



Hastings District Council

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OPEN A G E N D A

COMMISSIONER HEARING

Meeting Date: **Friday, 17 July 2020**

Time: **9.30am**

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

(NOTIFIED LAND USE CONSENT APPLICATION FROM HASTINGS DISTRICT COUNCIL FOR THE INSTALLATION AND OPERATION OF A DRINKING WATER TREATMENT PLANT, RESERVOIR, BORES AND ASSOCIATED INFRASTRUCTURE IN FRIMLEY PARK AND SURROUNDS (RMA20190545))

Hearing Commissioner	Chair: Commissioner Bill Wasley
Officer Responsible	Group Manager: Planning & Regulatory Services (John O'Shaughnessy)
Reporting Planner	Philip McKay - Consultant Planner
Democracy & Governance Advisor	Christine Hilton (Extn 5633)

HASTINGS DISTRICT COUNCIL

**A COMMISSIONER HEARING WILL BE HELD IN THE COUNCIL
CHAMBER, GROUND FLOOR, CIVIC ADMINISTRATION BUILDING,
LYNDON ROAD EAST, HASTINGS
ON FRIDAY, 17 JULY 2020 AT 9.30AM.**

1. APOLOGIES

**2. NOTIFIED LAND USE CONSENT APPLICATION FROM HASTINGS
DISTRICT COUNCIL FOR THE INSTALLATION AND OPERATION OF A
DRINKING WATER TREATMENT PLANT, RESERVOIR, BORES AND
ASSOCIATED INFRASTRUCTURE IN FRIMLEY PARK AND SURROUNDS
(RMA20190545)**

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

Document 1 The covering administrative report **Pg 1**

Attachments:

1. Final s42a report (13818#0298) **Pg 3**

The Application and Submissions can be viewed on the Council website.

REPORT TO: COMMISSIONER HEARING

MEETING DATE: FRIDAY 17 JULY 2020

FROM: DEMOCRACY AND GOVERNANCE ADVISOR
CHRISTINE HILTON

SUBJECT: NOTIFIED LAND USE CONSENT APPLICATION FROM
HASTINGS DISTRICT COUNCIL FOR THE INSTALLATION
AND OPERATION OF A DRINKING WATER TREATMENT
PLANT, RESERVOIR, BORES AND ASSOCIATED
INFRASTRUCTURE IN FRIMLEY PARK AND SURROUNDS
(RMA20190545)











1.0 PURPOSE AND SUMMARY - TE KAUPAPA ME TE WHAKARĀPOPOTOTANGA


- 1.1 This is a covering report relating to a notified land use consent application from Hastings District Council for the installation and operation of a drinking water treatment plant, reservoir, bores and associated infrastructure in Frimley Park and surrounds.
- 1.2 The reporting planner's report is attached to this covering report and contains the details regarding this application and the planner's recommendations.
- 1.3 The other attachments included as part of the agenda documentation for this hearing are contained in separate attachment document/s and are listed below.

2.0 RECOMMENDATIONS - NGĀ TŪTOHUNGA

The recommendations relating to this hearing are set out in the agenda report.

Attachments:

	1	Final s42a report	13818#0298	
	2	s95 Notification report	13818#0288	Document 2
	3	Description of Proposal and Assessment of Environmental Effects	13818#0263	Document 2
	4	S92 Further Information Required Letter	13818#0268	Document 3
	5	Additional Information received	13818#0296	Document 3
	6	Full set of submissions to RMA20190545	13818#0295	Document 3
	7	Submitter Correspondence	13818#0299	Document 3
	8	Volunteered conditions from applicant in response to the Ministry of Education submission	13818#0300	Document 3
	9	Additional information received Ground Contamination Soil Management Plan	13818#0301	Document 3
	10	Engineering comments - Council's Development Engineer	13818#0302	Document 3
	11	Additional S92 Request - Deed of Gift	13818#0303	Document 3
	12	Applicant Response to Further Information Received	13818#0304	Document 3

 13 Legal Advice

13818#0305

Document 3

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REPORT TO: HEARINGS COMMISSIONER**MEETING DATE: 17 July 2020****FROM: PHILIP MCKAY
CONSULTANT PLANNER****SUBJECT: PUBLICLY NOTIFIED LAND USE CONSENT
APPLICATION FOR THE INSTALLATION AND
OPERATION OF A DRINKING WATER TREATMENT
PLANT, RESERVOIR, BORES AND ASSOCIATED
INFRASTRUCTURE IN FRIMLEY PARK AND
SURROUNDS**

NOTE: This report sets out the advice of the reporting planner. This report has yet to be considered by the independent hearing commissioner delegated by the Council to determine this application. The recommendation is not the decision on this application. A decision will only be made after the commissioner has considered the application and heard the applicant and submitters.

EXECUTIVE SUMMARY

Applicant:	Hastings District Council
Applicant's Agent:	Good Earth Matters Limited
Site Addresses / Legal Description / Area / zoning / PID Ref's:	Frimley Park, 411 Frimley Road, Hastings 4120 <ul style="list-style-type: none"> – PID 13818 – Legally described as Lot 2 DP 3197, Part Lot 254 DP 2101, Part Lot 254 DP 2101, Lot 6 DP 3374 and Section 38 Block XV Heretaunga Survey District (RT HB136/54) – 19.3384 Hectares – Zoned Open Space (OS1-07)) under the Hastings District Plan And Portions of road reserve of Frimley Road and Hapuku Street

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	– Designated legal road reserve
Proposal:	The construction / installation and operation of the following Network Utility activities: water treatment plant, water storage reservoir, drinking water supply bores with above ground amenity treatment, all within Frimley Park; the installation of water reticulation pipes within the road berms of Frimley Road and Hapuku Street; and the removal of the Frimley Park maintenance sheds and yard with the area to be reinstated to become part of the publicly accessible park area.
Hastings District Plan (HDP)¹ Provisions:	<ul style="list-style-type: none"> • Discretionary Activity under rule NU13 for the drinking water treatment plant building and water reservoir. • Restricted Discretionary Activity under rule NU11 for the drilling and construction of the water supply bores in breach of the HDP noise standards.
Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NESC)	<ul style="list-style-type: none"> • Discretionary Activity under regulation 11 due to a preliminary site investigation report identifying likely areas of contaminated soil within portions of road reserve where soil is required to be disturbed to lay new drinking water supply pipes and to remove the Park maintenance depot and yard.
Assessment of Status:	As a bundled Discretionary Activity.
Date consent application received: 10 th December 2019	

1. Hastings District Council (the Applicant) is implementing a district wide drinking water improvement programme and Drinking Water

¹ It is noted that at the time the application was lodged, 10 December 2019, the status of the district plan was the Proposed Hastings District Plan. It has subsequently been notified as the operative Hastings District Plan and given an operative date of 26 February 2020 with no change to the provisions relevant to this application.

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Strategy to ensure the delivery of a safe and secure drinking water supply. The activities proposed in this application are part of the implementation of this programme, with the specific purpose of ensuring compliance with the New Zealand Drinking Water Standards in delivering a safe supply of water from the Frimley borefield.

2. In summary the activities proposed include:
 - The drilling and installation of 4 – 5 new water bores near the Frimley Road frontage of Frimley Park.
 - Construction and operation of a drinking water treatment plant with a building floor area of 480m² and a maximum height of 7m near the south eastern boundary of Frimley Park;
 - Construction and operation of a round steel panel water storage reservoir with a capacity of 8,000m³, a diameter of 38m, and a maximum height of 14.5m (to the top of a geodesic domed roof) located adjacent the water treatment plant;
 - Establishing underground drinking water pipes within Frimley Park connecting the bores to the treatment plant and reservoir and then to convey the treated water from the reservoir to the reticulation network via Frimley Road.
 - Establishing underground drinking water pipes in Frimley Road and Hapuku Street connecting with the main water supply pipes in Nottingham Road and Omaha Road respectively.
 - Removing the existing Frimley Park maintenance buildings and yards and reinstating that area as publicly accessible park.
3. The full proposal is summarised in Council's Section 95A Notification Assessment Report ('Notification Report') attached in **Appendix B**; and in the application attached in **Appendix C**, to this report.
4. The following table identifies the various attachments to this report.

Attachment 2	Section 95A Notification Assessment Report ('Notification Report')
Attachment 3	Original Application
Attachment 4	Council's Request for Further Information (S92 RMA) Letter
Attachment 5	Additional Information Received (PSI Report)

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Attachment 6	Copy of Submissions Received
Attachment 7	Subsequent Correspondence from Submitters
Attachment 8	Volunteered Conditions from Applicant in response to the Ministry of Education submission
Attachment 9	Additional Information Received (Ground Contamination Soil Management Plan)
Attachment 10	Council's Development Engineers Comments
Attachment 11	Council's Request for Additional Further Information relating to Deed of Gift
Attachment 12	Additional Information Received (on the issue of the Deed of Gift of the land for Frimley Park)
Attachment 13	Legal Advice to Council as Consent Authority

5. A notification assessment pursuant to section 95A of the Resource Management Act 1991 ('the RMA') was undertaken. Hastings District Council as the consent authority ('the Council') determined under section 95A(3)(a) of the RMA that public notification was required as it had been requested by the Applicant. The Notification Report also recommended those parties on whom notification of the application should be served.
6. The application was publicly notified on the 22nd February 2020. Submissions closed on the 20th March 2020. Five submissions were received as set out in the following table.

Name & Address	Summary of Decision requested in Submission	Wishes to be heard
MC & CS Smiley, 314 Karaitiana Street, Hastings	Submission in support.	No
JH Scougall, 306 Frimley Road	Seeks effects of construction traffic be addressed.	Withdrew request to be heard 1/4/20
Ministry of Education	Seeks conditions mitigating potential effects on the adjoining schools.	Not specified
MPF Shotter, 210 Frimley Road, Hastings	Opposes application and seeks that it be declined.	Yes

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M Bradshaw	Opposes the application raising a variety of concerns.	Withdrew request to be heard 2/4/20
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7. An assessment of effects on the environment is undertaken in the report below. The key points from that assessment are:
- The effects on the values of Frimley Park are potentially significant but are able to be appropriately avoided, remedied or mitigated, by the location choice within the park, structure exterior design and finishing, screening walls, new tree planting, and by offsetting the loss of publicly accessible space with the removal of the park maintenance depot and its reinstatement to park space.
 - District Plan noise levels relating to construction noise may be exceeded at 5 dwellings² with the construction of bore FR4. Mitigation measures include a Construction Noise and Vibration Management Plan and the short term duration of the activity. Operational noise levels of the WTP will be exceeded at the boundary of the Hastings Girls High School Playing fields but not at any buildings on the school grounds and building design mitigation measures are proposed to reduce such noise effects.
 - The effects of soil contamination from exposed soil during earthworks are proposed to be mitigated by a Ground Contamination Soil Management Plan.
 - All other effects adverse effects on the environment have been assessed as being appropriately avoided, remedied or mitigated.
8. By way of summary, the adverse effects on the environment can in my opinion be sufficiently mitigated by way of conditions of consent. In this regard, I note an important factor is the recommendation for a time limit within which the parks depot be removed and reinstated as park. Implementation of the proposed Construction Noise and Vibration Management Plan and the Ground Contamination Soil Management Plan are also important.
9. I note there are also positive effects that are relevant for the purposes of the assessment under section 104 of the RMA. This

² 317 Frimley Avenue and 402 to 408 Frimley Road

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is primarily around the improved security and operational efficiency of a safe drinking water supply for the urban residents and businesses of Hastings. An additional positive effect would be a reduction in the peak demand water take effects on the Heretaunga Plains aquifer through the use of the proposed water storage reservoir.

10. I consider that the proposal is consistent with the relevant objectives and policies of the HDP. This is discussed further below, but principally relates to the effects on Frimley Park's function as a 'District Reserve'³ being able to be mitigated and the enabling objectives and policies of the Network Utilities section for activities with community benefits and where effects can be mitigated. It is also significant that the objectives and policies of the Noise section provide for noisier construction activities of a temporary duration.
11. The proposal is considered to be consistent with the direction of the Hawkes Bay Regional Policy Statement, and my opinion is that it also represents sustainable management of the environment under Part 2 of the RMA.
12. The Commissioner must consider whether consent should be granted or declined under section 104B of the RMA.
13. Subject to any additional or further information submitted at the hearing, it is my recommendation that the application may be granted subject to the conditions set out below to mitigate the potential adverse effects.

ASSESSMENT PURSUANT TO SECTION 104 OF THE RESOURCE MANAGEMENT ACT 1991

1.0 REPORTING PLANNER

- 1.1 I, Philip McKay, reside in Hastings and am employed by Mitchell Daysh Limited as a consultant planner. I hold a Bachelor of Regional Planning with Honours from Massey University and am a Full Member of the New Zealand Planning Institute and secretary of the Central North Island Branch of the Institute. I have had over 26 years' experience as a practising planner, 22 of these being in

³ As per its category in the Hastings District Wide Reserve Management Plan

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local government. My experience includes resource consent preparation, resource consent processing and decision making on resource consents under delegated authority, as well as district plan preparation and general policy planning work.

- 1.2 My experience as a consultant planner includes preparing and presenting evidence to council and Environment Court hearings for both council and private clients. I was employed by the Hastings District Council as Environmental Policy Manager from 2010 – 2015 where I was responsible for the team preparing, and reporting on submissions to, the Proposed Hastings District Plan. I am a certified commissioner under the Ministry for the Environment 'Making Good Decisions' programme.
- 1.3 I have read the Code of Conduct for Expert Witnesses as contained in the Environment Court's Consolidated Practice Note (2014), and I agree to comply with it as if this hearing were before the Environment Court. I confirm that the issues addressed in this hearing report are within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

2.0 PROPOSAL

- 2.1 The Notification Report (**Attachment 2**) adopts the description of the proposal provided in the application documents prepared by Good Earth Matters (**Attachment 3**).
- 2.2 Reference to those documents can be made for a full description, however the key aspects of the proposal are included in the following bullet point summary:
 - The infrastructure proposed in Frimley Park seeks to implement a component of a district wide drinking water improvement programme and Drinking Water Strategy to ensure the delivery of a safe and secure drinking water supply.
 - This infrastructure has the purpose of ensuring compliance with the New Zealand Drinking Water Standards in delivering a safe supply of water from the Frimley borefield
 - The proposed network utility activities include:
 - Construction and operation of a 480m² Drinking Water Treatment Plant ('WTP') and 8,000m³

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- capacity 14.5m high water reservoir with associated new tree plantings;
- Installation of new drinking water supply bores with associated above ground visual treatments (including a shaded seating gazebo on bore FR2, a drinking water tap and educational signage on bore FR3 and steel boxes over FR1 & FR5);
- Installation of new drinking water treatment pipes within Frimley Park, and the berms of Frimley Avenue and Hapuku Street; and
- Removal of the existing park maintenance depot and reinstatement of that area as useable park to offset the park space being occupied by the WTP and reservoir.
- Two investigative pilot bores have been installed at Frimley Park as a permitted activity under the HDP⁴ and in accordance with a resource consent obtained from the Hawke's Bay Regional Council ('HBRC').
- Resource consent is also being sought under the NESCS where:
 - part of the Frimley Road berm has been former orchard land;
 - part of the Hapuku Street berm may have hydrocarbon contamination from spills in road construction; and
 - the yard area of the Park maintenance sheds may have contamination from spray mixing; fuel, oil and lubricant storage and use; and

⁴ The HDP construction noise limits were able to be met for the pilot bores which are smaller than the production bores.

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asbestos building materials and lead-based paint.

- 2.3 Figures 1 and 2 below, extracted from the application, provide a visual description of where the infrastructure described above is proposed to be located.



Figure 1 – Indicative location of the proposed activities within Frimley Park.⁵

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⁵ As extracted from Figure 2.2 of the Application and AEE (page 10).

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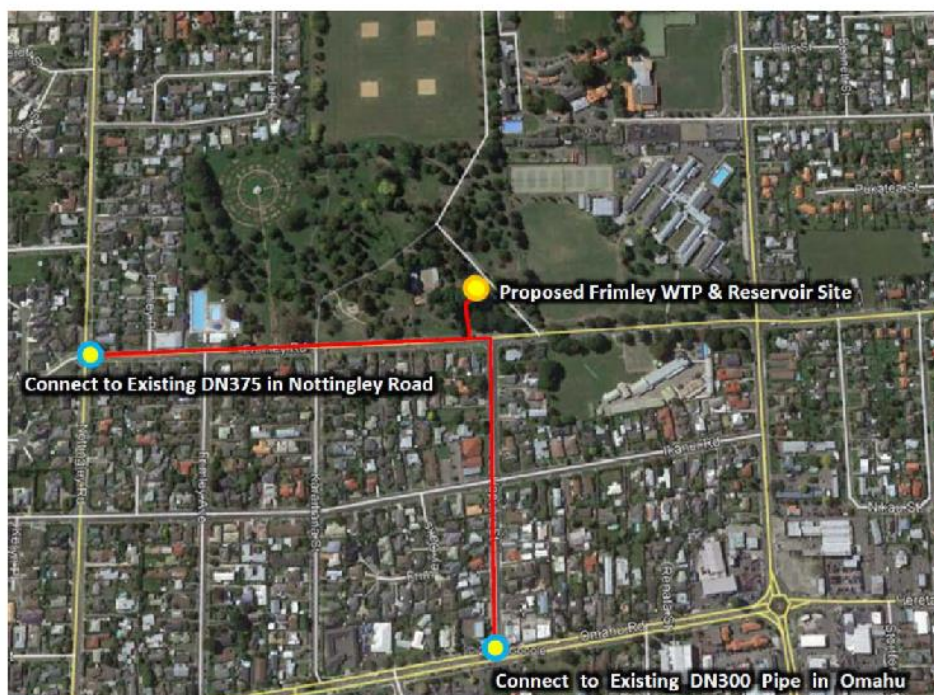


Figure 2 – Indicative location of proposed new drinking water pipes⁶

3.0 SITE DESCRIPTION

- 3.1 As can be seen in Figures 1 and 2 above, the WTP, reservoir and bores are all located within Frimley Park. The new pipes that are required to connect the new water supply with the existing network, commence in Frimley Park and extend along both Frimley Road to Nottingham Road, and Hapuku Street to Omahu Road.
- 3.2 The WTP and reservoir are located near to the south eastern boundary of Frimley Park with the Hastings Girls High School Playing fields. At its closest point, the WTP will be located approximately 100m from Frimley Road, while the proposed reservoir will be further back at approximately 130m from Frimley Road. Both facilities will be setback from the Hastings Girls High School boundary by approximately 20m at the closest point. This section of Frimley Park consists of scattered trees. Frimley Park is

⁶ As extracted from Figure 2.3 of the Application and AEE (page 10).

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generally flat however there is a slight rise in ground level immediately to the north west of the proposed reservoir location.

- 3.3 The proposed bores will have limited above ground visibility and are located closer to the Frimley Road frontage than the WTP and reservoir and are generally spread along the width of the park towards the Frimley Pools facility (see Figure 1 above).
- 3.4 The Frimley Park surrounds are generally residential in character with residential housing predominating to the north west and south west, while Frimley Park itself extends for some 380m to the north east from behind the proposed reservoir to Lyndhurst Road. The area to the south east is characterised by the secondary schools adjoining Frimley Park, being Hastings Girls High School and Lindisfarne College. Frimley Primary School is also located nearby on the opposite side of Frimley Road to Hastings Girls High School.
- 3.5 A detailed description of the site, including photographs, is provided in the Landscape Assessment prepared by Wayfinder Landscape Planning and Strategy Ltd, attached to the Application AEE (see **Attachment 3**).

4.0 APPLICANTS ASSESSMENT OF ENVIRONMENTAL EFFECTS AND ADDITIONAL INFORMATION RESPONSE

- 4.1 The application was lodged with Council on 10 December 2019. The application and associated Assessment of Effects on the Environment ('AEE') (**Attachment 3**) was prepared on behalf of the

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Applicant by Good Earth Matters Consulting Limited and is supported by the following technical reports:

- 'Assessment of Landscape and Visual Effects', Wayfinder Landscape Planning and Strategy Ltd, December 2019; and
- 'Frimley Water Treatment Plant Desktop Acoustic Assessment', Marshall Day Acoustics, December 2019.

4.2 In addition, the following technical report was provided in response to a further information request:

- 'Desktop Ground Contamination Assessment – Frimley Water Reservoir and Pipeline', Tonkin & Taylor Ltd, February 2020 (**Attachment 5**).

4.3 After submissions being received, this was followed by:

- 'Ground Contamination Soil Management Plan – Frimley Water Supply Upgrade', Tonkin & Taylor Ltd, March 2020 (**Attachment 9**).

4.4 The AEE includes sections assessing the following environmental effects: Visual, Values of the Site as a Reserve, Noise, Traffic, Earthworks, Works in Potential HAIL sites, Disruption to Park Access and Health & Safety, Construction & Demolition – Removal of Park Depot, Potential Failure of Reservoir, Drinking Supply Network and Heretaunga Plains Aquifer.

4.5 In providing a summary of the ongoing operational effects the AEE concludes:

*"The ongoing operational effects of the proposed WTP and reservoir are minimal and not in conflict with the use of the site for a public park, especially given the various park improvement measures proposed. The effects of the WTP, reservoir and bores on the Park and the neighbouring properties have been mitigated through the design and proposed planting / mitigation measures such that the overall effects of the proposal are considered to be minor or less than minor."*⁷

4.6 Regarding construction effects. the AEE concludes:

"Any potential construction effects are able to be appropriately mitigated through construction management practices"

⁷ AEE page 38.

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including standard construction methodologies; construction management plans including both a Soil Management Plan for managing potential contaminated soils in areas where these may occur and a Construction Noise and Vibration Management Plan. In order to mitigate potential noise associated with bore drilling, alternative construction methodologies will be adopted which will minimise noise as far as possible. Further restriction on hours of working for such activities will occur. The applicant and its contractor will also ensure effective communication protocols with the adjacent schools are implemented to avoid potential effects of construction activities on the schools.”⁸

- 4.7 Further information was requested from the applicant on the 23rd January 2020 (**Attachment 4**). This request sought one item of information being a formal Preliminary Site Investigation ('PSI') report under the NESCS to provide additional clarity on soil contamination effects and proposed mitigation.
- 4.8 The 10 February 2020 response provided the PSI report along with a covering letter (**Attachment 5**). The PSI report confirmed that some pesticide residue contamination from former orchard land is likely in the north western extent of the Frimley Road berm, and that hydrocarbon contamination has been identified as being present in the Hapuku Street berm near the Omahu Road intersection. The PSI also identifies that soil contamination is likely around the Frimley Park maintenance sheds and yards due to the nature of the activities that have taken place there including storage of pesticides, storage and use of fuels and lubricants and the potential for asbestos and lead based paints to have been used as building materials.
- 4.9 The PSI recommends further soil sampling to determine the nature and extent of contamination of the former horticultural area and to inform off-site disposal requirements. Preparation of a Soil Management Plan ('SMP') is recommended by the PSI following the recommended soil sampling. The PSI states that a SMP will be an appropriate tool to manage the risk associated with soil disturbance for the laying of the drinking water pipes. A SMP prepared by Tonkin & Taylor has since been provided by the Applicant (see **Attachment 9**). That SMP does not address the Park maintenance sheds and yard area and a separate SMP is

⁸ Ibid.

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recommended in the PSI prior to the demolition of that facility and related works.

5.0 ADDITIONAL CONSENTS REQUIRED

5.1 Additional Resource Consents required from HBRC and which do not form part of this application include:

- Permits to construct the four proposed new bores as a controlled activity under rule 1 of the Regional Resource Management Plan ("RRMP");
- Variation to the existing Hastings Drinking Water Supply water take permit WP120036Tb to reconfigure the existing Frimley borefield; and
- An air discharge permit for the intermittent use of the backup generator at the WTP which will exceed the maximum power output of 100kW for diesel combustion under rule 17 of the RRMP. The proposed generator has a power output of 1,500kW and requires controlled activity resource consent under rule 18 of the RRMP.

5.2 I do not consider that those resource consents required from the HBRC would provide a better understanding of the nature of the effects of the land use consents sought. In my opinion there is a clear jurisdictional difference and insufficient interrelationship between the effects required to be considered for this application compared to the HBRC applications. I do not therefore consider there to be any need to defer the hearing of this application under section 91 of the RMA.

6.0 STATUTORY CONSIDERATIONS

6.1 Section 104(1) RMA sets out those matters that Council must have regard to, subject to Part 2, when considering an application for resource consent and any submissions received, namely:

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

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- (b) Any relevant provisions of:
 - (i) a national environmental standard:
 - (ii) other regulations:
 - (iii) a national policy statement:
 - (iv) a New Zealand coastal policy statement:
 - (v) a regional policy statement or proposed regional policy statement:
 - (vi) a plan or proposed plan; and]
- (c) Any other matter the consent authority considers relevant and reasonably necessary to determine the application.

Determination of Status

- 6.2 At the time the application was received (December 2019) the relevant district plan was the Proposed Hastings District Plan. At that time, the provisions of that Proposed Plan relevant to this application, however, were all beyond the point of legal challenge and able to be treated as operative under section 88F of the RMA.
- 6.3 The HDP became operative in February 2020, without any of the relevant provisions of the Proposed Plan changing from December 2019. For simplicity this report therefore refers to the HDP, rather than the Proposed Plan as it was at the time the application was lodged, as there is no difference in the provisions.
- 6.4 The subject site (Frimley Park) is located within the Open Space Zone under the HDP as shown in Figure 3 below (dark green). The pale yellow shading in Figure 3 identifies the Hastings General Residential Zone, with the designations for Frimley Primary School and Hastings Girls High School showing as D94 and D97 respectively and the scheduled activity of Lindisfarne College being S7. The purple colour represents the Suburban Commercial Zone around the Frimley shops, while the mid green colour identifies the

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Plains Production Zone land on the opposite side of Lyndhurst Road to Frimley Park.



Figure 3 – HDP Zoning Map⁹ of Frimley Park (dark green) and surrounds

- 6.5 Both Frimley Road and Hapuku Street are designated as legal road, with an underlying zoning of Hastings General Residential.
- 6.6 A full explanation of the application status is provided in the Notification Report in **Attachment 2**. In summary the proposed drinking water infrastructure falls within the definition of 'Network Utility'. The HDP provides for Network Utilities as a District Wide Activity regardless of the underlying zoning in section 22.1.
- 6.7 Rule NU2 provides for *"The construction, operation, maintenance, replacement, refurbishment or upgrading of the following: (i) In-ground network utilities..."* as a permitted activity, which would be the relevant rule for the proposed new drinking water reticulation pipes as well as the water supply bores.
- 6.8 The construction of the water supply bores is likely to breach the HDP Noise standards¹⁰ (section 25.1) and therefore requires resource consent as a Restricted Discretionary Activity under rule NU11: *"Any Permitted or Controlled activity not meeting one or*

⁹ <https://eplan.hdc.govt.nz/eplan/#/Property/0>

¹⁰ Which are required to be complied with by general performance standard 22.1.6B of the Network Utilities section.

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more of the relevant General Performance Standards and Terms 22.1.6 or Specific Performance Standards and Terms 22.1.7."

- 6.9 Rule NU2(iii) provides for above ground network utilities outside of legal roads that do not exceed 30m² GFA¹¹ as a permitted activity. The proposed WTP has a GFA of approximately 480m². There are no other rules that provide for above ground network utilities outside of legal roads, therefore the WTP is a Discretionary Activity under rule NU13 *"Any Network Utility not being a Permitted, Controlled Restricted-Discretionary or Non-Complying Activity"*.
- 6.10 Rule NU10 provides for *"The construction of new water reservoirs, or the upgrading of existing water reservoirs, up to 100m² in plan area and 8m in height..."* The proposed reservoir has a plan area of approximately 1,134m² (based on a diameter of 38m) and a maximum height at the top of the dome of 14.5m. Water reservoirs are not provided for by any other rule, so the proposed reservoir would also be a Discretionary Activity under rule NU13.
- 6.11 Given the above, the activity status against which this application should be assessed is the most stringent applying under the HDP rules. This means the application has the overall status of a **Discretionary Activity**. Pursuant to section 104B of the RMA a discretionary activity may be granted or refused, after having regard to those matters in section 104, and if granted conditions may be imposed under section 108.
- 6.12 Under regulation 5(7), the NESCS applies to land if an activity or industry on the Hazardous Activities or Industries List ("HAIL") has been, is, or is more likely than not to have been, undertaken on that land.
- 6.13 The PSI report in **Attachment 5** identifies current and historic land use activities on the site, and provides an assessment of the potential for these activities to have resulted in ground contamination. It identifies that parts of the site should be treated as a 'piece of land' under the NESCS (namely the vicinity of the Park maintenance depot and the north western end of Frimley Road) and therefore any activity involving disturbing the soil, or

¹¹ Gross Floor Area

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changing the use of the piece of the land is subject to the regulations. The proposal involves both of these activities.

- 6.14 The PSI recommends further soil testing - a Detailed Site Investigation ("DSI") of identified areas and the development of separate Soil Management Plans ("SMP") for soil disturbance in the road berms and for the soil disturbance that will be associated with the removal of the Park maintenance depot. Further testing and a SMP has subsequently been prepared for the soil disturbance in the road berms but not for the removal of the park maintenance depot. Under Regulation 11 of the NESCS the proposed change of land use and soil disturbance associated with the proposal will be a **Discretionary Activity** due to the DSI not having been completed to date (for the park maintenance depot at least).
- 6.15 Disturbing the soil and changing the use of land under the NESCS as a Discretionary Activity, requires assessment under sections 104 and 104B of the RMA, just as required for the land use consents under the HDP.

7.0 NOTIFICATION AND SUBMISSIONS

- 7.1 A notification assessment pursuant to section 95A of the RMA was undertaken and is documented in the Notification Report (see **Attachment 2**). The Council, as the consent authority determined under section 95A(3)(a) of the RMA that public notification was required as it had been requested by the applicant. The Notification Report, which I prepared on behalf of Council, also recommended those parties on whom notification of the application should be served.
- 7.2 The application was publicly notified on the 22nd February 2020 in accordance with section 2AB of the RMA and that notice was served in accordance with clause 10 of the Resource Management (Forms, Fees, and Procedure) Regulations 2003. The notice was

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served on approximately 150 different addresses or organisations as per the recommendations in the Notification Report.

- 7.3 Submissions closed on the 20th March 2020. Five submissions were received as set out in the following table.

Name & Address	Summary of Submission Themes	Wishes to be heard
MC & CS Smiley, 314 Karaitiana Street, Hastings	Submission in support of proposed drinking water supply works.	No
JH Scougall, 306 Frimley Road, Hastings	Raises concerns about traffic increases with construction traffic.	Withdrew request to be heard 1/4/20
Ministry of Education	Seeks: suitable screening and colouring of the structures so that they are not visually dominant from the adjacent schools; protection of school grounds from risks associated with the disturbance of potentially contaminated soils including a Management Plan; implementation of a construction noise and vibration management plan to manage effects on the education facilities; and the management and monitoring of noise associated with the operation of the Water Treatment Plant on the education facilities. Engagement with the three nearby schools is also sought prior to construction and operation. The submission also identifies potential for traffic generated as a result of the construction works to create safety and/or traffic concerns for students who may be travelling by foot or car to and from the adjacent schools.	Not specified
MPF Shotter, 210 Frimley Road, Hastings	Opposes application and seeks that it be declined. Reasons include: the activity is not necessary to be on Frimley Park and may be contrary to the original Deed of Gift; not consistent with HDP objectives and policies; there is no assessment of recreational effects; the visual effects assessment is not robust, there is no montages for effects on the submitter and does not adequately give	Yes

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M Bradshaw	<p>consideration to the effects on users of the reserve; there will be inappropriate operational and construction noise and the noise assessment is not robust; s5 RMA has not been considered; no conditions are offered to address effects; and the application should be heard by independent and well-qualified commissioners.</p> <p>Opposes the application. Concerns raised include the adverse effects on Frimley Park and its trees, the potential impact of truck movements and earthworks, park safety during construction, and the significance of Frimley Park as an environmental asset to Hastings.</p>	<p>Withdrew request to be heard 2/4/20</p>
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Developments Since the Close of Submissions

7.4 The Applicant has contacted those who submitted in opposition to, or identified concerns with aspects of, the application. As a result of these discussions, there has been a change of status in regard to the following submissions:

- Mr JH Scougall confirmed in a statement signed on 31 March 2020 that he is reassured that construction traffic will access the site from Lyndhurst Road and that he supports the removal of the recreation services yard from the Park. In this statement Mr Scougall also confirmed that he no longer wishes to be heard in respect of his submission (see **Attachment 7**).
- Ms M Bradshaw in an e-mail dated 2 April 2020 stated that upon hearing additional details of the water project that her concerns have been alleviated and that she does not now require a hearing with the commissioner (see **Attachment 7**).
- The Applicant has advised that they are volunteering conditions that have been agreed with the Ministry of Education in an e-mail dated 22 May 2020. The e-mail refers to an attached memorandum of draft conditions and a draft Construction Noise and Vibration Management Plan (see **Attachment 8**) and the Ground Contamination SMP (see **Attachment 9**). The e-mail also states that the Ministry no longer wishes to be heard in respect of its submission.

7.5 Given the above, provided appropriate conditions are set on the consent to provide surety that the matters raised by Mr Scougall,

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Ms Bradshaw and the Ministry of Education are addressed, the only remaining active submission in opposition is that from Ms Shotter.

- 7.6 One matter raised in the submission from Ms Shotter was whether the use of Frimley Park for network utility purposes was contrary to the Deed of Gift donating the land for the park. An additional further information request was made to the Applicant seeking clarification of this matter (see **Attachment 11**). The information provided in response is set out in **Attachment 12** and a legal opinion to the Council as consent authority on the relevance of the information to these resource consent proceedings is provided in **Attachment 13**.

- 7.7 The concerns raised in the submission on behalf of Ms Shotter and matters relevant to the other submissions will be considered alongside the application in the following assessment under section 104 of the RMA.

8.0 SECTION 104(1)(a) – ASSESSMENT OF ENVIRONMENTAL EFFECTS – ACTUAL AND POTENTIAL EFFECTS

- 8.1 This report will now assess the actual and potential effects on the environment from the proposed resource consent under the following headings, generally adopted from the AEE:

- Effects on character and amenity values of Frimley Park
- Cultural Effects
- Landscape and Visual Effects
- Noise Effects
- Traffic
- Contaminated Soils
- Construction Earthworks Effects
- Natural Hazards
- Servicing Effects
- Heretaunga Plains Aquifer
- Positive Effects

- 8.2 The approach undertaken in the following assessment of these topics is to summarise the assessment made by the applicant in the AEE, summarise relevant issues raised by submitters, identify

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relevant provisions of planning documents (in particular the HDP) that could provide guidance, assess the effects (where appropriate, in consideration of expert opinions), and recommend potential conditions to be applied in the event that consent is granted and / or identify if adverse effects cannot be mitigated or avoided.

Permitted Baseline

- 8.3 Section 104(2) states that in the assessment of effects under section 104(1) Council may disregard an adverse effect of the activity on the environment if a national environmental standard or the plan permits an activity with that effect. In my opinion the Permitted Baseline is not particularly useful for considering the effects of the proposed WTP and reservoir, which are of a scale considerably greater than network utilities that are permitted by the HDP. The underground pipes and bores involved in the activity are however permitted by the HDP.
- 8.4 The proposed removal of the park depot and reinstatement to accessible park land could also occur as a permitted activity under the HDP.¹² It is noted however that resource consent would be required under the NESCS for both the maintenance depot removal and the underground pipes in the road berms.
- 8.5 In some instances, there may be relevant permitted baselines to the specific effects of the proposed activity. Where that is the case it will be noted in the following assessment.

Trade Competition and Affected Persons Consent

- 8.6 Section 104(3) states that the consent authority must not have regard to: (a)(i) trade competition; and (a)(ii) any effect on a person who has given their written approval to the application.
- 8.7 I have not had regard to trade competition nor the effects of trade competition for the purposes of this assessment. In any case, given that the proposed activities are network utilities provided by

¹² I note that the AEE on page 26 questions whether the removal of the park maintenance sheds and yard would be a non-complying activity under rule OSZ15. In my opinion such an activity would not be subject to rule OSZ15 and would rather be a permitted activity under rule OSZ2 as the space would become available for passive recreation activities.

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a local authority, there are unlikely to be any matters of trade competition arising.

- 8.8 The application AEE sets out in section 7, the consultation that occurred prior to lodgement. No written approvals have been provided. Rather the Applicant requested public notification of the application.

Effects on Character and Amenity Values of Frimley Park

AEE Assessment Summary

- 8.9 I acknowledge the independent legal advice provided to the consent authority¹³ (see **Attachment 13**) which draws a distinction between relevant resource management effects, such as visual amenity and landscape character of the Park, and local government considerations relating to how much open space should be provided by the Council for the recreational needs of the community. The latter is not a resource management consideration. I have focussed my assessment on the relevant resource management considerations. Therefore, I have referred to this collection of effects as “Effects on Character and Amenity Values of Frimley Park” rather than “Effects on Frimley Park as a Reserve” as referred to in the AEE.
- 8.10 The application acknowledges that the proposed works take up space in a public park that is valued by the community as an amenity and recreational reserve. To help offset any effects on the amenity values of the Park through a reduction in the open space available, the park maintenance sheds, and yard currently used by contracting firm Recreational Services, are to be removed once a suitable alternative location is found for this service.¹⁴
- 8.11 To better assess the impact of the proposal on the open space character values and amenity of the Park it is useful to understand the area of the proposal relative to the wider Park, which is 19.3ha in area. The Park area required for the WTP and reservoir works is approximately 3,000m² (including approximately 1,614m² of building / structure footprint area). The proposal does not involve security fencing, as the reservoir and WTP will be secure structures in themselves, therefore that area of park to be sealed for vehicle

¹³ Opinion from Cooney Lees Morgan dated 17 June 2020.

¹⁴ AEE page 31.

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access and manoeuvring will still be accessible to the public but is nevertheless included in the 3,000m² of land calculated as being occupied by the proposal. This can be compared to approximately 2,100 m² of additional publicly accessible Park space that would result from the decommissioning of the maintenance sheds and yard (which is security fenced and inaccessible to the public).

- 8.12 Frimley Park contains a number of Notable Trees as identified in the HDP. As per the following extract from the AEE the proposed works will not affect any notable trees:

“As discussed in the Assessment of Landscape and Visual Amenity Effects, the proposal has been developed in order to avoid any effects on Notable Trees as identified in the Proposed District Plan. Avoidance of the need to remove any of these trees has been a key consideration in the siting, sizing and design of the WTP and reservoir as well as placement of bores and pipes, and this has been achieved by the proposal set out in this application.

It is considered that the potential adverse effects associated with the proposed network utility activities on the values of Frimley Park as a public reserve have been avoided, remedied or mitigated appropriately such that the effects of the overall proposal are less than minor. Further, once the park maintenance sheds are removed, there is likely to be a net benefit to these values as a result of the proposed activities.”¹⁵

- 8.13 I can confirm that the proposed WTP and reservoir sites are positioned well clear of the Frimley Park Notable Trees identified in the HDP. There are no such trees located between the existing sealed internal road to the west of the proposed development area and the Hastings Girls High School boundary (see page 8 of Appendix C of the Wayfinder Report in **Attachment 3**). Further to this the four proposed bore sites are also located clear of the driplines of any Notable Trees.
- 8.14 The ‘Assessment of Landscape and Visual Effects’, provided with the application by Wayfinder Landscape Planning and Strategy Ltd, (“the Wayfinder Report”) concludes that the potential effects of the proposal on the amenity of Frimley Park will be ‘low-moderate’, diminishing to low, as proposed tree planting establishes.

¹⁵ AEE page 31

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- 8.15 The Wayfinder Report describes how various options were considered for the siting of proposed water supply infrastructure but rejected due to potential amenity effects. These options included the St Aubyn Street Reserve, and other options within Frimley Park, before deciding on that proposed in the application. That Report describes how the option chosen involves the siting of the WTP and reservoir away from the pathways in the Park and that although 12 trees will be required to be removed, vegetation can be retained around the perimeter of the reservoir “to help anchor it into the site and provide a degree of visual screening.”¹⁶ The Wayfinder Report also identifies that 20 additional amenity trees are proposed within the Park to assist in the proposed infrastructure becoming more recessive as a background layer in views from areas within the park.¹⁷
- 8.16 In regard to shading effects within the Park (and on adjoining properties), the Wayfinder Report identifies that the proposed WTP and reservoir will be located amongst trees that are taller and located closer to the boundary than the proposed new structures, therefore meaning that there will be no specific shading effects resulting from the proposal.
- 8.17 The Wayfinder Report describes the south west portion of Frimley Park, where the WTP and reservoir are proposed to be sited as having an “English Parkland character, with large amenity trees scattered somewhat randomly across open grassland.”¹⁸ The amenity trees generally comprise of mature conifer species. This part of the Park is enjoyed for its random placement of trees as a place to leisurely walk through or picnic under.¹⁹
- 8.18 The Wayfinder Report identifies a number of potential adverse landscape effects on Frimley Park from the proposed location of the WTP and reservoir which are summarised in the following bullet points:²⁰
- Reduced feeling of open space and treescape.
 - Visual presence of large utilitarian structures foreign to the proposed location.

¹⁶ The Wayfinder Report page 3.

¹⁷ The Wayfinder Report pages 4 & 5.

¹⁸ Ibid, page 5.

¹⁹ Ibid, page 8.

²⁰ Ibid, page 9

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- Reduction of views under the tree canopies diminishing the experience of depth.
- The loss of 12 mature trees and some smaller trees.

8.19 The Wayfinder Report then describes how these adverse effects are mitigated or why they will be insignificant in the context of the Park, with this explanation summarised in the following bullet points:²¹

- The reservoir and buildings will occupy less than 0.5% of the total 19ha area of the park as a whole (or 1.5% if this is calculated on the combined building and hardstanding areas occupying 3,000m²).
- Much of the park will be unaffected by the proposal – it will not change people's experience of the rose gardens, nor of the sunken gardens or playground.
- It will still be possible to walk amongst the trees or navigate past on the paths or along the boundary adjacent the proposed structures.
- All of the trees to be removed have been planted since the park was donated by the Williams Family.
- None of the trees are registered as protected or notable.
- Trees within the park are regularly pruned or felled as part of overall park maintenance.
- The park is not a pristine or even significant natural habitat, it is an urban park surrounded by urban activity.
- The park is not in an identified area of landscape or cultural significance, but is an enjoyable recreational space, well loved by the community.
- The reservoir has been situated in a visually recessive location, behind large mature trees that can be retained.
- Existing vehicle access is utilised, with the only additional hardstand area being to the south east of the building so it is less visible from within the park.
- The proposed landscape concept plan introduces more than 20 additional trees around the structures, helping to restore depth in view.
- Larger specimen trees (2m tall at planting) will be used for more immediate impact, and some removed trees will be replanted.

²¹ The Wayfinder Report pages 9 & 10.

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- The use of dark colourings on the structures reflects the natural hues of the park and timber batten cladding will break up the bulk and form of the building whilst lifting the architectural quality of the facility.
- Strategically placed walls will help to screen vehicle movements while retaining longer views to the school grounds.
- In time, the removal of the park maintenance sheds will provide significant offset to the new infrastructure, strengthening the links between the historic sunken gardens and Frimley Road.
- Perceptually drinking water infrastructure aligns with being placed in a 'green' landscape, with people more forgiving of its presence than for other activities of a similar scale.
- The proposal will alter the land use of the immediate site, but not affect the overall operation of the park.

8.20 The Wayfinder Report concludes that the effects of the WTP and reservoir on the landscape amenity of Frimley Park will be low-moderate, diminishing to low once the trees become established (3-5 years) and the park maintenance sheds are removed.²²

8.21 In regard to the effects of the proposed drinking water bores the Wayfinder Report states that each bore can be appropriately integrated into the park, and that bores FR2 (incorporating a small gazebo and seating structure) and FR3 (incorporating a drinking water tap and interpretative signage) are likely to result in positive outcomes for park users. That report goes on to conclude that the landscape and visual effects of the water-take bores will be very-low.²³

²² Wayfinder Report, page 10

²³ Ibid, page 13

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Relevant Issues Raised in Submissions

- 8.22 The submission of Monique Bradshaw raises the following concerns about the effects of the proposal on Frimley Park:
- Adverse effects on Frimley Park and its trees; and
 - The significance of Frimley Park as an environmental asset to Hastings.
- 8.23 As set out in paragraph 7.4 above, Ms Bradshaw has subsequently advised that her concerns have now been alleviated and that she does not now require her submission to be heard at a hearing.
- 8.24 The submission of Ms Shotter raises the following concerns about the effects of the proposal on Frimley Park:
- The Council proposes to use the Park for a local purpose and the park is not a local purpose reserve.
 - The activity is not necessary to be on Frimley Park and may be contrary to the original Deed of Gift.
 - Designation under the RMA and Public Works procedures are available – but the proposal is based on fiscal and speed considerations.
 - The proposal is poorly conceived and detrimental to community recreation interests. The community need can be met in other ways.
 - There is no assessment of recreational effects which are tied to the reserves statutory purpose.
 - The statement in the Wayfinder Report about the ‘perception of the project aligning better with a green landscape than an industrial area’ is subjective and has no basis.
 - The proposal does not adequately consider the effects on users of the reserve.
 - A relevant and important consideration was the need for the whole of the recreation reserve as a facility for future

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generations in a growing district under RMA s5, but has not been considered.

- No conditions are offered to address effects.

Relevant Provisions of HDP

8.25 Although resource consent is required under rules in the Network Utilities section of the HDP, guidance on the consideration on the effects of Frimley Park as an open space resource is best sought from the assessment criteria in the Open Space Zone section (being the zoning of Frimley Park). The definition of 'buildings' in the HDP is inclusive of both the proposed WTP and the reservoir. Accordingly, the assessment criteria applying to new buildings requiring resource consent in the Open Space Zone are listed below:

13.1.8E NEW BUILDINGS

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

(a) Relationship to surroundings – The building(s) will be assessed in terms of the impact it has on the locality both open space and adjoining areas. Particular consideration shall be made as to the following matters:

i) The ability of the proposed building(s) integrate with the character of the open space, wider locality and with the scale and character of adjoining residential areas including:

- The design, bulk and scale of the building and vehicle access, and parking.

- The position of the building on the site - in terms of the relationship to the purpose of the open space.

- Planting, fencing and other amenity treatment (including minimising visual impact through design and colours).

ii) Design against crime – CPTED considerations included in the design of the building, landscaping and relationship to the open space.

(b) Whether the building can be adequately serviced.

(c) Whether the activity is or will be located within an identified natural hazard area as defined in Section 15.1 of the District

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Plan (Natural Hazards) or shown on District Plan Maps and Appendices 57-58.

i) Where the activity is located within an identified natural hazard area the activity shall be assessed against the Restricted Discretionary Assessment Criteria listed under Section 15.1.6.1 of the District Plan

- 8.26 The matters under criterion (a) that apply to the park, include integration of the buildings to the character of the open space. In considering that matter I note Mr Bray as the author of the Wayfinder Report, is a qualified and experienced landscape architect.
- 8.27 As noted above the Wayfinder Report acknowledges the significant bulk and scale of the buildings but concludes that the proposed mitigation measures including the dark colours and timber battens on the exterior of the WTP, will break up the building bulk and form. In terms of building location, the Wayfinder Report describes how the structures have been deliberately positioned to minimise the impacts on the park, away from specific attractions (rose gardens, sunken garden and children's playground) and pathways and amongst the scattered large trees. Further to this that report also sets out how the proposed new tree plantings and location of vehicle parking areas behind the buildings and purpose-built screening walls will further reduce the visual impacts of the infrastructure on the park.
- 8.28 I agree with Mr Bray's findings that the location of the buildings, their proposed colours, cladding and additional tree planting would assist in mitigating their effects on the character of Frimley Park.
- 8.29 In terms of criterion (a)(ii) and CPTED²⁴ considerations, the application AEE in section 5.7 includes the following statement:

With regard to on-going restriction of access to areas of the Park, the Applicant does not propose to fence off the area around the WTP and reservoir. Evidence suggests that doing so can encourage rather than discourage vandalism and the Applicant also wishes to ensure that the WTP and reservoir are recessive features in the Park landscape. Fencing the area can cause them to be more dominant. Anti-graffiti paint will be used to reduce the potential for long term damage to the facilities as

²⁴ Crime Prevention by Environmental Design

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a result of vandalism and whilst the area will not normally be lit at night, security (sensor) lighting along with CCTV cameras and alarms will be installed.²⁵

- 8.30 The principles of CPTED involve keeping views as open as possible and not creating enclosed spaces where undesirable behaviour could be obscured from the passing public. While the structures themselves will create a visual barrier, they will be set back from the formal pathways and the proposed sensor lighting and CCTV cameras would in my opinion be deterrents to undesirable behaviour.
- 8.31 In regard to criterion (b) the projects purpose is to provide services in terms of the reticulated drinking water supply. Consideration of the effects of servicing the facility for access and utility services is provided under a separate heading below.
- 8.32 In terms of criterion (c), the proposed building site is like the rest of Hastings, susceptible to earthquake ground shaking and liquefaction hazards, but is not subject to any other natural hazards identified in the HDP. The matter of natural hazards is discussed in further detail below.

Assessment and Conclusions

- 8.33 I acknowledge the concerns raised by Ms Shotter about the proposal affecting Frimley Park. In regard to the matters raised in that submission however I consider that the Wayfinder Report does give adequate consideration to the effects on users of the reserve and I note my summary of such considerations in paragraphs 8.15 – 8.20 above.
- 8.34 In terms of an assessment of what the Shotter submission describes as “recreational effects”, as I have explained above, the relevant effects are limited to effects on the environment such as visual and other amenity effects and effects on the open character and amenity values of the Park rather than how the Council has decided to allocate space within the Park. The Wayfinder Report identifies that the effected part of the Park is predominantly used for walking and picnicking. Included as Appendix 3 to the Wayfinder Report is a document titled ‘Landscape Mitigation Package’, which sets out on pages 4 and 5 an identification of ‘Park

²⁵ AEE, page 37

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Qualities' and 'Park Values' respectively. The recreation qualities of the park are identified in these sections and include reference to the children's playground, sports fields, swimming complex and suitability for hosting events such as the Weet-Bix Kids TRYathlon.

- 8.35 In my opinion the application AEE and Wayfinder Report appropriately focus on the relevant environmental effects.
- 8.36 In regard to the activity being contrary to the original Deed of Gift I understand that the Applicant has sought legal advice on this matter and that the Council as consent authority has also obtained its own independent legal advice, which is set out in **Attachment 13**.²⁶ The consent authority's advice is clear that the legal entitlement of the Applicant to use the land for the proposed works is not a relevant consideration for the consent authority.
- 8.37 The Applicant has applied to locate drinking water supply network utility infrastructure on Open Space Zone land within Frimley Park. The HDP provides for network utilities as district wide activities regardless of zoning. A network utility operator or requiring authority has the option of applying for network utility infrastructure, that is not provided for as a permitted activity, either by notice of requirement and designation or by resource consent. In this case a notified resource consent path has been chosen. The consent authority is obliged to assess the resource consent application on its merits under the RMA, once an application is received. This does not require assessing the merits of whether a notice of requirement application would have been more appropriate.
- 8.38 In addition to questioning the original deed of gift, the submission from Ms Shotter points out that Frimley Park is not a local purpose reserve and that the application is for a local purpose. The consent authority's legal advice is clear that any reserve management considerations are matters which fall outside the scope of this application. However, Reserves Management Plans and Strategies may have some relevance to the extent they are reflected in the provisions of the District Plan or have a bearing on environmental effects. I have discussed such provisions below, which could potentially be considered as another relevant and reasonably necessary consideration under s104(1)(c). However, I consider the Reserve Management provisions are consistent with

²⁶ Opinion from Cooney Lees Morgan dated 17 June 2020.

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and therefore add little to the relevant provisions of the District Plan (particularly relating to Open Space which I discuss at paras 9.30-9.33 below) on the character and amenity values of the Park.

- 8.39 The Council's District Wide Reserve Management Plan²⁷ (DWRMP) applies to both land held under the Reserves Act 1977 and to freehold land held by the Council for reserve purposes. Frimley Park is an example of freehold land that is managed by Council as a reserve although not vested in the Council under the Reserves Act. The following extract from the Introduction of the DWRMP confirms it's applicability to Frimley Park:

This Reserve Management Plan covers all land that is owned or administered by the Council as reserve or open space, regardless of whether it is vested or gazetted under the Reserves Act. A full list of reserves within the District covered by this Plan, is included in Appendix 4.²⁸

- 8.40 Frimley Park is categorized by the Council as a 'District Reserve' in Appendix 4 of the DWRMP, which describes such a category as follows:

*District Reserves are reserves that serve the total District. They are intended to meet the needs of both residents within the District and also visitors to the District. The reserve may enjoy a particular advantageous location or have recreational or amenity assets of a specific value or purpose. They are generally developed and maintained to a high standard with intensive development of facilities to attract and cater for a high level of usage. They will typically provide some or all of the following features: toilets, playscape, amenity planting, paths, lighting, picnic facilities and developed car parking facilities. The minimum size of District Reserves is dependent on the particular purpose, but they are likely to be of a comparatively large size. For planning purposes the minimum parcel size is three hectares (without sports facilities) or a minimum of ten hectares for sports purposes. The District has 95 hectares of District Reserve land, comprising the following 9 reserves: D1 Akina Park, D2 Cornwall Park, D3 Duart House and Gardens, D4 Flaxmere Park, **D5 Frimley Park**, D6 Havelock North*

²⁷ <https://www.hastingsdc.govt.nz/assets/Document-Library/Reserve-Management-Plans/District-Wide-Reserve/District-Wide-RMPlan.pdf>

²⁸ District Wide Reserve Management Plan, Hastings District Council page 2.

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*Domain, D7 Keirunga Gardens, D8 Stoneycroft, and D9 Windsor Park.*²⁹ (Emphasis added).

- 8.41 Frimley Park is some 19.172ha in area and is consistent with the above DWRMP description in incorporating toilets, playscape, amenity planting, paths and picnic facilities as well as sports facilities for cricket and football. There is no public car parking within the park but angled car parking is provided on the Lyndhurst road frontage with parallel car parking along the Frimley Road frontage. In my opinion and as assessed in the Wayfinder Report, the park would still provide all of these features if the drinking water infrastructure were to be developed as proposed.

- 8.42 The DWRMP includes section 5.5 which contemplates the location of network utilities within a reserve (regardless of whether or not it has the status of a local purpose reserve) in certain circumstances, and includes the following relevant objective and policy:

Objective 5.5.1 To allow network utilities to locate on reserves where the effects on the recreation and natural values of the reserve can be remedied or mitigated.

Policy 5.5.3 External infrastructure on reserves will only be permitted to locate on reserves via an easement where:

- a. all other options have been investigated;*
- b. there will be no adverse affects on the use or enjoyment of the reserve;*
- c. there will be no adverse effects on the amenity or cultural significance of the reserve;*
- d. there will be no increased cost to Council on the maintenance of the reserve;*
- e. any adverse affects can be mitigated through planting or landscaping;*
- f. all utility structures that involve pipes, cables, lines or similar shall be placed underground, except where this is not practicable;*
- g. the location of the easement will not result in any lost opportunities for Council in terms of the future development of the reserve;*

- 8.43 As set out above, the effects of the proposed drinking water supply infrastructure will be mitigated on the recreation and natural values of the reserve. Policy 5.5.3 is provided for context only, as the

²⁹ District Wide Reserve Management Plan, Hastings District Council page 8.

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proposed drinking water infrastructure is not external infrastructure requiring an easement to which that policy relates.

- 8.44 As shown in Figure 4 below there is already drinking water supply infrastructure in Frimley Park at the northern most point of the Lyndhurst Road frontage associated with the existing Frimley borefield. The infrastructure includes a vehicle access, parking area, drinking water bores and a utility building.



Figure 4 – Existing Drinking Water Infrastructure on Frimley Park inside red dashed line (Lyndhurst Road frontage)

- 8.45 Ms Shotter's submission states that it is not necessary for the activity to be on Frimley Park. This statement is correct, however a resource consent application can and has been made for the activity to be on Frimley Park. Reasons have been provided in the application as to why Frimley Park and the location within Frimley Park has been chosen as being more appropriate for the proposed activity compared to the other locations considered. See section 3.1 of the AEE (pages 21 & 22) and the Wayfinder Report (pages 2 & 3). I note that it is not necessary under the RMA to consider alternative locations, unless significant adverse effects are

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considered likely, which in my opinion is not the case here. Nevertheless, in locating within Frimley Park however, it is important that the effects of the location of the proposal can be adequately mitigated.

- 8.46 Ms Shotter's submission also states that no conditions are offered to address effects. This statement is correct insofar as the AEE does not include a section identifying potential resource consent conditions. A section titled 'Proposed Mitigation Measures' is however included in the AEE. Some of the measures identified would need to be secured by conditions on any consent if granted, to provide certainty of implementation, while other measures (such as site and design choice) form part of the proposal. I also note the conditions now offered by the applicant in Attachment G in reaching agreement with the Ministry of Education (which relate to mitigating noise, vibration and contaminated soil management effects).
- 8.47 In regard to the effects on the landscape character and amenity values of Frimley Park, it is my opinion that such effects can be adequately mitigated, subject to conditions to provide certainty of that mitigation.
- 8.48 I note Mr Bray's opinion as a Landscape Architect that "*...the effects of the proposal on the landscape amenity of Frimley Park will be low-moderate, diminishing to low once trees become established (3-5 years) and the park maintenance sheds are removed.*"³⁰ I note that this opinion is based on the mitigation measures identified in the Wayfinder report being adopted, including the exterior finishes of the buildings and tree planting. Referring to Appendix A of the Wayfinder Report, in RMA terms a low-moderate effect is considered to be 'minor' and a low effect is 'less than minor'.
- 8.49 In my opinion the removal of the Park maintenance sheds and the reinstatement of that area to useable park land is an important component of the proposal when considering these amenity values, by offsetting the land area that would be removed from useable park by the WTP and reservoir. Although the fenced area of the Park maintenance sheds at 2,100m² is slightly less than the approximately unfenced 3,000m² area that the WTP, reservoir and

³⁰ Wayfinder Report, page 10.

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associated unfenced outdoor space will occupy, it is in a more central and visually prominent area of Frimley Park. As identified in the Wayfinder Report, reinstating the maintenance shed space to park would allow for the centre of the park to be improved through provision of new planting and paths, strengthening links between the most historic part of the park, the sunken gardens, with Frimley Road.³¹ This is illustrated in Figure 5 below.



Figure 5 – Mitigation Opportunities Plan (source: Wayfinder Report, Appendix C)

- 8.50 The application does not propose a firm timeframe within which the park maintenance sheds would be removed, rather giving an estimate of 3 – 5 years dependent on the ability for a suitable alternative location to be identified and established. In my opinion the reinstatement of the maintenance sheds area to accessible parkland is an important component in mitigating the character and amenity effects of the proposal.
- 8.51 I consider that if consent is granted, the removal of the park maintenance sheds should be conditioned to having been completed to the extent that the area is publicly accessible, within 2 years of the site preparation works for the WTP and reservoir commencing. Such a timeframe would limit the time that the park would be accommodating both the existing maintenance sheds and the WTP and reservoir (perhaps a little over a year factoring in the construction time of the water treatment facilities and the demolition time of the maintenance sheds and yard), while still providing a reasonable amount of time for a replacement

³¹ Wayfinder Report, page 10.

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maintenance sheds facility to be established. In my view 3 – 5 years would be too long and would not allow the removal of the maintenance sheds to be considered as a legitimate offset associated with the establishment of the WTP and reservoir.

- 8.52 The other important mitigation measures for reducing the impact of the WTP, reservoir and water supply bores on the park are the proposed exterior finishing, plantings, screening walls and in the case of the bores, the addition of park amenity features. I therefore recommend that if consent is granted that a condition requiring the construction and operation of the proposed infrastructure in accordance with the application be imposed that specifically identifies these matters.
- 8.53 Given the above, I consider that with the imposition of the two conditions discussed above, that the effects of the proposal on the character and amenity values of Frimley Park as a reserve can be mitigated to an acceptable level.

Cultural Effects

- 8.54 The AEE does not identify cultural effects as a potential issue. It does however outline consultation undertaken in the preparation of the application with the Williams Family Trust (the family who gifted the Park to the Council) and with Mana Whenua representatives.³²
- 8.55 The historical context of Frimley Park is provided in the Wayfinder Report, that the park is within the rohe of Ngāti Kahungunu Iwi and that in the late 1800's the area was part of Frimley Station, owned by JN Williams. The station homestead was built in 1894, which was located adjacent to the sunken gardens in the centre of the now park. The homestead was destroyed by fire in 1950 and in 1951 the area that is now known as Frimley Park was donated to the Council by the Williams family.³³
- 8.56 Notification of the application was served on the following Mana Whenua groups:
- Te Taiwhenua of Heretaunga;
 - Heretaunga Taiwhenua Settlement Trust; and
 - Ngati Kahungunu Iwi Incorporated.

³² AEE, pages 39 – 42.

³³ Wayfinder Report, page 5.

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- 8.57 None of the submissions that were received on the application have raised cultural effects as an issue of concern.
- 8.58 Neither Frimley Park, nor its immediate surrounds, include any identified archaeological sites, wāhi taonga or sites of significance to Māori.
- 8.59 Given the above, I consider that the proposed activities are unlikely to result in any adverse cultural effects.

Landscape and Visual Effects

AEE Assessment Summary

- 8.60 The Landscape effects of the proposed activities on the character and amenity values of Frimley Park have been considered under the heading 'Effects on Character and Amenity Values of Frimley Park' above. This section of the report therefore seeks to identify the landscape and visual effects of the proposal on the wider locality and on neighbouring properties.
- 8.61 The AEE states that potential visual effects on neighbouring properties has been a significant driver in the development of the proposal, and that other sites such as the St Aubyn Street Reserve were ruled out on this basis.³⁴
- 8.62 The AEE identifies that the most affected residential properties will be those directly opposite the Park, at 210 and 212 Frimley Road, from which the base of the structure will be visible. I note that 210 Frimley Road is Ms Shotter's property. In regard to potential visual effects on other properties from the WTP and reservoir, the AEE identifies:³⁵
- Even numbered houses from 300-310 Frimley Rd will be able to see the structures as non-distinct dark features given the distance.
 - The structures will be visible from Hastings Girls High School (HGHS) and the playing fields, but given the

³⁴ AEE, page 29.

³⁵ AEE, page 30.

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- proposed screening and colours the structures will not be the dominant view, nor a focal point.
- The structures will be visible from people travelling northwest on Frimley Road and from the grounds of Frimley School. The significance of height and scale will diminish over time as plantings grow and the structures become a background view.
- 8.63 On the basis of the above and the findings of the Wayfinder Report, the AEE concludes that the potential visual effects on neighbouring properties are low to very low, or minor.³⁶
- 8.64 The Wayfinder Report, in discussing site options, states that the chosen location for the WTP and reservoir amongst a tall grove of largely evergreen trees, was one of the best locations where the structures could be effectively screened from neighbouring properties. Such screening being to the extent that there are few locations beyond the park in which the facility will be seen.³⁷
- 8.65 In regard to 210 and 212 Frimley Road (which are located between Frimley School and the Hapuku Street intersection and opposite the Park's boundary with HGHS), the Wayfinder Report identifies that there are unobstructed views into the park from the dwellings on these properties. In regard to the effect that the proposed structures would have on those views, that Report identifies that the structures would be setback by 100m from the road boundary, behind several layers of trees and that generally only the base of the facilities will be visible with the top hidden by the tree canopy.
- 8.66 The next closest residential properties are 300 – 310 Frimley Road, situated opposite the park between Hapuku Street and a wide back section access opposite the park maintenance sheds. The Wayfinder Report states that in the views from these properties it will be difficult to specifically ascertain the details of the buildings, which *"will appear as a relatively dark element sitting amongst the shadows."*³⁸
- 8.67 The Wayfinder Report also comments on the potential visual effects of vehicle movements relating to the proposed facility, stating that the associated parking spaces will be screened by the

³⁶ Ibid.

³⁷ Wayfinder Report, pages 10 & 11.

³⁸ Wayfinder Report, page 11.

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buildings and 'visual screening walls'. The Report also notes that the Park already attracts maintenance vehicles and that views of the facility will also be in the context of Frimley Road, being a relatively busy local road, regularly containing numerous parked vehicles.³⁹

- 8.68 In regard to passing traffic the Wayfinder Report identifies that views of the facility will be most noticeable for vehicles travelling towards Nottingham Road from the section of Frimley Road between HGHS and Frimley School. The Report concludes that in this view the facility will be noticeable but is unlikely to be a distraction that specifically attracts viewers attention and that the proposed boundary planting will diminish such views.⁴⁰
- 8.69 The Wayfinder Report acknowledges the visibility from the HGHS playing fields and courts, but notes that in a view from such locations the proposal is unlikely to be a specific focus, unlike a view from a residential living room. With the dark colouring and boundary planting the Report concludes that the visual effects from HGHS will be low.⁴¹
- 8.70 The Wayfinder Report also considers potential views from Lyndhurst Road and the properties at 211 and 215 Lyndhurst Road, which are opposite the Park's boundary with Lindisfarne College. The Report notes that from these locations the facilities will be screened by foreground trees and will be difficult to distinguish in the background and that it is unlikely users of Lyndhurst Road would be aware of the facility within the park.⁴²
- 8.71 The Wayfinder Report concludes in regard to visual effects, that the effects of the proposal will be low to very low, principally due to careful site selection with the facility tucked into mature vegetation away from key viewpoints.⁴³
- 8.72 The visual effects of the water take bores are considered separately in the Wayfinder Report as they are physically separated from the location of the WTP and reservoir. The Report concludes that *"the potential landscape and visual effects of the*

³⁹ Ibid.

⁴⁰ Wayfinder Report, page 12.

⁴¹ Ibid.

⁴² Ibid.

⁴³ Ibid.

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water take bores will be very low."⁴⁴ Further to this it identifies that Bores FR2 and FR3 incorporating the proposed gazebo seating and drinking water tap respectively, are likely to result in positive outcomes for park users.⁴⁵

Relevant Issues Raised in Submissions

- 8.73 The following visual effects issues were raised in submissions::
- Ministry of Education (MOE) – requests suitable screening and colouring of the structures so that they are not visually dominant from the adjacent schools.
 - MPF Shotter - the visual effects assessment is not robust, there is no montages for effects on the submitter; and no conditions are offered to address effects.
- 8.74 As set out in paragraph 7.4 above, the MOE has subsequently reached agreement with the applicant.

Relevant Provisions of HDP

- 8.75 As with the assessment of 'Effects on Character and Amenity Values of Frimley Park', the assessment criteria in the Open Space Zone section is useful for the consideration of visual effects. Refer to paragraph 8.25 above, for those criteria.
- 8.76 The matters under criterion (a) that apply to the visual and landscape impact on adjoining areas, include the ability of the proposed buildings to integrate with the character of the wider locality and with the scale and character of adjoining residential areas. Matters required to be considered include: the design, bulk and scale of the building and vehicle access, and parking; and planting, fencing and other amenity treatment (including minimising visual impact though design and colours).
- 8.77 As noted above the Wayfinder Report concludes that the siting of the proposed WTP and reservoir within an edge of the Park amongst mature trees and separated from neighbouring residential activities, mitigates the potential effects on those activities. In my opinion for those reasons and the proposed plantings, exterior building finishes and colours and screening of parking areas, the

⁴⁴ Wayfinder Report, page 13.

⁴⁵ Ibid.

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proposed buildings will adequately integrate with the character of the wider locality and the scale and character of the adjoining residential area.

- 8.78 I consider that issues relating to CPTED are relevant to the effects on the character and amenity of Frimley Park and not to the surrounding residential area, due to the significant separation of the structures from the nearest dwelling. Given the above, in my opinion the proposed WTP and reservoir structures are generally consistent with the relevant Open Space Zone HDP assessment criteria in regard to effects on the surrounding residential area.

Assessment and Conclusions

- 8.79 Ms Shotter's submission stated that the visual effects assessment is not robust. In my opinion the visual effects assessment provided in the Wayfinder Report is generally thorough, particularly when considered alongside the photographs (including the visualisations), images and mitigation measures provided in Appendix C of that report.
- 8.80 There does not however appear to be any specific assessment in the Wayfinder Report on the visual effects on Lindisfarne College, which unlike HGHS and Frimley School, includes residential accommodation facilities for both staff and students. The comments made in that Report about the visual effects on the Lyndhurst Road properties will also be at least partially relevant to the Lindisfarne college facilities excepting that the Lindisfarne College residential accommodation buildings are closer to the WTP and reservoir location. From reviewing aerial photographs however, it appears that direct views from the accommodation buildings will be blocked by the relatively dense planting near the Frimley Park boundary and from other buildings within the Lindisfarne site. I also note that Lindisfarne College representatives were consulted with in the preparation of the application⁴⁶ and such visual effects were not recorded as an issue. Further to this, visual effects on Lindisfarne College are not

⁴⁶ AEE, page 41.

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identified as an issue in the MOE submission representing the adjacent schools.

- 8.81 Ms Shotter's submission raises the issue that there is no montages for the effects on her property (210 Frimley Road), which is acknowledged in the Wayfinder Report along with 212 Frimley Road as 'the most likely residential properties that will see the facility and reservoir'.
- 8.82 Visualisation V2 of Appendix C of the Wayfinder Report is however presented from a viewpoint within the Park almost directly opposite 210 Frimley Road and is shown in Figure 6 below.

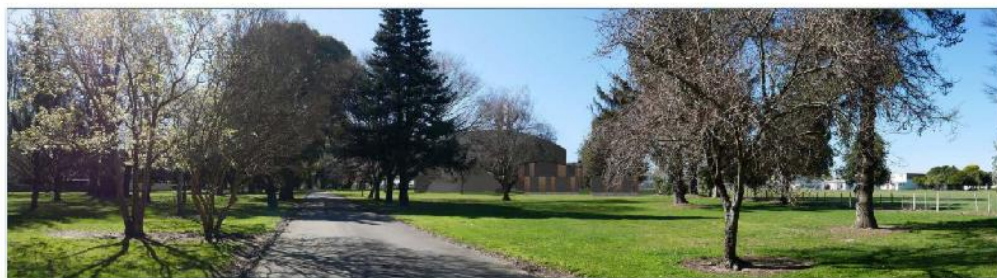


Figure 6 – Visualisation V2 as viewed from the main Frimley Road vehicle entrance
(Source: Wayfinder Report, Appendix C)

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- 8.83 Assuming that the Figure 6 photograph was taken from adjacent the Park side of the gate, it is approximately 23m from the front boundary of 210 Frimley Road and approximately 33m from the dwelling on that property.⁴⁷ In my opinion it would be helpful for the commissioner if Mr Bray could prepare a separate visualisation from Ms Shotter's property to be considered at the hearing. Although Figure 6 provides a helpful line of site view from the entrance gates to the proposed infrastructure facilities, it does not provide a view with the context of Frimley Road and the park entrance as would be seen from 210 Frimley Road.
- 8.84 I note the Concept Plan in Appendix C of the Wayfinder Report identifies additional mitigation tree plantings between the view point in Visualisation V2 and the proposed structures and that these plantings are not shown in V2. A montage with the view from 210 Frimley Road and showing both the proposed buildings and

⁴⁷ As measured from HDC Intramaps using the distance tool.

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the mitigation plantings would in my opinion be helpful information for the hearing.

- 8.85 Subject to reviewing a specific montage for 210 Frimley Road, on the basis of the information provided in the Wayfinder Report, including the proposed mitigation plantings, and the physical separation of over 100m, I consider that the visual effects on 210 Frimley Road will be no more than minor.
- 8.86 This conclusion is also based on the proposed visual effects mitigation measures including building layout, exterior finishes and colours and additional tree plantings being specified in conditions if consent is granted. The nature of such conditions would be as set out above under paragraph 8.52.

Noise Effects**AEE Assessment Summary**

- 8.87 The AEE identifies that the proposed activities have the potential to create noise effects during the construction phase as well as during on-going operations of the WTP. The assessment by Marshall Day Acoustics has identified that the bore construction has the potential to have significant noise effects for a temporary duration. That assessment also identifies that all other construction activities and operational activities, subject to building design recommendations, will be compliant with the relevant standards at 'sensitive' receiving locations.⁴⁸ It is noted that the WTP operational noise would not meet the HDP noise limits at the boundary with the HGHS playing fields, but would meet the limits at the closest classroom building (being a noise sensitive activity) on that property.
- 8.88 To mitigate the noise effects of the bore construction a high frequency vibration method will be used for bore drilling as the best practicable option to ensure noise does not exceed a reasonable level.⁴⁹ The alternative and standard option of impact piling would cause significant metal on metal noise and vibration effects. The Applicant also proposes that construction activity occurs as quickly as possible in order to limit the duration of the noise effects. A Construction Noise and Vibration Management Plan (CNVMP) is

⁴⁸ AEE, page 39.

⁴⁹ Section 16 of the RMA.

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also proposed, which will incorporate requirements for contractors to advise residents of the timing of bore construction activities amongst other mitigations. These other mitigations include contingency measures such as consideration of installing mechanical ventilation for noise sensitive receivers where external windows must be closed to avoid adverse noise effects.⁵⁰

- 8.89 The Marshall Day assessment identifies that the noise from the high frequency vibration bore construction would result in exceedance of the relevant noise limits during the drilling of bore FR4 at the dwellings at 317 Frimley Avenue and 402 to 408 Frimley Road.⁵¹ There would therefore be a total of five dwellings affected on that basis. FR4 is the closest of the bores to Frimley Road and is also located adjacent to the Frimley Swimming Pools.
- 8.90 The AEE notes that the vibration effects of the proposed bore construction are assessed as being comfortably within the relevant standard for vibration in buildings and marginally over the level for 'just perceptible in normal residential environments.' Accordingly, the closest residents may experience some vibration effects but building damage is unlikely. Such effects are also proposed to be managed by the CNVMP.⁵²
- 8.91 The Marshall Day Acoustics Report is attached to the AEE as Appendix C and titled '*Frimley Water Treatment Plant Desktop Acoustic Assessment*', dated 9 December 2019. The Marshall Day Report includes predicted noise levels at various locations for both anticipated construction and operation noise. That report makes the following conclusion:

"...with the recommended mitigation and management measures in place, construction and operation of the WTP would result in acceptable levels of noise and vibration."⁵³

⁵⁰ AEE page 33.

⁵¹ Ibid.

⁵² Ibid.

⁵³ Marshall Day Acoustics Report, page 17.

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Relevant Issues Raised in Submissions

8.92 The following noise effects issues were raised in submissions:

- Ministry of Education (MOE) –seek:
 - implementation of a construction noise and vibration management plan to manage effects on the education facilities;
 - the management and monitoring of noise associated with the operation of the WTP on the education facilities; and
 - engagement with the three nearby schools prior to construction and operation commencing.
- MPF Shotter – raised:
 - there will be inappropriate operational and construction noise and the noise assessment is not robust; and
 - no conditions are offered to address effects.

8.93 The MOE submission states that they agree that the HGHS playing field is not a noise sensitive location but are concerned that various school buildings and classroom areas may be adversely affected by the noise resulting from the operation of the WTP. The submission is also seeking that the CNVMP include pre-construction inspections of foundations of any buildings likely to be affected and monitoring throughout the construction period.

8.94 Ms Shotter's submission in providing reasons why the noise will be inappropriate and why the noise assessment is not robust sets out the assumptions made in that report as follows:

(a) Noise 24-hour operation assumes using 55dBL school and 45 dBL residential zones.

(b) Emergency generator assumed to comply with 55dBL daytime.

(c) Noise predicted using SoundPLAN modelling software. Inputs inside WTP building or nearby (5x 160kW booster pumps, 4x cabinet built variable speed drives, 8x outdoor units (5x14kW, 3x5kW), 1x 1500kVA transformer).

(d) Assumptions include:

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(i) No acoustical data for VSD – assume to be no more than 87dBL in the electrical control building.

(ii) No information on proposed 1500kVA transformer, no information on WTP building rooftop fans (assume 64DBA each fan) – assume outdoor machinery don't produce audible whine or hum. Calculated transfer to produce a tonal noise that is low level.

(iii) Night-time level noise limit is 45dBA – predict noise level to be less than 30 dBA.

(iv) Construction noise will exceed with borehole casing installation (affect 317, 402 to 408 Frimley Road won't comply with 70dB limit, will be 1 to 5dB over) – assume construction 7:30 am to 6 pm Monday to Saturday.

(e) Construction – drilling, vibration, noise – 34 and 52 weeks to complete (treatment plant and reservoir); 6 to 7 weeks for each bore (up to six to seven months); pipes 17 to 20 weeks.

Relevant Provisions of HDP

- 8.95 The HDP includes section 25.1 Noise as a District Wide Activity. Given the location of the proposed activities on Frimley Park within the Open Space Zone, the noise limits under performance standard 25.1.6H 'Open Space Zones' apply which are as follows:

The following noise conditions shall apply to all land uses within all Open Space Zones, other than those exempted in Rule 25.1.6B:

(a) The following noise limits shall not be exceeded at any point within any Residential Zone or within the notional boundary of any noise sensitive activity:

<u>Control Hours</u>	<u>Noise Level</u>
0700 to 1900 hours	55 dB L_{Aeq} (15 min)
1900 to 2200 hours	50 dB L_{Aeq} (15 min)
2200 to 0700 hours the following day	45 dB L_{Aeq} (15 min)
2200 to 0700 hours the following day	75 dB L_{AFmax}

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- 8.96 The only operational activity relevant to the application exempted by Rule 25.1.6B is:

(g) In any zone to the emission of noise from the temporary emergency use of generators for continued power supply.

- 8.97 Rule 25.1.6B also includes Note (2) which states the definition of noise in the RMA includes vibration. It also sets out that Section 16 of the Resource Management Act 1991 refers to the adoption of best practicable option to ensure that the emission of noise from land or water does not exceed a reasonable level. There are no specific limits set for vibration in section 25.1 of the HDP other than the reference to section 16 of the RMA.
- 8.98 Construction noise is separated from the zone noise limits and under performance standard 25.1.6I is required to comply with NZS6803:1999 Acoustics – Construction Noise.
- 8.99 In the following paragraphs I comment on the assumptions used in the Marshall Day Report queried in Ms Shotter's submission as listed under paragraph 8.94 (a) – (e) above. Regarding (a) the Marshall Day Report states that schools are typically only operational during the hours of 7am – 7pm when the day time noise limit of 55dBA applies. Table 6 of the Marshall Day Report predicts that even this day time noise limit would be breached at the boundary of the playing fields of HGHS, but that both day and night time noise limits would be complied with at the closest buildings of HGHS and Lindisfarne College and the entire property of Frimley School. The significance of the breach of the noise limits at the playing fields boundary will be assessed below. Significantly however, the Marshall Day Report does assess compliance at the closest school buildings which are associated with noise sensitive activities⁵⁴ (including residential accommodation in the case of Lindisfarne College) for compliance with the noise limits applying at all the different times of the day.
- 8.100 Regarding (b) of Ms Shotter's noise concerns, use of the emergency generator would be exempt from compliance with the HDP noise limits under rule 25.1.6B(g) as set out above. I am not qualified to comment on the appropriateness of the assumptions listed under (c) & (d) regarding the operational noise of the WTP

⁵⁴ Which include educational facilities (HDP, section 33.1).

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and suggest that this matter be addressed in evidence by the authors of the Marshall Day Report to the hearing. In particular, I consider it important that those items listed under (d)(i)&(ii) for which there was no information to assess noise be addressed. Item (e) of Ms Shotter's submission relates to the duration of construction activities which will be discussed further below, as will the noise concerns of the MOE submission.

- 8.101 The Noise section of the HDP includes the following assessment criteria for assessing activities that are anticipated to breach the relevant noise limits:

25.1.8A GENERAL

- (a) The sensitivity of the receiving environment to the effects of the noise and the effects that noise will have on potential receivers, especially where the affected activity has a component where people need to sleep or concentrate;*
- (b) The likely mitigation measures to reduce noise generation;*
- (c) The character of the locality or activities within the Zone (including traffic and pedestrian activity) and level of background noise;*
- (d) The location of the activity in relation to any nearby noise sensitive activities and the extent to which the noise generated will affect the amenity values of those surrounding noise sensitive activities;*
- (e) The extent to which the design and location of the activity and any ancillary activities incorporate noise mitigation and management techniques to reduce noise levels;*
- (f) The length of time for which specified noise levels are exceeded, especially at night;*
- (g) Whether the activity will contribute to the cumulative effects of noise.*

- 8.102 The noise effects of the proposed activities are assessed against the above criteria as follows.

Assessment and Conclusions

- 8.103 The above assessment criteria are relevant to the anticipated breaches of the HDP noise limits which are identified in the Marshall Day Report as being the operational noise of the WTP at the HGHS playing field boundary and construction noise associated with the drilling of bore FR4. As assessed in the Marshall Day Report, the remainder of the operational and

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construction noise is anticipated to comply with the HDP noise limits but will however still be subject to the RMA section 16 obligation to adopt the best practicable option to ensure that the emission of noise does not exceed a reasonable level. As stated above, this obligation also includes vibration effects.

- 8.104 Criterion (a) relates to the sensitivity of the receiving environment. As acknowledged in the MOE submission, the HGHS playing field boundary is not considered to be a sensitive receiving environment in regard to the anticipated WTP operational noise. The MOE submission does however raise concerns that the noise and vibration effects are appropriately mitigated on the noise sensitive locations of the schools. The predicted noise levels in the Marshall Day Report indicate that compliance with the HDP noise limits will comfortably be achieved at the closest school buildings.
- 8.105 Despite the predicted noise level compliance, the volunteered conditions resulting in agreement between the Applicant and the MOE (see **Attachment 8**) include condition 4 which requires noise monitoring at the adjacent school sites and selected residential sites within 12 months of the WTP becoming operational. That volunteered condition also sets out requirements to achieve compliance should the monitoring detect non-compliance. In my opinion such a condition is appropriate and should be included on any consent granted along with conditions 2 & 3 of **Attachment 8** which would require compliance with the relevant HDP noise limits, but allowing for that compliance to only be achieved at the closest notional boundary in regard to HGHS⁵⁵ as is agreed with MOE.
- 8.106 Mitigation measures to reduce noise generation require consideration under criterion (b). Section 4.2 of the Marshall Day

⁵⁵ This acknowledges that operational noise may be exceed at the closest HGHS playing field boundary which is not noise sensitive.

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Report sets out aspects of the design of the proposed structures that contribute positively to noise mitigation as:⁵⁶

- WTP Building – 200mm thick precast concrete walls; Kingspan cladding roof with 17.5mm plywood ceiling; and electrical room located within the WTP building.
- Reservoir – bolted steel construction with aluminium roof eliminates the construction noise associated with a cast-in-situ concrete structure.
- Borehole Pumps – to be submersible resulting in an underground location reducing pump noise as received at residential sites.

8.107 In addition to these mitigation measures inherent in the design, the Marshall Day Report has recommended the following additional design measures for the WTP building to mitigate operational noise:⁵⁷

- An acoustically effective roller door to be reviewed prior to installation, with all other doors to be of solid construction (minimum 24kg/m²) with compression seals.
- Acoustic louvers of 300mm depth in the façade of the building facing the HGHS playing fields.
- Roof fans to be Fantech FSU Series 3, with no 2 pole fans.
- Lining of the ceiling and the interior of one long wall of each room with acoustic absorption material of a minimum sound performance of NRC 0.75.

8.108 If consent is to be granted, I recommended that these proposed noise mitigation measures for the WTP building be required by conditions.

8.109 The Marshall Day Report predicts that construction activities (excepting bore casing installation) will be able to comply with the relevant NZS 6803 construction noise limits, with the mitigation measure being the limitation of construction activities to within the higher noise limit times of 7:30am to 6:00pm Monday – Saturday. A CNVMP is proposed as the mitigation for the predicted exceedance of the noise limits with the construction of bore FR4.⁵⁸

⁵⁶ Marshall Day Report, pages 10 & 11.

⁵⁷ Marshall Day Report, pages 11 & 12.

⁵⁸ Ibid, page 15.

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The recommended conditioning for a CNVMP is discussed further below.

- 8.110 Criterion (c) refers to the character of the locality and levels of background noise. The character of the wider area of Frimley is a mix of residential dwellings and a large area of open space in the context of the Hastings residential environment. The large area of open space is created by the location of Frimley Park and the schools of HGHS, Lindisfarne College and Frimley School and their associated playing fields. These open spaces are characterised with times of higher noise during school times and weekends when the playing fields are being utilised, and quieter periods outside of those times (including night-time hours). Similarly, the Frimley Road frontage of Frimley Park would be characterised by people noise during popular times for visiting the park and associated playground. Seasonally such noise would be more significant when the Frimley Pools are operational and during special events such as the Hastings Weet-Bix Kids Tryathlon.
- 8.111 Frimley Road has the status of a Collector Road in the Hastings District Road Hierarchy.⁵⁹ Its functions include connecting Nottingham Road (and the Lyndhurst new urban development area) with Pakowhai Road and St Aubyn Street West, and serves the Frimley Road shops, Frimley Pools, Frimley Park, Frimley School and the wider Frimley residential area to the south west of the road. Frimley Road can therefore be considered a moderately busy road, generating a corresponding amount of traffic noise. Given all of this the Frimley area would be expected to have a low background noise level during night-time hours with higher noise levels when the surrounding school playing fields, park playground and swimming pool are in operation. As such noise effects would be most noticeable in night-time hours and at off peak times for Park and school use.
- 8.112 Criterion (d) is very similar to criterion (a) in requiring consideration of noise sensitive activities. As discussed above, the educational buildings within the school properties and the surrounding residential activities are noise sensitive activities, but the HGHS playing field is not. As set out above, in the event that consent is granted, the volunteered condition 4 of **Attachment 8** is recommended, along with the setting of the HDP noise limits with

⁵⁹ HDP – Appendix 69.

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conditions 2 and 3 of that attachment. I also consider that the conditioning of the proposed CNVMP will be important for ensuring that adverse effects on noise sensitive activities are mitigated, and in particular the noise effects likely to arise from the bore construction.

- 8.113 Criterion (e) refers to noise mitigation through design and location. As already discussed in regard to criterion (b), various noise mitigation measures are proposed in regard to building design. The reasons for the location of the WTP building and reservoir are largely related to mitigating landscape and visual effects and effects on park users. The separation distances from the closest residential dwellings achieved for the mitigation of visual effects equally apply to mitigating the potential construction and operational noise effects of the WTP and reservoir.
- 8.114 The location of the bores and FR4 in particular is however closer to neighbouring residents than the WTP and therefore increasing the likelihood of construction noise effects. While the AEE and Wayfinder Report both include details of the site selection criteria and process for the WTP and reservoir, there is little detail on the site selection for the proposed bore placement. Clearly the bores will need to be in close proximity to the WTP and reservoir to minimise pipe distance and associated earthworks to connect. If it is possible to push the location of FR4 further back from Frimley Road, this would correspondingly reduce the noise received at the nearest dwellings and may enable the construction noise limits to be achieved at those dwellings. I therefore recommend that the applicant address this issue as a possible option for further noise mitigation by separation distance in their evidence and submissions to the hearing.
- 8.115 None of the property owners and occupiers predicted to be affected by the exceedance of the construction noise limit (317 Frimley Avenue and 402 – 408 Frimley Road) have opposed the application by way of submission, nor have any written approvals been provided from them. Accordingly, the adverse noise effects on those owners and occupiers must be mitigated to the extent practicable. Unless relocation of FR4 further back from the road is

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possible the mitigation would be via the proposed CNVMP as set out in **Attachment 8**.

8.116 Criterion (f) relates to the length of time for which specified noise levels are exceeded, especially at night. It is only the bore construction that will exceed the noise limits affecting noise sensitive activities. The anticipated duration of the construction of each bore is estimated at 6 – 7 weeks. The construction of all four of the proposed bores is estimated at six to seven months depending on whether the bores are able to be constructed concurrently.⁶⁰ On this basis the anticipated non-compliance with the noise limits for the construction of bore FR4 would be anticipated to last for a 6 – 7 week period during the least stringent construction noise limit hours of 7:30am to 6:00pm Monday – Saturday. The degree of adverse noise effects will therefore be limited by the avoidance of night-time hours and the limited time during which the activity will take place.

8.117 Finally, criterion (g) requires consideration of cumulative noise effects. Although the AEE refers to a possibility of concurrent bore construction the Marshall Day Report is silent on whether concurrent bore construction would result in unacceptable cumulative noise effects. I have assumed that the noise predictions in the Marshall Day Report are based on the construction of one bore at a time and that concurrent construction could further exacerbate the anticipated non-compliance with the construction noise standards. I therefore recommend that this issue be addressed in evidence by the authors of the Marshall Day Report to the hearing. If concurrent construction of bores could further exacerbate the anticipated non-compliance with the construction noise standards, I recommend that if consent is granted a condition be set limiting bore construction to one bore at a time. That is, unless there is acoustic evidence that the overall noise effects will be reduced by reducing the overall construction time regardless of the cumulative noise effects.

8.118 In regard to the submissions MOE are seeking a Noise and Vibration Management Plan relating to operational noise and vibration effects while the Marshall Day Report and AEE are offering a CNVMP applying to construction noise only. Agreement has subsequently been reached by the Applicant with MOE via the

⁶⁰ AEE, page 21.

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volunteered conditions in **Attachment 8**, which are based on operational noise effects being addressed by conditions 2 – 4 and construction noise effects being addressed by conditions 5 and 6 with reference to a CNVMP.

8.119 It is important to note that the volunteered conditions 5 and 6 in **Attachment 8** seek to mitigate the adverse construction noise and vibration effects on all neighbouring landowners and occupiers and not just that land associated with the MOE. I therefore consider it appropriate that the CNVMP related volunteered conditions be set on any consent granted to mitigate such noise effects. Given the anticipated non-compliance with the construction of bore FR4 I consider it appropriate that the volunteered condition 5b be modified to also specifically reference monitoring at locations representative of the noise received at 317 Frimley Avenue and 402 to 408 Frimley Road⁶¹ as well as other Frimley Road residential properties.

8.120 Regarding vibration, the MOE submission seeks a building foundation inspection prior to construction. I understand that the MOE is now satisfied that volunteered conditions 5e and 6 now adequately address this matter.

8.121 A draft CNVMP is attached to the volunteered conditions in **Attachment 8**. I consider that it is important that this plan be added to and completed as far as practicable prior to the hearing. It is acknowledged that aspects of the CNVMP are reliant on noise monitoring and action in response to that monitoring so must be open enough to allow the CNVMP to be an evolving document. In my opinion volunteered condition 5 is helpful in establishing the matters that the CNVMP needs to address and with amendments to ensure that condition also specifically requires the monitoring of the residential properties potentially affected by the bore construction will ensure that construction noise effects are appropriately mitigated.

Traffic Effects

⁶¹ Those residences where the Marshall Day Report predicts the construction noise limits will be exceeded at.

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AEE Assessment Summary

8.122 The AEE assess the potential traffic effects under the separate headings of 'Construction Traffic Effects' and 'Operational Traffic Effects'. Key points under the Construction Traffic Effects heading are summarised as follows:

- Site access during the WTP and reservoir construction will be from Lyndhurst Road.
- Traffic will primarily comprise of trucks delivering building materials, gear and machinery to the site.
- Lindisfarne College would be the most affected neighbour as the access from Lyndhurst Road runs parallel to their boundary. Communication plans are proposed for neighbouring schools and residents so that they are aware of the occurrence and timing of the construction activities.
- Access to the Lyndhurst Road entrance will be restricted during construction to ensure the safety of park users.
- Access to the bore location sites will also be restricted to Park users to ensure safety during the construction activities.
- The installation of the drinking water reticulation pipes in road reserve will create temporary disruptions to traffic along Frimley Road and Hapuku Street. Such work within road reserve is a permitted activity in the HDP.
- Contactors undertaking the underground pipe works will have compliant Traffic Management Plans in place to minimise disruption and protect worker and public safety.
- Pedestrian access will be maintained within the Park around the work sites.⁶²

8.123 Key points under the Operational Traffic Effects heading are summarised as follows:

- Daily vehicle movements by ute to access the WTP for operational and maintenance checks are anticipated.
- Truck deliveries of water treatment items are generally anticipated at a rate of one delivery per week, with the

⁶² AEE, page 35.

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greatest frequency of truck movements expected to be 3 deliveries per week for one week in every month.

- It is anticipated that vehicles accessing the WTP will generally use the existing Frimley Road entrance.
- The WTP site layout includes a hammerhead vehicle manoeuvring area to enable delivery vehicles to reverse into position away from the public area of the park.
- Traffic volumes generated by the proposed activity will be insignificant within the existing traffic environment.⁶³

8.124 The AEE concludes that any traffic effects resulting from the proposed activity will be minor or less than minor.⁶⁴

Relevant Issues Raised in Submissions

8.125 The following traffic effects issues were raised in submissions:

- Ministry of Education (MOE) – there is potential that the traffic generated as a result of the construction works will create safety and/or traffic concerns for students who may be travelling by foot or car to and from the adjacent schools.
- JH Scougall – raises concerns about traffic increases with construction traffic.
- M Bradshaw – is concerned with the potential impact of truck movements and park safety during construction.

8.126 As set out above both Mr Scougall and Ms Bradshaw have withdrawn their requests to be heard following discussions with the Applicant (see **Attachment 7**). In Mr Scougall's case this was premised on the basis of construction traffic accessing the site from Lyndhurst Road and the Recreation Services depot (park maintenance sheds and yard) being removed from the Park.

8.127 The MOE are according to the Applicant's memorandum dated 22 May 2020 now satisfied that it's concerns have been addressed by the conditions volunteered in that memorandum (**Attachment 8**) of which the CNVMP conditions are also relevant to construction traffic effects.

⁶³ Ibid, pages 35 & 36.

⁶⁴ Ibid, page 36.

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Relevant Provisions of HDP

- 8.128 As referred to in the AEE, the drinking water reticulation pipe construction in Hapuku Street and Frimley Road is a permitted activity under the HDP (as per rule NU2 of the Network Utility Section). In this case resource consent is required under the NESCS for that work but that relates to soil contamination rather than to traffic effects. I therefore consider that the traffic effects of the proposed pipe construction in road reserve can be disregarded under section 104(2) of the RMA as the HDP permits activities with that effect.
- 8.129 Section 26.1 of the HDP, 'Transport and Parking' sets out minimum requirements for vehicular access, onsite carparking and loading. In this case vehicular access to the site on both the Lyndhurst Road and Frimley Road frontages already exist to accommodate maintenance vehicles and vehicles accessing the park maintenance sheds and yard. Standard 26.1.6A(1) requires a legal, safe and effective vehicular access to any activity undertaken in a site from an existing formed legal road. Council's Development Engineer has not raised any concerns in regard to the standard of the two-existing vehicular accessways to Frimley Park (see **Attachment 10**), which I consider to be compliant with standard 26.1.6A(1).
- 8.130 Standard 26.1.6C 'Loading' requires the provision of a loading space for activities requiring loading of vehicles. The loading space is required to be designed so that it is not necessary to reverse vehicles on to or off the street. There is no specified loading requirement dimensions for network utilities but the requirement for manufacturing premises and similar is a minimum length of 8.5 metres and a minimum width of 3 metres. The requirement for activities needing larger trucks is 20m x 3m.
- 8.131 As shown in the Applicant's Concept Plan in Figure 7 below, vehicle access for loading, parking and manoeuvring is provided along the south eastern side of the WTP. The length of the proposed WTP building is 30m.⁶⁵ The vehicle access area shown in Figure 7 below is therefore in excess of 30m long providing more than enough room to accommodate a loading space for a large truck and a parking space. The hammer head design provides

⁶⁵ AEE, Figure 2.6, page 17.

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space for a truck to reverse and manoeuvre to back into the loading bay and drive out of the site in a forward direction. Vehicle tracking for a single axle truck accessing and exiting the hammer head and loading bay is shown in Figure 2.6 of the AEE.



Figure 7 – Proposed Concept Plan showing WTP vehicle access (Source: Wayfinder Report, Appendix C)

- 8.132 Standard 26.1.6D 'Parking' requires that network utilities provide one space per FTE staff member on the site. As set out in the AEE⁶⁶ there will be daily visits by Council staff to the WTP for operational and maintenance checks. On this basis one parking space would be appropriate. As per the Concept Plan in Figure 7 above a 4.9m x 2.5m car parking space⁶⁷ can be accommodated, exclusive of a 20m long loading space. Reversing into the hammer head would be required to exit the site in a forwards direction and such exit would be blocked in the event that a truck was in the loading space. This may cause inconvenience but would not affect any other property or activity aside from the Applicant's and therefore a lack of paved vehicle manoeuvring space to enable vehicles to pass is not in my opinion an adverse effect and is a

⁶⁶ AEE, page 35.

⁶⁷ Meeting the requirements of the HDP, Appendix 72.

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better overall outcome than taking more space out of Frimley Park to accommodate a vehicle passing space for the activity.

- 8.133 In terms of relevant HDP assessment criteria to traffic effects the Open Space Zone section includes the following two criteria under the heading '13.1.8F All Other Activities':

(c) The potential for the activity to generate significant traffic, parking demand, or visitor numbers.

(f) The potential for the activity to generate adverse impacts in terms of traffic safety, noise, odour, dust, glare or vibration and the extent to which mitigation options have been evaluated.

- 8.134 These matters will be considered in the assessment of traffic effects under the following heading.

Assessment and Conclusions

- 8.135 In my opinion the operational traffic effects are not significant at a rate of one utility passenger vehicle per day and 1 – 3 delivery truck movements per week. I note that all of the references to traffic effects in the submissions are to construction traffic rather than operational traffic. On this basis I do not consider that there will be any adverse effects arising from operational traffic.

- 8.136 In regard to construction traffic, I note that both Mr Scougall and Ms Bradshaw are comfortable after discussions with the applicant to the extent that they have respectively withdrawn their rights to be heard at the hearing. Use of the Lyndhurst Road access for the WTP and reservoir construction traffic is important in the mitigation of effects on Frimley Road residents, as is reflected in Mr Scougall's submission. In my opinion if consent is to be granted it would be appropriate to require the use of the Lyndhurst Road access for construction traffic as a condition of consent. Lyndhurst Road has Plains Production Zoned land on its north eastern side and is designed to accommodate the regular use of trucks. Further to this the dwellings on that road are typically characterised by a greater setback than those in the General Residential Zone, such as on Frimley Road.

- 8.137 Although the use of this access will require construction vehicles to travel through Frimley Park parallel to the Lindisfarne College boundary, the Park access road is set back from that boundary by approximately 15m therefore providing some separation to buffer

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vehicle noise. It is noted that although the MOE submission raises concerns about potential student pedestrian safety in regard to construction traffic. This issue would apply equally to park users and is proposed to be mitigated by restricting pedestrian access from the work sites and vehicle access during construction. I note that on the basis of the conditions volunteered by the Applicant in **Attachment 8** that the MOE is now satisfied with the proposed activity.

8.138 In regard to ensuring the safety of pedestrians and park users Council's Development Engineer has recommended that conditions of consent should require a Construction Traffic Management Plan (see **Attachment 10**).

8.139 I therefore consider that if conditions are set limiting construction traffic to using the Lyndhurst Road entrance as well as requiring compliance with a construction management plan, that any traffic safety effects will be appropriately mitigated.

CONTAMINATED SOILS

AEE Assessment Summary

8.140 The AEE identifies three aspects of the project where the associated land may have been subject to activities causing soil contamination and that the NESCS may be applicable. These aspects are:⁶⁸

- Historic horticultural use within the Frimley Road berm where the reticulation pipes are required to be laid.
- Hydrocarbons within the Hapuku Street berm where the reticulation pipes are required to be laid.
- Chemical storage and use in the park maintenance sheds and yard.

8.141 The AEE proposed to mitigate the effects of any soil contamination by a Soil Management Plan.⁶⁹

8.142 In response to a further information request a PSI report was provided under the NESCS (as discussed in paragraphs 4.2 – 4.8 above). The PSI report, prepared by Tonkin and Taylor, recommends further soil sampling and a Soil Management Plan.

⁶⁸ AEE, page 36.

⁶⁹ Ibid

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Such a plan was prepared by Tonkin and Taylor in March 2020 and is titled '*Ground Contamination Soil Management Plan – Frimley Water Supply Upgrade*' (see **Attachment 9**) (GCSMP).

8.143 The GCSMP incorporates a detailed site investigation involving further soil sampling and analysis of the pipeline alignment in road reserve and the location of the WTP and reservoir. The GCSMP makes the following conclusions following the soil sampling⁷⁰:

- Contaminant concentrations are not at levels that would pose an unacceptable human health risk to construction workers or the public.
- The presence of low level organochlorine pesticides, polycyclic aromatic hydrocarbons and metals contamination in shallow soil has implications for controlling discharges to the environment and disposing of spoil.
- Where soil is not able to be reused on site:
 - Topsoil from the pipeline alignment is likely to require disposal to a managed fill facility.
 - Underlying shallow soil (to a depth of 1m) from the former horticultural area is likely to require disposal to a managed fill facility.
 - Underlying shallow soil from the remainder of the alignment and the WTP area could potentially be accepted at a 'cleanfill facility'.
- It is anticipated that the contractor for the excavation works will nominate the proposed disposal locations, with the disposal category being determined by the receiving facility.

8.144 The GCSMP sets out site management controls and procedures⁷¹ and health and safety procedures⁷² to be followed during all ground disturbance activities. It also sets out contingency procedures for if unexpected conditions are encountered⁷³, including soil validation sampling after remediation in such an eventuality.

⁷⁰ GCSMP, page 10.

⁷¹ Ibid, pages 11 – 13.

⁷² Ibid, pages 14 – 16.

⁷³ Ibid, pages 17 & 18.

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Otherwise the contamination concentrations are sufficiently low that remediation and validation sampling will not be required.⁷⁴

8.145 The GCSMP is referenced in proposed condition 1 of the volunteered conditions in **Attachment 8**.

Relevant Issues Raised in Submissions

8.146 The MOE submission raised the following soil contamination issues:

- Seeks that an appropriate condition is in place for managing the disturbance of potentially contaminated soils with the requirement for a Contaminated Soils Management Plan.
- The reason given is to protect the surrounding schools from the risk of exposure to contaminants during earthworks and the generation of dust during the dry summer period.

8.147 The issue of soil contamination was not raised in the other submissions.

Relevant Provisions of NESCS

8.148 The NESCS is the relevant document for assessing the effects of soil contamination. The overall status of the NESCS consent required remains discretionary as there has been no soil sampling undertaken of the parks maintenance sheds and yard area as yet. Soil sampling has however been undertaken of the road berms and WTP and reservoir site subsequent to the PSI report in accordance with the NESCS. That sampling and proposed mitigation measures are documented in GCSMP as is explained above.

Assessment and Conclusions

8.149 The site sampling is recorded in the GCSMP (excluding for the parks depot area) and assessed as indicating “no exceedances of the NES Soil criteria for commercial/industrial or recreational

⁷⁴ Ibid, pages 19 & 20.

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uses.”⁷⁵ The recreational use criteria would be the most appropriate for both the park and road berm areas.

8.150 Although there are no exceedances of the NES criteria, as is explained above the GCSMP still records that background levels for some contaminants were exceeded for some samples.

8.151 In summary, as the NESCS soil contaminant criteria is not exceeded for recreational use, there is no human health risk for the operation of the Park and the road berms following the construction activities. The risk of some background contaminant levels being exceeded in areas where earthworks are proposed relates to potential discharges from that soil to the environment and the disposal of that soil. The GCSMP sets out site management and disposal procedures to ensure that adverse effects from discharges to the environment and surplus soil disposal can be avoided or mitigated. In my opinion provided compliance with the GCSMP is enforced as a condition of any consent, adverse effects from contaminants in the soil where earthworks are proposed will be adequately avoided or mitigated.

8.152 It is noted that the GCSMP does not address the potential effects of soil contamination in the park maintenance sheds and yard area. As set out in section 4 above, the PSI report provided with the further information response⁷⁶ identifies that soil contamination is likely around the Frimley Park maintenance sheds and yards. This is due to the nature of the activities that has taken place there including storage of pesticides, storage and use of fuels and lubricants and the potential for asbestos and lead based paints to have been used as building materials.

8.153 In my opinion separate conditions are therefore required to ensure further soil sampling in accordance with the NESCS is undertaken prior to demolition and that respective soil management and asbestos contamination management plans are prepared and complied with. This should also include a requirement for validation sampling. This is consistent with the recommendation in

⁷⁵ GCSMP, page 10.

⁷⁶ ‘Desktop Ground Contamination Assessment, Frimley Water Reservoir and Pipeline’, Tonkin & Taylor Ltd, February 2020.

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the PSI report relating to the maintenance sheds, which is as follows:

*"A SMP should be prepared in relation to the removal of the Depot and related earthworks. As the Depot removal is not proposed to occur for three to five years the Depot SMP could be included as a consent condition. We have assumed HDC will engage a licensed asbestos removalist to undertake confirmation testing of suspected ACM identified in the Depot and undertake demolition of these structures. Soil sampling could be undertaken to inform the procedures in the Depot SMP and soil disposal requirements prior to demolition. Validation sampling of residual soils may be required after the Depot has been demolished to confirm residual contamination levels (if any) left on site following completion of the works."*⁷⁷

- 8.154 Provided conditions are set requiring separate sampling and mitigation actions as described above for the park maintenance sheds and yard, I consider that any adverse soil contamination effects resulting from its removal and park reinstatement can be appropriately mitigated or avoided.

Construction Earthworks

- 8.155 In addition to potential adverse effects resulting from soil contamination discussed above, the proposed construction earthworks have the potential to give rise to temporary dust, silt run off and visual effects. The AEE concludes that normal best practice operating procedures for earthworks will be implemented including reducing the area of exposed ground to the extent reasonably necessary and dust suppression measures if needed. On that basis the AEE states that any effects resulting from the earthworks aspect of the proposal will be minor or less than minor.⁷⁸
- 8.156 I note that the GCSMP has been produced subsequent to the AEE and that the site management procedures recommended in section 4 of that document include procedures for dust control, sediment discharges and water discharges. Council's Development Engineer in Attachment J has also recommended the imposition of standard earthworks consent conditions to ensure that the effects of such earthworks are avoided, remedied or mitigated.
- 8.157 In my opinion any adverse visual effects arising from construction earthworks and activities will be temporary and therefore less

⁷⁷ PSI Report, page 10.

⁷⁸ AEE, page 36..

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significant. The Wayfinder Report makes the following conclusion on this matter:

*It is recognised that there will be some effects on landscape and amenity during construction, and that these will vary depending on the activity being undertaken and the stage of construction. However, these will be temporary only.*⁷⁹

- 8.158 Given the above, I consider that if the appropriate earthworks conditions recommended by Council's Development Engineer are included on any consent granted, that any adverse effects from earthworks construction activities will be appropriately mitigated.

Natural Hazards

- 8.159 The subject site is not subject to any natural hazard areas identified on the HDP maps. The Hawke's Bay Natural Hazard Property Report⁸⁰ for the site identifies that it is subject to high liquefaction vulnerability and to a moderately high earthquake amplification risk. The soil is identified as being comprised of alluvial sand, silt and gravel. That report does not identify any flood risk associated with the site.
- 8.160 The sites susceptibility to liquefaction and earthquake amplification is the same as for most of the Hastings urban area. In Hastings District the approach to administering the RMA and Building Act is to require adherence to the document titled 'Planning and Engineering Guidance for Potentially Liquefaction-prone Land'⁸¹ as part of either the resource consent or building consent processes. This approach requires geotechnical reporting and ground stability testing to inform appropriate foundation design.
- 8.161 Council's Development Engineer has recommended conditions be set on any consent granted requiring reporting from a geotechnical engineer addressing foundation design requirements necessary to address liquefaction vulnerability (see **Attachment 10**, recommended condition 27). In my opinion it would be appropriate to set such a condition, if consent is granted, to ensure that the building structure and foundation designs are appropriate to mitigate the effects of the earthquake and liquefaction hazards to an acceptable level.

⁷⁹ Wayfinder Report, page 14.

⁸⁰ <https://hbmaps.hbrc.govt.nz/hazards/>

⁸¹ Ministry of Business, Innovation & Employment and Ministry for the Environment, September 2017.

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8.162 In the case of the 8,000m³ water reservoir its potential failure and the release of its contents has the potential to result in a greater adverse effect than a standard building failure. This matter is addressed in the AEE⁸², with that assessment summarised in the following bullet points:

- The reservoir is being designed to improve resilience of the water supply, including to design standards that will ensure its operation in a civil defence emergency.
- The design will be to Building Importance Level 4, which is for 'buildings that are essential for post disaster recovery', and therefore to a higher standard than other buildings and structures so reducing the risk of failure.
- With the proposed steel construction, catastrophic failure is extremely unlikely.
- A failure of a wall floor joint in an earthquake is the most likely scenario. This would likely release a low flow through a damaged joint but the tank itself would remain intact.
- A major liquefaction event of ground displacement there could be cracking of the concrete floor resulting in low flow water release.
- The potential for failure of the tank is extremely low, and in the event of failure, there would be leakage rather than a catastrophic failure of the tank.
- The risk of inundation of adjacent properties and land is considered de minimus.

8.163 Given the above I consider that potential adverse effects resulting from natural hazards in causing failure of the reservoir are adequately mitigated by the application as proposed and with the abovementioned geotechnical condition, to ensure that such effects are avoided or mitigated.

Utility Servicing Effects

8.164 The application was referred to Council's Development Engineer for review and comment. The Development Engineers comments and recommended conditions are included as **Attachment 10** to this report.

⁸² AEE, pages 37 & 38.

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- 8.165 As can be seen from **Attachment 10** the Development Engineer has recommended various conditions relating to the design and approvals for the utility servicing of the proposed buildings. These conditions are typically applied to subdivision consents and approvals are provided in the s224 consenting process. The proposed building development does not involve subdivision and will require authorisation for appropriate site servicing through the building consent process.
- 8.166 I do not consider that it is necessary to apply these service construction conditions for the proposed land use consent, if granted. Rather, the building consent process will ensure that satisfactory utility services are provided to ensure that any adverse effects of unsatisfactory site servicing or on servicing infrastructure are avoided or mitigated.

Effects on the Heretaunga Plains Aquifer

- 8.167 The AEE states that the proposed drinking water reservoir will aid in reducing the potential adverse effects of the Frimley borefield abstraction on the aquifer by enabling abstraction to occur at a steady rate.⁸³ This is opposed to faster pumping at peak periods to meet demand, if there was a lesser capacity for water storage in the system. The AEE states that by reducing impacts on the aquifer the proposal achieves the integrated management of effects as promoted by the RMA.⁸⁴
- 8.168 Any adverse effects on the quality and quantity of water within the Heretaunga Plains Aquifer fall within the jurisdiction of the HBRC under section 30(1)(e) of the RMA. The regional council manage the taking and use of water through the RRMP and as explained in section 5 above the Applicant will need a variation to its existing Frimley water take consent to enable the proposal to proceed.

⁸³ AEE, page 38.

⁸⁴ Ibid.

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- 8.169 I do not therefore consider that this matter requires any further discussion in the consideration of this application for land use consent.

Positive Effects

- 8.170 The AEE states that the effects of the proposal will be positive in terms of the significant benefits to the drinking water network and the reduction of potential effects on the aquifer.
- 8.171 The submission of MC & CS Smiley is in support of the application stating *“we fully support the pro-active action Council is taking on future-proofing the infrastructure of a treated water supply.”*

Assessment of Environmental Effects Conclusion

- 8.172 The preceding section of this report has had regard to the actual and potential effects on the environment of allowing the activity, as required by s104(1)(a) of the RMA. Based on that assessment considering the various categories of potential effects, I consider that the adverse effects of this proposal can be appropriately avoided, remedied or mitigated subject to the imposition of conditions.

9.0 ASSESSMENT OF RELEVANT PROVISIONS OF STANDARDS, POLICY STATEMENTS OR PLANS (Section 104(1)(b))

- 9.1 The following will assess whether the proposal is contrary to any relevant provisions of -
- (i) a national environmental standard:
 - (ii) other regulations:
 - (iii) a national policy statement:
 - (iv) a New Zealand coastal policy statement:
 - (v) a regional policy statement or proposed regional policy statement:
 - (vi) a plan or proposed plan.

National Environmental Standards (Section 104(1)(b)(i))

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9.2 The application has been considered against the requirements of the NESCS above and recommendations are made for the imposition of various conditions to require compliance with the proposed GCSMP in regard to the earthworks associated with the WTP, reservoir and inground pipe and bore infrastructure. Additionally, conditions are recommended to require further soil sampling and the development of an appropriate soil management plan for the demolition of the park maintenance sheds and yard and its reinstatement to park land.

9.3 On the basis of the two Tonkin & Taylor reports prepared, and the associated soil sampling undertaken in accordance with the NESCS and the conditions recommended above, in my opinion the requirements of the NESCS have been satisfactorily addressed.

National Environmental Standard for Sources of Human Drinking Water

9.4 The National Environmental Standards for Sources of Human Drinking Water, require consideration under regulation 12, if the activity itself may lead to an event occurring that may have a significant adverse effect on the quality of the water at any abstraction point of a registered drinking-water supply.

9.5 The AEE quotes regulation 12 and gives the following reasons why it is unlikely that the activities will have significant adverse effects on water quality at an abstraction point, or as the consequence of an event, have significant adverse effects on water quality at an abstraction point:⁸⁵

- The purpose of the proposal is to achieve a compliant, safe and secure drinking water supply at Frimley.
- The steadier abstraction enabled by the reservoir reduces the risk of aquifer contamination.
- In this case the Applicant is the water supplier.

9.6 I agree with the assessment in the AEE. I also note that the resource consents required from the HBRC for the proposed bores will seek to ensure that the bores do not pose any risks to the water quality of the aquifer. I therefore consider that the proposed

⁸⁵ AEE, page 43.

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activities are consistent with the relevant provisions of the NES for Sources of Human Drinking Water.

- 9.7 In my opinion there are no other relevant national environmental standards to have regard to in the assessment of this application under section 104(1)(b)(i) of the RMA.

Other Regulations (Section 104(1)(b)(ii))

- 9.8 The AEE refers to the Hazardous Substances and New Organisms Act 1996 and Regulations and the Health and Safety at Work (Hazardous Substances) Regulations 2017, due to the proposed bulk storage of water treatment chemicals. The AEE confirms that building design and work practices will be designed to achieve compliance with these regulations. Compliance of these regulations will be required regardless of any resource consent conditions.

National Policy Statements (NPS) (Section 104(1)(b)(iii))

National Policy Statement for Freshwater Management 2014 (revised 2017) (NPSFM)

- 9.9 The NPSFM includes objectives and policies for upholding Te Mana o te Wai, being the integrated and holistic well-being of a freshwater body. The life supporting capacity of water bodies is sought to be protected through objectives and policies protecting both water quality and water quantity.
- 9.10 The AEE points out that water will be required to be extracted from the aquifer in accordance with the conditions of water permit WP120036Tb, as varied by the application to provide for the new bores. That resource consent for a variation of conditions to the water permit will be required to be assessed by the regional council as a discretionary activity having regard to the NPSFM. In regard to this, the AEE points out:

"Water is abstracted in accordance with the conditions of the ...(Hastings water supply consent) which was granted by HBRC following determination that the abstraction was within the sustainable limits of the aquifer and the effects of the abstraction were minor or less than minor. Further, the consent requires Council to demonstrate efficiency of water use. Council ...reports annually on...the effectiveness of its water demand management and conservation strategy. The reservoir...will

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further enable improved network management to be implemented. The application is therefore consistent with, and supports, the objectives of the NPSFM."

- 9.11 I agree with the assessment of the NPSFM in the AEE and note that due to this application being confined to the land use consent aspects of the proposed drinking water infrastructure, that the NPSFM is of limited relevance to this assessment.

NPS on Urban Development Capacity 2016 (NPSUDC)

- 9.12 I have considered the relevance of the National Policy Statement on Urban Development Capacity. Its focus is on ensuring an available supply of land to support residential and business development needs. Suitable infrastructure, including drinking water supply, is required to support new development areas. The purpose of the proposed infrastructure however is to provide a better and more secure drinking water supply for the existing Hastings urban area rather than to support any new development in particular. Given this, in my opinion it is not necessary to give any further consideration to the NPSUDC.

Other National Policy Statements (Sections 104(1)(b)(iii) & (iv))

- 9.13 Frimley Park and the wider project area are not within the coastal environment, so it is not necessary to have regard to the New Zealand Coastal Policy Statement. I do not consider that there are any other national policy statements that are relevant to have regard to in the assessment of this application.

Hawke's Bay Regional Policy Statement (RPS) (Section 104(1)(b)(v))

- 9.14 The RPS is embedded in the Hawke's Bay Regional Resource Management Plan (RRMP). The RRMP includes the relevant regional plan provisions for determining the status of and assessing the necessary regional council resource consents for the Applicant's drinking water project (see section 5 of this report above). I do not consider the regional plan component of the RRMP to be relevant to the assessment of the land use consents required under the HDP. The following assessment therefore seeks to identify the relevant objectives and policies of the RPS to the HDP land use consent application component of the project (in

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italic font) and has regard to those provisions (in regular font). The following objective is from Chapter 2 'Key Regional Policy Statement Objectives':

Objective 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.

- 9.15 The provision of a safe and secure drinking water supply to urban Hastings, including to residents, places of work and education and community facilities, is essential in my opinion for the prosperity of the region. The Application seeks to achieve this purpose, and in this way is consistent with this objective. A conclusion as to whether the application achieves sustainable management is reserved until the end of this assessment.
- 9.16 The remaining relevant RPS objectives to consider are in Chapter 3 of the RRMP, 'Regionally Significant Issues, Objectives and Policies.' This Chapter includes a section titled 3.1A 'Integrated Land Use and Freshwater Management', from which the following objective is considered relevant to have regard to:

Objective LW1 'Integrated management of fresh water and land use development'. Freshwater and the effects of land use and development are managed in an integrated and sustainable manner which includes:

1. protecting the quality of outstanding freshwater bodies in Hawke's Bay;...

2. the maintenance of the overall quality of freshwater within the Hawke's Bay region and the improvement of water quality in water bodies that have been degraded to the point that they are over-allocated;...

5. recognising the regional value of fresh water for human and animal drinking purposes, and for municipal water supply;...

- 9.17 There are a number of relevant policies set out in the RPS to implement objective LW1. As these are focused on protecting the quality and quantity of freshwater resources they will be of relevance to the regional consents required for this project rather than to the land use consents required under the HDP. Policy LW2 is however relevant to note as it seeks to "Give priority to maintaining, or enhancing where appropriate, the primary values and uses of freshwater bodies shown in Table 2A ..." for specified catchment areas. For the Heretaunga Plains Aquifer catchment area the primary values include amongst other matters "Urban

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water supply for cities, townships and settlements and water supply for key social infrastructure facilities.”

- 9.18 In my opinion, the land use consent component of the drinking water infrastructure proposal is consistent with objective LW1 and policy LW2, by seeking to provide for the primary value of a municipal drinking water supply.

- 9.19 Section 3.1B of the RPS is titled ‘Managing the Built Environment’ and includes the following objective and policy that I consider relevant to have regard to in the assessment of this application:

Objective UD5 ‘Integration of Land Use with Significant Infrastructure’. 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.

Policy UD13 ‘Servicing of Development’. 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.*

- 9.20 This chapter of the RPS includes objectives and policies that implement the ‘Heretunaga Plains Urban Development Strategy’ which promotes compact urban development (through intensification) and seeks to minimise encroachment of urban areas onto the versatile land of the Heretaunga Plains. Greenfield growth on the plains is only enabled by these objectives and policies where the land areas involved have been identified and planned for. Objective UD5 and policy UD13 identify the importance of effective infrastructure services to support urban growth. I consider the proposed drinking water supply infrastructure to be generally consistent with this objective and

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policy and in particular as it will result in the upgrading of the infrastructure to maximise its effectiveness.

- 9.21 Section 3.5 of the RPS, 'Effects of Conflicting Land Use Activities' includes the following relevant objective:

Objective 18 For the expansion of existing activities which are tied operationally to a specific location, the mitigation of off site impacts or nuisance effects arising from the location of conflicting land activities adjacent to, or in the vicinity of, areas required for current or future operational needs.

- 9.22 Objective 18 is relevant to the development of the proposed drinking water infrastructure given that the bore field and infrastructure is tied to being within proximity of the existing Frimley bore field (on the Lyndhurst Road frontage of Frimley Park), which is being replaced. This operational need is set out in the AEE (see sections 1.1 and 3.1). In my opinion the existing land uses of concern are the neighbouring schools and residents and the open space and recreational functions of Frimley Park. The effects on these potentially conflicting land uses have been partially mitigated by the proposed site location process as is explained in detail in the Wayfinder Report. As is discussed in the Assessment of Effects on the Environment in section 8 of this report, with the imposition of appropriate conditions the potential adverse effects of the proposed activity on the conflicting land use activities can be appropriately mitigated. I therefore consider that the proposed activity is consistent with objective 18 of the RPS.

- 9.23 The only other section of the RPS that is relevant to have regard to in my opinion is 3.13 'Maintenance and Enhancement of Physical Infrastructure', which includes the following objectives:

Objective 32 The ongoing operation, maintenance and development of physical infrastructure that supports the economic, social and/or cultural

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wellbeing of the region's people and communities and provides for their health and safety.

Objective 33 Recognition that some infrastructure which is regionally significant has specific locational requirements.

Objective 33B Adverse effects on existing landuse activities arising from the development of physical infrastructure are avoided or mitigated in a manner consistent with Objectives 16, 17, 18, 32 and 33.

- 9.24 In my opinion objectives 32 and 33 are enabling of the proposed drinking water supply infrastructure as it will support the economic, social and/or cultural wellbeing of the region's people and communities (specifically the Hastings District urban community) and provide for their health and safety.
- 9.25 I consider the proposed activity to also be consistent with Objective 33B in that potential adverse effects are able to be mitigated with the imposition of appropriate conditions (as is explained in the assessment of objective 18 above).
- 9.26 I therefore consider the proposed activity to be generally consistent with the relevant objectives and policies of the RPS, subject to the imposition of appropriate conditions to mitigate any adverse effects recommended in section 8 of this report.

Hastings District Plan (Section 104(1)(b)(vi))

- 9.27 The assessment of environmental effects in section 8 of this report considered relevant standards and assessment criteria from the HDP as appropriate. Accordingly, the following assessment is confined to the relevant objectives and policies of the HDP. I consider that the relevant sections to this assessment are: 2.4 Urban Strategy, 13.1 Open Space Environments, 22.1 Network Utilities District Wide Activity, and 25.1 Noise. Although the Applicant's AEE assessed the objectives and policies within section 18.1 Heritage Items and Notable Trees, I do not consider this section to be relevant as the proposed activity does not affect

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any of the Notable Trees listed in the HDP within Frimley Park or elsewhere.

Section 2.4 Urban Strategy

- 9.28 This section of the HDP has lesser direct relevance to the assessment of this application than the sections discussed below but is referred to for context. As with section 3.1B of the RPS it includes objectives and policies to implement the 'Heretaunga Plains Urban Development Strategy' by promoting compact urban development (through intensification and efficient use of infrastructure), carefully planned and integrated greenfield development and the minimisation of encroachment of urban activities onto the versatile land of the Heretaunga Plains. In this regard, I consider the following objective and policy to be of relevance:

Objective UDO2 – To ensure that new urban development is planned for and undertaken in a manner that is consistent with the matters outlined in the Hawke's Bay Regional Policy Statement.

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

- 9.29 The assessment of the RPS above concluded that the proposed drinking water infrastructure is consistent with that document. One of the purposes of this proposal is to reduce the effect of the Hastings Frimley water take on the Heretaunga Plains Aquifer, with the reservoir storage allowing peak demands to be satisfied without increasing abstraction rates. Another purpose of the proposal is to increase the efficiency of the Hastings municipal drinking water supply infrastructure. I therefore consider the proposed drinking

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water infrastructure to be consistent with HDP objective UDO2 and policy UDP3.

Section 13.1 Open Space Environments

- 9.30 Frimley Park is zoned Open Space. All of the objectives and policies of the Open Space Zone are listed and assessed below.

OBJECTIVE OSEO1 – To provide sufficient open space to meet the present and likely future recreational, conservation and visual amenity needs of the District.

POLICY OSEP1 – To ensure reserves are vested upon urban subdivision, where appropriate, to serve the needs of residents in the area and to give effect to Council's Reserves Strategy.

Explanation: Reserve land contributions will be taken via the provisions of the subdivision section of this Plan, from subdividers and developers, to meet the adopted reserve targets. Financial contributions for reserve development will be taken under the Local Government Act. The Reserves Strategy identifies land to be acquired for reserves together with reserves and facilities requiring expansion as a result of increased population or demand. Structure plans for urban growth areas are also produced as part of the District Plan.

- 9.31 The above objective and policy guide the acquisition of additional reserves upon subdivision and reference the Council's Reserves Strategy. It reflects that a key method of meeting the open space needs of the community is through subdivision. Although the policy is not relevant to this proposal, I have considered whether this proposal is inconsistent with the objective of providing sufficient open space to meet the present and likely future recreational needs of the District.
- 9.32 I do not consider that the installation of the drinking water infrastructure in Frimley Park would detract from the open space needs of the District being met. The proposed offset in removing the park maintenance sheds helps to balance the loss of a small area of the park with the installation of the proposed infrastructure and will ensure that there is no significant reduction in overall open space provision.

OBJECTIVE OSEO2 – To ensure that open space is used and developed in a manner which is compatible with its function and

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character and to ensure any adverse effects on surrounding activities, particularly residential, are avoided or mitigated.

POLICY OSEP2 – Manage the scale, size, design and location of buildings so as to avoid, remedy or mitigate any adverse effects on the amenity of surrounding areas and the function and character of the open space.

Explanation – The Council as landowner needs to ensure that buildings are designed and sited to complement the function and character of the reserve and minimise any nuisance to neighbouring properties.

- 9.33 In regard to the function and character of Frimley Park, for the reasons set out in section 8 above, I consider that the function of the Park based on its categorization under the DWRMP described in paragraph 8.39 above, will not be diminished by the proposed drinking water infrastructure. As also concluded in section 8, the potential adverse effects of the development will in my opinion be appropriately avoided and mitigated on the surrounding area, including the residential and school neighbours, with the imposition of the conditions discussed in this report. Accordingly, in my opinion the proposed drinking water infrastructure would be consistent with objective OSEO2 and Policy OSEP2 of the HDP.

POLICY OSEP3 – Manage activities on open spaces to ensure that adverse effects of activities on the surrounding environment is minimal and/or temporary.

Explanation – Open spaces provide numerous benefits to communities, and are available for a range of recreational activities. There are however some activities that can generate noise, disturbance and traffic congestion and have the potential to be detrimental to the wellbeing of the surrounding community.

- 9.34 Policy OSEP3 is aimed at enabling sporting events or 'Temporary Events'⁸⁶ in acknowledging, but seeking to minimise, the adverse temporary effects that they may give rise to. Although the proposed activity is not a sporting event or Temporary Event, its most significant adverse effects on the surrounding environment will be the noise and vibration resulting from the bore construction activities. As set out in section 8 above the proposed CNVMP is designed to ensure that such effects are mitigated as far as

⁸⁶ Defined in the HDP as: *Temporary Event: means the short term or intermittent use of any land or building for an activity not carried out on the site on a regular basis, or the carrying out of an activity outside the limits on hours or scale prescribed in Plan standards... Any event for which a Special Licence under the Sale of Liquor Act is required shall be deemed to be a temporary event.*

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practicable. To that extent, the proposed activity does not in my opinion have any conflict with Policy OSEP3.

- 9.35 Given the above, in my opinion the proposed drinking water infrastructure is generally consistent with the objectives and policies of the Open Space Environments section of the HDP.

Section 22.1 Network Utilities District Wide Activity

- 9.36 As discussed above this resource consent application has been made under the rules of the Network Utilities Section of the HDP. The following assessment has regard to the relevant objectives and policies of section 22.1.

OBJECTIVE NUO1 – To provide for the safe, effective and efficient construction, operation, maintenance, replacement, refurbishment and upgrading of Network Utilities, for the social and economic wellbeing of the community, and whilst recognising the technical and operational requirements and constraints of Network Utilities.

- 9.37 This objective is enabling of network utilities such as the proposed drinking water infrastructure, which has clear social and economic well-being benefits for the Hastings urban community in contributing to a safe and secure water supply. This objective reflects the district wide activity status that the HDP provides to network utilities.

POLICY NUP2 – To enable the establishment and upgrading of network utilities while ensuring that any adverse effects on the environment and adjoining land use are avoided, remedied or mitigated.

Explanation: This Policy recognises the need to control the scale, location, design and operation of Network Utilities where they may have an adverse effect on landscape and amenity values on the safety and efficiency of the road network (where they are located within legal roads, road reserves or service lanes), and on the operation of rural airstrips on adjoining properties.

- 9.38 This policy gives effect to the enabling objective NUO1 in providing for network utilities to establish if adverse effects are avoided, remedied or mitigated. As set out in section 8 above, subject to the imposition of appropriate conditions, adverse effects can in my

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opinion be appropriately avoided, remedied or mitigated, therefore achieving consistency with this policy.

POLICY NUP3 – Recognise the need for Network Utilities to be reliable in operation, and for Network Utility Operators to be able to act promptly in an emergency, or following any sudden event or circumstance which puts people, property or places at risk, or which requires action without delay to maintain the safe, effective and efficient operation of the Network Utility.

Explanation: The efficient, effective and safe provision of Network Utilities is dependent on the ability of Network Utility Operators to be able to act promptly to safeguard their facilities from failure, and to maintain service supply.

- 9.39 The proposed reservoir and emergency generator are both components of the proposal that will improve the reliability of the Hastings drinking water supply. Policy NUP3 is enabling of such operational reliability measures.

POLICY NUP4 – Recognise special technical and operational requirements and constraints of Network Utilities including those associated with their scale, location, design and operation.

Explanation: The location of Network Utilities is often dictated by operational requirements which, if consumer expectations are to be met, must be distributed in certain areas of the Hastings District. Similarly, while alternative provision of utilities may be technically possible, in some cases, the cost to the provider and ultimately the consumers could then be prohibitive. Where it is necessary for Council to exercise discretion in assessing applications for Network Utilities, it will take into account any special technical requirements or constraints which may limit where a Network Utility can be sited, or consider its scale, design and operation. For example when considering environmental effects of transmission activities.

- 9.40 Although the explanation to Policy NUP4 gives the example of transmission facilities, the building bulk of the reservoir and WTP are an operational requirement of the proposed infrastructure. The Frimley Park location has also been chosen in accordance with the operational requirement of proximity to the existing Frimley borefield. The temporary noise and vibration effects created by the bore drilling and construction are also special technical requirements that cannot be avoided by the establishment of this drinking water supply network utility infrastructure. Accordingly, Policy NUP4 acknowledges that these constraints and operational

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requirements are to be recognized in the consideration of network utility applications.

POLICY NUP5

New transmission infrastructure or Network utility infrastructure should avoid outstanding and significant landscapes, or areas of significant historical, cultural and recreational value unless the infrastructure is subject to a significant functional constraint, or where there is no practicable alternative route and/that significant adverse effects can be outweighed by the overall benefits of the proposal.

Explanation: Policy NUP5 enables the establishment of new transmission infrastructure or network utility infrastructure whilst still seeking maintain areas of the Hastings District which hold significance for their natural, cultural and recreational values.

- 9.41 The proposed drinking water network utility infrastructure is consistent with Policy NUP5 as it is located outside of any landscape, historic or cultural features identified in the HDP. As is explained in the Wayfinder Report, particular regard has been given to avoiding any outstanding trees identified by the HDP, of which there are 21 within Frimley Park. Also, as explained in section 8 above, the specific location chosen within Frimley Park has given regard to avoiding any effects on the most significant recreational values of the park. In my opinion the proposed network utility infrastructure is therefore consistent with policy NUP5.

Section 25.1 Noise

- 9.42 As the bore construction component of the proposed activity has been assessed as likely to breach the HDP construction noise limits, it is appropriate to have regard to the following relevant objectives and policies of section 25.1.

OBJECTIVE NSO1 – To manage the emission and mitigate the adverse effects of noise so as to maintain or enhance the acoustic environment.

OBJECTIVE NSO2 – To ensure the adverse effects of noise do not unreasonably affect people's health.

- 9.43 As has been assessed in section 8 above, a CNVMP is proposed to ensure that the adverse effects of noise from the bore construction will not unreasonably affect people's health. The measures proposed to be included in that plan include limiting the hours of some activities including borehole casing installation and

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the installation of mechanical ventilation for noise sensitive receivers where external windows must be closed to avoid significant adverse noise effects, as well as technical measures to reduce the level of noise at the source.

POLICY NSP5 – Noisy construction and demolition activities will be allowed subject to restrictions to ensure the protection of the community from unreasonable noise.

Explanation – Many construction and demolition activities are inherently noisy but methods are available which can minimise the emission and impact of such noise. Noise experienced during construction and demolition is generally of a temporary nature and, provided on-going noise at inconvenient times can be mitigated or avoided, reasonable levels of construction noise will be accommodated. Compliance with the construction noise standard NZS 6803:1999 will be required.

POLICY NSP6 – Provide for noisy activities of limited duration and frequency which are of importance to the community, subject to appropriate controls.

Explanation – Some activities such as construction, outdoor concerts, emergency service facility sirens and certain agricultural, viticultural and horticultural operations are inherently noisy but are of a temporary nature and therefore more tolerable than activities which generate noise continuously.

- 9.44 Policies NSP5 and NSP6 acknowledge that construction activities are inherently noisy and seek for such noise to be minimised so that it is not unreasonable, rather than expecting noise to be avoided. In my opinion, the approach proposed for the bore construction with the CNVMP and recommended conditions is consistent with policy NSP5 in this regard, and is also consistent with policy NSP6 as such noise will be of limited duration during the bore construction phase.

HDP Objectives and Policies Assessment Conclusion

- 9.45 In summary, the proposed drinking water infrastructure is consistent with:
- The Urban Strategy section by increasing the efficiency of the Hastings water supply infrastructure and reducing the effects of the associated water take on the Heretaunga Plains Aquifer.
 - The Open Space Environments Section by not significantly reducing the function and character of Frimley Park, as informed by its categorization as a

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District Reserve under the DWRMP, with the mitigation measures proposed including the off set of the park maintenance sheds and yard being reinstated as park.

- The Network Utilities Section as infrastructure which benefits the community and has special technical and operation requirements is enabled, provided that adverse effects are avoided, remedied and mitigated.
- The Noise Section by mitigating the potentially adverse construction noise effects so that the health of the neighbouring residents is protected.

9.46 Given the above assessment, I consider that the proposed drinking water infrastructure is generally consistent with the relevant objectives and policies of the HDP.

9.47 I acknowledge the submission of Frances Shotter which states that the proposal does not achieve the objectives and policies of the HDP and that the application assesses the proposal against the text of the plan provisions without context. This submission then sets out what it considers as essential contextual elements including: historical patterns of use and expectations; the reserves categorization and essential purposes; and appropriation of the Parks values and amenity by neighbouring landowners.

9.48 I do not agree with the statements in the submission about the HDP objectives and policies. In my opinion the application must be assessed against the objectives and policies at face value informed, to the extent it assists in an understanding of those provisions, by the relevant categorization under the DWRMP. Having had regard to the points raised in the submission of Ms Shotter about the objectives and policies of the HDP I stand by my conclusion set out above that the proposed drinking water infrastructure is generally consistent with the relevant objectives and policies of the HDP.

OTHER MATTERS 104(1)(c)

9.49 Section 104(1)(c) makes provision for *'Any other matters the consent authority considers relevant and reasonably necessary to*

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determine the application'. Matters of precedent and district plan integrity can be considered under this provision.

- 9.50 As the proposed activity is discretionary rather than non-complying and has been assessed as being consistent with the objectives and policies of the HDP, in my opinion there would be no adverse precedent created, if consent were to be granted to this application.
- 9.51 The DWRMP and District Reserves Strategy are both potentially relevant other matters. In my opinion these documents have been given consideration to the extent that they are relevant, in sections 8 and 9 above. On the basis of the legal advice provided to the Council as consent authority (see **Attachment 13**), it is not necessary for the determination of the resource consent application to consider the Applicant's right to use the land. I do not therefore consider it appropriate to give any additional consideration to the DWRMP and District Reserves Strategy to that already provided above, under section 104(1)(c).

10.0 PART 2 OF THE RESOURCE MANAGEMENT ACT 1991

- 10.1 Part 2 sets out the purposes and principles of the RMA, with the purpose being the sustainable management of natural and physical resources.
- 10.2 Recent case law has clarified that that there is no need for separate resort to Part 2 where the plan has been competently prepared under the Act, as it would not add anything to the evaluative exercise. The Court in *RJ Davidson v Marlborough District Council* [2018] 3 NZLR 283 held:

If it is clear that a plan has been prepared having regard to pt 2 and with a coherent set of policies designed to achieve clear environmental outcomes, the result of a genuine process that has regard to those policies in accordance with s 104(1) should be to implement those policies in evaluating a resource consent application. Reference to pt 2 in such a case would

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likely not add anything. It could not justify an outcome contrary to the thrust of the policies.

- 10.3 The HDP has only recently been made operative and has in recent Environment Court cases⁸⁷ been accepted as having coherent provisions with no need for a Part 2 analysis.
- 10.4 The submission of Frances Shotter challenges the coherence of the HDP in stating the Utilities provisions are of such general application to be almost useless. I do not agree with this as the Network Utilities provisions are deliberately enabling in providing for infrastructure of community benefit that may not sit comfortably with the provisions of the underlying zone. Further to this, an assessment of a discretionary or non-complying network utility application should also be assessed with regard to the objectives and policies of the underlying zone and other relevant HDP sections as I have set out above. In the event that the commissioner considers it appropriate for a Part 2 analysis to be undertaken in this case, I provide such an assessment as follows.

Section 5

- 10.5 Section 5 of the RMA 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 wellbeing and for their health and safety while -

(a) Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and

(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.”

- 10.6 The proposed drinking water infrastructure is designed to enable use of the Heretaunga Plains water resource in a way which enables the Hastings community to provide for their social,

⁸⁷ Endsleigh Cottages v Hastings District Council [2020] NZEnvC 064 (paragraph 272) and Stone v Hastings District Council [2019] NZEnvC 101 (paragraph 127).

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economic, and cultural well being and for their health and safety by having a safe and secure water supply. Consideration of whether the use of that water resource gives effect to sections 5(a) and (b) in regard to the sustainability of the resource and the protection of its life supporting capacity are matters that fall within the jurisdiction of the Hawke's Bay Regional Council in the assessment of the variation to the permit to take water.

- 10.7 Sections 5(a) and (b) are however still relevant to consider regarding the natural and physical resource of Frimley Park and its life-supporting capacity. Given the assessment in section 8 above on the effects of the infrastructure on Frimley Park, I consider that the potential of the Park will be sustained for future generations, and that the proposed offset to reestablish the existing parks depot back to publicly accessible park land helps to achieve this.
- 10.8 Section 5(c) is an important component in ensuring sustainable management, such that the community benefits from the drinking water infrastructure are not at the expense of adverse effects on neighbouring residents, schools or users of Frimley Park. The assessment in section 8 of this report demonstrates that the proposed drinking water infrastructure and its construction will be able to appropriately avoid, remedy or mitigate any adverse effects of activities on the environment.
- 10.9 Section 6 of the RMA sets out matters of national importance that must be recognized and provided for. I have considered the matters set out in section 6(a) – (d), (f) and (g) and in my opinion none of these matters are relevant to the locations where the drinking water infrastructure is proposed to be established.
- 10.10 Section 6(e) refers to the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga. The application AEE sets out on page 41 a summary of engagement with representatives of Māori with mana whenua for the area. The AEE states that “discussion was constructive and informative and that no significant issues or concerns were raised.” Organisations that represent mana whenua were also served notice of the application and no submissions were received from them. Further to this there are no wāhi tapu, wāhi taonga or archaeological sites identified on or within the proximity of Frimley

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Park. I therefore consider that the application does not give rise to any concerns regarding section 6(e) of the RMA.

- 10.11 Section 6(h) is “the management of significant risks from natural hazards.” Consideration has been given to natural hazards in the assessment of effects in section 8 above, with the conclusion being that even in the event of a significant earthquake causing failure of the reservoir, its steel construction will likely result in the structure leaking water, rather than collapsing. It is therefore unlikely that the proposed drinking water infrastructure will increase the risk to the surrounding community from natural hazards and as an essential service the infrastructure is designed to withstand significant seismic events.

Section 7

- 10.12 Section 7 of the RMA sets out matters that are required to be given particular regard. The application AEE at page 49 identifies the following matters as being relevant to this application:

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

- 10.13 I agree that sections 7(b), (c) and (f) are the relevant matters to be given regard in assessing this application. I also agree that the proposal seeks to provide for efficient development of the physical drinking water resource as is consistent with section 7(b). Further to this the natural resource of the Heretaunga Plains aquifer is proposed to be used in a way that is more efficient through the use of a storage reservoir to enable abstraction rates to be evened out.
- 10.14 As set out in section 8 of this report above, considerable attention has been given to maintaining the amenity values and quality of the Frimley Park environment in this application, with additional conditions recommended in the event that consent is granted, to ensure that this is the case. These include exterior treatments of the proposed structures, screening walls, additional landscape plantings, removal of the parks maintenance depot as an offset,

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and the incorporation of new park amenities with the drinking water bores.

Section 8

- 10.15 Section 8 of the RMA requires the principles of the Treaty of Waitangi (Te Tiriti o Waitangi) to be taken into account. In my opinion this has occurred through the consultation undertaken with mana whenua groups in the preparation of the application as described above.

11.0 SUMMARY AND CONCLUSIONS

- 11.1 This application for the establishment and operation of drinking water infrastructure at Frimley Park and to connect that infrastructure to the existing reticulated network with new pipes in the Frimley Road and Hapuku Street berms, was publicly notified at the Applicants request.
- 11.2 A total of five submissions were received on the application, one of those being in support. Two submitters have subsequently advised in writing that they no longer wish to speak to their submissions as their concerns have been satisfied by further discussions with the Applicant.⁸⁸ The Applicant advises that the Ministry of Education is now also satisfied on the basis of conditions that have now been offered. The application is however being contested by the submission in opposition received from Frances Shotter.
- 11.3 The application has the status of a discretionary activity under the HDP. Section 8 of this report has given regard to the actual and potential effects of allowing the activity. Particular attention has been given to the effects of the proposed drinking water infrastructure on the values of Frimley Park, given that the park is categorised as a 'District Reserve' in both the DWRMP and District Reserves Strategy and the concerns raised in Ms Shotter's submission. In my opinion the adverse effects of the proposed activity on Frimley Park can be adequately mitigated given the conditions recommended in this report. In particular the recommended condition requiring the removal of the park maintenance sheds and depot and its reinstatement as publicly

⁸⁸ These being the submissions of JH Scougall and M Bradshaw.

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accessible park within 2 years of the projects site preparation works commencing, would offset the public space lost to the infrastructure.

- 11.4 In my opinion another potential adverse effect of significance is the construction noise and vibration effects for the bores. Again, with the imposition of the offered conditions relating to the proposed CNVMP, these effects can in my opinion be mitigated such that they are no more than minor. The temporary nature of these effects is an important consideration in reaching this conclusion. I also note that the objectives and policies of the Noise Section of the HDP anticipate that there will be noise effects from construction activities.
- 11.5 Having considered all of the relevant potential adverse effects of the proposed activities, and the mitigation measures proposed, I am of the opinion that such effects will be no more than minor, given the imposition of the conditions recommended below.
- 11.6 Of the statutory instruments to be had regard to under section 104(1)(b), the NESCS and the HDP are in my opinion of the greatest significance to this application. In regard to the NESCS, the proposed GCSMP will ensure that any adverse effects from earthworks involving contaminated soil are avoided remedied or mitigated. Conditions would however be required to ensure that any adverse soil contamination effects are addressed in the future with the removal of the park maintenance sheds and yard area. Such conditions are recommended below.
- 11.7 The consistency of the application with the relevant objectives and policies of the HDP has been assessed in section 9 above and in my opinion, with the imposition of the recommended conditions, the application is consistent with those objectives and policies. As such I do not consider that granting consent would give rise to any adverse precedent effects or issues of district plan integrity.
- 11.8 I therefore consider that with the imposition of the recommended conditions, that the application achieves the sustainable management of natural and physical resources. In my opinion therefore the option is open to the commissioner, subject to the hearing and the imposition of appropriate conditions, to grant consent to this application.

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RECOMMENDATION TO HEARINGS COMMISSIONER

That pursuant to Rules NU11 and NU13 of the Hastings District Plan; and Regulation 11 of the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 and Sections 104 and 104B of the Resource Management Act 1991, consent to Hastings District Council is **GRANTED** to establish and operate a water treatment plant, water storage reservoir, drinking water supply bores, and associated water reticulation pipes, and to remove the Frimley Park maintenance sheds and yard with the land to be reinstated as publicly accessible park area at; Frimley Park, 411 Frimley Road, Hastings 4120, legally described as Lot 2 DP 3197 and Part Lot 254 DP 2101 and Part Lot 254 DP 2101 and Lot 6 DP 3374 and Section 38 Block XV Heretaunga Survey District (RT HB136/54); and portions of the following legal roads: Frimley Road and Hapuku Street.

SUBJECT TO THE FOLLOWING CONDITIONS:**General**

1. That unless otherwise altered by the conditions of this consent, the development shall proceed in accordance with the plans and information submitted as part of the resource consent application RMA20190545 (PID 13818):
 - a. The application and assessment of environmental effects titled "Hastings Urban Water Supply Upgrades Water Treatment Plant and Drinking Water Reservoir – Construction and Operation – Frimley Park", dated 10 December 2019 prepared by Good Earth Matters Consulting Limited (HDC reference 13818#0263).
 - b. The response to further information dated 10 February 2020 and associated Preliminary Site Investigation report titled "Desktop Ground Contamination Assessment – Frimley Water Reservoir and Pipeline", dated February 2020 and prepared by Tonkin and Taylor Limited (HDC reference 13818#0275).
 - c. The memorandum from Good Earth Matters Consulting Limited, dated 22 May 2020 and "Draft Proffered Conditions" as agreed with the Ministry of Education (HDC reference 13818#0290) and an associated document titled "Ground Contamination Soil Management Plan – Frimley Water Supply Upgrade" dated March 2020 and prepared by Tonkin and Taylor Limited (HDC reference 13818#0291).

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- d. The response to further information dated 12 June 2020 (HDC reference 13818#0293 & 13818#0294).
2. That following effects mitigation measures proposed by the application and assessment of environmental effects (including the appended technical reports from Wayfinder and Marshall Day) shall be implemented:
 - a. The landscape and visual effects mitigation measures recommended in the Wayfinder Report (Appendix B to the application and AEE (HDC reference 13818#0263), including:
 - i. The exterior finishing and paint colours.
 - ii. The planting of 20 additional trees.
 - iii. The establishment of screening walls.
 - iv. The establishment of the shading gazebo in association with bore FR2.
 - v. The establishment of a new drinking water tap and interpretive signage with bore FR3.
 - vi. The Resene Ironsand coverings of bores FR1 and FR4.
 - b. The operational noise mitigation measures recommended in the Marshall Day Report (Appendix C to the application and AEE (HDC reference 13818#0263), including:
 - i. An acoustically effective roller door to be reviewed prior to installation, with all other doors to be of solid construction (minimum 24kg/m²) with compression seals.
 - ii. Acoustic louvers of 300mm depth in the façade of the building facing the HGHS playing fields.
 - iii. Roof fans to be Fantech FSU Series 3, with no 2 pole fans.
 - iv. Lining of the ceiling and the interior of one long wall of each room with acoustic absorption material of a minimum sound performance of NRC 0.75.
3. That the demolition of the park maintenance shed and yard (currently occupied by Recreation Services) and reinstatement of that land to publicly accessible park must be completed within 2 years of site preparation works for the drinking water infrastructure commencing. For the avoidance of doubt this work must be completed in compliance with the relevant conditions set out below under the 'contaminated soils' heading and any other relevant conditions of this consent.

Operational Noise Limits and Monitoring

4. Noise associated with operation and use of the water treatment plant, bores and reservoir shall comply with the limits below, as measured in

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accordance with NZS6801:2008 Acoustics – Measurement of environmental sound and assessed in accordance with NZS 6802:2008 Acoustics – Environmental Noise:

The following noise limits shall not be exceeded at any point within any Residential Zone or within the notional boundary of any noise sensitive activity, with the exception of land comprised in Record of Title HB125/144 (commonly known as Hastings Girls High School):

Control Hours	Noise Level
0700 to 1900 hours	55 dB L _{Aeq} (15 min)
1900 to 2200 hours	50 dB L _{Aeq} (15 min)
2200 to 0700 hours the following day	45 dB L _{Aeq} (15 min)
2200 to 0700 hours the following day	75 dB L _{AFmax}

5. The following noise limits shall not be exceeded within the notional boundary of any noise sensitive activity located within the land comprised in Record of Title HB125/144 (commonly known as Hastings Girls High School):

Control Hours	Noise Level
0700 to 1900 hours	55 dB L _{Aeq} (15 min)
1900 to 2200 hours	50 dB L _{Aeq} (15 min)
2200 to 0700 hours the following day	45 dB L _{Aeq} (15 min)
2200 to 0700 hours the following day	75 dB L _{AFmax}

Advice Note: Notional Boundary means a line 20 metres from and parallel to any wall of a building or any wall of a building used by a noise sensitive activity or the legal boundary whichever is closer to the building.

6. The consent holder shall, within 12 months of the water treatment plant becoming operational undertake noise monitoring at the adjacent school sites and selected residential sites to confirm compliance or otherwise with conditions 4 and 5. Records of this monitoring shall be set out in a statement prepared by a Suitably Qualified and Experienced Professional which makes a determination as to whether or not operational noise is found to be compliant with the noise limits set out in Conditions 4 and 5. Where activities are found to be non-compliant, the consent holder shall inform the Hastings District Council Environmental Consents Manager as soon as reasonably practicable as to what measures will be implemented to achieve compliance. Within six months thereafter, the consent holder shall provide evidence by way of additional noise measurements, to the Hastings District

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Council Environmental Consents Manager that compliance has been achieved. The consent holder shall undertake any additional noise monitoring required at the request of the Hastings District Council Environmental Consents Manager (or nominee) in response to noise complaints regarding the consented activities.

Construction Noise and Vibration Management Plan

7. That bore construction shall be completed one bore at a time rather than concurrently so as to avoid cumulative noise effects.
8. The consent holder shall prepare a Construction Noise and Vibration Management Plan (CNVMP) to demonstrate the way in which it will avoid, remedy or mitigate adverse noise effects, and shall submit the CNVMP to the Hastings District Council Environmental Consents Manager (or nominee) for certification prior to the commencement of works authorised by this consent. All construction work shall be undertaken in accordance with the certified CNVMP. The CNVMP shall be in general accordance with the draft CNVMP submitted to the consent authority (dated June 2020 *anticipating an updated plan being prepared for the hearing*) but at a minimum, the CNVMP shall address the following matters:
 - a. The particular noise and vibration mitigation measures to be implemented during construction activities as well as contingency measures including, but not limited to and where relevant, limiting the hours of some activities (specifically borehole casing installation) to times as agreed with owners / occupiers of neighbouring sites; review of construction methodology; mitigation measures and consideration of the installation of mechanical ventilation for noise sensitive receivers where external windows must be closed to avoid significant adverse noise effects and no alternative ventilations system is present; and any other management strategies to ensure that the best practicable option is adopted by the Consent Holder to uphold its duty under section 16 RMA.
 - b. Monitoring of construction noise levels at selected representative receiver locations including in particular the adjacent school sites and representative locations of the noise received at 317 Frimley Avenue and 402 to 408 Frimley Road, and 210 – 400 Frimley Road.
 - c. Noise measurements to identify any processes / methods that are unnecessarily noisy in particular measurements of bore

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- construction noise and identification of additional mitigation methods where practicable.
- d. The proposed approach and methods to ongoing community liaison and the way in which potentially affected neighbours, including schools, are able to articulate their concerns and by which these can be addressed by the consent holder including but not limited to implementation of contingency measures identified as per (a).
 - e. Details of consultation with the Ministry of Education undertaken in accordance with Condition 9 including how any concerns raised by this party have been addressed by the CNVMP.
 - f. The proposed approach and methods to undertaking staff training to ensure that all persons responsible for undertaking activities authorised by this consent are aware of their duty under section 16 of the RMA and the conditions of this consent.
9. The consent holder, prior to submission of the CNVMP to the Environmental Consents Manager, Hastings District Council (or nominee) for certification in accordance with condition 8, shall consult with the Ministry of Education regarding the potential noise and vibration effects of the construction activities authorised by this consent on the nearby schools and shall include details of this consultation within the CNVMP.

Traffic Management

10. That all construction related traffic shall access and exit the site from the Lyndhurst Road entrance of Frimley Park.
11. Prior to the commencement of earthworks/construction activity on the subject site, an Approved Corridor Access Request (CAR), complete with Traffic Management Plan (TMP) shall be prepared in accordance with Code of Practice - Traffic Management (COPTM) requirements and shall address the control of the movement of earthmoving/construction vehicles to and from the site and within the site. The Traffic Management Plan shall contain sufficient detail to address the following matters:
- a. measures to ensure the safe and efficient movement of the travelling public (including pedestrians, cyclists, and motorists).
 - b. restrict the hours of vehicle movements to protect the amenity of the surrounding environment during the earthworks and construction phase.

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12. The CAR complete with TMP shall be submitted to the Environmental Consents Manager, Hastings District Council (or nominee) for approval prior to the commencement of any site preparation or construction works.
13. Prior to the commencement of any site preparation or construction activities the following measures shall be in place and remain in place for the duration of the construction activities:
 - a. Construction traffic access to the site shall be restricted to the Lyndhurst Road entrance to Frimley Park by the erection of onsite signage.
 - b. Signage warning the public of vehicle movements shall be erected at the Lyndhurst Road entrance and at appropriate points along the access way to the construction sites
14. No earthworks or construction activities on the subject site shall commence until confirmation from the Environmental Consents Manager, Hastings District Council (or nominee) has been provided that the Traffic Management Plan meets the requirements of the COPTM and any required measures referred to in that plan have been put in place and the CAR approved.

Soil Contamination

15. That the Ground Contamination Soil Management Plan – Frimley Water Supply Upgrade, dated March 2020 and prepared by Tonkin and Taylor Limited (HDC reference 13818#0291) shall be complied with at all times for the earthworks associated with the installation of the drinking water pipes in the road reserve and the installation of the bores, pipes, water treatment plant and reservoir on Frimley Park.
16. That the consent holder shall prepare a separate Soil Management Plan for the earthworks and soil disturbance activities to be undertaken to remove the park maintenance buildings and yard (as required by Condition 3) and submit this plan to the Environmental Consents Manager, Hastings District Council (or nominee) for approval prior to such works commencing.
17. The Soil Management Plan referred to in condition 16 shall include testing and analysis from a licenced asbestos removalist with recommendations for the safe removal of structures containing asbestos. This plan shall also include analysis of soil sampling to

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inform procedures for soil management and disposal requirements. If appropriate from the soil sampling results the plan shall also include a requirement for validation sampling of residual soils after the Depot has been demolished to confirm residual contamination levels (if any) left on site following completion of the works.

18. The Soil Management Plan referred to in conditions 16 and 17 shall also outline the way in which the risk to human health and the environment associated with these works will be managed and set out procedures and methods to be used by persons undertaking these works particularly for the handling and disposal of contaminated or potentially contaminated soil. It shall include particular consideration of and provision for any potential effect on the nearby school sites and detail the way in which this is to be managed.

General Earthworks

19. That the consent holder shall submit a final design, detailing the earthworks to be carried out, overland flow paths and proposed finished ground levels within the development for approval by the Environmental Consents Manager, Hastings District Council (or nominee), prior to construction. The earthworks plan shall not include any changes in the existing ground level of the external boundaries of the site.
20. The consent holder shall submit a sediment control plan by an appropriately qualified person, for approval by the Environmental Consents Manager, Hastings District Council (or nominee), prior to the commencement of any work on the site. The plan shall detail how sediment and erosion controls will be carried out at the site in accordance with current engineering best practice. A statement shall be included with the plan stating the author's qualifications and experience in this area.
21. That on completion of works all remaining bare ground shall be re-grassed, to the satisfaction of the Environmental Consents Manager, Hastings District Council (or nominee).
22. That there shall be no off-site deposit of sediment or detritus from the area of the works and no deposit of sediment or detritus into any road, watercourse or storm water drain. In the event that a discharge occurs, works shall cease immediately, and the discharge shall be

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mitigated and/or rectified to the satisfaction of the Environmental Consents Manager, Hastings District Council (or nominee).

23. That the consent holder shall install sediment and erosion controls in accordance with the approved plan prior to the commencement of the earthworks/construction and that these controls shall be maintained throughout the period of the works, to the satisfaction of the Environmental Consents Manager, Hastings District Council (or nominee).

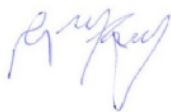
Geotechnical

24. That at the time of applying for building consent the applicant shall submit from a professionally qualified Geotechnical Engineer:
- a. A report that addresses the bearing capacity of the soils, and in particular any foundation design requirements necessary to address liquefaction vulnerability and lateral spread as appropriate for the proposed water treatment plant and reservoir; and
 - b. A Form 6 "Statement of Professional Opinion as to Suitability of Land for Building Development" (Appendix 62 of the Proposed Hastings District Plan) to the Environmental Consents Manager, Hastings District Council (or nominee), on the completion of the engineering works.

This report and recommendation prepared by:

Name: Philip McKay
Title: Consultant Planner for Hastings District Council

Signed:



Date: 23 June 2020

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Report approved for release to the Hearings Commissioner:

Name: Caleb Sutton

Title: Team Leader Environmental Consents/Subdivision,
Hastings District Council

Signed:



Date: 23 June 2020

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