to criterion (ii) the creation of an esplanade reserve in this case is not for the purpose of natural hazard mitigation. This is because the primary flood risk to Clive is from Muddy Creek rather than the Clive River which is managed as part of the Heretaunga Plains flood control scheme via the diversion of the Ngaruroro River.

In terms of criterion (iii) compensation and acquisition is not relevant in this case as under section 237E of the RMA 'Compensation for taking of esplanade reserves or strips on allotments of less than 4 hectares', compensation is only payable where esplanade reserves with a width greater than 20m are taken.

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In this case a reserve is considered appropriate (in regard to criterion (iv)) given that there are other existing esplanade reserves in the vicinity of the site. It is possible that over time as additional Main Road Clive properties are subdivided that one contiguous esplanade reserve will be available providing public access benefits along the bank of the River.

The proposed 5m width of the esplanade reserve seeks to achieve a balance between contributing to a reserve strip along the river bank that in time may become contiguous and accessible as a river side walkway, and maintaining the privacy of the applicants dwelling and outdoor living space on Lot 1. The dwelling is setback approximately 15m from the cadastral boundary of the river. A 5m esplanade reserve would include a portion of the applicant's lawn on the terrace above the river, but would also maintain a 10m buffer for privacy.

This is also consistent with the other existing esplanade reserve in Clive. For example 132A Main Road is two properties to the north east of the subject site and is separated by an esplanade reserve that varies in width from 10m at one end to 3m at the other, which provides for a 10m separation from the dwelling. The esplanade reserve adjoining 140 Main Road varies in width from 2.5m to 6m.

Given all of the above, the 5m wide esplanade reserve proposed in the application is considered to be fair and reasonable in seeking to provide for future public recreational needs as is consistent with the purpose of such reserves, while ensuring a reasonable separation from the applicant's dwelling is maintained for privacy.

5.9 PROPOSED PLAN ASSESSMENT CONCLUSIONS

The proposed subdivision and land use consent is consistent with the relevant objectives and policies of section: 2.4 Urban Strategy due to the acknowledgements made in HPUDS 2017 and the Working Group's decisions on the review. These acknowledgements are that the subject site has potential for residential development to be pursued through the resource consent process and that such development would not be inconsistent with HPUDS.

As the application is to undertake such residential development, it cannot be considered consistent with those objectives and policies of sections 2.8 Rural Resource Strategy, 6.1 Plains Strategic Management Area and 6.2 Plains Production Zone; that seek to protect the versatile land resource for land based productive uses.

Although the zoning of the property is Plains Production, this application essentially seeks that the south western edge of Clive between Main Road and the river be extended, for this reason the application has also been assessed against Sections 10.1 Clive Whakatu Strategic Management Area and 10.2 Clive Whakatu Residential Zone. The proposed development is consistent with the objectives and policies of these sections and is generally consistent with the objectives and policies of section 30.1 Subdivision and Land



Development (aside from that policy linking directly back to the subdivision site sizes of the zone).

In a general sense then, the application is consistent with the objectives and policies of the Proposed Plan aside from those seeking to protect the versatile land of the Plains Production Zone. Due to the acknowledgements provided through the HPUDS review process of the ability for the subject site to be used for residential development without compromising HPUDS, the loss of the versatile land from the subject site to urban development is considered acceptable. For these reasons the proposed subdivision and development is not contrary to the objectives and policies of the Proposed Plan and generally consistent with them when considered in an overall sense.

In regard to the standards of the proposed plan that are not met, the above assessment demonstrates that although the minimum site size, yard setback and residential building standards of the Plains Production Zone will not be met, the proposal can comply with the corresponding standards of the Clive Whakatu Residential Zone and it is proposed that these standards be applied to the future residential development of the site by way of consent notice.

The objectives and policies, standards and assessment criteria of the Subdivision and Development section seek that sites can be adequately serviced, avoid risk from natural hazards and that esplanade areas are provided adjacent significant rivers. The proposed subdivision is able to adequately address each of these matters.

The above assessment therefore demonstrates that the non-complying combined subdivision and land use consent application is generally consistent with and not contrary to the objectives and policies of the Proposed Plan.



6. PLANNING ASSESSMENT OVERALL CONCLUSION

The above assessment demonstrates that the proposed subdivision and residential development of 126 Main Road, Clive is consistent with:

- the sustainable management purpose of the RMA;
- the National Policy Statement on Urban Development Capacity;
- the Regional Policy Statement component of the Hawke's Bay Regional Resource Management Plan; and
- in an overall sense the objectives and policies of the Proposed Hastings District Plan.

To enable a planned and coordinated approach to urban development it is important that any urban development in the greater Napier and Hastings areas is consistent with the Heretaunga Plains Urban Development Strategy. As set out above, the proposed subdivision and development can occur via a non-complying resource consent application in a manner that is consistent with the most recent iteration of this strategy being HPUDS 2017.

This application is therefore able to be granted under section 104 of the RMA as being consistent with the relevant statutory planning instruments; as being generally consistent with and not contrary to the objectives and policies of the Proposed Hastings District Plan; and as demonstrated in the attached application document any effects on the environment will be no more than minor.





NOTIFICATION REPORT FOR RESOURCE CONSENT RMA20180010 SECTIONS 95A AND 95B OF THE RESOURCE MANAGEMENT ACT 1991

Application Received: 16 January 2018	PID: 57681	RMA20180010
Applicant:	C & S Davidson	
Address of Site:	126 Main Road, Clive	
Legal Description:	Lot 1 and Lot 4 DP 8555 (CFR HB137/171)	
Area:	1.0739 ha	
Zoning:	Plains Production	
Proposal:	Subdivide 7 lots and an esplanade reserve Waive Density and Yard setbacks for residential buildings and yard setbacks for the existing commercial building	
District Plan Provisions:	Rules PP24 and SLD25 of the Proposed Hastings District Plan (EPLAN)	
Assessment of Status:	Non-Complying Activity	
Report Prepared By:	David Bishop	

1.0 THE PROPOSAL

The applicant seeks subdivision and land use consent to subdivide the 1.0739ha site contained in CFR HB137/171 at 126 Main Road, Clive, into six residential lots, one commercial lot and an Esplanade Reserve. The applicant seeks a waiver from the yard setbacks for future dwellings and requests that the future lots be governed by the provisions of the Clive Whakatu Residential Zone.

The applicant was requested to provide a further information on the 19th February 2018 that addressed the following areas:

- Esplanade Reserve size and shape.
- Geotechnical Report that addresses liquefaction susceptibility.
- Clarify the Scheme Plan and Easements and provide an assessment of the Subdivision Section of the Proposed District Plan.
- Traffic Impact Assessment for the Mill Road Intersection.
- Confirmation of parking and access arrangements in accordance with the required standards.
- Clarification of services required for the development.

The applicant agreed to provide the information and responded on the 12 June 2018.

The information received on this date was deficient in that it did not provide the required Traffic Impact Assessment and the scheme plan did not accurately show the increased area of the Esplanade Reserve. In addition the written approvals re-signed the old subdivision plan without the changes to the Esplanade Reserve area.

Following discussions with the Council's Transportation staff the requirement for a Traffic Impact Assessment was downgraded to a letter from a suitably qualified traffic professional that could confirm that the proposal would have no adverse effects on the operation of the Mill Road intersection with State Highway 2. This letter was subsequently provided on 27 June 2018.

An updated Scheme Plan and written approvals were provided on 1 August 2018.

The proposed lots are described below:

Lot Number	Land Area	Intended Use
Lot 1	3774m ²	Existing house and accessory buildings
Lot 2	1522m ²	Existing Commercial building (Zeppelin Café)
Lot 3	702m ²	Existing house and accessory buildings
Lot 4	1001m ²	Vacant Site
Lot 5	1001m ²	Vacant Site
Lot 6	1178m ²	Vacant Site
Lot 7	1187m ²	Vacant Site
Lot 8	373m ²	Esplanade Reserve

The final Scheme Plan is shown below:

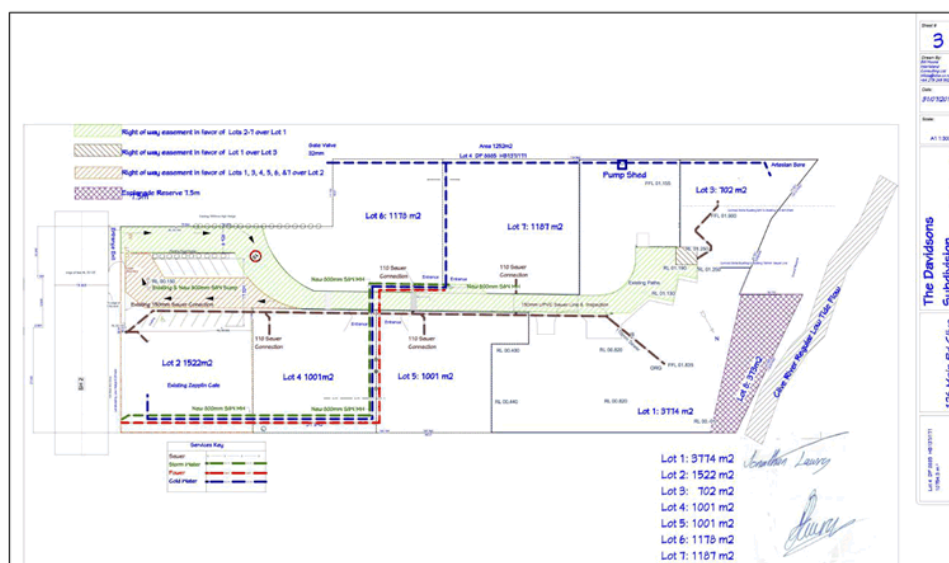


Figure 1 – Proposed Scheme Plan

The proposed easement schedule is shown below:

Memorandum of Easements			
Purpose	Servient Tenement	Shown	Dominant Tenement
Right of Way and right to convey water, sewer, stormwater, electricity and telecommunications	Lot 1 Hereon	Diagonal Shading 'A'	Lots 2 – 7 Hereon
	Lot 3 Hereon	Diagonal Brown Shading 'B'	Lot 1 Hereon
	Lot 2 Hereon	Diagonal Shading 'C'	Lots 1, 3, 4, 5, 6 & 7 Hereon
Water Easement	Lot 3 Hereon	'D' (Pink line)	Lots 1, 2, 4, 5, 6 & 7 Hereon; and Lot 2 DP 8555
	Lot 1 Hereon	'E' (Pink line)	Lots 2, 3, 4, 5, 6 & 7 Hereon; and Lot 2 DP 8555
	Lot 7 Hereon	'F' (Pink line)	Lots 2, 4, 5 & 6 Hereon; and Lot 2 DP 8555
	Lot 6 Hereon	'G' (Pink line)	Lot 2 DP 8555
	Lot 5 Hereon	'H' (Pink line)	Lots 2, & 4 Hereon
	Lot 4 hereon	'I' (Pink line)	Lot 2 Hereon
Sewer Easement	Lot 2	'J' (Yellow line)	Lots 1, 3, 4, 5, 6 & 7 Hereon
	Lot 4	'K' (Yellow line)	Lots 1, 3, 5, 6 & 7 Hereon
	Lot 5	'L' (Yellow line)	Lots 1, 3, & 7 Hereon
	Lot 1	'M' (Yellow line)	Lots 3 & 7 Hereon
Stormwater Easement	Lot 1	'N' (Blue line)	Lots 4, 5, 6 & 7 Hereon
	Lot 5	'O' (Blue line)	Lots 4 & 6 Hereon
	Lot 4	'P' (Blue line)	Lot 6 Hereon
Electricity & Telecommunications easements	Lot 2	'Q' (Orange line)	Lots 1, 3, 4 & 5 Hereon
	Lot 4	'R' (Orange line)	Lots 1, 3, & 5 Hereon
	Lot 5	'S' (Orange line)	Lots 1, & 3 Hereon
	Lot 1	'T' (Orange line)	Lot 3 Hereon
	Lot 7	'U' (Orange line)	Lot 6 Hereon

2.0 BACKGROUND

2.1 Existing Consents

The following resource consents relate to the site:

- RMA20110411 - Apr 3, 2012 - Proposed oversize Plains secondary dwelling and Commercial activity side yard waiver.
- RMA20120304 - Dec 13, 2012 - Variation to RMA20110411 to amend the location, allow an industrial activity and change the position of a garage.
- RMA20160043 - Mar 2, 2016 - Variation to RMA20120304 to remove requirement for resident to reside onsite.

2.2 Interested Parties

Council has received correspondence from the landowners of 120 Mill Road, Clive who stated that they have concerns with the application. The concerns of these landowners have been considered as part of the notification assessment of this application.

3.0 THE SITE AND SURROUNDING ENVIRONMENT

The site subject to this application is located at 126 Main Road, Clive being that land legally described as Lots 1 and 4 DP 8555 contained in Certificate of Title HB 137/171, being approximately 1.0739 hectares in total area.

The Certificate of Title is subject to the following interests of relevance:

- Gazette Notice (716488.1) adjoining State Highway No 2 (Limited Access Road)
- Notice (720235.20) pursuant to Section 91 Transit New Zealand Act 1989.
- Encumbrance (9117363.1) to the Hastings District Council

The site is generally rectangular in shape and flat in contour and is accessed directly off Main Road (State Highway 2) the site contains the following buildings:

- Main Dwelling (272m² gross floor area)
- Secondary Dwelling (130.30m² gross floor area)
- Sleep out
- Accessory shed
- Commercial Building 125m² (Zepplin Café)

The site contains plum trees along the southern side of the central driveway with a boundary hedge and a solid timber fence flanked by close grown ornamental Olive trees on the other side. A Tennis Court is located in the northern corner of the site which will be retained by Lot 1. A small portion at the rear of the site is defined as a 'Riparian Area' where it adjoins the Clive River.

The sites location and location of existing building development is shown below:



Figure 2 – Aerial Photo of existing Buildings on the site.

The surrounding sites to the north and east across State Highway 2 are zoned Clive Whakatu Residential. There is a Fish and Chip shop on the adjoining northern property with a Large Garage building behind it with unused land down to the river. Opposite the site is a childcare centre and Residential dwellings, which dominate the area.

The sites to the south are zoned Plains Production and generally contain residential dwellings on smaller Plains Production Zoned sites.

The site directly adjoins the Clive River at the north-western end of the site. An area of Esplanade Reserve which is zoned open space and is owned by Hastings District Council is located in the north western corner of the site.

The whole subject site and surrounding environment is shown in the aerial photo below:



Figure 3 – Subject Site and Surrounding Environment (Jan 2018)

4.0 ACTIVITY STATUS AND REASONS FOR CONSENT

4.1 National Environmental Standards

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

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

Regulation 8(3) states that disturbing the soil of the piece of land is a permitted activity while the following requirements are met:

- (a) controls to minimise the exposure of humans to mobilised contaminants must—
 - (i) be in place when the activity begins:
 - (ii) be effective while the activity is done:
 - (iii) be effective until the soil is reinstated to an erosion-resistant state:
- (b) the soil must be reinstated to an erosion-resistant state within 1 month after the serving of the purpose for which the activity was done:
- (c) the volume of the disturbance of the soil of the piece of land must be no more than 25 m³ per 500 m²:
- (d) soil must not be taken away in the course of the activity, except that,—
 - (i) for the purpose of laboratory analysis, any amount of soil may be taken away as samples:
 - (ii) for all other purposes combined, a maximum of 5 m³ per 500 m² of soil may be taken away per year:
- (e) soil taken away in the course of the activity must be disposed of at a facility authorised to receive soil of that kind:
- (f) the duration of the activity must be no longer than 2 months:
- (g) the integrity of a structure designed to contain contaminated soil or other contaminated materials must not be compromised.

Regulation 8(4) states that changing the use of the piece of land is a Permitted activity while the following requirements are met:

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

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

- (9)(1) If a requirement described in any of [regulation 8\(1\) to \(3\)](#) is not met, the activity is a controlled activity while the following requirements are met:
 - (a) a detailed site investigation of the piece of land must exist:
 - (b) the report on the detailed site investigation must state that the soil contamination does not exceed the applicable standard in [regulation 7](#):
 - (c) the consent authority must have the report:
 - (d) conditions arising from the application of subclause (2), if there are any, must be complied with
- (9)(3) If a requirement described in regulation 8(4) is not met, the activity is a controlled activity while the following requirements are met:
 - (a) a detailed site investigation of the piece of land must exist:
 - (b) the report on the detailed site investigation must state that the soil contamination does not exceed the applicable standard in regulation 7:
 - (c) the consent authority must have the report:
 - (d) conditions arising from the application of subclause (4), if there are any, must be complied with.

Sites where a Detailed Site Investigation exists stating that the contaminants **exceed** the applicable standard in Regulation 7 are required to be considered as a **Restricted Discretionary Activity** pursuant to Regulation 10.

Where no Detailed Site Investigation exists the proposal is a **Discretionary Activity** pursuant to Regulation 11(2) of the National Environmental Standard.

A DSI has been provided under the NES (Soil Contamination) which confirms that the level of contaminants are below the Rural Residential / lifestyle block 25% produce standard being the most stringent standard. The conclusion of the SQEP (Peter O'Donnell) is shown below:

CONCLUSION

The above PSI and DSI was carried out for the property located at 126 Main Road, Clive.

The analytical results of the soil collected at 12 random locations of the property confirms the following;

- The levels for arsenic and cadmium contamination were low; similar to what would be expected for background levels for arsenic in the Hawkes Bay
- The level of lead was higher than what would be expected for background levels for Hawkes Bay; however, the levels did not exceed the NES limits for composite sampling.
- The results for the organochlorine pesticides (OCP) were below or near the detection limits for all substances tested [4 - sample composite].
- Total DDT Isomers were lower or on the detection limit.

Although the "piece of land" does trigger a HAIL site by definition (A, 10 & 16 of the HAIL – appendix 3 National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health), the DSI confirms that the concentrations of expected contaminants do not exceed the NES limits, and hence this property does not require NES controls to be implemented.

From the information provided above I can state that it is highly unlikely that there is any risk to human health and safety from contact with the soil during any normal or gardening or building activities on the "piece of land".

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

4.1.2 National Environmental Standard for Sources of Human Drinking Water

The Hastings District Council's Tucker Lane bore site is located approximately 500 metres to the east in Tucker Lane. As such, and given the nature of the proposal being the subdivision of land for residential purposes the NES: Sources of Human Drinking Water is not considered relevant.

4.2 Operative District Plan Status

Pursuant to Section 86F of the Resource Management Act 1991 a rule in a proposed plan must be treated as operative (and any previous rule as inoperative) if the time for making submissions or lodging appeals on the rule has expired and in relation to the rule:

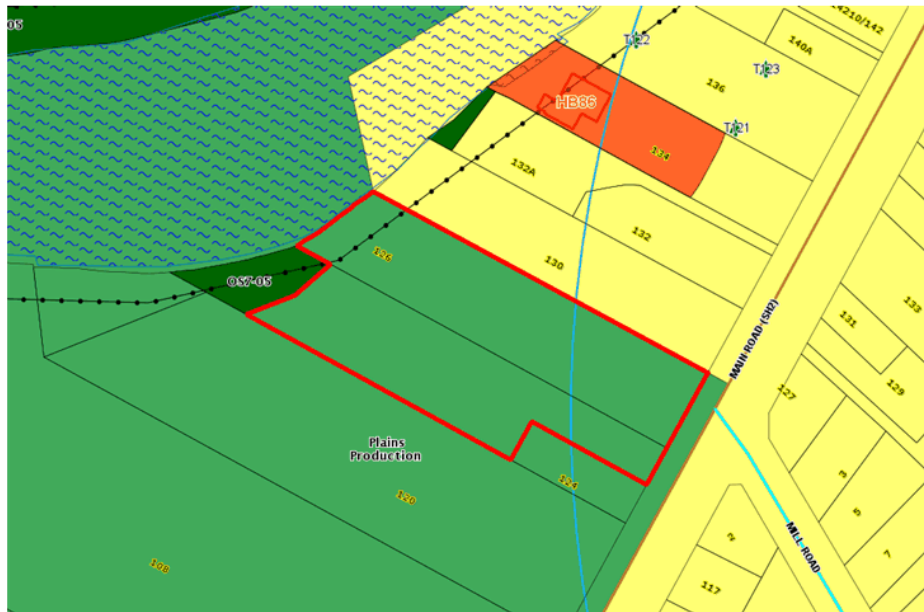
- (a) *no submissions in opposition have been made or appeals have been lodged; or*
- (b) *all submissions in opposition and appeals have been determined; or*
- (c) *all submissions in opposition have been withdrawn and all appeals withdrawn or dismissed.*

Following the closing of the appeal period on 23 October 2015 a number of appeals were lodged on the Plains Production Zone of the Proposed District Plan (Section 6.2), however at the time of writing this report all of these have subsequently been resolved. Similarly there are no outstanding appeals on the Subdivision Section of the Proposed District Plan (Section 30.1) that are relevant to this proposal.

Accordingly there is no provision for this proposal to be assessed as a different activity and therefore it is considered that the rules of the Proposed Hastings District Plan in relation to this proposal are beyond challenge and can be treated as Operative, pursuant to Section 86F of the Resource Management Act 1991. On this basis, no further assessment of the Operative District Plan will be made.

4.3 Proposed District Plan Status

The site is zoned **Plains Production** and contains a **Riparian Area** associated with the Clive River (Ngaruroro River as identified in Appendix 54).



4.3.1 Subdivision

The minimum net site area in this zone is 12 hectares as specified in Table 30.1.6A.

The Proposed Plan also allows for the creation of lifestyle sites under the following scenarios in Table 30.1.6B:

Plains Production	2500m ²	5000m ²	12ha	None (amalgamation is required)	Lifestyle <u>subdivision</u> shall only be applicable for an <u>existing</u> site smaller than 12ha. The site(s) being amalgamated with does not have to be less than 12 hectares, but does have to be adjoining. Any newly created balance site shall not contain more than one <u>dwelling</u> .
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The applicant seeks to create 7 lots varying from 0.0702ha to 0.3678ha, and an esplanade reserve with no amalgamation or complying balance lot larger than 12ha.

Therefore the proposal does not meet the requirements of Table 30.1.6A or B. The subdivision component of application must therefore be considered as a **Non-Complying Activity** under rule SLD25:

RULE SLD25	Non-Complying Subdivision Any subdivision (unless specifically provided for under Rules SLD1 through to and including SLD21 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
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The Plan also requires that the Council consider:

- Building platforms,
- Water supply,
- Wastewater disposal,
- Stormwater disposal,
- Property access, and
- Esplanade Reserves and Strips

A check of these standards and terms has revealed that this proposal does not meet the requirement for a 30 x 30 Building Platform on proposed lots 4 to 7 (Standard 30.1.7A) or the provision of the required Esplanade Reserve width (Standard 30.1.7H).

These breaches result in a **Restricted Discretionary Activity** status.

4.3.2 Land Use – District Wide Activity Section 19.1 Riparian Land Management and Public Access

Section 19.1 'Riparian Land Management and Public Access' includes a standard (19.1.6.1(a)) restricting 'riparian vegetation modification' within 15m of any River Identified in Appendix 54. The only portion of the subject site within 15m of the Clive River is the back lawn of the applicant's dwelling on Proposed Lot 6. The dwelling itself is approximately 18m from the edge of the normal water's edge of the river (or 15m from the cadastral boundary of the river). The proposed subdivision does not necessitate any 'riparian vegetation modification' within this area, which would remain unchanged.

This component of the application is a **Permitted Activity**.

4.3.3 Land Use – Plains Production Zone – Standard 6.2.5B

The proposal fails to comply with the 15 metre yard setback for residential dwellings and for commercial activities (existing Zeppelin café operation) associated with the new site boundaries. It is noted that the applicant has asked to apply the provisions of the adjoining Clive Whakatu Residential Zone should consent be granted.

This component of the application will be assessed as a **Restricted Discretionary Activity**.

4.3.4 Land Use – Plains Production Zone – Standard 6.2.6B

The proposal also fails to comply with the Density Standard 6.2.6B in that all residential buildings will be located on sites less than 2500m², except for Lot 1. It is noted that the applicant has asked to apply the provisions of the adjoining Clive Whakatu Residential Zone should consent be granted.

This component of the application will be assessed as a **Non-Complying Activity**.

4.3.5 Overall Status

Overall the combined subdivision and land use consent will be bundled as the land use breaches are a direct result of the subdivision and therefore the application will be assessed as a **Non-Complying Activity**.

5.0 **ADEQUACY OF THE APPLICATION/REQUIREMENT FOR OTHER CONSENTS**

Under the provisions of section 88 of the Resource Management Act 1991 (RMA), an application for a resource consent must be made in the prescribed form and manner and include an assessment of environmental effects in such detail as corresponds with the scale and significance of the effects that the activity will have on the environment. Where these requirements are not met, the Council may, under section 88(3), decide that the application is incomplete and return the application, with written reasons, to the applicant.

The application has been assessed and it has been determined that the application is complete and following requests for further information the application contains sufficient information to allow an assessment of effects.

Section 91 of the RMA allows the council to decide not to proceed with the notification of an application if it considers on reasonable grounds that other resource consents under this Act will also be required for the proposal and it is appropriate that such consent be applied for before proceeding further.

It has been determined that Hawke's Bay Regional Council consents for water takes and discharge of stormwater may be required. Advice received from the Hawke's Bay Regional Council (57681#0310 and #0311) is that the proposal can be serviced from the existing bore following volume tests and stormwater discharge from the site is a permitted activity provided no scouring occurs on the discharge outlet. Accordingly there is no need to put this consent on hold pending HB Regional Council consents.

4.0 SECTION 95A AND 95B NOTIFICATION ASSESSMENT

4.1 Public Notification Assessment

4.1.1 Step 1: mandatory public notification in certain circumstances

The applicant has not requested the application be publicly notified nor has any further information been requested that the applicant has refused to provide to the Council.

The application stands alone i.e. it has not been made jointly with an application to exchange reserve land.

In terms of the above statements, therefore, mandatory public notification is not required (S95A(2)(a)).

4.1.2 Step 2: if not required by step 1, public notification precluded in certain circumstances

The application is for a combined subdivision and land use resource consent that has a non-complying activity status. Therefore, public notification is not precluded under S95A(5)(b)(ii).

4.1.3 Step 3: if not precluded by step 2, public notification required in certain circumstances

In terms of S95A(8)(a) the proposal is not subject to a rule or national environmental standard that requires public notification.

In terms of S95A(8)(b) an assessment of whether the effects of the proposal are more than minor is discussed below.

4.1.3.1 Assessment of Effects on the Environment

A consent authority that is deciding, for the purpose of [section 95A\(8\)\(b\)](#), whether an activity will have or is likely to have adverse effects on the environment that are more than minor in accordance with section 95D —

- (a) must disregard any effects on persons who own or occupy—**
 - (i) the land in, on, or over which the activity will occur; or**
 - (ii) any land adjacent to that land; and**
- (b) may disregard an adverse effect of the activity if a rule or national environmental standard permits an activity with that effect; and**
- (c) in the case of a restricted discretionary activity, must disregard an adverse effect of the activity that does not relate to a matter for which a rule or national environmental standard restricts discretion; and**
- (d) must disregard trade competition and the effects of trade competition; and**
- (e) must disregard any effect on a person who has given written approval to the relevant application.**

Land disregarded Section 95D(a)

In terms of S95D(a) the following land has been disregarded:



Figure 4 – Map of Land disregarded from Public Notification Assessment

Permitted Baseline Section 95D(b)

When assessing actual and potential effects of an activity on the environment under section 95D(b), the Act provides for the Council to disregard an adverse effect of the activity on the environment if the Plan already permits an activity with that effect. This provision is commonly known as the 'Permitted Baseline', and its application is at the discretion of Council.

There is no permitted baseline for subdivision in the Plains Production Zone.

Permitted activities in the Plains Zone (as relevant under the Proposed District Plan) include land based primary production, residential activities, limited commercial and industrial activities and wineries, subject to permitted activity performance standards and terms.

Given the density of the proposal and the yard breaches there is no permitted baseline for the future activities on the site.

Accordingly the permitted baseline is little assistance in considering this proposal, and so the effects of permitted activities have not been disregarded under Section 95D(b).

Restricted Discretionary Activity Section 95D(c)

The activity is not a Restricted Discretionary Activity.

Trade Competition Section 95D(d)

The proposal does not involve trade competition.

Written Approvals Section 95D(e)

The following written approvals have been provided and any effects on these persons have been disregarded:

Affected Persons	Address / Legal Description	Council PID
Gary Deakin (Owner) (Parkhill Trust)	130 Main Road, Clive / Lot 2 DP 9119 (CFR HB151/113)	68698
Kevin McIlroy (Occupier)	130 Main Road, Clive / Lot 2 DP 9119 (CFR HB151/113)	68698

Jonathan Lawry	124 Main Road, Clive / Lot 2 DP 8555 (CFR HB137/293)	57683
NZ Transport Agency	State Highway 2	-

Assessment of Effects

An assessment of environmental effects is provided in Section 7.0 of the submitted application. The comments in the assessment of environmental effects highlight the proposed mitigating factors relating to the rules the proposal does not meet, noting that all likely adverse effects of the proposal have been considered in preparing this assessment. The application concludes the proposed development of the site will result in less than minor adverse effects on the surrounding environment. The adverse effects likely to result from the proposal are as follows:

Any effect on the wider community including any socio-economic and cultural effects

Suitability of the Site in the Context of the Surrounding Neighbourhood

The size of the site being approximately 1.0 ha and location is relatively unique in the area with the adjoining sites on the northern side of State Highway 2 (SH2) to the east being smaller around 0.4ha and diminishing in size the closer you get to Clive around 1000m². The sites to the west are larger with the immediately adjacent site being 1.2ha, and the following site 6ha. The sites further to the east and south on the southern side of SH2 are all zoned Clive Whakatu Residential and are generally around 800-1000m².

This sites location is on the border of the Clive Whakatu Residential Zone. There is potential for additional noise and reduced amenity effects due to the increased development from the four additional residential sites however it is considered that these effects are likely to be no more than minor on the wider environment.

Culture and Heritage

There are no recorded waahi tapu sites within the site of the proposed activity. In addition, no significant heritage or archaeological sites are recorded in the Proposed District Plan.

Reverse Sensitivity Effects

There are not expected to be any reverse sensitivity effects associated with this proposal beyond the adjacent sites and no intensive horticultural activities are located in the vicinity, and that the closest intensive rural production facility is more than 250m away and is the Mill Road boarding cattery at 24 Mill Road. It is noted that the applicant has offered a reverse sensitivity consent notice to address any potential future reverse sensitivity effects.

Any physical effect on the locality, including any landscape and visual effects:

Visual

The subdivision itself is not likely to have any visual effects on the environment itself, rather it creates the ability to enable future dwellings to be built which would have a visual effect. Given the existing built environment and the location of the four additional sites which would be screened by the existing café building on the site and the residential building at 124 Main Road it is unlikely that there would be any visual effects that are more than minor beyond the adjacent sites identified above.

Rural Character and Amenity

While the site is located within the Plains Production Zone it is not typical of a Plains Production Zone site in size or location and therefore it is considered that any rural character and amenity effects on the wider environment will be no more than minor.

Noise

Noise from future residential activities is unlikely to have adverse effects on the wider environment and therefore any effects will be no more than minor.

Hazardous Substances

It is considered unlikely there will be any effects on the wider environment arising from the anticipated small-scale storage or use of hazardous substances on site from future residential dwellings.

Effects on Life-Supporting Capacity of Soil Resource

Any effects of the loss of these soils on the overall life-supporting capacity of soils on the wider environment are considered to be no more than minor, given the small size (6500m²) of the site that is not developed and that could be used for land based primary production. In addition the sites location being sandwiched between residential dwellings effectively limits the sites potential for land based primary production.

Natural Hazards

The site is located within a high liquefaction area as identified in the GNS Report: Assessment of Liquefaction Risk in Hawke's Bay Volume 1 (October 2017). The applicant has however provided a report from a suitably qualified geotechnical professional that confirms that subject to specific engineering design buildings can be built on the site.

The site is also within a small area of a 1:50 year flood, however this is confined to the northern end of the site and only approximately 2 metres from the property boundary. No new buildings would be located within this area and it will be part of the Esplanade Reserve area. The site is also susceptible to a small area of ponding which is confined to the front of the site in front of the existing café building. Again no new buildings are proposed in this area.

Accordingly it is unlikely that there would be any effects on natural hazards that are more than minor on the wider environment as a result of the proposal.

A map of the natural hazards is shown below:

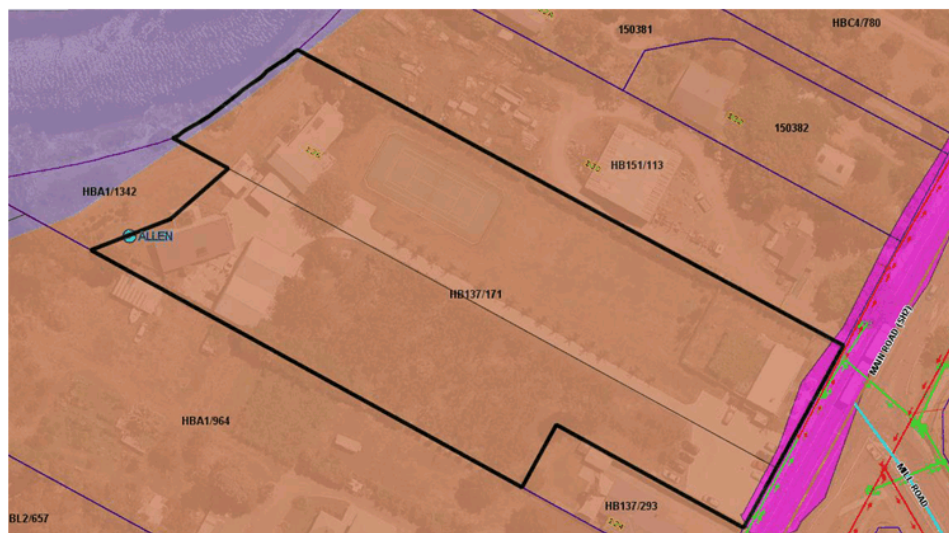


Figure 5 – Natural Hazards

Earthworks

Earthworks will generally be limited to scraping topsoil to form foundations of future dwellings. These are likely to be exempt from the Earthworks chapter where they are associated with a building

consent. Accordingly any earthworks are unlikely to lead to adverse effects beyond the adjacent sites in the wider environment.

Traffic Effects

Parking

In terms of car parking, the site has sufficient area to provide the required onsite carparking and the applicant confirms there will be sufficient car parking facilities to service the development proposal being an increase of 3 additional parks over the current parking spaces.

Accordingly, it is considered unlikely that any adverse parking effect of the proposal will reach beyond adjacent sites.

Traffic Generation and Movements

Advice from the NZTA (being their written Approval) and a letter from a suitably qualified traffic engineer confirms that there are no traffic effects on the wider State Highway 2 network or the intersection with Mill Road which would result from the additional four residential dwellings.

Given this, no adverse traffic effects that are more than minor are anticipated on the wider environment as a result of the proposal.

Traffic Sightlines

Traffic sightlines beyond the immediate environment are not likely to be adversely affected.

Access to the Site

Access to the site will be via the existing access with a formal right of way being proposed to provide the required legal access. Both the NZTA and an expert traffic engineer have confirmed that there are no effects on the wider road network that would be more than minor.

Vehicle and Pedestrian Safety

It is unlikely that there would be more than minor effects on the environment in terms of vehicle and pedestrian safety, given the written approval of the New Zealand Transport Agency.

Infrastructural Capacity

The site currently has onsite servicing for water supply and stormwater but is connected to the Hastings District Council's reticulated sewer for wastewater disposal.

Advice received from the Hawke's Bay Regional Council and a well driller is that the water supply has sufficient volume characteristics to service the development. The water supply has also been tested for quality and is suitable for a potable supply. (See Further Information 57681#0310).

In addition the HBRC advise that stormwater discharge to the Clive River is a Permitted Activity for the proposed subdivision provided no scouring occurs on the outlet.

Advice from the Council's Wastewater Manager is that the four additional sites would probably be within the capacity of the Council's reticulated sewer system in Clive.

Accordingly it is anticipated that servicing of this proposal will not have any effects beyond the site boundaries and accordingly these effects will be no more than minor on the wider environment.

Temporary Construction Effects

Noise, dust, odour, and traffic associated with construction of the residential buildings resulting from the proposed subdivision will be temporary in nature and will be largely concentrated to sites directly

adjoining the subject site. Overall and given that construction effects will only be temporary it is considered that there are no more than minor effects on the wider environment.

Cumulative Effects

The Act defines a cumulative effect as an effect that arises over time or in combination with other effects.

The proposed subdivision will cumulatively add additional noise and traffic characteristics that will result in a more intensive use of the site, such that, although individually, they may be appropriate and/or have limited effects, when coupled together they may have an adverse cumulative effect for neighbours adjoining the site.

In this instance, having regard to what is proposed, it is considered that any such cumulative effect will be minor, but limited to immediate neighbours rather than the wider environment. It is acknowledged that traffic movements will slightly increase, however, it is considered that the traffic effects in combination with other effects will result in no more than minor cumulative effects on the wider environment.

Adverse effects conclusion

Overall, it is considered that the adverse effects of the proposal on the wider environment are anticipated to be no more than minor, with specific regard to amenity, visual, noise, natural environment, character effects, traffic/parking effects and cumulative effects.

4.1.4 Step 4: public notification in special circumstances

Under Section 95A(9) the Council must publically notify an application if it considers that special circumstances exist.

"Special Circumstances" have been defined by the Court of Appeal as those that are unusual or exceptional, but they may be less than extraordinary or unique (*Peninsula Watchdog Group (Inc) v Minister of Energy* [1996] 2 NZLR 529). With regards to what may constitute an unusual or exceptional circumstance, Salmon J commented in *Bayley v Manukau City Council* [1998] NZRMA 396 that if the district plan specifically envisages what is proposed, it cannot be described as being out of the ordinary and giving rise to special circumstances.

In *Murray v Whakatane District Council* [1997] NZRMA 433, Elias J stated that circumstances which are "special" will be those which make notification desirable, notwithstanding the general provisions excluding the need for notification. In determining what may amount to "special circumstances" it is necessary to consider the matters relevant to the merits of the application as a whole, not merely those considerations stipulated in the tests for notification and service.

In *Urban Auckland and Ors v Auckland Council* [2015] NZHC 1382 the High Court found that special circumstances existed where relevant information may have been obtained from the public should it have been notified.

It is considered that the proposed application cannot be described as either exceptional or out of the ordinary, or giving rise to special circumstances.

The issues of concern are primarily around visual amenity and increased density of residential buildings in the locality and for the reasons addressed in this section of this report it is not considered that these issues are unusual or exceptional in either character or intensity for this area such as to warrant wider public notification of the application.

The remaining factors have been thoroughly addressed in the assessment of effects and it has been demonstrated that any adverse effects on the wider environment will be at most minor.

Accordingly, there are no special circumstances under section 95A(9) of the RMA that would justify public notification of the application.

Decision:

I am satisfied that the application can be considered without full notification to the public in accordance with S95A(9)(b).

4.2 Limited Notification Assessment**4.2.1 Step 1: certain affected groups and affected persons must be notified**

No protected customary rights groups or affected customary marine title groups are involved in this proposal nor is the proposed activity on or adjacent to, or may affect, land that is the subject of a statutory acknowledgement. Therefore, limited notification is not required to any such groups under S95B(4).

4.2.2 Step 2: if not required by step 1, limited notification precluded in certain circumstances

Limited notification is not precluded by the criteria included in Section 95B(6).

4.2.3 Step 3: if not precluded by step 2, certain other affected persons must be notified

Section 95(8) requires that a determination be made if there are any affected persons in accordance with Section 95E.

Section 95E States:

95E Consent authority decides if person is affected person

- (1) For the purpose of giving limited notification of an application for a resource consent for an activity to a person under [section 95B\(4\) and \(9\)](#) (as applicable), a person is an **affected person** if the consent authority decides that the activity's adverse effects on the person are minor or more than minor (but are not less than minor).
- (2) The consent authority, in assessing an activity's adverse effects on a person for the purpose of this section,—
 - (a) may disregard an adverse effect of the activity on the person if a rule or a national environmental standard permits an activity with that effect; and
 - (b) must, if the activity is a controlled activity or a restricted discretionary activity, disregard an adverse effect of the activity on the person if the effect does not relate to a matter for which a rule or a national environmental standard reserves control or restricts discretion; and
 - (c) must have regard to every relevant statutory acknowledgement made in accordance with an Act specified in [Schedule 11](#).
- (3) A person is not an affected person in relation to an application for a resource consent for an activity if—
 - (a) the person has given, and not withdrawn, approval for the proposed activity in a written notice received by the consent authority before the authority has decided whether there are any affected persons; or
 - (b) the consent authority is satisfied that it is unreasonable in the circumstances for the applicant to seek the person's written approval.
- (4) Subsection (3) prevails over subsection (1).

Section 95E: replaced, on 18 October 2017, by [section 140](#) of the Resource Legislation Amendment Act 2017 (2017 No 15).

In terms of Section 95E(3)(a) the applicant has provided the written approval of the following persons:

Affected Persons	Address / Legal Description	Council PID
Gary Deakin (Owner) (Parkhill Trust)	130 Main Road, Clive / Lot 2 DP 9119 (CFR HB151/113)	68698
Kevin McIlroy (Occupier)	130 Main Road, Clive / Lot 2 DP 9119 (CFR HB151/113)	68698
Jonathan Lawry	124 Main Road, Clive / Lot 2 DP 8555 (CFR HB137/293)	57683
NZ Transport Agency	State Highway 2	-

A map of the affected persons provided is shown below:



Figure 6 – Map showing written approvals from affected persons

The following assessment considers adverse effects on persons, including not only those who own or occupy the subject site, or those on the land adjacent to the subject site, but any person who may be adversely affected. The statutory threshold applied under Section 95E(1) is adverse effects on a person that are minor or greater.

4.2.3.1 Sites physically adjoining the Subject Site

120 Main Road

This site physically adjoins the subject site to the south and contains a residential dwelling and small kiwifruit orchard. It is considered that the minimum site sizes proposed are more closely aligned with that of the adjoining Clive Whakatu Residential Zone which will in effect create additional development rights that would have effects in terms of visual and building bulk and scale, which would not otherwise be expected within the Plains Production Zone.

Two of the proposed Lots (6 and 7) would potentially have new residential buildings located within 15 metres of the site boundary of 120 Main Road, which again is not anticipated for residential activities in the Plains Production Zone for this site.

The applicant advises that they will erect a close boarded wooden fence with associated dense planting and have also offered a condition that will help to mitigate reverse sensitivity effects.

Overall however it is considered that the persons at 120 Main Road, will observe a resultant loss of amenity through the more regular use and increased density of the site, such that a minor adverse amenity effect will be experienced.

127 Main Road and 2 Mill Road

The two properties are located opposite the applicant's site with 127 Main Rd being on the northern side of the Mill Rd intersection with Main Rd and 2 Mill Rd being on the Hastings side of this intersection.

Given the location of these two dwellings adjacent a busy intersection with State Highway 2 the persons would unlikely be adversely affected by the increased traffic resulting from the proposed subdivision, which will be negligible in comparison to the traffic volumes on Main Rd (SH2). Further to this, these two properties will be well separated from the proposed new dwellings with the 30m width of Main Rd (SH 2) providing a physical buffer to the applicants site.

The property at 127 Main Road is in use as 'Chuckles Learning Centre' being an early childhood education provider. This property is located opposite the existing café and the proposed subdivision will not result in any new visible development given that the new dwellings would be screened by the café.

The property at 2 Mill Road is partially opposite the café carpark and partially opposite the neighbouring dwelling at 124 Main Road. The closest point of 2 Mill Rd will be over 60m away from the eastern boundaries of proposed Lots 2 and 4 while the new development on these Lots would be screened by the café landscaping and plum trees adjacent the access way.

Accordingly it is considered that any effects on persons on these sites is considered to be less than minor.

4.2.3.3 Any Other Persons

The separation between the subject site and sites other than those identified above is such that persons on these sites are unlikely to experience an adverse effect associated with noise, visual amenity or traffic generation.

As such, other persons in the wider environment are not considered to be adversely affected by the proposal and are not likely to be affected in terms of amenity in a way that can be considered to be minor or more than minor.

4.2.3.4 Summary of Limited Notification Assessment

On the basis of the above analysis it has been determined that there are Affected Persons in terms of Section 95E of the Resource Management Act 1991.

4.2.4 **Step 4: further notification in special circumstances**

It is considered that no special circumstances exist in relation to the application that warrant notification of the application to any other persons in accordance with Section 95B(10) for the same reasons as identified above.

4.3 **Notification Decision:**

For the above reasons and in accordance with Section 95B(9) of the Resource Management Act 1991 it is recommended that the consent authority give limited notification of the application to the following persons:

Address / Legal Description	Owner	Council PID
120 Main Road Clive / Lots 1 and 2 DP 10515	C R and J T Spain	57684

Recommended by:

**David Bishop
SENIOR ENVIRONMENTAL PLANNER (CONSENTS)**

**Decision issued under Delegated
Authority by:**



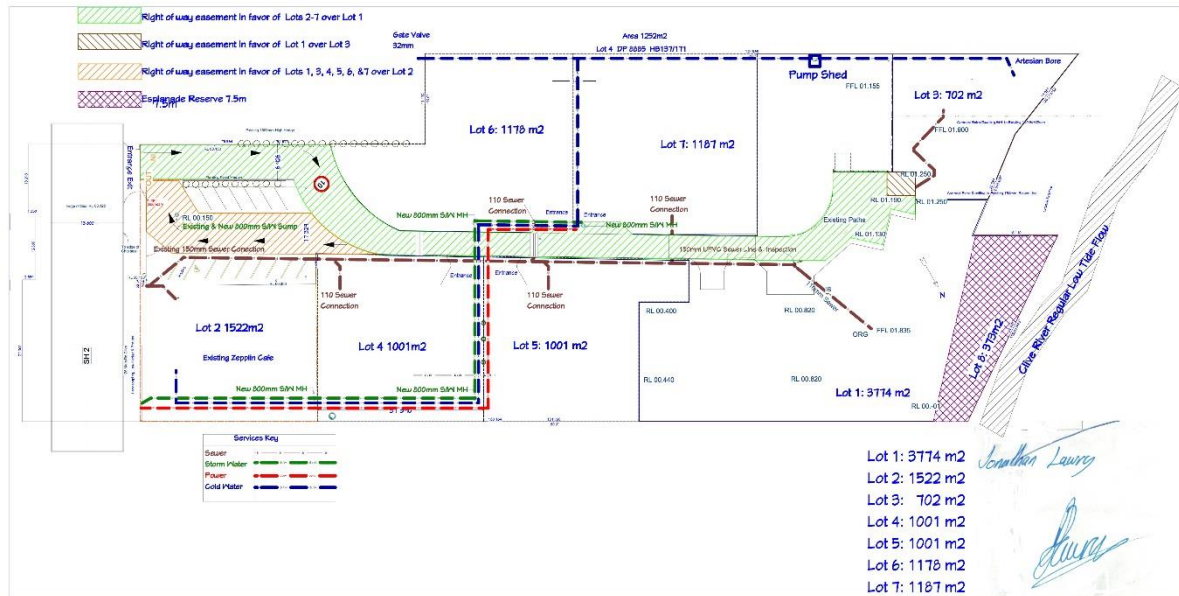
**Murray Arnold
ENVIRONMENTAL CONSENTS MANAGER
PLANNING AND REGULATORY SERVICES**

Date:

8 August 2018

Item 2

Attachment L



Sheet
3

Drawn By:
J. Laurie
Checked By:
J. Laurie
Date:
31/07/2018

Scale:
A1: 1:500

The Davidsons
Subdivision

126 Main Rd Clive

Lot 4: 3714 m²
1000.0 m²

SUBMISSION ON LIMITED NOTIFIED RESOURCE CONSENT APPLICATION: RMA20180010

PERSONS MAKING SUBMISSIONS:

Charles Robert Spain
John Trevor Spain

1. The specific parts of the application that my submission relates to are:

4. Nature of the proposal and reasons for not supporting it.

4.2) We completely agree agricultural or horticultural spraying would be invasive on any homes on the 126 Main Road, Clive site. Our family has been orcharding on our site (120 Main Road, Clive) for the past 50 years. For the past few years we have been extending our plantings across our site the most mature trees are on the river end of the property. However we are extending the area towards the road and as this will directly boarder the proposed development consider it potentially invasive for any residents living their.

4.3) The current owners may not be able to sustain any economic gain from their property but we believe this is down to poor management of the current fruit trees and the fact that valuable productive land has been used for Cafe development and pleasure items like tennis courts.

7.0 Assessment of Environmental Effects

Access and Traffic Generation

It is planned to create a changed and larger parking area for the commercial building whilst using minimum of hard fill. We can in no way see how this new layout in any way improves the current parking situation. If anything it greatly reduces the existing number of parks available to but a few diagonal spaces.



CURRENT PARKING



PROPOSED PARKING

As can clearly be seen from these photos parking is already a major problem



CARS PARKED UNDER EXISTING TREES



Access to the property from 126 Main Road, Clive is directly on the Mill Road/Main Road intersection. This intersection is extremely dangerous.

Over the past few months, we have witnessed one accident and several near misses. This danger is already increased by the continuous movement of traffic from the Zeppelin Cafe on the site. Currently it is quite common for customers to park between the trees in the orchard behind the cafe.

If four extra houses are built the residents will be adding to the already over crowded road access. Also as the orchard trees will be

removed the vehicles that used to park beneath them will have no other choice but to park either side of the Main road or on the large green verge across the road. These additional vehicles attempting to merge into the main road traffic flow and avoid traffic exiting Mill road will cause poor vision and chaos.

8.0 Consultation and Affected Parties

We take extreme exception to the suggestion that our property is a largely unproductive lifestyle block. This unproductive block has served to sustain 3 generations for the last 50 years and provide an annual economic gain.

Also as advised above our property is currently going through an orchard regeneration which could by its nature affect the residents of any dwelling bordering our property.

The Mitchell Daysh report 3.2 Matters of National Importance 'Section 6'

Figure 1 also shows 2 narrower esplanade reserves, one of which has had an esplanade reserve taken to on it sometime in the past. We note from the <http://www.environmentguide.org.nz> website

Esplanade reserves and esplanade strips are mechanisms to protect riparian and coastal margins for the purpose of:

- Contributing to the protection of conservation values, including the natural functioning of the sea, river or lake, water quality, aquatic habitats, and other natural values; or
- Mitigating natural hazards; or

- Enabling public access to any sea, river or lake; or
- Enabling public recreational use of the esplanade reserve or esplanade strip and adjacent sea, river or lake (where compatible with conservation values).

We notice this area has been fenced by the Davidsons and generally regarded as their own. As stated above should this area not be considered as “for public recreational use” and as such not be able to be fenced...

2. Our submission is:

We **oppose** the development of 126 Main Road Clive because of our points raised above.

3. We seek the following:

As stated above we oppose the development at 126 Main Road Clive for the reasons we have stated. The Davidsons maintain the properties at 120 and 126 Main Road Clive are lifestyle only and not able to generate a profit. We disagree because our family has managed to do this for 3 generations. It was also our understanding the previous occupiers who had understood the agricultural use of the land and had used it efficiently had also managed to use it productively.

However the Davidsons have chosen to profit from the land by its sale and development. Which we understand is their right.

As such we would agree to a development of 126 Main Clive under the following conditions.

- Lots 4 and 5 be **not allowed** and that land be set aside as an agricultural buffer / Cafe parking overflow area.
- We note from the Mitchell Daysh report 4.3 Figure 2 - Interface with adjoining Plains Production Zone Site. The Plains Production Zone building setback is 15m and we feel this must be adhered to...
- This **buffer zone** would give the residents of Lots 6 and 7 safety from any agricultural or horticultural spraying which could be invasive. Also it would give a transition area from our property which is still actively farmed and the new development which would for all future purposes be regarded as residential.
- Furthermore it would serve as a much needed traffic overflow for the Cafe as it is common place for the existing orchard area to be used as parking. This would prevent the relocation of traffic to the Main Road SH2 roadside or the green area across the road.
- The Cafe visitors seem to be increasing as the current management offer extended services like craft courses and improved food and restaurant services. Which will undoubtedly increase even more in the summer better weather period. (Which is a good thing for the business and the Clive community) We believe it is vital that steps are put in place **now** to allow for future traffic flow and people numbers. Especially for older patronage and children embarking and disembarking from vehicles.
- This buffer zone would also give access to the 2 narrower esplanade reserves if needed in the future...

Subject to these conditions being met we would feel more inclined to sign this consent form.

4. We would be happy to be heard in support of our submissions.