

Hastings District Council

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OPEN A G E N D A

COMMISSIONER HEARING

Meeting Date: Tuesday, 22 January 2019

Time: 9.00am

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

**(NOTICE OF REQUIREMENT TO DESIGNATE LAND FOR ROAD
CORRIDOR WITH ASSOCIATED INFRASTRUCTURE FOR WATER,
WASTE WATER, AND STORMWATER; AND STORMWATER
CORRIDOR - NOR HOWARD STREET)**

Hearing Commissioner	Chair: Commissioner Paul Cooney
Officer Responsible	Group Manager: Planning & Regulatory Services
Reporting Planner	Senior Environmental Planner (Consents) Michelle Hart
Committee Secretary	Christine Hilton (Extn 5633)

HASTINGS DISTRICT COUNCIL

**A COMMISSIONER HEARING MEETING WILL BE HELD IN THE COUNCIL
CHAMBER, GROUND FLOOR, CIVIC ADMINISTRATION BUILDING,
LYNDON ROAD EAST, HASTINGS
ON TUESDAY, 22 JANUARY 2019 AT 9.00AM.**

- 1. APOLOGIES**
- 2. NOTICE OF REQUIREMENT TO DESIGNATE LAND FOR ROAD
CORRIDOR WITH ASSOCIATED INFRASTRUCTURE FOR WATER,
WASTE WATER, AND STORMWATER; AND STORMWATER CORRIDOR -
NOR HOWARD STREET**

**DOCUMENTS CIRCULATED FOR HEARING - COMPILED AS THREE
SEPARATE DOCUMENTS**

Document 1 The covering administrative report

Attachment 1 The Hearing Report

Pg 11

The Notice of Requirement and Submissions can be viewed on the Council website and a reference hardcopy is held at the Council Civic Administration Building.

REPORT TO: COMMISSIONER HEARING

MEETING DATE: TUESDAY 22 JANUARY 2019

**FROM: COMMITTEE SECRETARY
CHRISTINE HILTON**

**SUBJECT: NOTICE OF REQUIREMENT TO DESIGNATE LAND FOR
ROAD CORRIDOR WITH ASSOCIATED
INFRASTRUCTURE FOR WATER, WASTE WATER, AND
STORMWATER; AND STORMWATER CORRIDOR - NOR
HOWARD STREET**

1.0 INTRODUCTION

This is a covering report relating to the Notice of Requirement to designate land for a road corridor with associated infrastructure for water, waste water, and stormwater and stormwater corridor (RMA20180376).

- 1.1 This agenda can be viewed on the Council website and a reference hardcopy is held at the Ground Floor Reception, Council's Civic Administration Building, Lyndon Road East, Hastings and at each of the district libraries (in Havelock North, Flaxmere and Hastings).
- 1.2 For ease of reference the recommendations from the attached Planner's Report are set out below, as part of this covering report.

2.0 RECOMMENDATIONS

RECOMMENDATIONS TO THE REQUIRING AUTHORITY

- A. That pursuant to Section 168A(4) and 184A of the Resource Management Act 1991:**

RECOMMENDATION 1 –

- (a) That the Notice of Requirement to designate land for Road Corridor and Associated Infrastructure Servicing Corridor and Stormwater Corridor to facilitate residential development within the Howard Street General Residential Zone is confirmed with the inclusion of the severance land (Part Lot 42 DP 752) abutting Parkvale School subject to conditions, and included in the Proposed Hastings District Plan.

The Notice of Requirement more fully describes the Requirement as:

- A crescent shaped road corridor running internally through the development.

- The road is largely 20m wide, apart from the area adjoining Parkvale School which is 22m wide.
- The road corridor is approximately 840m in length.
- The road corridor will also include servicing capabilities for water, wastewater and stormwater.
- A stormwater corridor of 10m wide and approximately 52m long located on 214 Havelock Road being PT LOT 2 DP 8367 BLK IV TE MATA SD.

B. RECOMMENDATION 2 –

That the necessary amendments be made to the Proposed District Plan incorporating:

- . Amendments to the Proposed District Plan maps to show the additional areas of land to be designated.
- . Amendments to the Designation Schedule, including insertion of the final version of the conditions.

C. That pursuant to Section 176A (1) and (2)(c) of the Resource Management Act 1991:

RECOMMENDATION 3 –

- (a) That the request to waive the requirement for an Outline Plan be accepted in part.
- (b) That prior to commencement of construction of the road an Outline Plan be submitted to the Environmental Consents Manager (or Nominee) to allow the Consent Authority to request any changes before construction is commenced. The Outline Plan must demonstrate how the road alignment and roadside car parking alongside the boundary of Parkvale School will address and mitigate the potential traffic conflicts between road users and the school.

12.0 REASONS FOR DECISION

1. The designation is reasonably necessary for achieving the objectives of the Requiring Authority.
2. Adequate consideration has been given to alternative sites, routes, or methods of achieving the project.
3. It is unreasonable to expect the Requiring Authority to use an alternative site, route or method.
4. The designation is generally consistent with the objectives of the Hawkes' Bay Regional Policy Statement and with the objectives, policies

and other provisions of the operative and proposed Hastings District Plans.

5. The designation is generally in accordance with Part 2 of the Resource Management Act 1991.
6. The amendments that have been made to the proposal as a result of further investigations, or in response to submitters' concerns, are within the scope of changes that can be authorised.
7. Restrictions, by way of conditions, imposed on the designation have been included to avoid as far as practicable, remedy or mitigate adverse environmental effects of the designation.
8. The Outline Plan requirement for the road design allows for consideration of final design details to address the uncertainty relating to how the design will achieve safe and efficient on-road car parking for Parkvale School and the other matters in the information submitted with the Notice of Requirement.
9. The notice of requirement is consistent with Section 5 of the Resource Management Act 1991 as the establishment of the road and services infrastructure will provide for a public work of District importance in providing a servicing solution to support the Howard Street residential area as confirmed in Variation 3 of the Proposed Hastings District Plan.

13.0 RECOMMENDATIONS ON SUBMISSIONS

1. That the submissions **of Christopher and Lorraine Burns (1) and Marcus Hill on behalf of TRACE Group (3)** in support of the NOR be **ALLOWED**.

With reasons for this recommendation being;

The submissions in support indicate acceptance of the NOR as it has been notified.

2. That the submission of **Barry and Lynne Keane (2)** opposing the location of the stormwater corridor over their land, being the property at 214 Havelock Road, namely Part Lot 2 DP 8367 (CFR HB135/238) be **DISALLOWED**.

With reasons for this recommendation being;

The location of the proposed stormwater corridor represents the most natural and least restrictive flow path from the, taking the shortest possible route to the proposed internal road corridor and ensuring that minimal land will be taken for the corridor.

3. That the submission of **Woolworths NZ Limited (4)** supporting in part the NOR be **ALLOWED** insofar as it is recommended that the NOR be modified to include a small area of land (severance) on the Gee Property, **PID 55493**, namely part of Lot 42 DP752 (CFR HB37/104) within the designated corridor but **REJECTED** insofar as it is recommended that the NOR otherwise be confirmed without further modification.

With reasons for this recommendation being;

- i. Apart from the small modification of the NOR over **PID 55493**, namely Lot 42 DP752 (CFR HB37/104), the location of the proposed road represents the most efficient and effective location to provide essential services to the Howard Street development area;*
 - ii. it is considered appropriate to designate the compete corridor at the onset to reduce costs associated with a staged event;*
 - iii. relocating the road to alongside the school would require considerable modification of the road alignment resulting in inefficiencies to the roading pattern and servicing within the modified alignment;*
 - iv. the position of the road (including associated services) was reached in a decision of Variation 3 and recommended to be the most efficient and effective location.*
 - v. Delaying or deferring designation of the north west road stub would significantly disadvantage the owners of 260 Havelock Road by restricting the ability to develop their site.*
4. That the submission of **Karen Cooper (5)** supporting in part the NOR be **ALLOWED** insofar as it is recommended that the stormwater corridor over Part Lot 2 DP 8367 (CFR HB135/238) is confirmed but **DISALLOWED** insofar as the request to modify the road alignment and width where it adjoins the submitters land.
5. That the submission of **Karen Cooper (5)** requesting acoustic and stock proof fences at the expense of the Requiring Authority be **DISALLOWED**.

With reasons for this recommendation being;

- i. The location of the proposed stormwater corridor represents the most natural and least restrictive flow path from the, taking the shortest possible route to the proposed internal road corridor and ensuring that minimal land will be taken for the corridor.*
- ii. Narrowing one entrance reduces the ability to provide sufficient safety, amenity and service levels to road users. This reduced ability discriminates against the users of the second entrance. As a result of narrowing the second entrance the first entrance will*

gain in prominence and may require a higher form of intersection control leading to land requirements that are strictly not warranted under the current scheme.

iii. The conditions regarding fencing is considered to be out of scope for the NOR and can be negotiated with the Requiring Authority outside of this process. The noise report prepared by Malcolm Hunt Associates does not recommend any specific noise mitigation be implemented due to the modest levels of traffic noise involved.

6. That the submission of **Ministry of Education (6)** and **Board of Trustees, Parkvale School (7)** be **ALLOWED** insofar as it is recommended to that the NOR be modified to include a small area of land (severance) on the Gee Property, **PID 55493**, namely part of Lot 42 DP752 (CFR HB37/104) within the designated corridor **and** that it is recommended that there be no additional modification of the designated corridors.

With reasons for this recommendation being;

The recommendation to modify the designation over Lot 42 DP752 (CFR HB37/104) will not result in any inefficiencies associated with traffic flow or servicing and could provide an opportunity of additional car parking for Parkvale School.

15.0 RECOMMENDED CONDITIONS

GENERAL

1. Except as modified by the conditions below, and subject to final design, the Project shall be undertaken in general accordance with the information provided by the Requiring Authority in the Notice of Requirement dated August 2018 and supporting documents: HDC References;
 - 55505 #0102
 - 55505 #0103
 - 55505 #0143
 - 55505 #0107
 - 55505 #0104
 - 55505 #0105
 - 55505 #0106
2. If a conflict arises between any conditions of this designation and the Notice of Requirement, the conditions of this designation will prevail.
3. That the property subject to the designation and identified as Lot 42 DP 752 (CFR HB37/104), (HDC ref **PID 55493**) - **George Andrew Brummer, Anthony Patrick Douglas Gee, Eileen Gee, and Steven Vue Lup Gee** be altered in accordance with Figure (a) below;

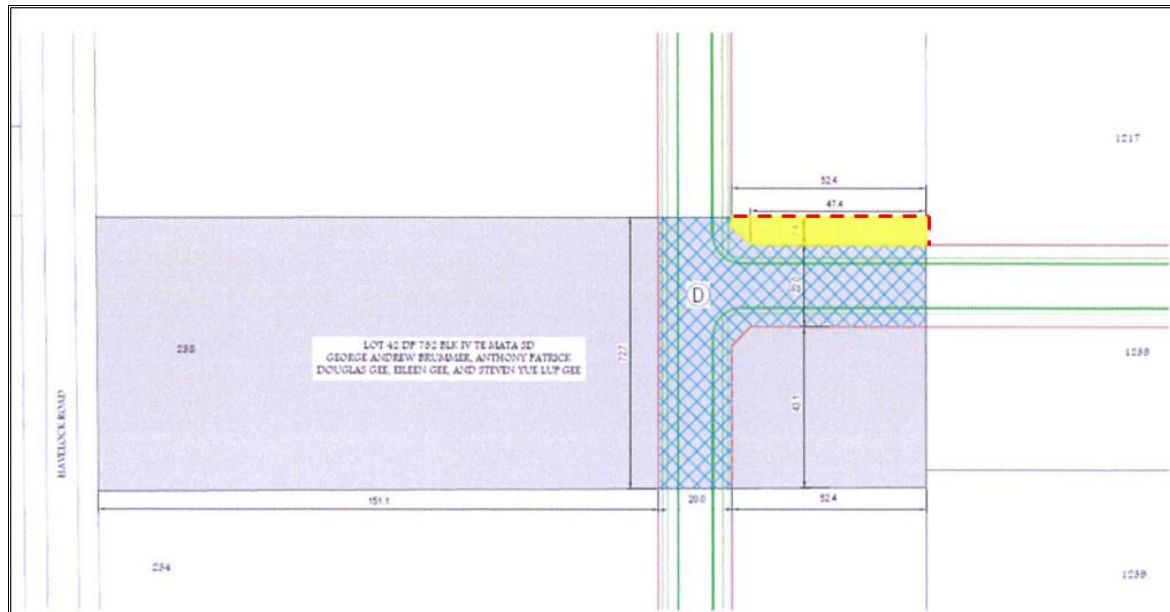


Figure (a)

MANAGEMENT PLANS

4. The following management plans listed below shall be submitted to the Environmental Consents Manager, Hastings District Council (or Nominee) prior to the commencement of any construction activities for approval:
 1. Construction Management Plan (CMP);
 2. Dust and sediment Management Plan;
 3. Traffic Management Plan; and
 4. Construction Stormwater Management Plan
5. The final plans listed in Condition 3 shall be submitted to the Environmental Consents Manager at least 20 working days prior to the commencement of any construction activities for certification that the plans are generally in accordance with the draft plans, including their objectives and environmental performance standards.
6. Construction activities shall not commence until the management plans have been certified by the Environmental Consents Manager (or Nominee) and written confirmation of certification from the Environmental Consents Manager (or Nominee) has been received. If a written response is not provided to the Environmental Consents Manager (or Nominee) within 20 working days of the Requiring Authority/consent holder submitting the management plans for certification, the certification shall be deemed to be confirmed.
7. The final road design shall be submitted for Outline Plan approval under section 176A of the RMA. The assessment of affects accompanying the

Outline Plan shall be limited to effects on the traffic safety around the provision for car parking bordering Parkvale School and shall show how the final design will achieve a design that avoids remedies or mitigates against adverse effects.

Advice Note:

For clarification all other aspects of the designation are waived for Outline Plan purposes. The purpose of this condition is to provide the option for the Environmental Consents Manager to undertake independent review and / or request changes to prior to final design being completed by the Requiring Authority.

In completing the Outline Plan the Requiring Authority are encouraged to liaise with the surrounding land owners affected by the road design adjacent to Parkvale School.

8. The Requiring Authority/consent holder may amend the management plans at any time. Any changes shall remain consistent with the overall intent of the relevant management plan and shall be submitted to the Environmental Consents Manager for certification, following the same process outlined in Conditions 3 to 5 above. Construction activities subject to the amendment shall not commence until the amendment has been certified by the Environmental Consents Manager.
9. All construction works shall be carried out in general accordance with the CMP and all supporting management plans required by these conditions.

CERTIFIED MANAGEMENT PLANS TO BE HELD ON-SITE

10. A copy of the certified versions of the management plans shall be kept on each construction site to which the plan relates at all times and the Requiring Authority/consent holder shall ensure that the contractors and all key personnel are aware of each plan's contents.

CONSTRUCTION NOISE

11. That all work shall be limited to between the hours of **7:30am to 5:00pm, Monday to Saturday**. No work is to be undertaken on Sunday or during Public Holidays.
12. All works shall be so conducted as to comply with the provisions of New Zealand Standard NZS6803:1999 "Construction Noise".

EARTHWORKS / DUST

13. That while the earthworks are being undertaken and prior to re-vegetation, areas of exposed earth shall be regularly dampened with water to ensure that no wind born dust is able to be deposited outside the property boundaries.

14. That all areas of earthworks associated with the **Road Corridor and Associated Infrastructure Servicing Corridor and Stormwater Corridor** shall be re-grassed, planted or developed to an erosion proof state within **1 month** of the earthworks being completed, to the satisfaction of the Environmental Consents Manager, Hastings District Council.

CULTURAL/ARCHAEOLOGICAL DISCOVERY PROTOCOL

15. In the event of any archaeological site, waahi tapu, taonga or koiwi being discovered during the works authorised by this designation/consent, the Requiring Authority/consent holder shall immediately cease work at the affected site and secure the area. The Requiring Authority/consent holder shall contact the Council to obtain contact details of the relevant hapu and/or marae. The consent holder shall then consult with the appropriate tribal entities and Heritage New Zealand Pouhere Taonga, and shall not recommence works in the area of the discovery until the relevant Heritage New Zealand Pouhere Taonga and appropriate tribal entity approvals to damage, destroy or modify such sites have been obtained.

MANAGEMENT OF POTENTIAL SOIL CONTAMINANTS

16. That no construction works commence within the Designated Road and Servicing Corridors until the required resource consent(s) are obtained under the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011.
17. At the completion of the works a completion report and as-built plan shall be provided to the Environmental Consents Manager, Hastings District Council (or Nominee), Hastings District Council, to confirm the location of the contaminated soil as a result of the construction of the access and servicing corridor.

TRAFFIC MANAGEMENT

18. That a Traffic Management Plan be submitted to the Hastings District Council for approval of the Environmental Consents Manager (or Nominee) prior to construction commencing on the road and service corridors.

WITH THE REASONS FOR THE CONDITIONS BEING THAT:

1. Conditions 1 and 2 will ensure that the designation proceeds in accordance with the Notice of Requirement or the conditions of consent.
2. Condition 3 will confirm a new alignment that is considered a more efficient use of a small landlocked part of the property identified as **PID 55493** -

George Andrew Brummer, Anthony Patrick Douglas Gee, Eileen Gee, and Steven Vue Lup Gee.

3. Conditions 4 – 6 will ensure that any environmental effects are avoided, remedied or mitigated during the construction period.
4. Condition 7 will ensure that in respect of the road alignment adjacent to Parkvale School, there are no adverse effects on road users or conflicts with the School.
5. Condition 10 will ensure that contractors working on the infrastructure servicing corridor have access to and know about the management plans in order to avoid, remedy or mitigate effects during construction.
6. Conditions 11 and 12 ensure any noise associated with the construction of the servicing corridor and stormwater soakage areas complies with national standards.
7. Conditions 13 to 14 ensure that there are no adverse effects on adjacent properties in regard to dust and sediment deposits resulting from earthworks.
8. Condition 15 will ensure that the protection of archaeological items, waahi tapu, taonga or koiwi should these be discovered during the works.
9. Condition 16 to 17 will ensure that any potentially contaminated soil will be managed in an appropriate manner to avoid, remedy or mitigate adverse effects on the environment.
10. Condition 18 will ensure that any potential traffic conflicts can be managed in an appropriate manner to avoid, remedy or mitigate adverse effects on the environment and that access to the Infrastructure Servicing Corridor by the general public is avoided.

Advisory Notes

1. The Health and Safety Plan utilised by the Requiring Authority for the protection of site workers should include measures to avoid contact with potentially contaminated soils.

Attachments:

1	Hearing Report	55505#0145	
2	Application and Notice of Requirement for Rooding & Stormwater Servicing Corridor	55505#0102	Document 2
3	Plans of the Notice of Requirement	55505#0103	Document 2
4	Public Notice 22 Sept FINAL	55505#0142	Document 2
5	Scanned Submissions (merged)	55505#0121	Document 2

6	Late submission (Parkvale School, Board of Trustees)	55505#0158	Document 2
7	Submission Summary for Howard Street(2)	55505#0146	Document 2
8	Detailed Site Investigation Report NESCS - EAM Limited	55505#0143	Document 2
9	Lorentz Agrology Soil Appraisal for Karen Cooper	55505#0163	Document 2
10	Stormwater Capacity Assessment	55505#0107	Document 2
11	Additional Stormwater analysis- Tonkin & Taylor	55505#0162	Document 2
12	Submission Summary HDC Stormwater Manager- Howard Street Notice of Requirement	55505#0167	Document 2
13	Wastewater Servicing Background Report	55505#0104	Document 2
14	Overall TIA Transport Impact Assessment	55505#0105	Document 2
15	Roading and Stormwater advice for Howard St NOR - Additional information	55505#0165	Document 2
16	Geotechnical Report	55505#0169	Document 3
17	S92 Further Information Required Letter	55505#0164	Document 3
18	Traffic Noise Impact - 1259 Howard Street	55505#0168	Document 3

REPORT TO: INDEPENDENT COMMISSIONER

MEETING DATE: 22 JANUARY 2019

FROM: MICHELLE HART –
SENIOR ENVIRONMENTAL PLANNER
(CONSENTS)

SUBJECT: NOTICE OF REQUIREMENT
(RMA20180376)

TO DESIGNATE LAND FOR ROAD
CORRIDOR WITH ASSOCIATED
INFRASTRUCTURE FOR WATER,
WASTE WATER, AND STORMWATER;
AND STORMWATER CORRIDOR

REQUIRING AUTHORITY: HASTINGS DISTRICT COUNCIL

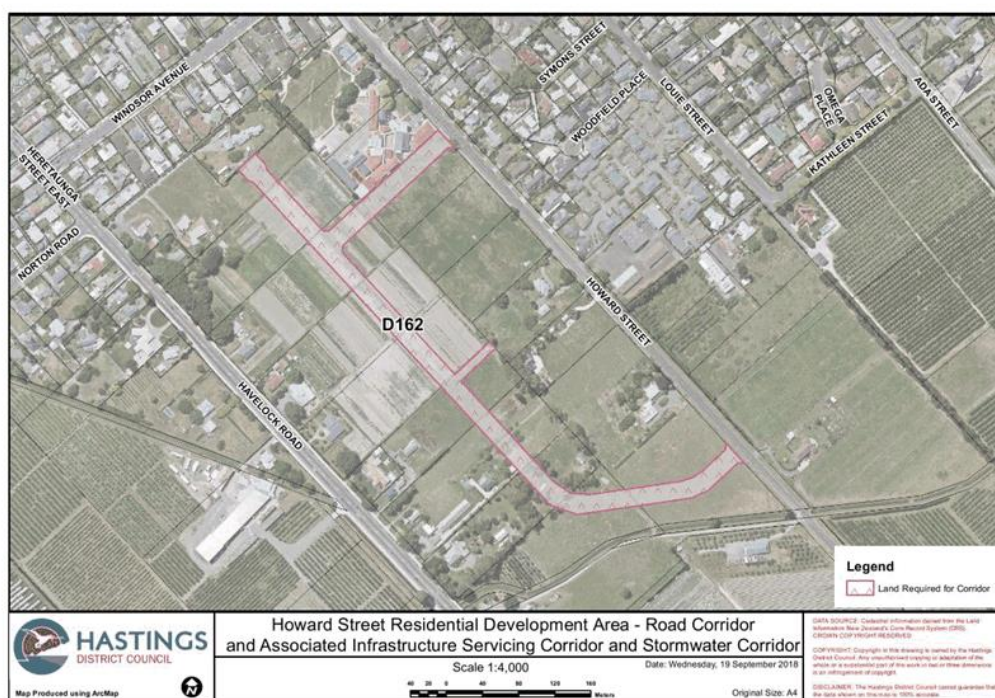
1.0 INTRODUCTION

- 1.1 Notice has been given under Section 168A of the Resource Management Act 1991 (the Act) by Hastings District Council (as the Requiring Authority) of a requirement to designate a corridor of land on a residential zoned block of land south-east of Hastings city, off Howard Street Parkvale, for a public work. A copy of the application is attached in **Attachment 2**.
- 1.2 The Notice of Requirement (NOR) was lodged on 5 September 2018. The NOR is for a designation for a public work, to be included in the Hastings District Plan as follows:

‘Howard Street Residential Development Area – Road Corridor and Associated Infrastructure Servicing Corridor, and Stormwater Corridor’

The public work authorised by the designation is the construction, operation and maintenance of a road and infrastructure servicing corridor to provide road access to internal sites, reticulated water supply, waste water disposal and stormwater disposal, to ensure that the new General Residential Zone can be appropriately serviced.

- 1.3 The extent of land required for the proposed road, infrastructure servicing corridor, and stormwater corridor, is identified below in **Figure 1** below:



- 1.4 The Affected Land Schedule is shown below. The map below (**Figure 2**) identifies where these properties are located against the corresponding number in the first column of the schedule.

Affected Land Map Location	Address	Owner	Legal Description	Computer Freehold Register	Land Area Required (m ²)
A	1239 Howard Street	TW Property Holdings Limited	Lot 3 DP 3146 (Lots 4,5 & 6 DP3146 not affected)	110/280	2582
B	258 Havelock Road	General Distributors Ltd (now Woolworths NZ Ltd)	Lot 1 DP336086	15830	900
C	246 Havelock Road	General Distributors Ltd (now Woolworths NZ Ltd)	Lot 42 DP 742	E4/835	1439
D	238 Havelock Road	George Andrew Brummer, Anthony Patrick Douglas Gee, Eileen Gee, and Steven Vue Lup Gee	Lot 42 DP 752	37/104	2632
E	226 Havelock Road	George Andrew Brummer, Anthony Patrick Douglas Gee, Eileen Gee, and Steven Vue Lup Gee	Lot 43 DP 752	D2/957	1457
F	226 Havelock Road	George Andrew Brummer, Anthony Patrick Douglas Gee, Eileen Gee, and Steven Vue Lup Gee	Lot 44 DP 752	D2/957	1452
G	214 Havelock Road	Barry Paul Keane and Lynne Keane	PT Lot 2 DP 8367	135/238	1623
H	208 Havelock Road	Christopher Hugh Burns and Patricia Lorraine Burns	PT Lot 2 DP 8367	H1/584	1455
I	204 Havelock Road	Ian James Kelly	Lot 47 DP 752	B1/972	1115
J	180 Havelock Road	Anthony Harold Masters and Heather Margaret Masters	Lot 1 DP 28632	Y2/170	1803
K	1259 Howard Street	Karen Mary Cooper	Lot 2 DP 492632	716606	2583
TOTAL LAND AREA NEEDED (hectares)					1.9041ha

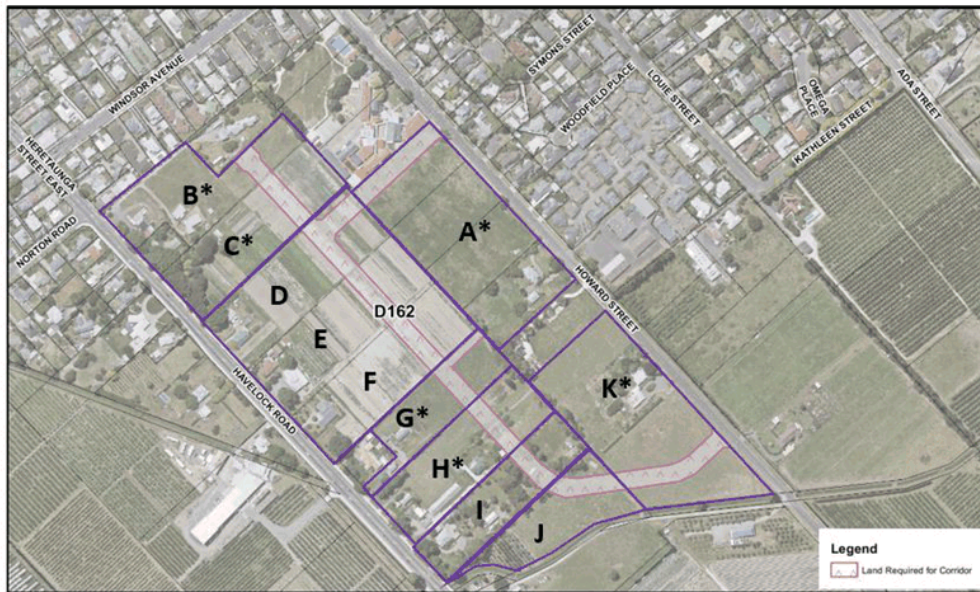


Figure 2 – Affected Properties – refer affected land schedule above

Note: * Denotes submitter(s)

1.5 The NOR outlines the Requiring Authority's stated project objectives as being to:

- Provide sufficient land for the infrastructure servicing of a new residential zone on the southern side of Howard Street, Hastings;
- Enable the efficient, effective and timely implementation of the physical infrastructure necessary to service the area;
- Manage the overland flow of stormwater to the road and stormwater detention area via a Council owned and maintained service corridor.

2.0 SCOPE OF HEARING

2.1 The hearing addresses submissions on the Notice of Requirement for a Designation for a Public Work ***'Howard Street Residential Development Area – Road Corridor and Associated Infrastructure Servicing Corridor and Stormwater Corridor'***.

2.2 Late Submission

2.2.1 One of the submissions was received on the 13 November 2018, 14 working days outside of the closing date for submissions. Therefore the Council must make a decision on whether to formally accept this submission.

2.2.2 To enable a late submission to be considered, the Commissioner must formally extend the time limit of the receipt of submissions. Section 37 of the RMA allows the Council to extend a time period specified in the RMA and Section 37A specifies the Criteria that must be taken into consideration in making such a decision.

2.2.3 The Section 37A criteria are as follows:

A consent authority or local authority must not extend a time limit or waive compliance with a time limit, a method of service, or the service of a document in accordance with Section 37 unless it has taken into account:

- (a) The interests of any person who, in its opinion, may be directly affected by the extension or waiver; and*
- (b) The interests of the community in achieving adequate assessment of the effects of a proposal, policy statement or plan; and*
- (c) Its duty under Section 21 to avoid unreasonable delay.*

2.2.4 A time period may be extended under Section 37 for –

- A time not exceeding twice the maximum time period specified in this Act; or*
- A time exceeding twice the maximum period specified in this Act if the applicant or requiring authority requests or agrees.*

This submission was received fourteen days after the close of submissions. This submission was from the Board of Trustees at Parkvale School and raises similar issues to those raised in the Ministry of Education in their submission. The late submission was received in time to be considered as part of the assessment of the NOR, does not raise any additional matters that have not been raised

by other submitters and it is not considered to have caused any unreasonable delay. It is my opinion that:

- It would be in the interests of the community generally that this submission is able to be considered by the Commissioner.
- No person would be directly affected by the granting of an extension.
- It is appropriate for the Commissioner to formally accept this late submission, in the interest of being fair and inclusive in the process.

3.0 BACKGROUND

- 3.1 In order to gain an understanding of the reasons for the NOR it is important to background the history of this area in terms of Variation 3 of the Proposed Hastings District Plan. The application provides the following background information; *'The Variation proposed to rezone an area of land on the eastern side of Hastings City to provide for future greenfield residential growth. This area was identified in HPUDS in 2010 as one of a number of areas for greenfield residential growth to 2045, and subsequently in the RPS as being an appropriate residential greenfield growth area within the Heretaunga Plains.*

The area was then included in Hastings District Council's prioritisation of greenfields residential areas adopted by Council in 2011 and was scheduled for development in the 2026 to 2031 period – on that basis, because the Howard Street development area was not anticipated within the 10-year life of the District Plan, it was not included in the recent Proposed Hastings District Plan as part of its 10-year review.

Issues with unsuitability/unavailability of growth areas scheduled for earlier release (namely, the planned Arataki Extension) resulted in a reconsideration of the timing of the release of the Howard Street area for greenfield residential development. These recent sequencing issues were matters for consideration in the HPUDS Review in 2016.

At the end of 2015, Council was also approached by a developer with substantial land interest within the Howard Street area, indicating a desire and readiness to progress a substantial residential development as soon as possible. That gave further stimulus for

bringing forward the sequencing of the Howard Street development area'.

- 3.2 The Howard Street Urban Residential Rezoning was notified under Variation 3 to the Hasting's Proposed District Plan on the 13th July 2016. A hearing was held on 16 December 2016 and a Decision on Submissions was released on 25 March 2017.
- 3.3 There was one appeal received on the Plan Change. The appeal did not challenge the objective of the Plan Change in rezoning the land from Plains to Residential, but rather sought that the location and size of Stormwater Detention Area be reduced or amended, and any subsequent relocation be made to the road adjoining the detention area upon any amendments. A consent order signed by all parties, has been filed with the Environment Court.
- 3.4 While mediation has been ongoing, the Requiring Authority has also been approached by a number of landowners to discuss development opportunities once the appeal has been resolved.
- 3.5 It has become clear to the Requiring Authority through these discussions, that the best way to achieve full service connections for each of these landowners, would be to designate the internal road corridor (and subsequent 3 water services within the corridor) and an additional 10m wide stormwater corridor along the north-western boundary of the land contained within 214 Havelock Road, Pt Lot 2 DP 8367. This would provide the opportunity for the Requiring Authority to construct the entire internal road when necessary, and the associated services that will be placed within the corridor, thus allowing each property to connect to downstream services.
- 3.6 The Requiring Authority's previous position for the Howard St Development Area was to work with landowners to negotiate the timing and construction of the internal road as part of their individual developments, but in accordance with the structure plan. The primary issue with this approach is that some property owners at the far end of the development will be restricted from development until the internal service road reaches them. These landowners are some of the most eager to develop. However to ensure a fair and equitable approach to development of the Howard Street area, it was considered that all landowners should have the ability to connect to services at the earliest possible time, rather than having to wait for development and construction to come to them.

- 3.7 A request to proceed with the development of a Designation Application was brought to the Planning and Regulatory Committee meeting on 10 May 2018 with a recommendation to proceed with the application.
- 3.8 The recommendation was to progress with the designation of the roading corridor, the stormwater corridor and the stormwater detention area. However, it was considered that the Requiring Authority should not proceed with the designation of the stormwater detention area at this time.
- 3.9 A subsequent report to the Council, on 2 August 2108, sought a decision to designate the internal road (including infrastructure services for water, wastewater and stormwater), and a separate stormwater corridor within the Howard Street Urban Development Area. The designation was to reflect the approved structure plan. The approved structure plan is as shown below in **Figure 3**.

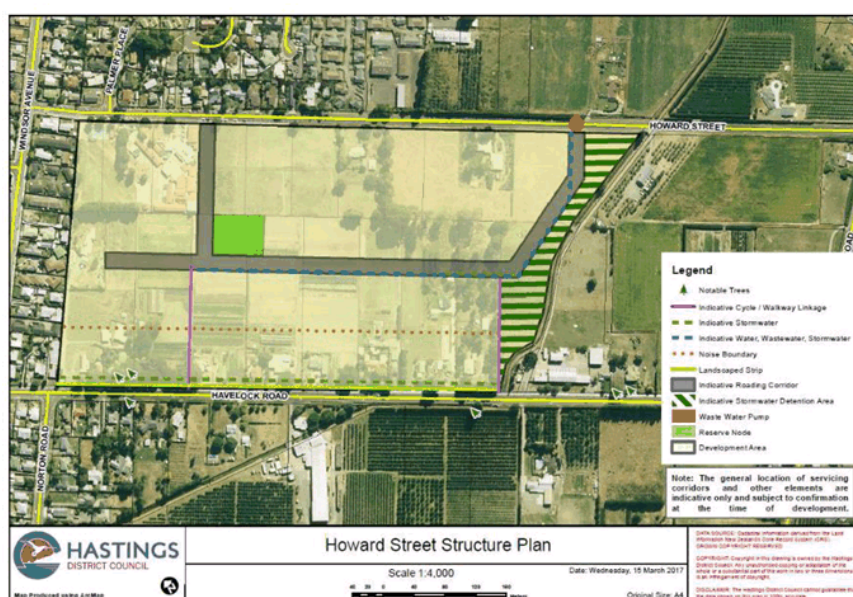


Figure 3 – Structure Plan for the Howard Street Development Area

This report (2 August 2108) included an analysis of the options as follows;

- **Option 1:** Do not designate and continue with the current situation. This would involve a piecemeal approach where land

is developed from the Riverslea Drain side of the structure plan in a lineal fashion to the Parkvale School side. This approach would involve landowners constructing the internal loop road individually as part of their development, but still in accordance with the structure plan. Where landowners adjoin, or a landowner wishes to go ahead of an adjoining site, negotiations would occur.

- **Option 2:** Do not designate but Council enters a willing buyer/willing seller approach. This would involve the purchase of land for the roading corridor and stormwater areas by Council in line with the structure plan. Council would construct the road and services.
- **Option 3:** Council designates the internal road corridor, and the stormwater corridor. This would ensure Council has a consistent approach and can purchase and develop land in a timely and efficient manner under the Public Works Act.

The preferred Option was **Option 3** on the basis that; given the recognised community demand for more residential greenfield sites, and the readiness of some property owners within the Howard Street block to commence development it is considered that designating the internal road corridor and stormwater corridor is the preferred option. While going through the Notice of Requirement process will take some time upfront, it will ensure that land can be developed more efficiently over the coming years, will prevent individual property owners from holding up development, and will ensure equal opportunities for residential development across the Howard Street Urban Development Area.

The Councils decision was;

- A) That the report of the titled "" dated be received.**
- B) That the Council resolve to proceed with the designation of the following infrastructure components of the Howard Street Urban Development Area; The internal road corridor including the infrastructure that sits within the road, and the stormwater corridor over PT LOT 2 DP 8367 BLK IV TE MATA SD as shown by the Designation Plans as shown as part of the plan (ENV-9-19-3-18-179)**

'Notice Of Requirement for Howard Street' attached to the report in (A) above.

- C) That the Acting Chief Executive be delegated authority to apply for the Notice of Requirement Application**

With the reasons for this decision being that the objective of the decision will contribute to meeting the current and future needs of communities for (good quality local infrastructure) in a way that is most cost-effective for households and business by:

Providing a greater level of certainty that properties in the Howard Street Development Area can be serviced in a timely and efficient manner, that is fair to all property owners within the development area.

- 3.10 An application for Notice of Requirement was therefore drafted on the basis that only the road corridor and stormwater corridor should be designated.

4.0 DESCRIPTION OF NOTICE OF REQUIREMENT AND SURROUNDING AREA

- 4.1 The NOR is described as follows:

- A crescent shaped road corridor running internally through the development.
- The road is largely 20m wide, apart from the area adjoining Parkvale School which is 22m wide.
- The road corridor is approximately 840m in length.
- The road corridor will also include servicing capabilities for water, wastewater and stormwater.
- A stormwater corridor of 10m wide and approximately 52m long located on 214 Havelock Road being PT LOT 2 DP 8367 BLK IV TE MATA SD.

Figure 1 above in section 1.3 is repeated below for clarity.

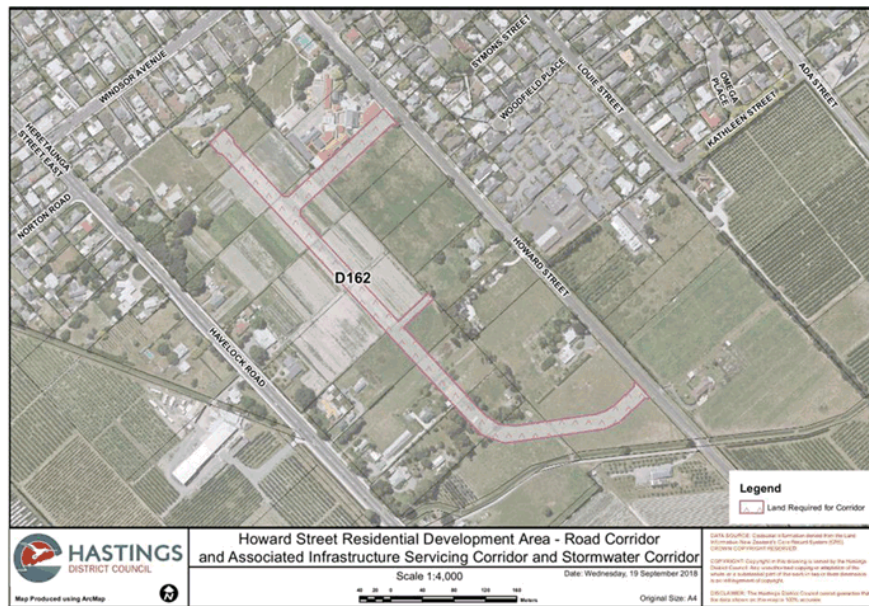


Figure 1 (repeated) – Area Subject of Notice of Requirement (D162)

- 4.2 As shown in **Figure 4** below, the designation corridors will be located within the new Hastings General Residential Zone. The area is of flat terrain where the predominant land use is a mix of productive agricultural and horticultural activities with scattered clusters of buildings including houses, sheds, and larger accessory buildings. It is clear to see from **Figure 1** above and **Figure 4** below, the properties that are affected by the NOR, the associated zoning of these properties, and the surrounding environment.

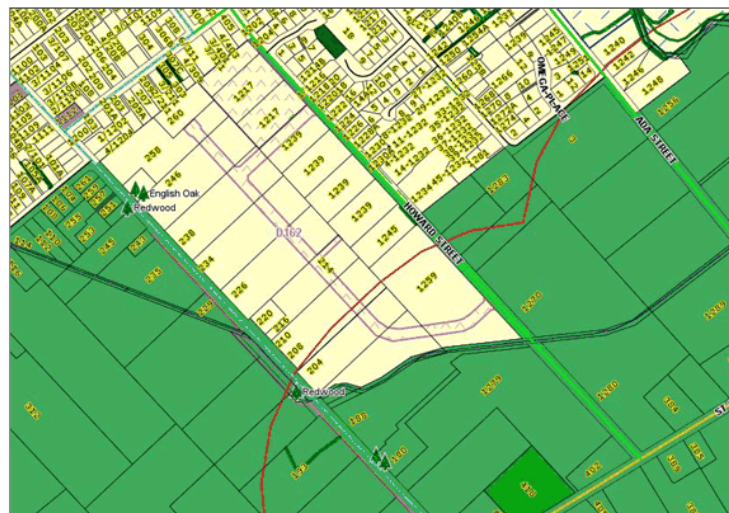


Figure 4 – Map of Designation in relation to Planning Zones

- 4.3 The application included detailed plans for each property affected by the proposed NOR. These are attached in **Attachment 3**.

5.0 AFFECTED PERSONS CONSENTS

- 5.1 A description of consultation undertaken with landowners is included in the application in **Attachment 2** (section 14.0 of the application). As these landowners had already been identified and engaged with in the Variation (rezoning) process prior to notification of the NOR no further consultation was undertaken apart from with the owners of 1239 Howard Street and 214 Havelock Road. This was due to the additional stormwater corridor not originally considered as part of Variation 3 affecting both of these properties but mainly 214 Havelock Road.

As stated in the application, the owners of 1239 Howard are keen for the corridor to progress, the owners of 214 Havelock Road have not confirmed support or opposition to the stormwater corridor.

I note that a submission has been received from the owners of 214 Havelock Road opposing the location of the additional stormwater corridor (**Submission 2**).

6.0 OTHER CONSENTS

Hawkes Bay Regional Council

- 6.1 As stated in the HB Regional Council (HBRC) informal submission, *there is an existing comprehensive stormwater discharge consent for the subject site (DP00355Wb). Under the existing conditions for this consent, there are a number of requirements for new developments that need to be met as part of this consent. The NOR in no way alters that consents conditions nor associated requirements.*

National Environmental Standards

- 6.2 A Detailed Site Investigation (DSI) was undertaken by EAM Environmental Consultants Limited (refer to **Attachment 8**) over all properties affected by Variation 3 (rezoning from Plains Production to Hastings General Residential Zone). This was due to the area having been used over the years for cropping and orcharding which potentially resulted in some sites being described as HAIL sites in

terms of the NESCS. An assessment of the application under the NESCS is discussed further below in section 9.6.9.

7.0 PUBLIC NOTIFICATION

7.1 The Requiring Authority requested public notification. The NOR to designate land for Road Corridor and Associated Infrastructure Servicing Corridor and Stormwater Corridor was publicly notified on 22 September 2018 in accordance with Section 168A(1A) and Sections 95A to 95G of the Resource Management Act 1991. The closing day for submissions was 23 October 2018. The public notice is in **Attachment 4**. The NOR was served on the following properties:

- Orange refers to the properties directly affected by the NOR;
- Green refers to properties adjacent to the development area;
- Blue refers to land owners within the development area but are not directly affected by the NOR;
- Grey refers to occupiers who are either on land directly affected by or adjacent to the NOR;
- HB Regional Council as an adjacent TLA and in accordance with section 10 (2) (c) of the Resource Management (Forms, Fees and Procedure) Regulations 2003.

Owners Names	Physical Address
Karen Mary Cooper	1259 Howard Street I
General Distributors Limited	258 Havelock Road H
General Distributors Limited	246 Havelock Road H
Eileen Gee & Antony Patrick Douglas Gee & 2 others...	238 Havelock Road H
Eileen Gee & Antony Patrick Douglas Gee & 2 others...	226 Havelock Road H
Barry Paul Keane & Lynne Keane	214 Havelock Road H
Christopher Hugh Burns	208 Havelock Road H
Ian James Kelly	204 Havelock Road H
TW Property Holdings Limited	1239 Howard Street I
Heather Margaret Masters & Anthony Harold Masters	180 Havelock Road H
Denise Chong & Vernon Quenten Higgan	1222 Howard Street I
Keith Alexander McLean & Sandra Dawn McLean	1218 Howard Street I
David Keith Boden & Kaye Boden & Shane Keith Boden	1220 Howard Street I
Enguete Limited & Jeremy Francis Gresson	1279 Howard Street I
Bruce Conrad Boyes & Julie Anne Boyes	1270 Howard Street I
Graham Blackwell Davis & Heather Mignon Davis	1216 Howard Street I
Beverley Merle Painter	1/1216 Howard Stree
Richard Thomas Fyfe & Amanda Val Fyfe & Thomas Nelson Fyfe	1245 Howard Street I
General Distributors Limited	250 Havelock Road H
Coltan William John Wright & Erin Elizabeth Harford-Wright	220 Havelock Road H
Education Ministry	1217 Howard Street I
Gordon Charles Smith & Janine Fairfield-Smith & 1 other...	260 Havelock Road H
Occupiers	188 Havelock Road
Occupiers	214 Havelock Road
Occupiers	250 Havelock Road

The Public Notice is attached in **Attachment 4**.

- 7.2 A total of 6 submissions were received and one informal submission/letter (HBRC). Two submissions support the NOR and four submissions seek that the NOR be modified. An informal submission/letter was received from the Hawkes Bay Regional Council which was for information purposes only. Of the four submissions seeking modification of the NOR, one opposed the location of the stormwater corridor over their land. The submissions are in **Attachment 5**. The late submission from the Parkvale School Board of Trustees opposing any modification to the notified designation (road alignment) is in **Attachment 6**.

- 7.3 A full summary of submissions received on the NOR, including reasons, are contained in the table below.
- 7.4 The map below (**Figure 5**) identifies the location of submitters within proximity to the proposed infrastructure corridor. The number on the aerial photograph corresponds with the submission number in the table below in section 7.5.

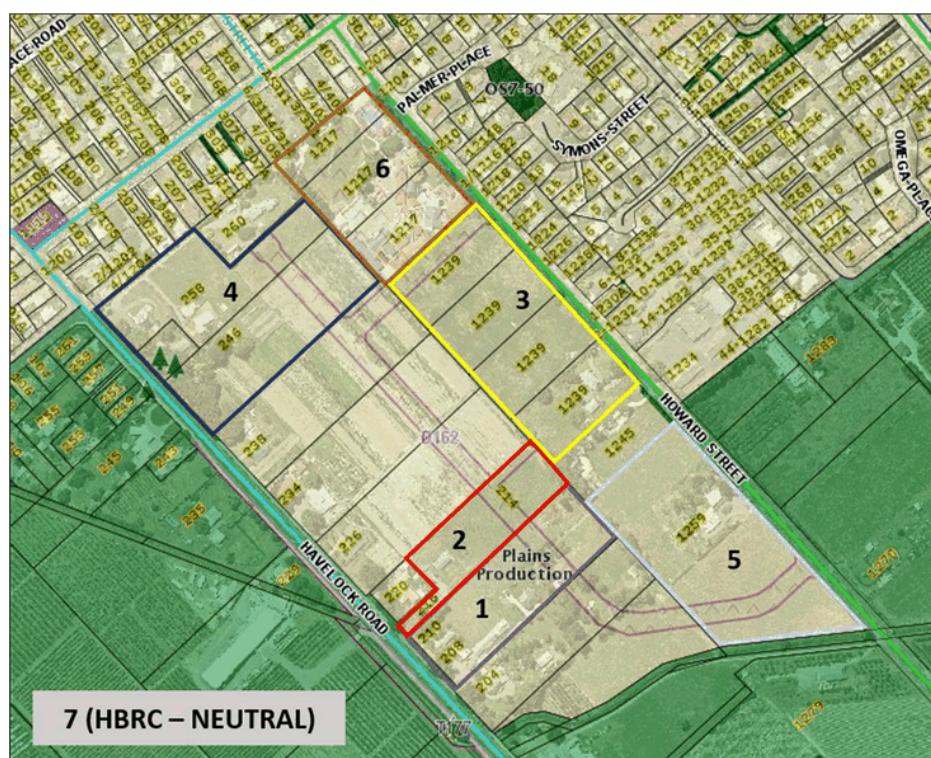



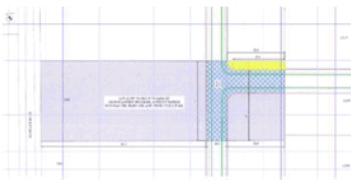
Figure 5 – Location of Submitters

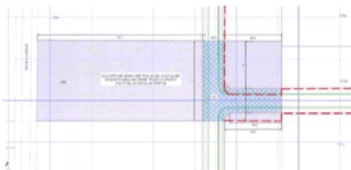
- 7.5 The following table lists the submitters and summarises the decisions they seek in relation to the NOR. An enlarged version is available in **Attachment 7**.

Submission Number	Submitter Name/s	Submission Relates to	Submission Summary	Decision Sought
1	Christopher and Lorraine Burns	The location of the proposed structure road	Submission supports the Councils proposed location for the road. When designing the layout for our proposed subdivision the distance between the structure	Confirm the requirement for the designation

Submission Number	Submitter Name/s	Submission Relates to	Submission Summary	Decision Sought
			road to our Howard Street and Havelock Road boundaries was required when calculating the section sizes. Any movement from the proposed location of the road will alter the boundaries of all 20 sections.	
2	Barry and Lynne Keane	Stormwater corridor as it applies to 214 Havelock Road	<p>Opposes the stormwater corridor along the Howard Street end of their property at 214 Havelock Road, because:</p> <ul style="list-style-type: none"> (a) in the 65+ years family have lived at 214, it has never flooded – natural water collection points are on adjacent properties; (b) it was not part of the original plan; (c) it will reduce the subdivision potential of our land from 4 to 3 sections; (d) HDC future plans to use the corridor as a walk/cycle way will affect privacy and reduce value of adjacent land; and (e) the Howard Street option in paragraph 12.7 (the original plan) provides a suitable alternative. This option involves an outlet from 1239 Howard Street, to Howard Street itself. Stormwater would then be conveyed to Howard Street and the detention area. 	Withdraw the stormwater corridor as it relates to 214 Havelock Road as other options exist (Howard Street or Ken Gee's property)
3	Marcus Hill on behalf of Trace Group	Designation of the internal road and stormwater corridors	<p>The owners of 214 Havelock Road support the position of the proposed road within the structure plan and the location and function of the proposed overland flowpath.</p> <p>The submission highlights that the support of the current roading position is contingent on the proposed overland flowpath designation and its proposed position remaining, linking the subject land above to the new</p>	Confirm the requirement for the designation

Submission Number	Submitter Name/s	Submission Relates to	Submission Summary	Decision Sought
4	Woolworths NZ Ltd (formerly Progressive Enterprises limited)	Designation of the internal road and stormwater corridors	<p>roading network and in turn to the requisite services that will be under the carriageway.</p> <p>Woolworths supports the Notice of Requirement (NOR) insofar as it seeks to establish necessary roading, access and infrastructure within the Howard Street structure plan area, to enable urban development. However this submission supports in part the intended road corridor, road design and associated design and consequently seeks amendments to the requirement.</p> <p>It is submitted that in its current form the NOR will generate adverse effects on the environment that could be avoided, remedied or mitigated by an alternative alignment; proposes a route that has not been sufficiently tested against alternatives; doesn't promote sustainable management; isn't effective nor efficient as its implementation isn't timely; will not achieve an efficient layout for future development with high amenity values due to a lack of connectivity and isolation of certain parcels of land. The designation relative to the Woolworth's land is shown below:</p>  <p>The road within the Woolworths land is to provide access to 260 Havelock Road, which currently has legal and existing access</p>	Confirm the requirement with modifications

Submission Number	Submitter Name/s	Submission Relates to	Submission Summary	Decision Sought
			<p>from Havelock Road via a Right of Way. It is also submitted that the roads position as proposed for this property unnecessarily restricts development opportunities and the use of this area by the adjoining Parkvale School as playing fields.</p> <p>Woolworths therefore suggests the following alternatives:</p> <p>(a) not designating the portion of the road corridor in Woolworths ownership now, rather leave it and if future concerns are raised about accessing 260 Havelock Road in the future when development details are known then potentially designate; or</p> <p>(b) relocate this portion of the road corridor to the north-eastern boundary adjacent to Parkvale School. A relocation to the rear of Woolworths land will still provide access to 260 Havelock Road and potentially conveniently provide on-street parking for school drop off.</p> <p>In addition to concerns about their own landholdings, Woolworths submission raises the issue of the proposed location of the road within the adjacent site owned by the Gee family, as highlighted in the figure below:</p>  <p>The portion highlighted in yellow above is a segment of land that will be orphaned from the rest of the site owned by the Gee family at 238 Havelock Road, should</p>	

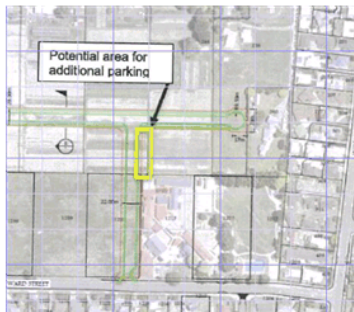
Submission Number	Submitter Name/s	Submission Relates to	Submission Summary	Decision Sought
			<p>the roading corridor proceed as shown in the Notice of Requirement. This will result in an unusable parcel of land and a segregation strip which limits a sensible access arrangement to and from Woolworths' land. The alternative would be to designate to the Woolworths' boundary, which could occur without impacting on Parkvale School, as shown below:</p>  <p>Woolworths' acknowledges that this results in a "kink" in the designation boundary but this does not preclude a more subtle curve in the actual road corridor being provided within the legal extent. This is particularly so if the spur into Woolworths' land is deleted from the NOR or moved closer to its northern boundary. It is submitted that this also provides the opportunity to include on-street parking within the road reserve adjacent to the schools boundary, to facilitate drop off and pick up by parents. A slight curve in the road at this point would assist in reducing speeds around a sensitive landuse. To this end, it is sought that the proposed roading network within the Gee family property (238 Havelock Road) be relocated to avoid severing land by designating to the Woolworths' land boundary.</p> <p>This submission supports the intention by Council in this NOR to ensure appropriate land is available to provide critical services to the structure plan</p>	


Submission Number	Submitter Name/s	Submission Relates to	Submission Summary	Decision Sought
			area, particularly for the conveyance of stormwater and agrees the timely provision of servicing by Council is better than a developer led, piecemeal approach to the construction of services. The submission acknowledges intent around stormwater management for 5 and 50 year events. However, the submission questions whether the high level stormwater assessment (Stormwater Capacity report prepared by MWH), which appears to consider existing stormwater capacity only is sufficient, as the report concludes the structure plan area is undersized in some catchments and that further analysis, including topographical surveys is necessary to ascertain a more detailed stormwater network design. Woolworths submits that Council needs to undertake this further assessment so that the design will appropriately provide for future development within the structure plan area, thereby more appropriately dealing with stormwater conveyance and discharge.	
5	Karen Cooper	Designation of the internal road and stormwater corridors	<p>This submission generally supports the location of the roading corridor and including the construction of services. This option as opposed to the other alternatives is submitted as the most appropriate, as it will:</p> <ul style="list-style-type: none"> • Enable the construction of the road to be undertaken in a consistent and integrated manner and to the same construction standards across all properties; • Ensure that the road construction is not carried out in an ad hoc and piecemeal manner and that no property owner or developer, for 	Confirm the requirement with modifications

Submission Number	Submitter Name/s	Submission Relates to	Submission Summary	Decision Sought
			<p>whatever reason, can delay the construction of the road as it crosses their land and hold up any development on adjoining properties;</p> <ul style="list-style-type: none"> • Allow all property owners in the rezoned area to undertake any residential development on their land in their own timeframe without constraints around essential infrastructure and services; • Allow all landowners to access and service their respective residential developments; and • It will support the Regional Policy Statement ISS UDI in that it will assist in the efficient provision, operation and maintenance of physical infrastructure and services. <p>The proposed designation of the additional stormwater corridor on the property at 214 Havelock Road which will convey stormwater from any development on 1239 Howard Street to the internal road corridor. This is required to negate the difficulties in achieving sufficient fall to the Howard Street road reserve and the high cost of fill (as per Section 2 clause 12.7) which impacts negatively on the cost of development.</p> <p>It is submitted that consideration should be given to an alternative roading alignment, which allows for one road to be less than 20 metres in width (secondary road and currently specified in "Plan K") which could still include water, wastewater and stormwater services. This secondary road could be used if necessary for vehicle access but would be primarily a pedestrian,</p>	

Submission Number	Submitter Name/s	Submission Relates to	Submission Summary	Decision Sought
			<p>cycling track. There is thus the potential for that part of the road (as is currently specified in "Plan K") to be reduced to 10 metres in width (6 metres for the road plus some road reserve for services). Access for any residential development on 1259 Howard St would be from Howard Street rather than the structure road. The rezoned area would therefore have a primary road by the Parkvale School ("Plan A" in the Notice of Requirement) and a secondary road through 1259 Howard St (to replace "Plan K"). This would allow additional land to be made available for residential use.</p> <p>The following additional recommendations or decisions are also sought from Council:</p> <ul style="list-style-type: none"> • Subject to the above amendment, approve the proposed location of the roading corridor and including the construction of piping and swales for the reticulated water, wastewater and stormwater services as for Plans A-J inclusive and designate accordingly and attach the following conditions to any approval: <ul style="list-style-type: none"> ○ This road must not be moved any further north-west and south-west towards my residential property; ○ During the construction of the road, Council and their contractors must take all reasonable steps to protect the privacy and security of my property and must have adequate systems in place to minimise dust and noise and to ensure as little inconvenience as 	

Submission Number	Submitter Name/s	Submission Relates to	Submission Summary	Decision Sought
			<p>possible to me as the land owner;</p> <ul style="list-style-type: none"> ○ Council must undertake to fence the surveyed boundary between the structure road and my remaining land with a seven wire post and batten stock proof fence prior to the start of any construction (unless the land has been sold for development in the interim); ○ I am also seeking that Council should fund the construction of a noise cancelling or mitigating fence along the eastern boundary of my residential area to minimise future vehicle noise from the structure road impacting on my privacy, security and property; • Approve the designation of the additional stormwater corridor on the property at 214 Havelock Road; • Approve commencement of the construction of the road and services as soon as possible in 2019; and • Keep development levies at the current advertised rate for 2018/19 of \$24,441.81 per Section. 	
6	Ministry of Education	Designation of the internal road corridor	<p>The Ministry is supportive of the NOR. However, the Parkvale School already has traffic and parking problems around the school, particularly on Howard Street.</p> <p>It is submitted that the location of the proposed collector road on the boundary of the school, will impact on the learning environments of the class rooms due to the noise associated with</p>	Confirm the requirement with modifications

Submission Number	Submitter Name/s	Submission Relates to	Submission Summary	Decision Sought
			<p>the traffic. With the construction of the road these class rooms will be significantly closer to the road than they are at present and the standard front yard requirement will no longer be available to them. For this reason in prior submissions (April, August and September 2016) on the proposed Howard Street Structure Plan the Ministry requested a buffer area to be incorporated into the design of the road, through the inclusion of vehicle parking and a footpath. While the NOR shows the proposed road is 22 metres wide, no detail has been provided on the potential cross section opposite the classrooms on this boundary.</p> <p>The Ministry also notes that west of the school boundary on the collector road, there may be an available area for additional vehicle parking, leading up to the intersection with the new collector road as shown below:</p>  <p>This additional parking area could help to alleviate existing congestion on Howard Street.</p>	
7 (late)	Board of Trustees, Parkvale School	Designation of the internal road corridor	The Board of Trustees for Parkvale School generally supports the NOR, provided Parkvale School is not adversely impacted upon by the vicinity of the NOR on the land owned by General Distributors Ltd.	Confirm the requirement with modifications

Submission Number	Submitter Name/s	Submission Relates to	Submission Summary	Decision Sought
			 <p>The Board do not wish to see the NOR relocated immediately adjacent to the common boundary of Parkvale School, and vigorously oppose any modification of the NOR which resulted in this modification as a suggested outcome.</p>	

7.6 Briefly the key issues raised in submissions therefore are:

- Support of the Notice of Requirement – **Submissions 1 & 3;**
- Support in principle the Notice of Requirement, however suggest modifications in respect of the road alignment – **Submissions 4, 5, 6 and Late Submission 7;**
- Opposition to the location of the stormwater corridor – **Submission 2;**
- Support for the stormwater corridor on the property at 214 Havelock Road – **Submission 5;**
- Stormwater issues – **Submission 4;**
- Provision for noise and dust mitigation – **Submission 4;**
- Provision of fencing – **Submission 4;**
- Development Levies – **Submission 4;**
- Additional land for school parking – **Submission 6.**

8.0 STATUTORY ASSESSMENT

8.1 Notice of Requirement

8.1.1 The application is for a Notice of Requirement by a Territorial Authority under Section 168A of the Act.

8.1.2 Under Section 168A(3) of the Act, when considering a requirement and any submissions received, a territorial authority must, subject to

Part 2, consider the effects on the environment of allowing the requirement, having particular regard to:

- (a) *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*
- (b) *whether adequate consideration has been given to alternative sites, routes, or methods of undertaking the work if—*
 - (i) *the requiring authority does not have an interest in the land sufficient for undertaking the work; or*
 - (ii) *it is likely that the work will have a significant adverse effect on the environment; and*
- (c) *whether the work and designation are reasonably necessary for achieving the objectives of the requiring authority for which the designation is sought; and*
- (d) *any other matter the territorial authority considers reasonably necessary in order to make a decision on the requirement.*

8.1.3 The Notice of Requirement is assessed against each of these matters in the following sections of this report, as set out below.

- Assessment of Effects on the Environment – Section 9.0
- Assessment against Relevant Policy Statements and District Plan Provisions – Section 10.0
- Assessment as to Adequacy of Consideration of Alternatives and Assessment as to Reasonable Necessity of the Work and Designation for Achieving the Objectives - Section 11.0
- Other Matters Considered - Section 12.0
- Assessment Subject to Part II of the Resource Management Act - Section 13.0

8.1.4 Where a Requiring Authority issues a notice of requirement for a designation within its own district, the territorial authority, as the consenting authority, makes the final decision under Section 168A (4) of the Act. The territorial authority may decide to:

- (a) *confirm the requirement;*
- (b) *modify the requirement;*

- (c) *impose conditions:*
- (d) *withdraw the requirement.*

8.1.5 This decision can be appealed to the Environment Court.

8.2 Waiver of Outline Plan

8.2.1 Under Section 176A (1), a Requiring Authority must submit an outline plan to the Territorial Authority for a public work to be constructed on designated land. The Territorial Authority may, request modifications before construction commences.

8.2.2 Under Section 176A (2) an outline plan need not be submitted to the territorial authority if—

- (a) the proposed public work, project, or work has been otherwise approved under this Act; or
- (b) the details of the proposed public work, project, or work, as referred to in subsection (3), are incorporated into the designation; or
- (c) the territorial authority waives the requirement for an outline plan.

8.2.3 An outline plan must show;

- (a) the height, shape, and bulk of the public work, project, or work; and
- (b) the location on the site of the public work, project, or work; and
- (c) the likely finished contour of the site; and
- (d) the vehicular access, circulation, and the provision for parking; and
- (e) the landscaping proposed; and
- (f) any other matters to avoid, remedy, or mitigate any adverse effects on the environment.

8.2.4 An outline plan waiver has been included in the application. In this instance, the Territorial Authority (Hastings District Council as consent authority) can request an outline plan on the basis that insufficient information has been provided with the NOR that addresses the overall finished design. I recommend that this be a matter for consideration and included as a condition of consent addressing those matters that require a more detailed design. In this instance, in relation to the road design where it adjoins Parkvale

School boundary. The lack of physical design and cross sections with the NOR was raised in the submission by the Ministry of Education (**Submission 6**).

9.0 ASSESSMENT OF EFFECTS ON THE ENVIRONMENT

9.1 Section 168A (3) requires consideration of the effects on the environment of allowing the requirement.

9.2 The nature of the work is described in Part 1 of the NOR document (**Attachment 2**) and in the accompanying 'Project Description' in Part 2, Section 4.0. In summary the proposed work is a new road corridor that is 20m wide for most of the corridor and 22m adjoining Parkvale School. Within the roading corridor, piping and swales will be constructed for reticulated water, wastewater and stormwater services. A corridor of 10m will be constructed to provide a secondary flow path for stormwater within Pt Lot 2 DP 8367. The corridor typically provides sufficient width to form an overland flow path for stormwater detention purposes.

Key features of the proposed work include:

- Council will construct the stormwater, wastewater and water reticulated network and the internal road to service the proposed residential zone;
- Council will purchase land for the roading and stormwater corridor.
- No additional time is to be requested for the lapse date for the designation, as work is intended to be completed within 5 years of the designation being included in the District Plan.

9.3 The Assessment of Effects on the Environment (AEE) supporting the NOR includes technical assessment reports that consider the various environmental effects of the Road Corridor and Associated Infrastructure Servicing Corridor and Stormwater Corridor. These technical assessments are contained in the NOR application documents and include:

- *Howard Street Stormwater Capacity (MWH) March 2016*
- *Howard Street Development Wastewater Servicing Assessment Report (MWH) May 2016*
- *Howard Street Housing Development Traffic Impact Assessment (MWH) April 2016*

- *Havelock Road and Howard Road Geotechnical Investigation Report (Tonkin & Taylor) April 2016*
- *Detailed Site Investigation Report (EAM Ltd) June 2016*

9.4 The NOR lists the following as the key actual or potential adverse environmental effects:

- *Positive Effects*
- *Stormwater Quality and Quantity Effects*
- *Construction effects such as noise and dust*
- *Landscape, visual and amenity effects*
- *Cultural effects*
- *Effects on ecology*
- *Natural hazards effects*

9.5 The NOR lists the following project overall positive effects:

'The proposed designations will assist in enabling the Hastings community to provide for their social, cultural and economic wellbeing by providing for roading access, and reticulated water, wastewater and stormwater for land within the proposed Residential Zone in an efficient manner. This will provide for the economic wellbeing of the area by providing for Residential development in the Hastings area'.

9.6 The NOR provides the following mitigation measures.

9.6.1 Stormwater Water Quality and Quantity Effects

The NOR states that stormwater quantity and quality were assessed as part of Variation 3 (rezoning) and has to meet Regional Plan requirements prior to being discharged into the Karamu Stream. The swale systems and stormwater corridor proposed will contribute to mitigation for stormwater quality and quantity, however the primary mitigation for stormwater is through the stormwater detention area (refer to **Figure 3** in section 3.9 of this report). This detention area is not being designated, but is required by the Structure Plan. All stormwater design will take into account:

- Low impact design;
- Specific characteristics of the potential stormwater receiving environment;
- Climate change;

- HBRC Stormwater Guidelines;
- The Councils LTP, Engineering Code of Practice and Best Practice Design Guide for Subdivision and Development; and
- On-Site Stormwater Management Guideline (NZWERF/MfE 2004)

Discussion

The proposed stormwater solution for the Howard Street residential area, as confirmed in Variation 3 to the Proposed District Plan, is considered by the Requiring Authority as being the most appropriate solution, based on the evidence submitted with the NOR application, the additional stormwater analysis (**Attachment 11**) and additional comments made by the Stormwater Manager, Hastings District Council in response to submissions 2 and 4 (**Attachment 12**). I am therefore satisfied that sufficient detail has been provided by the Requiring Authority to avoid, remedy or mitigate environmental effects on adjacent properties in respect of stormwater. The submission by Woolworths (**Submission 4**) expresses questions whether the high level assessment submitted with the application provides sufficient information to make this assessment without a more detailed analysis or topographical survey being undertaken. I consider that the additional stormwater analysis by Tonkin & Taylor (**Attachment 11**), received after notification of the NOR, provides the necessary confidence that the stormwater solutions and stormwater detention area to meet the intent of the NOR will result in effects on adjacent land being no more than minor.

More detailed discussion of the stormwater options is provided in section 9.6.11.

9.6.2 Construction Effects

Noise

The application states; 'There will be noise generated from construction of the roading and stormwater corridor areas, including construction traffic and earthworks. The noise from construction is likely to have minor potential effects on the residences within the immediate vicinity of the proposed works. The construction activities will be temporary in nature and will be managed to minimise effects of surrounding owners and occupiers through

compliance with NZS 6803:1984 "Measurement and Assessment of Noise from Construction, Maintenance and Demolition Work".

Dust

The application states; *'The earthworks associated with the construction of the proposed road and stormwater corridors have the potential to generate dust, which may affect the surrounding environment. The construction phase will however be temporary in nature. Appropriate dust control measures will be put in place though best practice construction management processes. All excavated surfaces will be carefully managed by applying water where required during excavation to minimise dust. Following completion of the works any exposed soil will be stabilised to mitigate the effects of dust.'*

Discussion

Construction effects can be disruptive to normal business operations and residents through dust, noise, vibration, traffic delays and access issues. These effects will however be of a temporary nature and with appropriate management, can be mitigated. I agree with the applicant that noise and dust from construction is likely to have effects that would not be more than minor on the residences within the immediate vicinity of the proposed works, due to the temporary nature of constructing the road and services corridors.

Proposed conditions to address the construction effects include:

- **Requirement for a Dust and Sediment Control Management Plan**
- **Requirement to restrict hours of operations including times and days when construction activities may cause noise and/or vibration**
- **A requirement to comply with NZS 6803:1984 "Measurement and Assessment of Noise from Construction, Maintenance and Demolition Work"**

These conditions are considered appropriate and necessary to mitigate such effects during construction of the roads and services corridors.

I note that the submission of Karen Cooper (**Submission 5**) refers to effects of the NOR, such as noise and dust, on her property at

1259 Howard Street. The imposition of conditions requiring management plans for the development will mitigate those specific concerns.

9.6.3 Landscape and Visual Effects

The application states; *'The amenity values are predominantly determined by the visual qualities of the area and the nature of the noise, odour and general activity that occurs within it. The current amenity of this area is mixed. It is currently dominated by both its rural character, and the surrounding residential activities, but will increasingly become residential in nature given the zoning brought about by Variation 3'.*

Discussion

The principle physical effects relate to the proposed earthworks associated, initially with the construction of the road (incorporating services) and stormwater corridor. The current appearance of the environment which is a mix of rural and residential, will be altered as a result. Visual effects will therefore be associated with the removal of vegetation and what is largely cropping land along the length of the designation. These effects will be noticed mainly by properties directly adjacent to the designation and properties on the north eastern side of Howard Street.

The NOR application notes that while this area is currently rural in nature, the area will indeed become modified as a result of the residential zoning now in place as a result of Variation 3.

No actual landscaping plan has been included in the NOR however the application states that an overall design associated with a residential nature will incorporate low impact design principles and will generally be constructed to the design and standard anticipated within a new residential development area. I agree with this approach.

No submissions have been received that relate to landscape and visual effects or identify loss of visual amenity.

9.6.4 Cultural Effects

The application states; *'Consultation was undertaken with Ngati Kahungunu and Te Taiwhenua O Heretaunga as part of Variation 3*

and no concerns have been raised to-date. The site contains no sites identified as being of significance to Tangata Whenua. The desktop archaeological assessment undertaken for the proposed residential area did not identify any archaeological sites. The potential for effects on sites of cultural or historic significance is considered to be low. No specific mitigation measures are hence proposed. However, a Section 12 Authority from the Historic Places Trust (now Heritage NZ) will be sought if an incidental discovery is made during the constructions works’.

Discussion

The NOR does not identify any cultural or archaeological effects. A review of the Proposed District Plan has also revealed there are no known waahi tapu or other cultural sites on the affected properties, in the vicinity or in the surrounding area that would be affected as a result of this proposal.

It is recommended however that a condition be imposed regarding obtaining a section 12 Authority from Heritage NZ if an accidental discovery is made during construction works.

No submissions have been received that relate to cultural issues.

9.6.5 Ecological Effects

The application states; ‘The site of the proposed designations contains highly modified vegetation which offers little habitat value. The site is not within any of the RAP areas. No noticeable effects are anticipated from the proposed works on the ecological values of the area’.

Discussion

I agree with this statement and I note that no submissions have been received that relate to ecological issues.

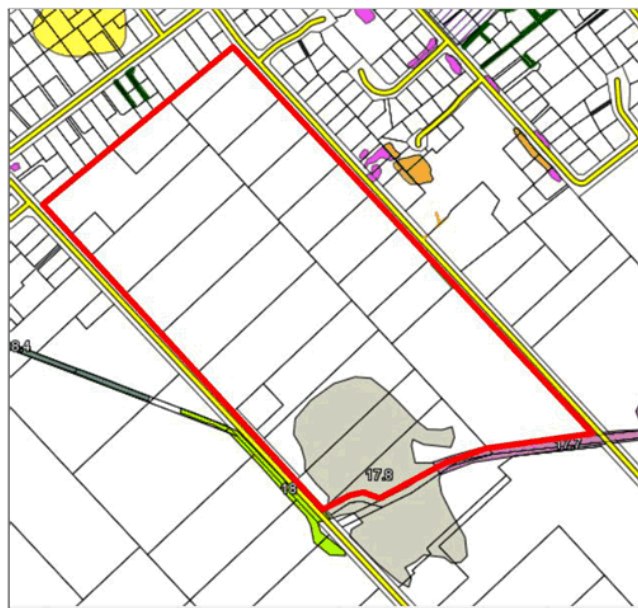
9.6.6 Natural Hazards Effects

The application states the following:

‘Hastings District Council GIS Database has multiple natural hazards recorded over the District. The following hazards were reviewed in respect of the land contained within the Howard Street development area:

- *Flooding, Filling, Ponding, Inundation Areas, Fault locations, Contaminated Sites and Instability Hazards.*

The only other hazard to appear within the Howard Street Residential Rezoning Area is an area of flooding in the southern corner of the rezoning area. A review of the Hawkes Bay emergency Management Hazard Information Portal was also undertaken, however no hazards were recorded with this information. The flooding has a RL level of 17.8. The flooding area is shown in the figure below generated from Council's GIS Database.



The flooding area is located over a small part of where the road corridor is proposed to be located. However it is considered that the effects of any flooding could be mitigated. The flooding hazard was assessed as part of Variation 3, where it was considered that:

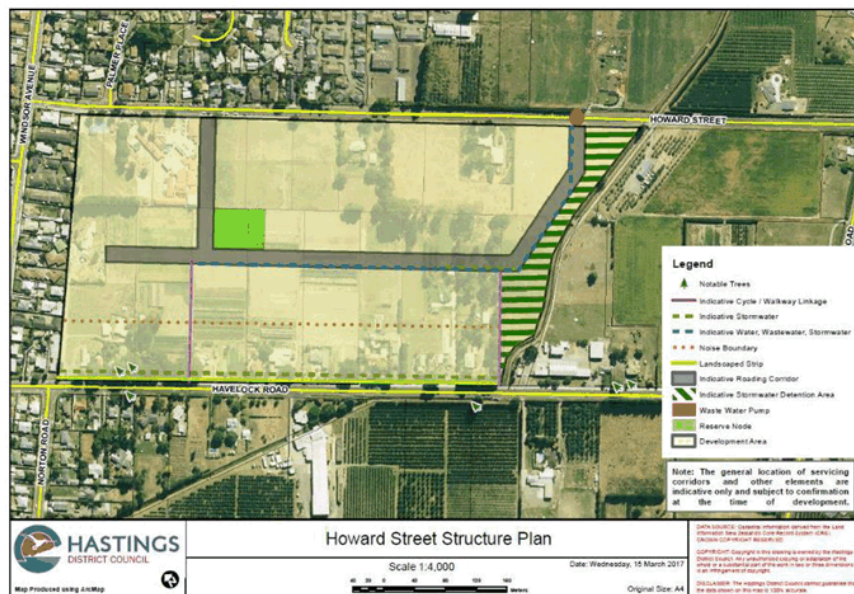
'While the investigation into hazards within the Howard Street Residential Rezoning area has shown there to be an area of flood hazard, it is anticipated that this can be mitigated through engineering measures.'

The flooding issue was considered to be mitigated as part of the global stormwater detention area for the rezoning, where the stormwater detention area at the southern part of the development

would be designed to ensure sufficient capacity to service both the proposed development, as well as mitigate existing flooding effects.

Discussion

As highlighted above the issues around flooding can be mitigated through the stormwater detention area for the rezoning. This area is shown on the structure plan as the green hatched area adjoining the stream (repeated below for convenience).



It is noted that the notified designation varies slightly from the approved Structure Plan where it lies over the property at 1259 Howard Street, adjacent to the stream. This is to allow sufficient room between the proposed road and the stormwater detention area and to protect the proposed road from any potential lateral spread. This is discussed in the Tonkin & Taylor report in **Attachment 11**.

A review of the Council's GIS IntraMaps identifies that the area is also within an area of medium liquefaction vulnerability as shown in the orange overlay on the map below (**Figure 6**).

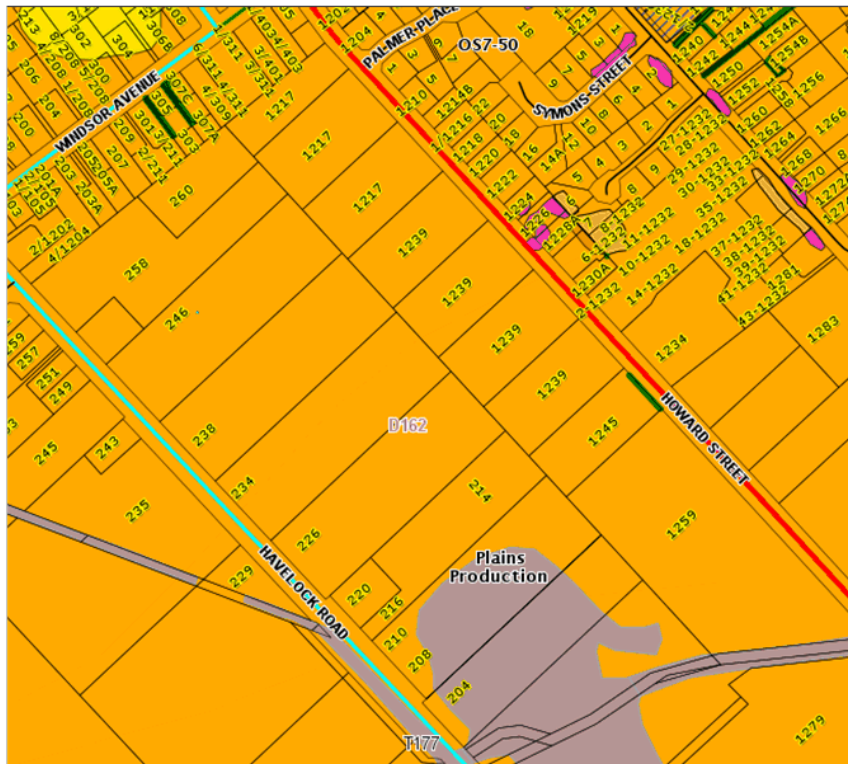


Figure 6 – Hazard Map
HDC GIS IntraMaps – GNS Science 2017

The Hawkes Bay Regional Council (HBRC) identified this in their letter (informal submission) and identified that this had not been raised in the application.

While not specifically addressed in the application, the Geotechnical Assessment by Tonkin and Taylor (**Attachment 16**) prepared for Variation 3, did address this issue and that of the potential for lateral spread to occur alongside the drain, which forms the south east boundary of the development area. The report recommends further investigation be undertaken in detailed design to determine the risk and potential extent of lateral displacement near this watercourse including setting back structures from the free face or treatment options detailed to minimise the risk of lateral deformations.

The conclusions of the Tonkin and Taylor assessment are listed below. The matters identified below can be addressed as part of the future subdivision of this land.

- *Stratigraphy of the sites comprises alluvial sediments;*

- *The seismic site category is Class D - Deep Soil, in accordance with the New Zealand code of practice. Peak ground accelerations are presented in Section 5.2.2 (T& T Report);*
- *The risk of liquefaction being triggered under SLS conditions is considered to be negligible;*
- *Under ULS conditions there is a minor to moderate risk of damage resulting from liquefaction of non-continuous bands of liquefiable material within the soil profile;*
- *We recommend further investigation to support detailed design including geotechnical laboratory testing.*
- *An open water channel has been identified along the southern boundary. This free face creates a risk of lateral spread that will be dependent on the presence and continuity of liquefiable layers near the free face;*
- *We recommend further investigation and analysis be undertaken in detailed design to determine the risk and potential extent of lateral displacement near this watercourse;*
- *Shallow foundations may be suitable for the proposed development provided they are constructed in accordance with the recommendations in Section 5.4.2 (T& T Report);*
- *The site is unlikely to comprise 'good ground' in accordance with NZS3604.*
- *Analyses of total and differential settlements as well as tolerances of structures and services to differential settlements should be undertaken as part of the detailed design process;*

The second report from Tonkin & Taylor (**Attachment 11**) addresses the impact of lateral spread and recommends that the effects are likely to have the least influence on development under Option 1c and 1c(A) (refer **Attachment 11**).

EFFECTS NOT IDENTIFIED IN THE NOR BUT ARE EITHER CONSIDERED RELEVANT OR HAVE BEEN RAISED IN SUBMISSIONS**9.6.7 Effects on Productive Land Use**

Part 2 of the RMA sets out the Act's purpose and principles for the sustainable management of natural and physical resources. One of the mechanisms for achieving this is through Objectives, Policies and Methods outlined in District Plans. In the Proposed Hastings District Plan the district's soils are identified as one of its key natural resources; and land use, urban centres, transportation, infrastructural services, community facilities and heritage and cultural sites as key physical resources. Ensuring the sustainable use and opportunity for the economic development of the natural resources of the district is identified as a key resource issue. The importance of the Districts soils is therefore, one aspect of the natural and physical resources that needs to be weighed up in considering this NOR.

The loss of productive land to make way for residential development was been addressed with Variation 3 along with the inevitable of loss of versatile land and need not be re-debated here as the purpose of the designation is to confirm the alignment of the road and servicing corridors and not to re-debate the rezoning.

Furthermore, no submissions have been received that relate to loss of productive soils.

9.6.8 Economic Effects

The Requiring Authority (HDC) has touched on this in their Part 2 assessment, under section 5 in particular. The application states; *'The variation and the method of servicing the area seeks to enable people and communities to provide for their social and economic wellbeing. The residential rezoning has the potential to provide for some of the needs of strong housing demand and lack of supply within the District'*.

The NOR supports this additional residential land which will rely on it for servicing needs.

It is noted that no submissions have been received that relate to economic effects.

9.6.9 Contaminated Land (NES Soil Contamination) Effects

Under Section 168A(3) of the Act, when considering a requirement and any submissions received, a territorial authority must, subject to Part 2, consider the effects on the environment of allowing the requirement, having particular regard to:

...

(d) any other matter the territorial authority considers reasonably necessary in order to make a decision on the requirement.

The National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 (NESCS) is triggered in any of the following circumstances;

- Subdivision
- Land-use change
- Soil disturbance
- Soil sampling
- Removal of fuel storage systems

In respect of Section 168A(3) it is considered that the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 (NESCS) applies, but only insofar as the actual physical work required to give effect to the designation as at this later stage, these works will involve; change of use, soil disturbance and ultimately subdivision of land. The land over which the proposed designation is to be placed has been under various forms of horticulture i.e. cropping and orchards, since the early 1940's (last known photographs on Council records). In terms of the NESCS, this means that most of the properties would be considered HAIL sites due the likely storage and use of pesticides associated with the land activities.

As discussed in section 6.2 above a DSI was undertaken by EAM Environmental Consultants Limited and soils were sampled over the area subject of Variation 3 (now Hastings General Residential Zone) which includes the area proposed for the NOR designation. Hill Laboratories have undertaken the analysis (Refer to **Attachment 8**).

The development area was tested for Arsenic, Lead and Organo-Chlorine Compounds. The DSI identified two samples exceeding the NESCS values of 210 mg/kg for lead. The remainder of results indicated that arsenic and lead concentrations are similar to Hawkes Bay Background Soils of 9mg/kg and 27 mg/kg respectively and therefore do not represent a health risk to humans under the NESCS land use scenario of residential (10% produce).

The composite samples analysed for organo-chlorine compounds resulted in samples being at trace concentrations and well below the soil contaminant standard value of 45 mg/kg allowed under the NESCS for the identified land use scenario of Residential (10% produce). The assessment concludes that the levels of organo-chlorine compounds are considered to be low risk to human health.

While the importance of these results is necessary for future residential activities it still holds relevance in respect of proposed soil disturbance associated with the construction of the road and installation of services within the designated corridor. The DSI recommends remediation for the two sample areas exceeding the NESCS values.

While this report is to confirm the designation, further consents will be required under the NESCS before any physical works are undertaken over those sites that have been identified in the DSI undertaken by EAM Consulting Limited and submitted as supporting information with the application (refer **Attachment 8**) as exceeding the NESCS values of 210 mg/kg for lead and 20mg/kg for arsenic.

The specific areas are shown below in **Figure 7**. Of relevance to the proposed designated corridor is the larger area shown in red where the proposed road and service corridor will be constructed. This relates to 1259 Howard Street, 180 Havelock Road and the rear portion of 204 Havelock Road.

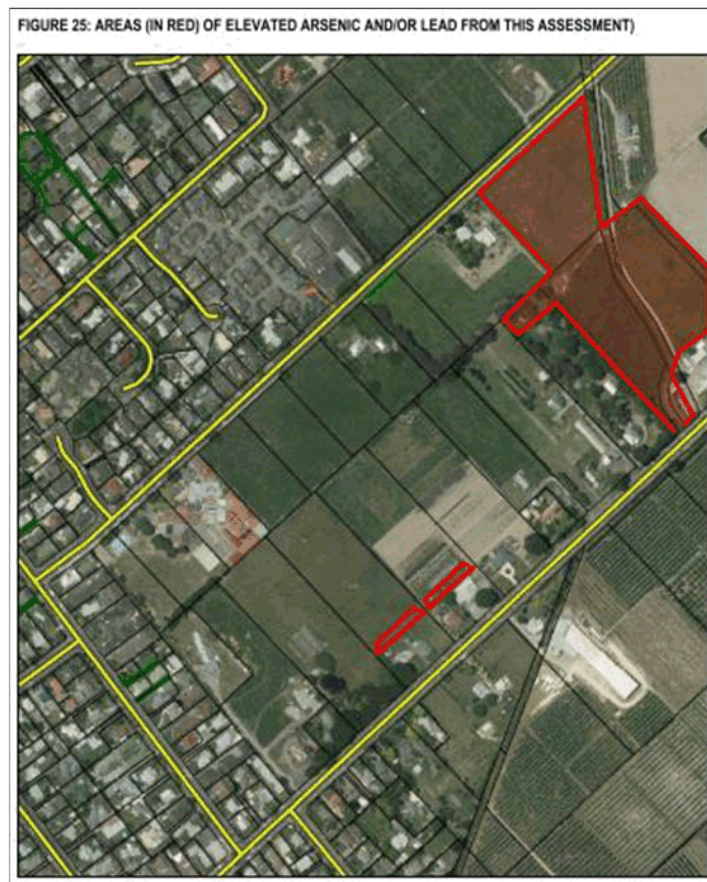


Figure 7 – Taken from EAM Consulting Limited DSI Report

The owner of 1259 Howard Street (Submitter 5) engaged an independent company to reappraise the soil contamination status for that property. Lorentz Agrology concluded that the sampling by EAM Limited is *'very likely to be erroneous'*. Samples taken by Lorentz Agrology and tested at the same laboratory (Hill Laboratories) and as a comparison, ARL (Analytical Research Laboratories), identified that levels were in the prescribed limits of the NESCS for 1259 Howard Street. Refer to **Attachment 9**.

Given the conflicting views, and because the NOR extends beyond the area analysed by Lorentz Agrology, I am recommending that a separate application under the NESCS for soil disturbance and change of land use be required and that this be included as a condition in the decision on this NOR.

9.6.10 Effects from Earthworks

Earthworks associated with the construction of roads and stormwater corridors areas are exempt under 27.1.5 (c) of the Proposed Hastings District Plan. The 'effects' of undertaking the earthworks however should be assessed as part of this NOR. It is considered that the adverse effects from earthworks on adjacent properties could be; dust, noise, discharge of sediment, and effects on the traffic network during the construction phase.

As already discussed in this report, the effects of noise and dust and sediment runoff will be of a temporary nature while the work is being undertaken. The adverse effects of dust, noise and effects on the traffic network can be mitigated through conditions and relevant management plans, as detailed in the section 9.6.2 entitled 'Construction Effects'.

Furthermore, given that potentially some of the soil within the proposed designation area could be contaminated, any disturbance of that soils should be carefully managed. On this basis I am recommending that this be covered by the Requiring Authority in their Health and Safety Management Plan and that this be included as an advisory note.

9.6.11 Stormwater

The stormwater report (Howard Street Stormwater Capacity) in **Attachment 10**, prepared by MWH (now Stantec) submitted in support of Variation 3, is stated in that report as being a *high level investigation that identifies the stormwater flow within the catchments (for a 5 and 50 year ARI flood event) and the capacity of the existing stormwater pipes and open channel around Howard Street.*

This report identified that the catchments around Parkvale School and the residential area located on the norther side of Howard Street are undersized and likely cannot handle flow from a 5-year ARI and that additional flows from future development should not be discharged into these catchments. The assessment recommend that Councils acknowledge that this is a high level assessment and that this analysis should be reviewed and amended once details of any development in the study area are known. It also recommend

that a topographical survey will be required in selected locations to confirm flow directions and catchment boundaries.

The submission by Woolworths New Zealand Limited (Woolworths) (**Submission 4**) raised this issue and while Woolworths are supportive of the Requiring Authority's intention to ensure appropriate land is available to provide critical services to the structure plan area and agrees that timely provision of services is better than a developer led piecemeal approach, it however questions whether the high level approach is sufficient in terms of the NOR, given the recommendations of the Howard Street Stormwater Capacity Report.

A request for further information pursuant to section 92 of the RMA was made to the Requiring Authority to address this issue by providing any additional stormwater analysis that may have been undertaken (**Attachment 17**).

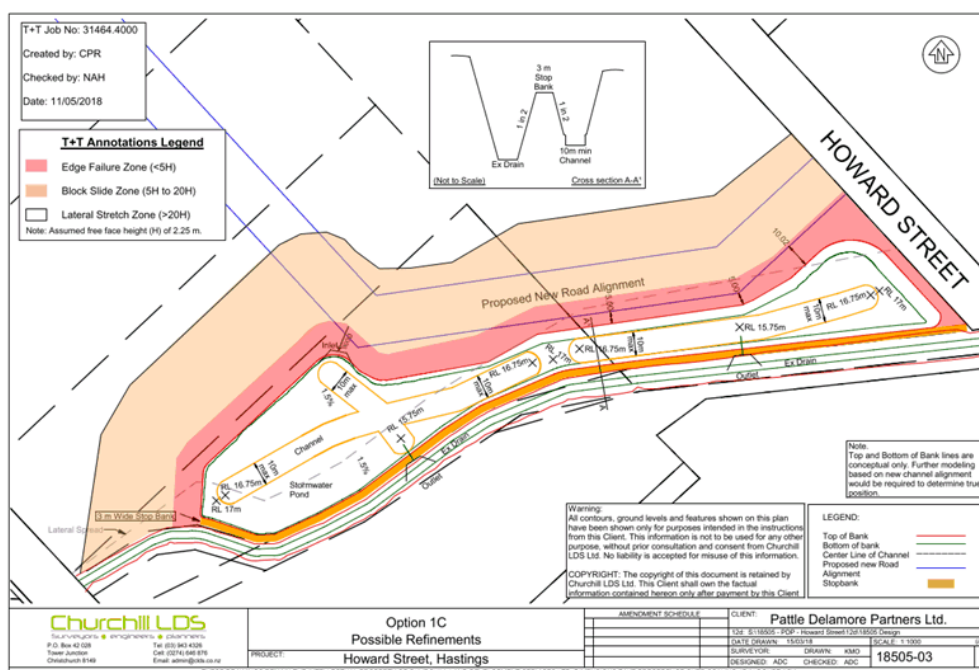
The response from the Requiring Authority's Stormwater Manager indicates that some investigation of the options has been undertaken as a result of submissions and the following details have since been provided to address the Woolworths submission (**Submission 4**);

- *The critical downstream flood levels have not been confirmed by HBRC. The 20% and 2% AEP events will be used to set the road levels. However, if the proposed internal road is generally laid at existing ground levels the Woolworths site does have an issue with conveyance back to the proposed internal road network. The property would either need to be significantly raised (in the order of 0.7m at the Norton Road corner) to drain back to the internal road or alternatively overland flows split and allow the property to drain back to the intersection of Norton Road and Havelock Road.*
- *Allowing flows back to the intersection of Norton Road and Havelock Road will require some mitigation of peak flows from the development site.*
- *The relocation of the road to a site adjacent to Parkvale School will not make the site unserviceable for stormwater, but it may reduce the area of the site that can be serviced by gravity to the internal road.*
- *HDC's preferred solution is to direct the majority of runoff from the development area to the Stormwater Detention Area which*

is designed to ensure stormwater neutrality and quality treatment, and will not put additional strain on the existing network.

- Any stormwater being diverted to the Havelock Road stormwater network may require mitigation, or alternatively a pumped option discharging to the internal road.

The additional analysis undertaken by Tonkin and Taylor (**Attachment 11**) addresses stormwater insofar as it relates to the proposed stormwater detention area (as shown on the Structure Plan) and the appropriateness of locating this in this area. The study included four stormwater options developed by Pattle Delamore Partners (PDP). These are shown in Appendix D of that report. It also addressed issues around lateral spread given that this area is located adjacent to the stream. This issue is discussed in section 9.6.6 of this officers report under the heading 'Natural Hazards', and it is my belief that Option 1C is the option agreed to between the Requiring Authority and the land owner at 1259 Howard Street (**Submitter 5**) to address this particular issue. This is shown in the diagram below:



Stormwater issues have therefore been fully analysed in terms of these services being included in the NOR and within the alignment

proposed. I am therefore comfortable that stormwater can be appropriately disposed of within the designated corridors.

9.6.12 Effects on Transport Network

The NOR includes a Traffic Impact Assessment (TIA) by MWH (now Stantec), which addresses the impact of the proposed new zoning on the road network in the surrounding area, and in particular the intersections of Howard Street and Winsor Avenue and the St Aubyn Street intersection, as a result of increased traffic (**Attachment 14**). While this TIA was prepared as part of the Variation 3 of the Proposed District Plan, it holds relevance for the consideration of the NOR. The NOR will in effect provide two new road access points onto Howard Street from the development area as detailed in the Structure Plan for the area. Additional accesses onto Havelock Road were not favoured by the Requiring Authority or the authors of the TIA. The TIA did however recognise the importance of providing new pedestrian and cycling linkages to the shared path on Havelock Road. This has been carried through into the structure plan.

While the TIA refers to three accessways on to Howard Street, as a result of the decisions on Variation 3, this has been pared back to two, as the Structure Plan and designation map shows.

The TIA raised concerns that the increase in traffic could result in an increase in traffic conflicts at the intersection of Howard Street and Windsor Avenue, compounded by the location of the Kea crossing outside Parkvale School which is activated during those peak morning and afternoon school pick-ups and drop-offs. The TIA made recommendations along the following;

- a) Two shared paths linking the development area with Havelock Road;
- b) Review of the location of the kea crossing on Howard Street;
- c) Modification to the parking at the road intersection between Howard Street and Windsor Avenue and possible limited 40km/hr one outside the school to operate prior to and after school hours.

I consider these matters to be out of scope for the designation, which is to confirm the alignment of the road and services corridors. The matters referred to above have been addressed with Variation 3 and

in terms of b) and c) are a matter to be discussed between the Requiring Authority and Parkvale School.

The construction phase of the NOR will inevitably cause disruption to traffic flows on Howard Street in particular. In order to mitigate any potential adverse effects on the travelling public, pedestrian traffic (especially in regards to Parkvale School) and existing residents in the development area, it is my recommendation that a Traffic Management Plan be submitted to the Hastings District Council for approval of the Environmental Consents Manager, Planning and Regulatory Services (or Nominee) prior to construction commencing.

9.6.13 Effects on Adjacent Properties

In assessing the effects of an activity, it is also important to identify any positive effects. The NOR is ancillary to the wider Variation 3 process with the sole purpose being to protect a corridor of land for servicing the new residential zone of Variation 3. With any urban development there is bound to be some effects on properties within adjacent areas. The positive effect of the NOR in this case is that it will provide designated corridors for roading and services in order that future residential development can be proceed in an effective and efficient manner. The designation process protects the alignment so that individual property owners can realise their own development aspirations in the knowledge that no other landowner could undertake adhoc development with only their own outcomes being favoured.

With any development, there will be adverse environmental effects that would be noticed by adjacent land owners. These effects have been discussed in section 9.0. Some of these effects will however be of a temporary nature while the roads and services corridors are being constructed.

Other effects such as the road alignment and the services on individual land owners who have made submissions to this effect are addressed in the following sections.

9.6.14 Location of Stormwater Corridor

The NOR includes a small stormwater corridor passing from the northern boundary of 214 Havelock Road to the proposed new road.

The purpose of this corridor is to facilitate a secondary flow path from the future development of the property owned by TW Property Holdings Limited at 1239 Howard Street, through to the proposed internal road, as shown in **Figure 8** below.

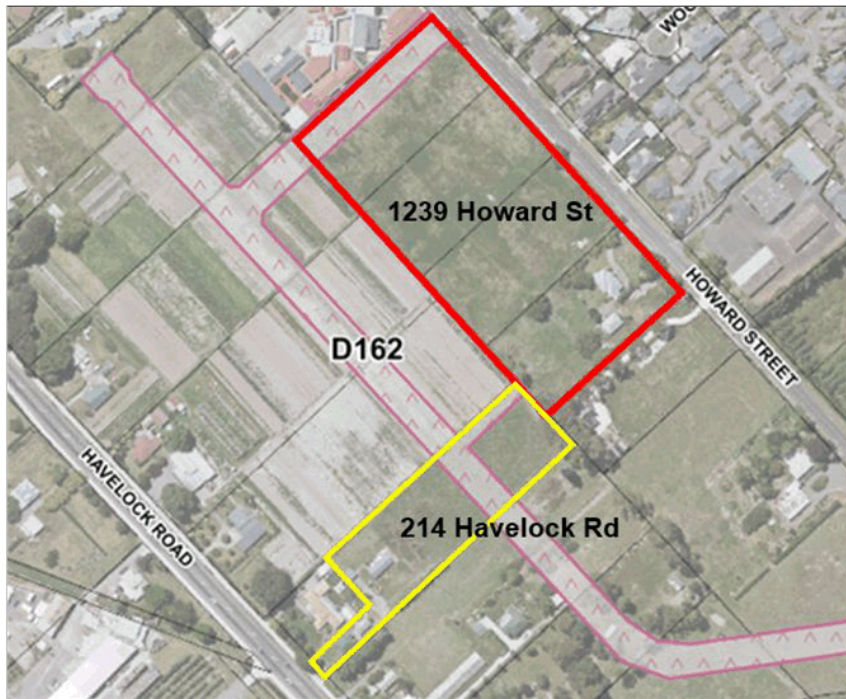


Figure 8 – Stormwater Corridor over 214 Havelock Road

This proposed stormwater corridor was not included in the approved Structure Plan for Variation 3 as an alternative arrangement was proposed. The application states that this original arrangement would have however resulted in the need to fill the property at 1239 Howard Street to a height of over 1 metre along some parts of the boundary in order to achieve the necessary fall required to efficiently dispose of stormwater from the site. The option proposed (and notified) is considered by the Requiring Authority as a more appropriate option.

The owner of 214 Havelock North has made a submission (**Submission 2**) opposing this stormwater corridor being imposed over their property, with the principal reasons being that it was not part of the original structure plan and it will reduce the subdivision potential of the property. The submission also referred to future plans by the Requiring Authority to use this area as a walk/cycle way

and this will not only affect privacy but will also affect land values. In terms of the walk/cycle way, the approved Structure Plan does not indicate a walk/cycle way along or through the submitters land and therefore this aspect of the submission can be disregarded.

While not part of the original Structure Plan, the proposed stormwater corridor has been identified in the application as an appropriate option for directing stormwater to the proposed road and stormwater system within that corridor.

In terms of the effects on the subdivision potential for this part of the applicant site, the proposed stormwater corridor, if approved, will be comprised in an area of approximately 460m². This is the size of a residential section. On this point and with any situation where land is taken (required) for public works, affected property owners are compensated under the Public Works Act 1981 for the area taken. While the development potential of this parcel of land will be reduced by the taking of land, the property owner will not be disadvantaged financially by this impediment. In weighing up the loss of potentially one lot this needs to be balanced against the public good in addressing appropriate methods to service a greater residential area.

The submission also suggested moving this corridor on to the adjoining site (shown in the schedule in section 1.4 above as properties D, E & F). While this may have some merit in that the adjoining site is of a larger land area (when combined), the owners of that property have not made a submission on the NOR and therefore in terms of natural justice, do not have an opportunity to be involved in what will be an amended alignment.

The following analysis of options has been provided by the Requiring Authority's Stormwater Manager in response to this submission by Barry and Lynne Keane (**Submission 2**).

- 1. The overall fall of the Howard Street development land is to the south near Havelock Road. The proposed stormwater corridor was to allow stormwater flow from the rear of the TW Property Holdings and Fyfe (with a connection through TW Holding's land) sites to drain without significant earthworks and retaining walls (in the order of 1m near the Fyfe TW Holding boundary), to raise the land and drain back to Howard Street. This has*

resulted in a linkage stormwater flow path being required through either the Keane or Burns properties.

- 2. The ideal location is unknown due to no proposed scheme plan in place or design levels confirmed, but the flow path could be made to work from the location proposed moving south through to a location on Burn's property at the boundary between Cooper and Fyfe.*
- 3. Another option would be for stormwater to be conveyed along the back of TW Holding's, through Fyfe and Coopers to the new internal road.*

While these other options may be achievable, HDC has chosen the path over the Keane property as it represents the corridor which provides the **most natural and least restrictive flow path from the Council's perspective**. The location was chosen as it is located towards the lowest point of the TW Holdings site, and takes the shortest possible route to the proposed internal road corridor, ensuring that minimal land will be used for the corridor.

It has also been proposed for the Keane land rather than the Gee property (neighbouring to the northwest), as the Gee land is further upslope, meaning less efficient and effective servicing of the TW Holdings site, and may require additional engineering works (of the TW Holdings site) to achieve a suitable stormwater outlet to the stormwater corridor.

The other options also have increased difficulties, the Burns property option would require a bend in the overland flow path which is difficult to achieve, as well as requiring additional land, and involving multiple land owners. The Cooper/Fyfe option would require additional land and multiple landowners also. Neither alternative option utilises the flow path that will be created by the proposed internal road corridor.

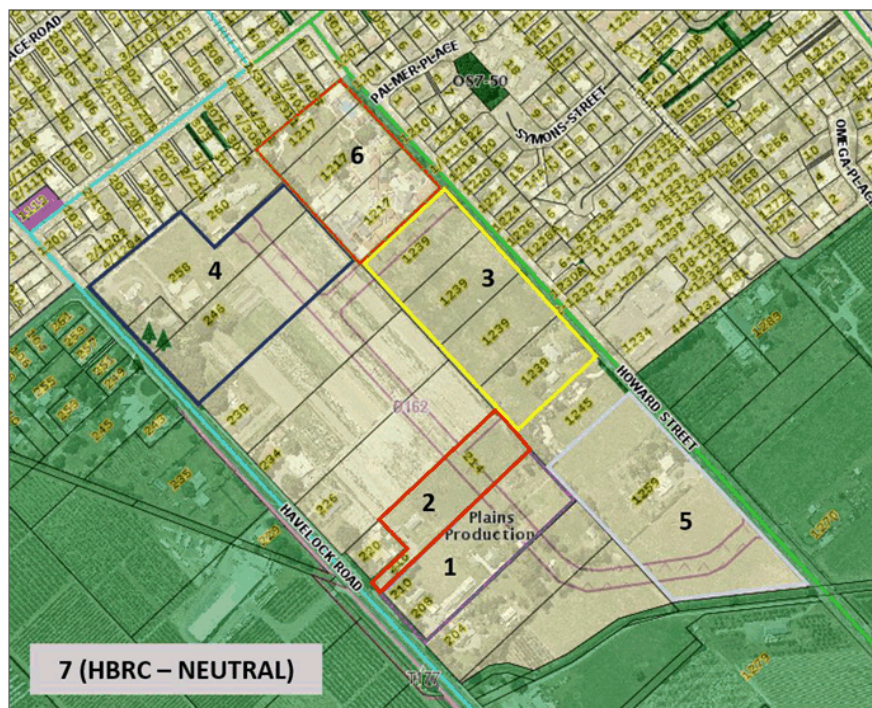
The above analysis provides an approach that is considered to be the most effective and efficient means of addressing stormwater flows from the TW Holdings site (**Submitter 3**) to the road corridor and on this basis I recommend that this remain in the location as notified.

The submission of Karen Cooper (**Submission 5**) supports the location of the stormwater corridor over Pt Lot 2 DP 8367, namely 214 Havelock Road. The reason being that it will negate the difficulties in achieving sufficient fall to the Howard Street road reserve and the high cost of importing fill onto the site which will impact on development costs.

It is my recommendation therefore that the submission by Barry and Lynne Keane (**Submission 2**) regarding the location of the stormwater corridor over Pt Lot 2 DP 8367, namely 214 Havelock Road, be rejected.

9.6.15 Alignment of Proposed Road

Four submissions are seeking modifications to the proposed road alignment and/or opposing any modification to the location of the notified alignment. These are submissions, 4, 5, 6 and 7 (late submission from Board of Trustees, Parkvale School). The location of these submitters is shown on the map below along with the proposed road alignment.



The submitters referred to above are listed in the following table;

Submission	Submitter	Physical Address
4	Woolworths NZ Ltd	246 & 258 Havelock Road
5	Karen Cooper	1259 Howard Street
6	Ministry of Education	1217 Howard Street
7 (late submission)	Board of Trustees – Parkvale School	1217 Howard Street

Discussion

Submission 4 from Woolworths NZ Limited (Woolworths) acknowledges that the proposed road corridor is generally consistent with the structure plan and generally supports the NOR insofar as it seeks to establish necessary roading, access and infrastructure within the Howard Street structure plan area. Woolworths also support the Requiring Authorities intention to purchase the designated land and to complete the construction and infrastructure provision within a 5 year period.

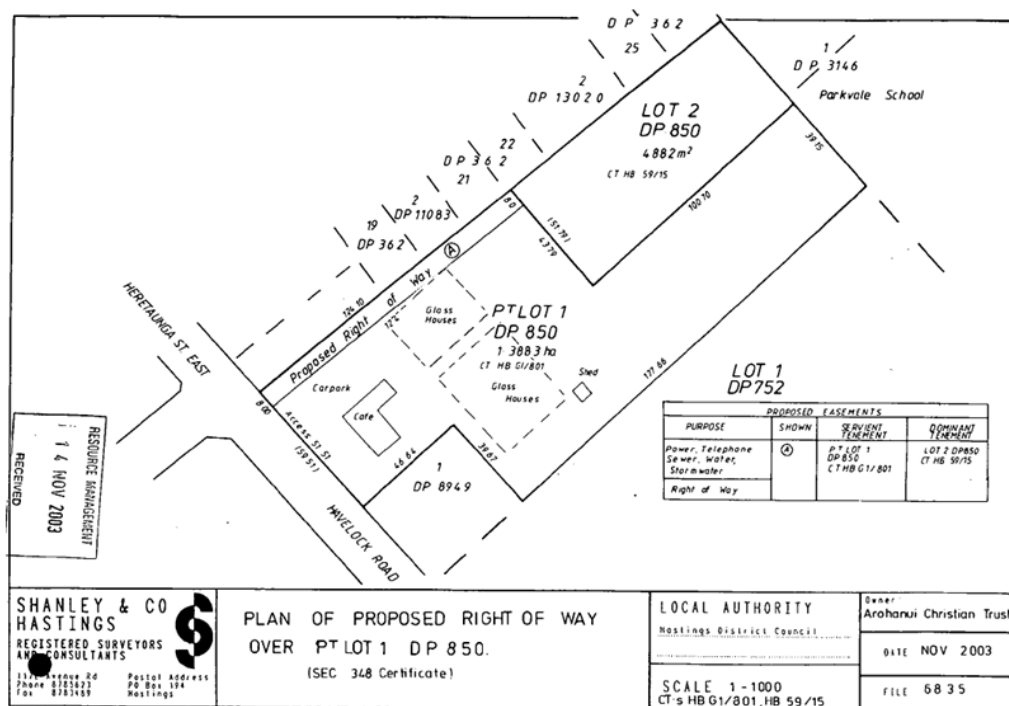
While in support of the NOR, Woolworths are seeking changes to the roading alignment over their land. They state in their submission that the NOR;

- *Does not address the adverse social and economic effects of the alignment have been overlooked in the NOR;*
- *Proposes a route that has not been sufficiently tested against alternatives;*
- *Does not achieve the Council's objective to enable the efficient, effective and timely implementation of the physical infrastructure necessary to allow development to occur;*
- *Will not promote the sustainable management of natural and physical resources as required under Part 2 of the Resource Management Act 1991;*
- *Will not enable people and communities to provide for their social, economic and cultural wellbeing;*
- *Will not enable the efficient use and development of natural and physical resources;*
- *Will not achieve an efficient layout for new residential subdivision design with high-quality amenity values owing to the lack of connectivity and isolation of certain parcels of land; and;*

- *Is not the most appropriate means of exercising the Council's functions, particularly having regard to the efficiency and effectiveness of the provisions relative to other means.*

The submission also states that the proposed road within the Woolworths property serves only to access the property at 260 Havelock Road. The submission correctly states that 260 Havelock Road has an existing right of way access off Havelock Road. This right of way was approved in 2003 pursuant to Section 348 of the Local Government Act 1974 and provides a 8m wide right of way over the Woolworths land. Without this legal right of way, 260 Havelock Road would be land locked.

The approved right of way plan is shown below;



Approved Right of Way Plan – Section 348 Certificate

This right of way at 8m width, is wide enough to provide access to 7 households in compliance with the Transport and Parking provisions of the Proposed District Plan (Table 26.1.6.1-1). The submitter states that apart from maybe having to upgrade the vehicle crossing, the existing access can continue to be used to access 260 Havelock Road and therefore this site is not entirely reliant on access to the

proposed designated road within the Woolworths land. . On this point, the application states in the table of options (section 12 of **Attachment 2**) that in terms of Option 2 (preferred option as amended by the hearing commissioners) the extension of the internal corridor to the east and west fringes of the development area was to provide direct access to *all main sites (larger than 3000m²)* and therefore not specifically to 260 Havelock Road.

Notwithstanding this point however, it is likely that should a subdivision application be submitted for 260 Havelock Road and the northwestern spur of the road within the designated area is available, this would be the required access to any new lots. This is because the Proposed District Plan structure plan under variation 3 requires that no existing access off Havelock Road shall cater for additional development within the Howard Street Urban Development Area” (ref Proposed District plan Appendix 80 Performance Standard HSSP-S1 (c)(ii)).

Woolworths are also concerned that the location of the road over their land restricts development potential and are seeking that the NOR over their land be modified such that it be relocated to alongside the boundary of Parkvale School. The Requiring Authority’s Transportation Development Engineer has commented on the Woolworths submission (**Attachment 15**) stating that;

Shifting of the spur on the Woolworths land to be adjacent to Parkvale School will create a very sharp corner (a sharp bend) where the current intersection is.

Creation of sharp bends will restrict the efficiency of the operation of the traffic. There is also reduction of safety due to reduced sight distance available at a bend of the road rather than at an intersection. On normal roads the sight distance requirements are more liberal than on the intersections, which is not the case if the spur is shifted.

So, both from traffic efficiency and safety angles the proposed shift is not advisable unless mitigative measures such as changes in alignment of the road to improve sight lines are in place.

Essentially supporting this request from Woolworths would require considerable modification to the NOR to make the road alignment

safe and efficient, and could directly impact on the ability to develop 260 Havelock Road in the future both for access and efficient and effective provision of service connections. The notified alignment has been through the rigorous plan change variation where all aspects relating to the efficiencies of the roads and service corridors have been fully debated. To alter this road alignment to bring it alongside the school would in my view be a retrograde step towards developing this residential area.

The submission of the Board of Trustees (**Submission 7**) strongly oppose any such modification to the notified alignment.

I concur with this opposition, insofar as I consider this modified location will adversely impact on the safety and amenity of road users and in particular on Parkvale School. The notified NOR is a reflection of the decision made on Variation 3 by the hearings commissioner who stated in that decision that the structure plan provides an appropriate layout for the road corridor within the development and is considered appropriate by roading engineers.

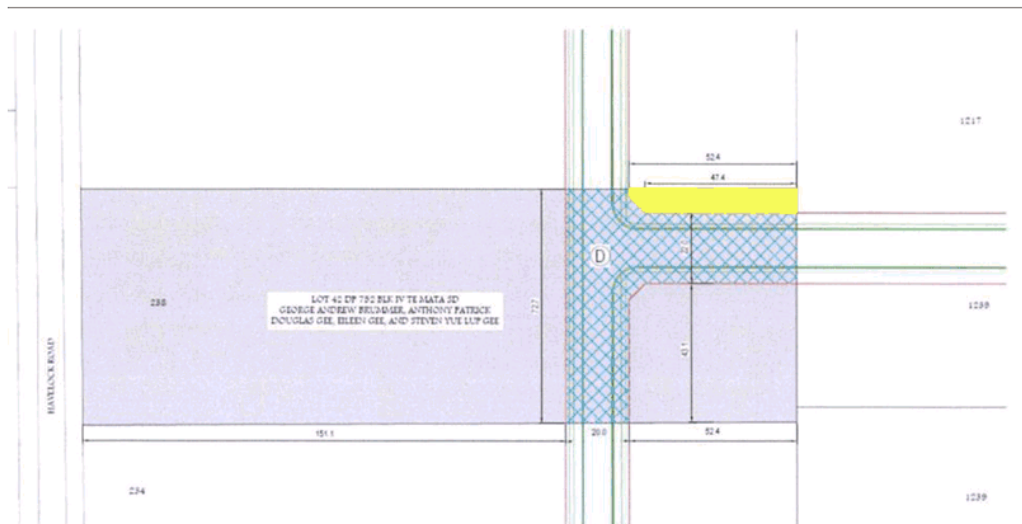
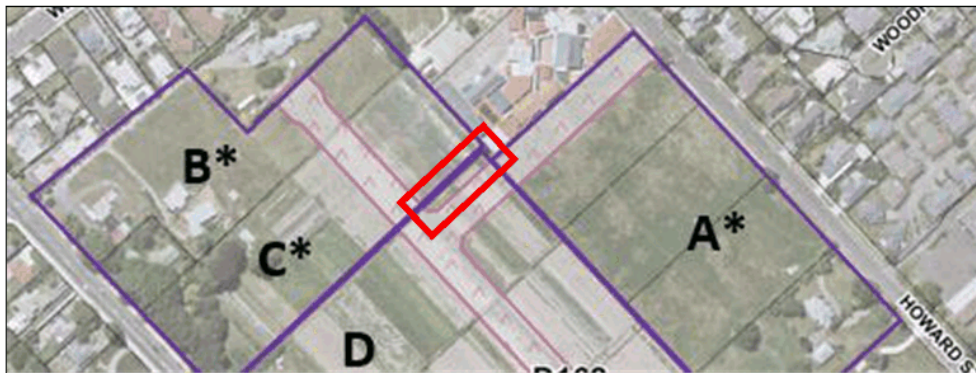
Woolworths have also suggested leaving off the minor road and address the location of this as part of a separate process. This is not considered to be an effective or efficient option in addressing the infrastructure requirements for developing the newly created residential zone, and will directly impact on the ability to develop 260 Havelock Road. It would result in significant additional costs to the Requiring Authority due to the duplication of the designation procedures and it would not provide certainty to other potential developers that may be reliant on the installation of the essential services to the wider development area through this already approved alignment. Once again, these issues have been previously addressed in Variation 3.

Woolworths have previously indicated that they may wish to establish a supermarket and 'mixed use' activities over their property in the future and this was a matter raised in submissions on Variation 3. This will however be a consenting matter in the future. I note however that amenity and safety issues were raised by the Ministry of Education in respect of Variation 3, where those concerns related to the effects of through traffic if roading access was provided through from Howard Street to Havelock Road, stating that this could become a 'rat run' past the school. If the road alignment were to be amended, placing this section of road closer

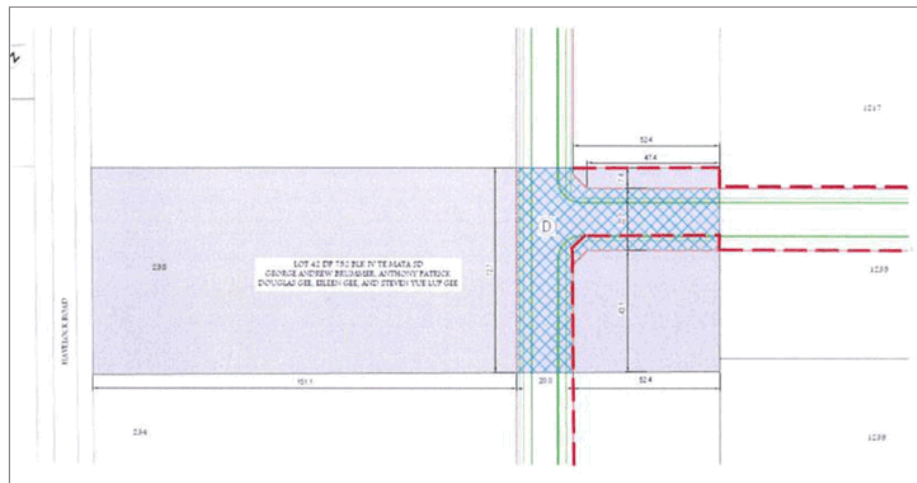
to the school boundary as suggested by Woolworths in their submission, these initial concerns from the Ministry of Education should therefore be taken into account in any decision on this NOR.

The Ministry of Education in their submission (**Submission 6**) generally support the location of the proposed roads but are seeking more detailed design where the road adjoins the school boundary. This can be imposed as a condition of consent that detailed designs can be included in an outline plan and this will be my recommendation.

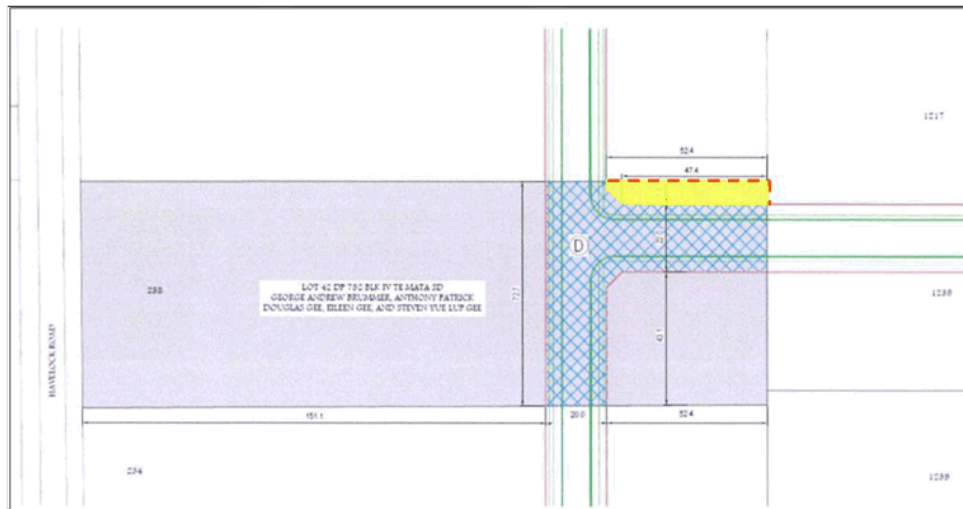
The submissions of Woolworths (**Submission 4**) and the Ministry of Education (**Submission 6**) both identified a small area of land that would be landlocked as a result of the designation. This area is highlighted in the diagrams below.



The submissions suggest that this piece of land could be included in the designated corridor and could be utilised by the school for additional parking. The Board of Trustees for the school are also in agreement that this small land area would be best utilised for additional parking. The diagram below is taken from the Woolworths submission and provides a suggestion for a proposed new alignment (refer to red dashed line).



Discussion with the Transportation Development Engineer indicates an agreement to include this small area within the designated corridor, however it is considered not appropriate to alter the bottom portion of the NOR as shown in the diagram directly above, as this would create a 'zig zag' effect within the road which is considered by the Requiring Authority to be neither efficient or effective in terms of roading design and would impact on traffic safety. It is therefore recommended that the proposed alignment be as shown on the plan below;



The alignment of the road as notified with the above recommended modification is therefore consistent with the approved structure plan and while not supported by Woolworths, on balance should not be modified to be alongside the boundary of Parkvale School for the reasons stated above.

The submission by Karen Cooper (**Submission 5**) is supportive of the NOR, however is seeking an alternative road alignment alongside her property at 1259 Howard Street, such that the width be reduced to 10m with 6m width be formed. The submission states that this would still be of sufficient width to incorporate the necessary services. This would result in one primary entrance off Howard Street near the school, but it will provide greater intensification of the site for residential development.

The submission was referred to the Requiring Authority's Transportation Development Manager. The response was not favourable to having one primary access to the development area. The Transportation Development Manager states that *in reality, however small the second entrance is made, equal numbers may use the two entrances to access and depart from the interior of the development. A large number of lots are being served by this road (The main traffic artery of the development). Therefore, all road users should enjoy the best safety, amenity and service levels from this road.*

Narrowing one entrance reduces the ability to provide sufficient safety, amenity and service levels to road users. This reduced ability discriminates against the users of the second entrance. As a result of narrowing the second entrance the first entrance will gain in prominence and may require a higher form of intersection control leading to land requirements that are strictly not warranted under the current scheme.

A primary entry at the school end as stated above will require greater engineering design, including possibly installing a roundabout (verbal discussion). The result of this will be greater conflict on Howard Street and the need for the Requiring Authority to take more land on the opposite side of Howard Street, whereby affecting those property owners. I note that there were no submissions from opposite Howard Street and it can therefore be assumed that these persons are accepting of the NOR as notified. Modifying the NOR such that it will affect those property owners is considered to put them in an unfair disadvantage by not having had the opportunity to submit on the proposed alternative, and impose greater financial cost to the Requiring Authority. It would also increase the potential for conflict with school traffic and increased risk to school students.

The submission of Karen Cooper (**Submission 5**) also refers that due to the proximity of the new road to the dwelling that there will be ongoing noise effects from the traffic and road. As mitigation, the submitter is seeking that the Requiring Authority fund the construction of a noise cancelling fence along the eastern boundary of the house section to minimise future vehicle noise from the structure road impacting on privacy, security and property.

The submission was referred to Malcolm Hunt Associates, Noise Environmental Consultants so that they could assess the potential effects of road traffic noise of the road enable by the NOR on the submitter residence at 1259 Howard Street.

The conclusions and recommendations reached by Malcolm Hunt are as follows;

The above traffic noise calculations show that, even when noise from existing traffic on Howard Street is combined with potential 'new' noise from the proposed Loop Road, this still does not approach the threshold of LAeq(24 hour) 57 dB which signals significant noise effects (requiring mitigation to be considered under

NZS6806:2010). On this basis, we considered potential noise effects of the proposed road are not considered significant and do not require any specific mitigation measures to be applied in our view to ensure a satisfactory noise outcome at the residence located at 1259 Howard Street.

Owing to the relatively modest levels of traffic noise involved, and absence of any significant adverse noise effects, we do not recommend any specific traffic noise mitigation be implemented as part of the Notice of Requirement to reduce levels of traffic noise emitted by vehicles using the proposed new road affecting the residence at 1259 Howard Street.

The full report is in **Attachment 18**.

It is therefore considered that the Requiring Authority should not be required to fund an acoustic fence as requested and therefore this will not be included as a condition of designation. This does not however preclude dialogue between the submitter and the Requiring Authority outside of this process.

9.7 **Summary of Assessment of Effects**

The above assessment of effects on the environment of confirming the Requirement indicates that there are effects (both positive and adverse) as a result of the designation and construction of the road and stormwater corridors.

While there is the potential for most of these effects to be addressed through design decisions or the imposition of appropriate conditions, there is an unavoidable adverse impact on the life-supporting capacity of the Heretaunga Plains soil resource, due to the need to locate over Plains Zoned land. However, the effect on the soil resource as a whole must form part of an overall balancing exercise against the positive effects under Part II. This has been addressed through the rezoning and within the overarching principles in the RPS and HPUDS as discussed in the relevant sections of this report.

9.8 Other Matters Raised in Submissions not Considered within the Scope of the NOR

9.8.1 Development Levies

Development levies are taken on subdivision of land or with building consent applications for additional buildings on a site. The submission of Karen Cooper (**Submission 5**) refers that development levies be kept at the current advertised rate for 2018/19. Unfortunately this is out of scope for determining the outcome of the NOR but rather should be addressed by the Requiring Authority as part of its long term or ten year plans.

9.8.2 Stock Fencing

The submission of Karen Cooper (**Submission 5**) is requesting that the Requiring Authority install a stock proof fence around her property prior to the start of any construction associated with the NOR. This unfortunately is not considered to be within the scope of the NOR although this could be agreed to as part of the property acquisition process which will fall outside of the NOR process which is to designate the land for the purposes described in the application.

10.0 RELEVANT POLICY STATEMENT & PLAN PROVISIONS

10.1 Section 168A(3)(a) requires that when considering the effects on the environment of allowing the requirement, particular regard must be had to:

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.*

10.3 The following sections consider the Requiring Authority's assessment against the relevant provisions of the following applicable regional policy statement and regional and district plans:

- Hawke's Bay Regional Resource Management Plan 2006 (RRMP) – this document includes the Regional Policy Statement

- Proposed Hastings District Plan (as Amended by Decisions - September 2015).

10.4 Hawke's Bay Regional Policy Statement and Hawke's Bay Regional Resource Management Plan

The RPS identifies a number of significant resource management issues for the region. Of particular relevance to the NOR are those below

OBJ1 To achieve the integrated sustainable management of the natural and physical resource of the Hawke's Bay region while recognising the importance of resource use activity in Hawke's Bay and its contribution to the development and prosperity of the Region.

OBJ2 To maximise certainty by providing clear environmental direction

OBJ3 To avoid the imposition of unnecessary costs of regulation on resource users and other people.

To achieve these objectives, the Plan details further Regional Policy Statement and Regional Plan objectives and policies.

The Planning Assessment submitted with the NOR considers the following objectives and policies:

10.4.1 Regional Policy Statement/ Regional Resource Management Plan - Objectives and Policies

There are a number of objectives and policies in the RPS relating to urban development. Incorporated as part of Plan Change 4, this provided the statutory implementation of the Heretaunga Plains Urban Development Strategy (HPUDS). Developed by all Hawkes Bay councils, HPUDS sought to ensure that urban growth occurs in the most sustainable manner avoiding encroachment of urban activities onto the versatile soils of the Heretaunga Plains in an unplanned manner.

The application sets out the following relevant issues, objectives and policies of the Hawkes Bay Regional Resource Management Plan 2006 (RRMP) in respect of this NOR.

OBJ 1 To achieve the integrated sustainable management of the natural and physical resources of the Hawke's Bay region, while recognising the importance of resource use activity in

Hawke's Bay, and its contribution to the development and prosperity of the region.

OBJ2 To maximise certainty by providing clear environmental direction.

OBJ3 To avoid the imposition of unnecessary costs of regulation on resource users and other people.

ISS UDI The adverse effects of sporadic and unplanned urban development (particularly in the Heretaunga Plains sub-region), on:

- a) the natural environment (land and water);*
- b) the efficient provision, operation, maintenance and upgrading of physical infrastructure or services (particularly strategic infrastructure); and*
- c) the economic, cultural and social wellbeing of the Region's people and communities.*

As stated in the application, the NOR meets b) above in that it will result in the efficient provision, operation, maintenance and upgrading of physical infrastructure or services (particularly strategic infrastructure).

OBJUD4 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.*

POL UDI 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.*

OBJ UDS Ensure through long-term planning for land use change throughout the Region that the rate and location of development is integrated with the provision of strategic and other infrastructure, the provision of services, and associated funding mechanisms.

OBJ UD6 Ensure that the planning and provision of transport infrastructure is integrated with development and settlement patterns and facilitates the movement of goods and people and provision of services throughout the Region, while:

- a) limiting network congestion;*
- b) reducing dependency on private motor vehicles;*
- c) reducing emission of contaminants to air and energy use; and*
- d) promoting the use of active transport modes.*

POL UD13 Within the region territorial authorities shall ensure development is appropriately and efficiently serviced for the collection, treatment, disposal or re-use of sewage and stormwater, and the provision of potable water by:

- a) Avoiding development which will not be serviced in a timely manner to avoid or mitigate adverse effects on the environment and human health; and*
- b) Requiring these services to be designed, built, managed or upgraded to maximise their ongoing effectiveness.*

OBJ 32 The ongoing operation, maintenance and development of physical infrastructure that supports the economic, social and/or cultural wellbeing of the region's people and communities and provides for their health and safety.

OBJ 38: The sustainable management of the land resource so as to avoid compromising future use and water quality.

POL UD10.3 STRUCTURE PLANS (REGION)

Notwithstanding Policy U010.I, structure plans for any area in the Region shall:

- a) Be prepared as a single plan for the whole of a greenfield growth area;*
- b) Be prepared in accordance with the matters set out in POL U012;*
- c) Show indicative land uses, including:*
 - i. principal roads and connections with the surrounding road network and relevant infrastructure and services;*

- ii. *land required for storm water treatment, retention and drainage paths;*
- iii. *any land to be set aside for business activities, recreation, social infrastructure, environmental or landscape protection or enhancement, or set aside from development for any other reason; and*
- iv. *pedestrian walkways, cycle ways, and potential public passenger transport routes both within and adjoining the area to be developed;*

- d) *Identify significant natural, cultural and historic or heritage features;*
- e) *Identify existing strategic infrastructure; and*
- f) *Identify the National Grid (including an appropriate buffer corridor).*

POL U010A STRUCTURE PLANS (REGION)

Notwithstanding Policy U010.I, in developing structure plans for any area in the Region, supporting documentation should address:

- a) *The infrastructure required, and when it will be required to service the development area;*
- b) *How development may present opportunities for improvements to existing infrastructure provision;*
- c) *How effective provision is made for a range of transport options and integration between transport modes;*
- d) *How provision is made for the continued use, maintenance and development of strategic infrastructure;*
- e) *How effective management of storm water and wastewater discharges is to be achieved;*
- f) *How significant natural, cultural and historic or heritage features and values are to be protected and/or enhanced;*
- g) *How any natural hazards will be avoided or mitigated; and*
- h) *Any other aspects relevant to an understanding of the development and its proposed zoning.*

POL UD12 MATTERS FOR DECISION-MAKING (REGION)

In preparing or assessing any rezoning, structure plans, or other provisions for the urban development of land within the Region, territorial authorities shall have regard to:

- c) *Good, safe connectivity within the area, and to surrounding areas, by a variety of transport modes, including motor vehicles,*

cycling, pedestrian and public transport, and provision for easy and safe transfer between modes of transport;

- d) Location within walkable distance to community, social and commercial facilities;*
- f) Provision for the maintenance and enhancement of water in waterbodies, including appropriate storm water management facilities to avoid downstream flooding and to maintain or enhance water quality;*
- k) Provision for low impact storm water treatment and disposal;*
- n) Effective and efficient use of existing and new infrastructure networks, including opportunities to leverage improvements to existing infrastructure off the back of proposed development;*
- o) Location and operational constraints of existing and planned strategic infrastructure;*

Assessment

The following overall assessment is made in respect of the above objectives and policies identified by the Requiring Authority as being relevant to the NOR.

The application states that the NOR gives effect to all of the above objectives and policies and is consistent with the expectations of the RPS. I concur with the applicant in their assessment and agree that;

- the designation will assist in the efficient provision, operation, maintenance and upgrading of physical infrastructure or services by allowing all sites to have roading and stormwater access to allow residential development of each property when the land owner chooses to develop their land;
- the designation will facilitate 3 water services to be located within the designated corridors in order that they can be integrated to the wider network;
- stormwater has been designed to meet the requirements of the Hawkes Bay Regional Council (HRRMP) and in a manner that retention is achieved during extreme events;

- the adverse effects on the traffic network have been addressed in Variation 3 where a traffic impact assessment (refer to **Attachment 2**) recommended a number of intersection upgrades to address the new Howard Street development area. The designated corridor will provide a link to the proposed cycle and walking links to the surrounding area (refer Structure plan performance standard HSSP-S3(k) and (l)). This all aligns with OBJ UD6 which refers to the importance of integration of transport infrastructure with development;
- servicing will be provided in a timely manner that can service all sites within the Howard Street residential development area in a manner that avoids delays to the overall development of the Howard Street area and provides greater certainty for land owners that they can access and service their individual sites, rather than a piecemeal approach which would occur if the designation was not in place. An integrated approach is therefore favoured over an incremental approach where individual land owners undertake their own developments that could have negative impact on neighbour aspirations to develop their land.
- the designation will allow Requiring Authority to install infrastructure as one project to facilitate developing the Howard Street residential development area while retaining consistency with the approved Structure Plan (Variation 3). This structure plan has been developed to be consistent with Pol UD12 which recommends that structure plans shall provide for connectivity within the development area and surrounding areas (cycle and footpaths), be within walkable distance to community, social and commercial facilities (links provide for this), provide for low impact stormwater treatment and disposal (the use of grass swales directing stormwater to a retention area will encourage this), provide for effective and efficient use of existing and all new infrastructure networks (designation is consider a more responsive mechanism for those wishing to develop immediately).

Overall, for the reasons stated, I consider the NOR to be in keeping with the provisions of the Hawke's Bay Regional Policy Statement

and Regional Resource Management Plan and is entirely consistent with the planned approach sought by these Plan objectives.

10.4.2 Hastings Proposed District Plan

Section 168A (3) (a) (iv) and section 104 (1) (b) (vi) of the RMA requires consideration of any relevant objectives and policies of a proposed plan.

In this respect, I concur with the Requiring Authority that the following objectives and policies of the Hastings Proposed District Plan (as varied by Variation 3) are relevant. *It is noted that one appeal is still to be resolved however it is understood that the scope of the appeal is limited and is not affected by the notified designation.* The provisions of the Proposed District Plan as amended by Variation 3 therefore have legal effect.

OBJECTIVE UDOI 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.

OBJECTIVE UD02 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 UDP4 To establish a sequence of the land that has been identified as appropriate for urban development.

POLICY UDP5 To prepare comprehensive structure plans, in consultation with tangata whenua with Mana Whenua, landowners, infrastructure providers and the local community, for each identified urban growth area. Structure Plans shall be prepared prior to any plan change application to amend the zoning of these areas to facilitate urban development.

OBJECTIVE UD03 To establish an effective and sustainable supply of residential and business land to meet the current and future demands of the Hastings District Community.

OBJECTIVE R03 To ensure that suitable levels of infrastructural services are in place and that potential conflicts over zone boundaries are addressed, in advance of any new residential development.

OBJECTIVE R04 To protect people, property and infrastructure of the community from flooding and ponding effects associated with stormwater runoff.

POLICY RP9 The provision of suitable community or on-site infrastructure including sewage collection, treatment and disposal, water supply, storm water collection and roading as a prerequisite to residential intensification or greenfield residential development.

Assessment

The following overall assessment is made in respect of the above objectives and policies of the Proposed District Plan and identified by the Requiring Authority as being relevant to the NOR.

The Howard Street area was recently rezoned from Plains Production to Hasting General Residential. This rezoning essentially was to give effect to the key objectives and policies listed above but in particular those objectives and policies that were in line with the Requiring Authority's direction for urban development.

Key to this was to;

- provide an urban development area that reduces the impact on the resources of the Heretaunga Plains;
- provide a greenfield area that has already been identified in HPUDS as being suitable;
- ensure development is undertaken in a planned manner;
- incorporate a structure plan as part of Variation 3 that ensures efficiency and effectiveness for the development;
- establish an efficient and sustainable supply of residential land to meet current and future demands in accordance with HPUDS and the Regional Policy Statement.

The purpose of the NOR is to deliver the roading and 3 waters infrastructure necessary to develop this area as a residential area in line with the above objectives and policies.

Overall, for the reasons stated, I consider the NOR to be in keeping with the provisions of the Hastings Proposed District Plan (as amended by Variation 3) and is entirely consistent with the planned approach sought by these Plan objectives.

10.4.3 National Policy Statement of Urban Development Capacity 2016 (NPS-UDC)

The Requiring Authority has identified the above document as being the overarching national document that recognises the national significance of urban environments and the need to enable such environments to develop and change; and as providing sufficient development capacity to meet the needs of people and communities and future generations in urban environments. As such the NPS-UDC directs local authorities to provide sufficient development capacity in their Plans, to meet the demand for housing and business space by zoning and regulation in Plans and supported by the necessary infrastructure.

The Requiring Authority states that *the Howard Street rezoning (Variation 3) will assist the Hastings District Council in meeting its responsibilities, as a medium growth authority, by providing for approximately 260 additional dwellings within the District.* This aligns with the overall intent of the NPS-UDC. The NOR (designation) will enable the area to be developed in accordance with the approved structure plan and construct the necessary roading and 3 waters provision in the most efficient manner.

I consider therefore that the NOR is in accord with the NPS-UDC.

10.5 Overall Summary of Assessment of Policy Statements and Plans

The Notice of Requirement is considered to be in keeping with the relevant provisions of applicable policy statement and plans. The Requiring Authority has given regard to the relevant plans and their objectives and policies in designing a long term solution to address the provision of roads and servicing for the Howard Street residential area.

For these reasons I conclude that the NOR is consistent with the relevant policy statement and plans.

11.0 ASSESSMENT AS TO ADEQUACY OF CONSIDERATION OF ALTERNATIVES

When considering an application for a Notice of Requirement and any submissions received a territorial authority must consider whether adequate consideration has been given to alternative sites, routes or methods of undertaking the work if the requiring authority does not have an interest in the land sufficient for undertaking the work. The territorial authority is also required to give consideration to whether the work and designation are reasonably necessary for achieving the objectives of the requiring authority for which the designation is sought.

The requiring authority has included a detailed assessment of the options undertaken both as part of the NOR and previously Variation 3 which included the confirmation of a structure plan for the new zone. This analysis is included in section 12.0 of the application (refer **Attachment 2**).

The requiring authority has also considered alternatives to the designation.

Option 1 will involve not designating which would result in a piecemeal approach where landowners would construct the internal loop road individually.

Option 2, also to not designate, but will provide for Council to acquire the land for roading and servicing in line with the structure plan. This would have similar costs as the designation process, however as stated in the application, will have less certainty for Council acquiring the land with land owners potentially holding up negotiations.

In both instances the disadvantages outweighed the advantages leaving no other option but to designate the road and service corridors. I agree with the applicant therefore that both options would not meet the objectives of the NOR and could delay the ability to commence residential development.

For clarity, the objectives of the requiring authority are repeated here as follows:

- *Provide sufficient land for the infrastructure servicing of a new residential zone on the southern side of Howard Street, Hastings;*
- *Enable the efficient, effective and timely implementation of the physical infrastructure necessary to service the area;*
- *Manage the overland flow of stormwater to the road and stormwater detention area via a Councils owned and maintained service corridor.*

I am satisfied that the Requiring Authority's assessment of alternatives was neither arbitrary nor cursory and that the 'work' and 'designation' are reasonably necessary in achieving the Requiring Authority's stated project objectives. For the purposes of Section 168A (3) (b) and Section 168A (3) (c), the Requiring Authority's consideration of alternative sites, routes or methods is, therefore, considered adequate.

12.0 OTHER RELEVANT DOCUMENTS

12.1 Section 168A (3) (d) of the Act enables the territorial authority to have regard to any other matters it considers reasonably necessary in order to make its decision.

12.2 The Council has undertaken or been involved in a number of strategic studies that also seek to address resource management issues and achieve objectives and policies identified in the District Plan. I note the document is specifically referenced in the Requiring Authorities planning assessment. The following document identifies and supports the strategic importance of the Howard Street development area;

- Heretaunga Plains Urban Development Strategy (HPUDS)
- Variation 3 to the Proposed Hastings District Plan
- Long Term Plan & 2018/19 Development Contributions Policy

- 12.3 As a background, HPUDS (2010) is an overarching document, prepared by the Hawkes Bay Local Authorities and is embedded in the HB Regional Policy Statement. It provides a strategic framework for urban growth on the Heretaunga Plains for the period 2015-2045 and takes a long term view of land-use and infrastructure.

HPUDS is reviewed every 5 years with the latest review being available to the public in 2017. This review identified a need to increase reserve areas for development due to the high demand for residential development occurring in Hawkes Bay.

- 12.4 HPUDS identified specific areas to accommodate growth with the preferred settlement pattern moving to a more compact approach to development with the following aims;

- *Avoid encroaching onto the Heretaunga Plains*
- *Increase densities and intensification in suitable locations*
- *Reduce the spread of both Napier and Hastings*
- *Provide for a range of housing types*
- *Encourage walking, cycling and public transport as an alternative to the private motor vehicle*

The relevant objectives and policies in the HBRMP are identified and discussed in section 10.4.1 of this report and therefore not repeated here.

The Howard Street area was one of those area identified in HPUDS as being suitable for rezoning for to a residential zone. This area is shown below in **Figure 9**.

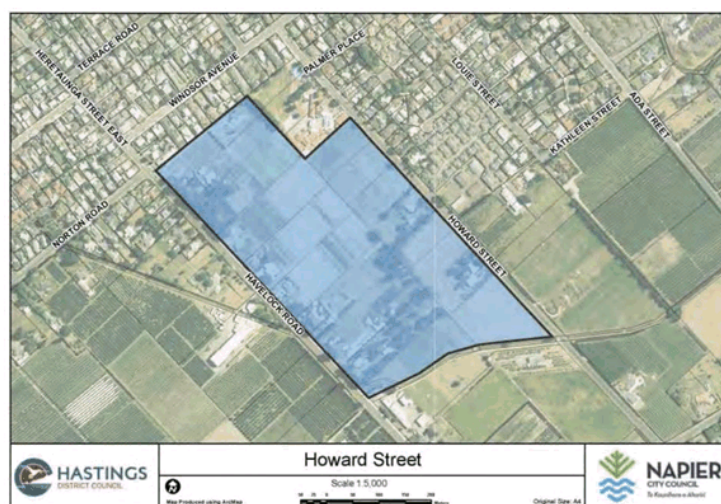


Figure 9 – Howard Street HPUDS Development Area
Source: HPUDS 2017 Review

HPUDS undertook an assessment of the growth options sites and for Howard Street states;

The site in Howard Street is an 18ha area of land which is immediately adjacent to the Parkvale School and surrounded by an existing urban development on three sides. There is therefore an incompatibility between rural use of the land and the adjoining school. The soils are silt/clay loam with imperfect drainage and held in small titles with dwellings and therefore mainly in rural lifestyle use. It is appropriate to mitigate the incompatibility of those land uses and use the opportunity to square up the urban boundary. There is a natural boundary further to the east in the form of the Awahou Stream, but a less distinct boundary to the north if development were to encroach that far, which will need to be managed. The area will be attractive to the market and is well placed in terms of the roading network services.

- 12.5 The matters around the rezoning have already been addressed by the Requiring Authority as part of Variation 3 taking into account the directions given in HPUDS. The purpose of the NOR is to secure the alignment for the roading and 3 waters services to facilitated future residential development. This aligns with HPUDS.
- 12.6 As the application states, *the current 2018/28 LTP includes the expenditure for the development of the infrastructure required for the Howard Street Urban Development Area from years 0 - 4. This*

expenditure is to be funded by way of the development contributions collected partly within the Howard Street Urban Development Area catchment, and partly through upgrades to the network from all residential development in the District. It is anticipated that Council will update its Development Contributions Policy and schedule of charges to reflect the revised catchment area, and the timing and quantum of the capital expenditure required to service the revised catchment.

This strategy therefore seeks to facilitate growth and respond to demand for growth through the provision of funding for serviced land.

- 12.6 It is considered that the strategies above provide the rationale for the Howard Street Roding and Servicing Corridors and as such the NOR is consistent with these strategies.

13.0 ASSESSMENT SUBJECT TO PART II OF THE RESOURCE MANAGEMENT ACT 1991(the Act)

Section 168A(3) of the RMA states that any consideration of a notice of requirement is subject to Part II. Therefore, the assessment in the preceding sections of this report needs to be considered in light of the overarching purpose and principles of the Act.

Section 5 (Purpose)

- 13.1 The purpose of the Act (Section 5) is '*to promote the sustainable management of natural and physical resources*'. Section 5(2) defines sustainable management as:

"Managing the use, development and protection of natural and physical resources in a way or at a rate which enables people and communities to provide for their social, economic, and cultural 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.”

- 13.2 Section 5 is broadly framed and is a guiding principle for decision making under the RMA and must be read as a whole – no one factor creates a general veto. It allows for the balancing of conflicting considerations in terms of their relative significance or proportion in the final outcome.

In respect of the NOR the balance to be struck is between the loss of versatile soils from the Heretaunga Plains and the economic benefits of providing appropriate and significant infrastructure services for the new Howard Street residential area. The loss of versatile soils has been addressed in Variation 3 where the loss was weighted against the direction of HPUDS and the need to provide additional residential options for Hastings District on land adjacent to the existing urban boundary ‘...enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety. The NOR is integral to achieving this goal.

Sections 6, 7 and 8 (Principles)

- 13.3 Sections 6 and 7 of the Act list ‘matters of national importance’ and ‘other matters’ that have a substantial role in shaping and directing how the RMA’s purpose is given effect to. Section 8 sets out the RMA’s requirement to take into account the principles of the Treaty of Waitangi.
- 13.4 There are no matters that would trigger an assessment against Section 6. In terms of section 6 (e) *the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga*, the Requiring Authority state that in discussions with tangata whenua, no potential issues were raised.
- 13.5 With regard to Section 7 (Other Matters) the following matters were identified in the NOR assessment as being relevant:
- 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:*

(g) any finite characteristics of natural and physical resources:

The assessment against these matters focuses on the necessity to provide for residential land and the associated effects of this against Part II, which has relevance to the reasoning behind Variation 3. However, it is considered that the assessment is also relevant with regards to the NOR as one is reliant on the other in order that development is undertaken in a manner that is effective and efficient and therefore involving a means of servicing the Howard Street residential area.

13.7 In terms of Section 8 'Treaty of Waitangi', consultation undertaken with iwi authorities as part of Variation 3 (integral to the NOR) has not identified any potential issues and neither were there any matters identified in the Proposed District Plan that would impact on iwi.

13.8 The proposal is considered to be consistent with the principles of the Act. The relevant matters of national importance and other matters have been appropriately provided for. Overall the NOR assessment has demonstrated that this proposal promotes the sustainable management of the district's natural and physical resources. Through project design and mitigation methods the Requiring Authority has taken a considered approach to the use, development and protection of the surrounding area and physical resources in order to meet the social, economic and cultural well-being and health and safety of the district and regional communities. In doing so it is recognised that there is an impact on the life supporting capacity of the Heretaunga Plains soil, however as a strategic project in this location, complete avoidance of localised land loss is unavoidable. The proposed road and stormwater corridors facilitate this development in a manner that will minimise this impact while still achieving the requisite roading and stormwater corridors to service future residential development options for the Hastings community.

On balance, it is considered that the proposed designation reflects the 'sustainable management' purpose of the RMA.

14.0 OUTLINE PLAN WAIVER

- 14.1 The NOR includes a waiver of the outline plan under section 176A (2) (c) of the Act.
- 14.2 The purpose of an outline plan is to provide details of a proposed public work where they are not incorporated into the Designation. While I am satisfied that sufficient design details have been provided to understand the level of effects of most aspects of the project, I consider there is insufficient information accompanying the NOR to address the road design where it adjoins Parkvale School boundary. This is an area of concern for the school also. The physical road design which shall include car parking arrangements can be finalised through an Outline Plan process that allows the Consenting Authority to reserve the opportunity to request amendments to the final design to ensure that any potential adverse effects can be appropriately, avoided, remedied or mitigated.
- 14.3 For these reasons if the Commissioner is considering confirming the requirement, **I recommend that the Requiring Authority's request for an accompanying outline plan waiver be accepted in part on the basis that sufficient information has been provided and will be incorporated in the designation for all matters with the exception of detailed design of the road alignment adjacent to Parkvale School.**

15.0 LAPSE DATE

The Requiring Authority has not sought a lapse date of 10 years as it has set a target for completion of within 5 years.

- 15.1 Under Section 184A of the RMA a designation of a territorial authority in its own district lapses on the expiry of 5 years after the date on which it is included in the district plan unless the designation specified a different period when incorporated in the Plan (184A (2) (c)). A lapse period has not been requested as stated above.

16.0 SUMMARY AND CONCLUSION

- 16.1 Notice of Requirement has been given under Section 168(A) of the Resource Management Act 1991 (the Act) by Hastings District Council for a requirement to designate land for 'Road Corridor and

Associated Infrastructure Servicing Corridor and Stormwater Corridor’.

- 16.2 The above assessment of effects on the environment of allowing the requirement indicates that there are effects (both positive and adverse) from the designation and construction of the Road Corridor and Associated Infrastructure Servicing Corridor and Stormwater Corridor, but that any adverse effects can be suitably avoided, remedied or mitigated through aspects of the proposed design, and through the imposition of appropriate safeguards in the form of conditions.
- 16.3 It is acknowledged that while implementation of the infrastructure servicing corridor will impact on the region’s soil resource, this is unavoidable given its location previously zoned Plains Zoned land and that when balanced with the social and economic benefits to the Hastings district, achieves sustainable management of the regions resources through the new Hastings General Residential Zone.
- 16.4 The Requirement is generally considered to be consistent with the relevant provisions of the Hawke’s Bay Regional Policy Statement, Hawke’s Bay Regional Resource Management Plan and Hastings District Plan.
- 16.5 The Requirement is overall considered to be consistent with Part II of the Resource Management Act 1991, provided appropriate controls are in place to ensure that any effects can be appropriately mitigated. While there is an impact on the versatile soils of the Heretaunga Plains, the rezoning and designation route has sought to minimise this alongside other RMA considerations. I am satisfied that on balance the proposal achieves the ‘sustainable management’ purpose of the RMA.
- 16.6 The Requiring Authority’s consideration of alternative sites, routes and methods is considered to meet the test of ‘adequate’ as required by section 168A 3(b) of the Act.
- 16.7 The Requirement is considered reasonably necessary in achieving the Council’s stated project objectives and meets the requirement of section 168A 3(c).
- 16.8 The Requirement is consistent with Variation 3 of the Proposed District Plan; Long Term Plan 2018/19 & Development Contributions

Policy and Heretaunga Plains Urban Development Strategy and will enable safe, efficient, and cost-effective servicing of this newly zoned residential area.

16.9 It is therefore considered appropriate to recommended that the requirement for the designation be confirmed with a minor modification (inclusion of severance adjoining Parkvale School) and with conditions relating to the following matters:

1. The construction process – through establishing traffic management, noise management, erosion/sediment control, dust management, archaeological/waahi tapu protocols, and management of soil contaminants.

17.0 RECOMMENDATIONS TO THE REQUIRING AUTHORITY

A. That pursuant to Section 168A(4) and 184A of the Resource Management Act 1991:

RECOMMENDATION 1 –

- (a) That the Notice of Requirement to designate land for Road Corridor and Associated Infrastructure Servicing Corridor and Stormwater Corridor to facilitate residential development within the Howard Street General Residential Zone is confirmed with the inclusion of the severance land (Part Lot 42 DP 752) abutting Parkvale School subject to conditions, and included in the Proposed Hastings District Plan.

The Notice of Requirement more fully describes the Requirement as:

- A crescent shaped road corridor running internally through the development.
- The road is largely 20m wide, apart from the area adjoining Parkvale School which is 22m wide.
- The road corridor is approximately 840m in length.
- The road corridor will also include servicing capabilities for water, wastewater and stormwater.
- A stormwater corridor of 10m wide and approximately 52m long located on 214 Havelock Road being PT LOT 2 DP 8367 BLK IV TE MATA SD.

B. RECOMMENDATION 2 –

That the necessary amendments be made to the Proposed District Plan incorporating:

- . Amendments to the Proposed District Plan maps to show the additional areas of land to be designated.
- . Amendments to the Designation Schedule, including insertion of the final version of the conditions.

C. That pursuant to Section 176A (1) and (2)(c) of the Resource Management Act 1991:

RECOMMENDATION 3 –

- (a) That the request to waive the requirement for an Outline Plan be accepted in part.
- (b) That prior to commencement of construction of the road an Outline Plan be submitted to the Environmental Consents Manager (or Nominee) to allow the Consent Authority to request any changes before construction is commenced. The Outline Plan must demonstrate how the road alignment and roadside car parking alongside the boundary of Parkvale School will address and mitigate the potential traffic conflicts between road users and the school.

12.0 REASONS FOR DECISION

1. The designation is reasonably necessary for achieving the objectives of the Requiring Authority.
2. Adequate consideration has been given to alternative sites, routes, or methods of achieving the project.
3. It is unreasonable to expect the Requiring Authority to use an alternative site, route or method.
4. The designation is generally consistent with the objectives of the Hawkes' Bay Regional Policy Statement and with the objectives, policies and other provisions of the operative and proposed Hastings District Plans.
5. The designation is generally in accordance with Part 2 of the Resource Management Act 1991.
6. The amendments that have been made to the proposal as a result of further investigations, or in response to submitters' concerns, are within the scope of changes that can be authorised.
7. Restrictions, by way of conditions, imposed on the designation have been included to avoid as far as practicable, remedy or mitigate adverse environmental effects of the designation.

8. The Outline Plan requirement for the road design allows for consideration of final design details to address the uncertainty relating to how the design will achieve safe and efficient on-road car parking for Parkvale School and the other matters in the information submitted with the Notice of Requirement.
9. The notice of requirement is consistent with Section 5 of the Resource Management Act 1991 as the establishment of the road and services infrastructure will provide for a public work of District importance in providing a servicing solution to support the Howard Street residential area as confirmed in Variation 3 of the Proposed Hastings District Plan.

13.0 RECOMMENDATIONS ON SUBMISSIONS

1. That the submissions **of Christopher and Lorraine Burns (1)** and **Marcus Hill on behalf of TRACE Group (3)** in support of the NOR be **ALLOWED**.

With reasons for this recommendation being;

The submissions in support indicate acceptance of the NOR as it has been notified.

2. That the submission of **Barry and Lynne Keane (2)** opposing the location of the stormwater corridor over their land, being the property at 214 Havelock Road, namely Part Lot 2 DP 8367 (CFR HB135/238) be **DISALLOWED**.

With reasons for this recommendation being;

The location of the proposed stormwater corridor represents the most natural and least restrictive flow path from the, taking the shortest possible route to the proposed internal road corridor and ensuring that minimal land will be taken for the corridor.

3. That the submission of **Woolworths NZ Limited (4)** supporting in part the NOR be **ALLOWED** insofar as it is recommended that the NOR be modified to include a small area of land (severance) on the Gee Property, **PID 55493**, namely part of Lot 42 DP752 (CFR HB37/104) within the designated corridor

but **REJECTED** insofar as it is recommended that the NOR otherwise be confirmed without further modification.

With reasons for this recommendation being;

- i. Apart from the small modification of the NOR over **PID 55493**, namely Lot 42 DP752 (CFR HB37/104), the location of the proposed road represents the most efficient and effective location to provide essential services to the Howard Street development area;*
 - ii. it is considered appropriate to designate the compete corridor at the onset to reduce costs associated with a staged event;*
 - iii. relocating the road to alongside the school would require considerable modification of the road alignment resulting in inefficiencies to the roading pattern and servicing within the modified alignment;*
 - iv. the position of the road (including associated services) was reached in a decision of Variation 3 and recommended to be the most efficient and effective location.*
 - v. Delaying or deferring designation of the north west road stub would significantly disadvantage the owners of 260 Havelock Road by restricting the ability to develop their site.*
4. That the submission of **Karen Cooper (5)** supporting in part the NOR be **ALLOWED** insofar as it is recommended that the stormwater corridor over Part Lot 2 DP 8367 (CFR HB135/238) is confirmed but **DISALLOWED** insofar as the request to modify the road alignment and width where it adjoins the submitters land.
5. That the submission of **Karen Cooper (5)** requesting acoustic and stock proof fences at the expense of the Requiring Authority be **DISALLOWED**.

With reasons for this recommendation being;

- i. The location of the proposed stormwater corridor represents the most natural and least restrictive flow path*

from the, taking the shortest possible route to the proposed internal road corridor and ensuring that minimal land will be taken for the corridor.

- ii. *Narrowing one entrance reduces the ability to provide sufficient safety, amenity and service levels to road users. This reduced ability discriminates against the users of the second entrance. As a result of narrowing the second entrance the first entrance will gain in prominence and may require a higher form of intersection control leading to land requirements that are strictly not warranted under the current scheme.*
 - iii. *The conditions regarding fencing is considered to be out of scope for the NOR and can be negotiated with the Requiring Authority outside of this process. The noise report prepared by Malcolm Hunt Associates does not recommend any specific noise mitigation be implemented due to the modest levels of traffic noise involved.*
6. That the submission of **Ministry of Education (6)** and **Board of Trustees, Parkvale School (7)** be **ALLOWED** insofar as it is recommended to that the NOR be modified to include a small area of land (severance) on the Gee Property, **PID 55493**, namely part of Lot 42 DP752 (CFR HB37/104) within the designated corridor **and** that it is recommended that there be no additional modification of the designated corridors.

With reasons for this recommendation being;

The recommendation to modify the designation over Lot 42 DP752 (CFR HB37/104) will not result in any inefficiencies associated with traffic flow or servicing and could provide an opportunity of additional car parking for Parkvale School.

15.0 RECOMMENDED CONDITIONS

GENERAL

1. Except as modified by the conditions below, and subject to final design, the Project shall be undertaken in general accordance with the information provided by the Requiring Authority in the

Notice of Requirement dated August 2018 and supporting documents: HDC References;

- 55505 #0102
- 55505 #0103
- 55505 #0143
- 55505 #0107
- 55505 #0104
- 55505 #0105
- 55505 #0106

2. If a conflict arises between any conditions of this designation and the Notice of Requirement, the conditions of this designation will prevail.
3. That the property subject to the designation and identified as Lot 42 DP 752 (CFR HB37/104), (HDC ref **PID 55493**) - **George Andrew Brummer, Anthony Patrick Douglas Gee, Eileen Gee, and Steven Vue Lup Gee** be altered in accordance with Figure (a) below;

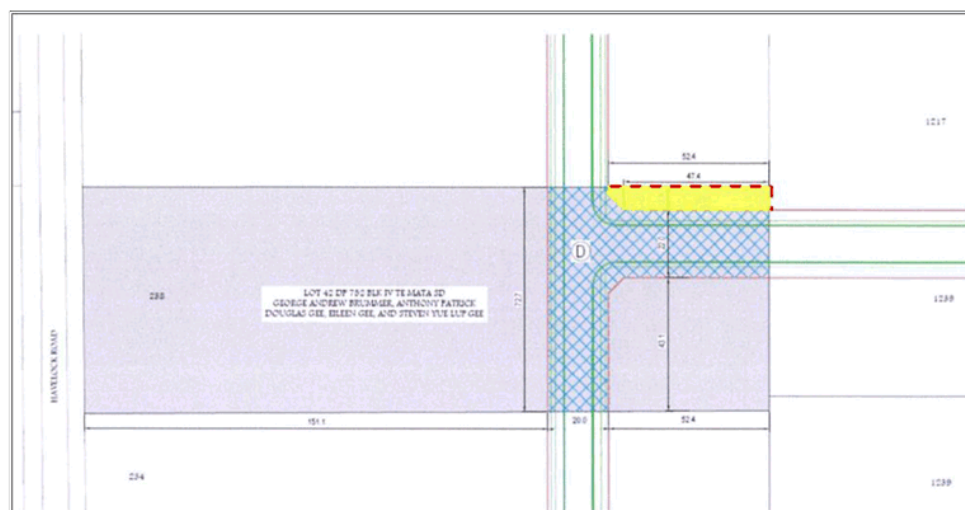


Figure (a)

MANAGEMENT PLANS

4. The following management plans listed below shall be submitted to the Environmental Consents Manager, Hastings District Council (or Nominee) prior to the commencement of any construction activities for approval:
 1. Construction Management Plan (CMP);

2. Dust and sediment Management Plan;
 3. Traffic Management Plan; and
 4. Construction Stormwater Management Plan
5. The final plans listed in Condition 3 shall be submitted to the Environmental Consents Manager at least 20 working days prior to the commencement of any construction activities for certification that the plans are generally in accordance with the draft plans, including their objectives and environmental performance standards.
6. Construction activities shall not commence until the management plans have been certified by the Environmental Consents Manager (or Nominee) and written confirmation of certification from the Environmental Consents Manager (or Nominee) has been received. If a written response is not provided to the Environmental Consents Manager (or Nominee) within 20 working days of the Requiring Authority/consent holder submitting the management plans for certification, the certification shall be deemed to be confirmed.
7. The final road design shall be submitted for Outline Plan approval under section 176A of the RMA. The assessment of effects accompanying the Outline Plan shall be limited to effects on the traffic safety around the provision for car parking bordering Parkvale School and shall show how the final design will achieve a design that avoids remedies or mitigates against adverse effects.

Advice Note:

For clarification all other aspects of the designation are waived for Outline Plan purposes. The purpose of this condition is to provide the option for the Environmental Consents Manager to undertake independent review and / or request changes to prior to final design being completed by the Requiring Authority.

In completing the Outline Plan the Requiring Authority are encouraged to liaise with the surrounding land owners affected by the road design adjacent to Parkvale School.

8. The Requiring Authority/consent holder may amend the management plans at any time. Any changes shall remain consistent with the overall intent of the relevant management plan and shall be submitted to the Environmental Consents Manager for certification, following the same process outlined in Conditions 3 to 5 above. Construction activities subject to the amendment shall not commence until the amendment has been certified by the Environmental Consents Manager.
9. All construction works shall be carried out in general accordance with the CMP and all supporting management plans required by these conditions.

CERTIFIED MANAGEMENT PLANS TO BE HELD ON-SITE

10. A copy of the certified versions of the management plans shall be kept on each construction site to which the plan relates at all times and the Requiring Authority/consent holder shall ensure that the contractors and all key personnel are aware of each plan's contents.

CONSTRUCTION NOISE

11. That all work shall be limited to between the hours of **7:30am to 5:00pm, Monday to Saturday**. No work is to be undertaken on Sunday or during Public Holidays.
12. All works shall be so conducted as to comply with the provisions of New Zealand Standard NZS6803:1999 "Construction Noise".

EARTHWORKS / DUST

13. That while the earthworks are being undertaken and prior to re-vegetation, areas of exposed earth shall be regularly dampened with water to ensure that no wind born dust is able to be deposited outside the property boundaries.
14. That all areas of earthworks associated with the ***Road Corridor and Associated Infrastructure Servicing Corridor and Stormwater Corridor*** shall be re-grassed, planted or developed to an erosion proof state within **1 month** of the earthworks being completed, to the satisfaction of the Environmental Consents Manager, Hastings District Council.

CULTURAL/ARCHAEOLOGICAL DISCOVERY PROTOCOL

15. In the event of any archaeological site, waahi tapu, taonga or koiwi being discovered during the works authorised by this designation/consent, the Requiring Authority/consent holder shall immediately cease work at the affected site and secure the area. The Requiring Authority/consent holder shall contact the Council to obtain contact details of the relevant hapu and/or marae. The consent holder shall then consult with the appropriate tribal entities and Heritage New Zealand Pouhere Taonga, and shall not recommence works in the area of the discovery until the relevant Heritage New Zealand Pouhere Taonga and appropriate tribal entity approvals to damage, destroy or modify such sites have been obtained.

MANAGEMENT OF POTENTIAL SOIL CONTAMINANTS

16. That no construction works commence within the Designated Road and Servicing Corridors until the required resource consent(s) are obtained under the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011.
17. At the completion of the works a completion report and as-built plan shall be provided to the Environmental Consents Manager, Hastings District Council (or Nominee), Hastings District Council, to confirm the location of the contaminated soil as a result of the construction of the access and servicing corridor.

TRAFFIC MANAGEMENT

18. That a Traffic Management Plan be submitted to the Hastings District Council for approval of the Environmental Consents Manager (or Nominee) prior to construction commencing on the road and service corridors.

WITH THE REASONS FOR THE CONDITIONS BEING THAT:

1. Conditions 1 and 2 will ensure that the designation proceeds in accordance with the Notice of Requirement or the conditions of consent.

2. Condition 3 will confirm a new alignment that is considered a more efficient use of a small landlocked part of the property identified as **PID 55493 - George Andrew Brummer, Anthony Patrick Douglas Gee, Eileen Gee, and Steven Vue Lup Gee.**
3. Conditions 4 – 6 will ensure that any environmental effects are avoided, remedied or mitigated during the construction period.
4. Condition 7 will ensure that in respect of the road alignment adjacent to Parkvale School, there are no adverse effects on road users or conflicts with the School.
5. Condition 10 will ensure that contractors working on the infrastructure servicing corridor have access to and know about the management plans in order to avoid, remedy or mitigate effects during construction.
6. Conditions 11 and 12 ensure any noise associated with the construction of the servicing corridor and stormwater soakage areas complies with national standards.
7. Conditions 13 to 14 ensure that there are no adverse effects on adjacent properties in regard to dust and sediment deposits resulting from earthworks.
8. Condition 15 will ensure that the protection of archaeological items, waahi tapu, taonga or koiwi should these be discovered during the works.
9. Condition 16 to 17 will ensure that any potentially contaminated soil will be managed in an appropriate manner to avoid, remedy or mitigate adverse effects on the environment.
10. Condition 18 will ensure that any potential traffic conflicts can be managed in an appropriate manner to avoid, remedy or mitigate adverse effects on the environment and that access to the Infrastructure Servicing Corridor by the general public is avoided.

Advisory Notes

1. The Health and Safety Plan utilised by the Requiring Authority for the protection of site workers should include measures to avoid contact with potentially contaminated soils.