
Friday, 17 July 2020

Te Hui o Te Kaunihera ā-Rohe o Heretaunga

Hastings District Council

Commissioner Hearing Meeting

Kaupapataka

Decision Agenda

(Frimley Park Water Infrastructure)

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TE KAUNIHERA Ā-ROHE O HERETAUNGA

Friday, 17 July 2020

Te Hui o Te Kaunihera ā-Rohe o Heretaunga

Hastings District Council: Commissioner Hearing

Item 2

Te Rārangi Take

Report to Commissioner Hearing

Nā:
From: Christine Hilton, Democracy and Governance Advisor

Te Take:
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 The purpose of this report is to have a means to put the Commissioner Decision from the Hearing to address the notified land use consent application from Hastings District Council (Frimley Park Water Infrastructure) held on 17 July 2020 onto the website following completion of the hearing and release of the decision.

2.0 RECOMMENDATIONS - NGĀ TŪTOHUNGA

That the Commissioner Decision from the Hearing to address the notified land use consent application from Hastings District Council (Frimley Park Water Infrastructure) held on 17 July 2020 be put onto the website so it can be viewed by members of the public.

Attachments:

[A](#) Signed Commissioner Decision

13818#0353

IN THE MATTER of the Resource Management Act 1991 (**Act**)

AND

An application to the Hastings District Council for resource consent by Hastings District Council for the construction / installation of Network Utility activities including a 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 park area, on land 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), located 411 Frimley Road, Hastings.

Item 2

Attachment 1

1. APPLICATION

An application for resource consent had been made by Hastings District Council construct and establish network utility activities related to the provision and treatment of drinking water. The s42A report describes the proposal as follows:

“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 bore field.

The proposed network utility activities include:

Construction and operation of a 480m² Drinking Water Treatment Plant (‘WTP’) and 8,000m³ 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”.

2. SITE AND SURROUNDING ENVIRONMENT

Proposal Location

The location of the proposal and surrounding environment is described as follows in the s42A report:

“... 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.

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

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).

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”.

Frimley Park

The historical context of Frimley Park is provided in the Wayfinder Report prepared by Mr Shannon Bray. The park is within the rohe of Ngāti Kahungunu Iwi and in the late 1800's, the area was part of Frimley Station, owned by Mr JN Williams. The station homestead was built in 1894, which was located adjacent to the sunken gardens which are in the centre of the park. The homestead was destroyed by fire in 1950, and in 1951 the area that is now known as Frimley Park, was gifted to the Council by the Williams family.¹

3. APPOINTMENT

I was appointed by the Hastings District Council (“the Council”) as an Independent Hearings Commissioner (“Commissioner”) in terms of s34A of the Resource Management Act 1991 (the Act) to hear the applicant, submitters, and the Council’s reporting officer and to make a decision on the application.

The information available to me prior to the hearing included the application, Assessment of Environmental Effects (“AEE”) report and other information; submissions; the pre-circulated expert evidence; and a s42A report prepared by the Council’s reporting officer, Mr Philip McKay.

¹ Wayfinder Report, Page 5.

4. HEARING

The hearing was held in the Council Chambers, Hastings District Council offices on Friday, 17 July 2020.

Appearances were from:

Applicant

- Ms Asher Davidson - Counsel
- Mr Brett Chapman - Three Waters Manager
- Mr Shannon Bray - Landscape Architect
- Ms Grey Wilson - Planning Consultant

Note: Mr Bill Wood, Acoustic Consultant had pre-circulated a brief of evidence dated 3 July 2020. I did not require Mr Wood to attend the hearing as I did not have any specific questions in respect of his evidence. I have considered the evidence as part of my consideration of the proposal.

Submitters

- Mr John Maassen - Counsel for Mrs Shotter
- Mrs Frances Shotter
- Mr Haldane Scougall

Council

- Mr Philip McKay - s42A Reporting Officer
- Mr Caleb Sutton - Team Leader Environmental Consents/Subdivision
- Mrs Christine Hilton- Democracy and Governance Adviser

5. ADJOURNMENT & CLOSURE

I adjourned the hearing on 17 July 2020 to allow the preparation and submission of reply submissions which I had requested to be in writing.

The hearing was formally closed on 6 August 2020.

6. SITE VISIT

I conducted a site visit prior to the hearing on 16 July 2020. I was accompanied by Mr Murray Arnold of Hastings District Council, who was not involved in any reporting capacity to the hearing. In addition, we were met on-site by Mr Matt Kersel, who was available to outline the location, scale and extent of the buildings and works proposed.

Mr Kersel was not involved in the hearing.

Mr Maassen had been advised by the Council that there was an opportunity to forward a memorandum to the Commissioner highlighting any matters to be taken into account on the site visit, and to nominate a representative to be in attendance. This opportunity was not taken up.

After the hearing I re-visited the site without any party being present.

7. ACTIVITY STATUS & OTHER CONSENTS REQUIRED

• Activity Status

The s42A report² outlined that when the application was lodged in December 2019 the relevant district plan was the Proposed Hastings District Plan. At that time, the provisions of that plan of relevance to the application were all beyond the point of legal challenge and able to be treated as operative under section 88F of the RMA.

I noted that the plan was made operative in February 2020.

Mr McKay outlined that the subject site being Frimley Park is zoned Open Space. He further outlined that the proposed drinking water infrastructure falls within the definition of 'Network Utility'. The Hastings District Plan (HDP) provides for Network Utilities as a District Wide Activity regardless of the underlying zoning.

He further advised that Rule NU2 provides for *"The construction, operation, maintenance, replacement, refurbishment or upgrading of the following: (i) In-ground*

² S42A Report- paras 6.2 & 6.3

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.

Mr McKay outlined that the construction of the water supply bores is likely to breach the District Plan Noise standards and therefore required resource consent as a Restricted Discretionary Activity under rule NU11.

Rule NU2(iii) provides for above ground network utilities outside of legal roads that do not exceed 30m² GFA³ 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

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 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 is considered to be a Discretionary Activity under rule NU13.

Having regard to the above rules, the activity status against which this application should be assessed is the most stringent applying under the District Plan rules, which means the proposal requires consideration as a Discretionary Activity.

Under regulation 5(7), of the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (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.

I noted that the PSI report recommended further soil testing - a Detailed Site Investigation (“DSI”) of identified areas and the development of separate Soil

³ Gross Floor Area

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.

Under Regulation 11 of the NESCS the proposed change of land use and soil disturbance associated with the proposal is a Discretionary Activity due to the DSI not having been completed to date.

- **Other Consents Required**

The s42A report outlined that there were resource consents required from the Regional Council and these did not form part of the proposal. These matters relate to permits to construct the new boreholes; a variation to the existing Hastings Drinking Water Supply water take permit and an air discharge permit for the intermittent use of the backup generator at the WTP.

It is not considered that those resource consents required from the Regional Council would provide a better understanding of the nature of the effects of the land use consents sought. There is a clear jurisdictional difference and insufficient interrelationship between the effects required to be considered for this application compared to the regional applications.

Accordingly, I did not consider there to be any need to defer the hearing of the application under s91 of the RMA. No parties raised this matter as a concern.

8. STATUTORY PROVISIONS CONSIDERED

In considering the application, I have had regard to the matters to be considered as set out in sections 104 and 104B of the RMA, recognising the status of the land use activity as a discretionary activity. The Act provides for discretionary activities to be granted or refused by the consent authority and in the event that the consent is granted, then conditions may be attached to the consent.

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

- (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.*

This decision considers those matters of relevance to this proposal.

9. NOTIFICATION AND SUBMISSIONS

The proposal was subject to public notification on 22 February 2020. I was advised that the applicant had requested that public notification occur.

The period for receipt of submissions closed on 20 March 2020 and five submissions were received. These are summarised as follows.

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 but attended hearing and was subsequently heard
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	Not specified

	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.	
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 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.	Yes
M Bradshaw	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.	Withdrew request to be heard 2/4/20

Mr McKay⁴ outlined developments that had occurred after the period for submissions had closed, as follows:

“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.*
- *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.*
- *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 and the Ground Contamination SMP. The e-*

⁴ S42A Report- Paras 7.4-7.7

mail also states that the Ministry no longer wishes to be heard in respect of its submission.

Given the above, provided appropriate conditions are set on the consent to provide surety that the matters raised by Mr Scougall, Ms Bradshaw and the Ministry of Education are addressed, the only remaining active submission in opposition is that from Ms Shotter.

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”.

10. PRINCIPAL MATTERS FOR CONSIDERATION

The principal issues that were highlighted for consideration included:

- Effects on Character and Amenity Values of Frimley Park
- Cultural Effects
- Landscape and Visual Effects
- Noise Effects
- Traffic Effects
- Contaminated Soils
- Construction Earthworks Effects
- Natural Hazards
- Servicing Effects
- Heretaunga Plains Aquifer
- Positive Effects
- Legal matters relating to Frimley Park and Statutory Processes

11. PERMITTED BASELINE

Section 104(2) states that in the assessment of effects under s104(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.

Having regard to the proposal, the permitted baseline is not considered to be particularly useful for considering the effects of the proposed water treatment plant and reservoir, which are of a scale considerably greater than network utilities that are permitted by the District Plan. The underground pipes and bores involved in the activity are however permitted by the plan.

I noted that the proposed removal of the park maintenance sheds and reinstatement to park land could also occur as a permitted activity. However, resource consent would

be required under the NESCS for both the removal of park maintenance sheds and the underground pipes in the road berms.

Therefore, I have not applied the permitted approach apart from noting where some activities or aspects of them may have permitted activity status.

12. SUMMARY OF EVIDENCE

The following summary is not intended to be a full coverage of all matters raised at the hearing but rather to cover the main points that were presented. Relevant parts of the evidence presented by the parties are referred to in the Main Findings below where that evidence forms a component of the findings by me in deciding the application.

- **Applicant**

Ms Davidson highlighted the main points in her submissions, with some interpolation. She responded to questions and points of clarification sought by the Commissioner. She noted the earlier tabled statement of Mr Haldane Scougall, stating that the applicant had believed those concerns had been addressed but it now seemed that Mr Scougall was seeking for the application to be declined.

Ms Davidson also stated that Mayor Sandra Hazlehurst, and the Council's Director: Major Capital Projects Delivery, Graeme Hansen, had met with Mrs Shotter. Mrs Shotter had said that she would get back to the council regarding her concerns about this application but had not done so prior to the hearing.

Ms Davidson had also sent three letters to Mr Maassen seeking to discuss any issues, but he had declined to discuss any possible mitigation measures or to expand on his client's submission.

Ms Davidson commented on the status and enforceability of the Council's Water Safety Plan. She also confirmed that what was in the Council's District Plan (Network Utilities chapter) and in this proposal was entirely consistent with Part II of the RMA.

Mr Chapman addressed the main points in his pre-circulated statement of evidence and spoke to the matters I had earlier asked him to address. He backgrounded the situation and gave some context regarding how the local water supply had previously operated without any treatment; how the contamination situation that arose in August 2016 had been a reminder that groundwater systems were vulnerable and

needed to have a multi-barrier approach (from catchment to the household taps); and the Council's initial response to the issue, being chlorination.

Mr Chapman spoke extensively in regard to the Council's Drinking Water Strategy, March 2018, and expanded on this as a background to the application. He outlined how the various parts of the proposal would operate, to overcome the flat topography of the area; and how the larger number of bores in the recommended configuration could share the load and minimise the effect on the aquifer.

Mr Chapman responded to questions and points of clarification including providing information regarding the proposed timeframes involved; how long it would take to drill the bore holes (generally 2 to 3 weeks for each bore to a depth of approximately 85m); and the installation of the casings.

Mr Bray addressed the main points in his pre-circulated statement of evidence. He addressed details of the proposal and how its location had been arrived at - with consideration of how it would fit into the park, with minimal "tree casualties". Further discussion with the parks team would be undertaken to help the water treatment plant to "disappear" into the shadows created by mitigation planting.

Mr Wood's statement discussed construction noise and had recommended that a Construction Noise and Vibration Management Plan (CNVMP) be developed. He noted that significant noise effects would be avoided by using a vibrational drilling method for borehole drilling. His statement outlined that he did not consider there would be significant adverse noise effects and that any effects could be managed through the implementation of an effective CNVMP.

Ms Wilson addressed the main points in her pre-circulated statement of evidence and highlighted the reasons why the applicant had decided to address this application on a fully publicly notified basis.

Ms Wilson provided clarification especially regarding ways to reduce noise and effects of the bore drilling and Mr McKay's suggestion of moving bore FR4 further back from Frimley Road. Ms Wilson had drafted the Construction Noise Management Plan. I noted Ms Wilson's statement that Mr Wood was of the view that moving bore FR4 would not have a significant noise benefit.

I noted that there was a high degree of alignment between the evidence of the reporting officer, Mr McKay, and that of Ms Wilson.

- **Submitters**

Mr Scougall spoke to his earlier tabled statement. He outlined that he wished to see more tables and chairs to help people use the park for relaxation as it had originally been intended. He supported the removal of the park maintenance sheds and wished to see them removed prior to the proposal being constructed. In addition, he outlined that Frimley Road was a very busy road and access into and out of his property can be difficult.

Mr Scougall highlighted that the vehicles of those working in the maintenance shed area, parked in the vicinity, and added to access problems.

Mrs Shotter circulated and read her statement of evidence. She outlined that Frimley Park had played an important part of the lives of her family, and outlined that during Covid19 lockdown, the park seemed to come to life with people. Mrs Shotter was of the view that the park was a popular and much needed community space. She noted that the proposed location of the treatment plant and reservoir was popular with dog walkers and school children walking to and from the neighbouring schools.

Mrs Shotter stated that in 1951 the park had been gifted by Elsie Williams to the people of Hastings for their recreational enjoyment and that it had never been accorded the protection it should have under the Reserves Act.

Mrs Shotter was of the view that the park be kept for recreation and enjoyment by the people of Hastings, and that areas with beautiful trees and open space needed to be kept. She stated that a range of people were concerned about the proposal, and that over 2500 people had signed an online petition opposing the proposal.

She noted that while she appreciated the need to have clean and safe drinking water, there were other places to locate the proposal.

Mrs Shotter did not believe that removing the existing maintenance buildings would improve the park and it would not compensate for the loss of trees.

In conclusion, she sought that the application be declined.

Mr Maassen tabled and presented legal submissions. He outlined that any analysis of the proposal under the RMA and applying a values based resource management framework required that four questions be addressed which related to what the values of the natural and physical resources under consideration; what are the effects on those values of the proposal; what do relevant community plans and strategies tell

us about the significance of those effects and the extent to which the resource's values should be protected from loss; and has the applicant achieved consilience between the proposal and the extent to which the values should be protected as directed by the standards of the relevant legal sources.

Mr Maassen summarised the values of Frimley Park, effects on those values by the proposal and the directions by relevant legal sources such as case law concerning the exercise of discretion under s104 of the RMA.

Mr Maassen also highlighted the relevance in his opinion, of the Reserves Act requirements as matters for consideration under s104(1)(c). He also outlined the significance of the District Wide Reserve Management Plan and referred to a number of that plan's provisions.

Mr Maassen also discussed the gifting of the park by Elsie Williams and provided a range of documents as appendices to his submissions.

He outlined that in his client's opinion, the proposal was unlawful and should be consented.

- **Council**

Mr McKay spoke to his s42A report which was taken as read and summarised the main points regarding the effects of the proposal on Frimley Park. He also responded to matters that had arisen during the presentation of legal submissions and evidence from parties presented earlier in the hearing.

Mr McKay clarified that in regard to Mr Maassen's submissions, a consent notice was only available if the proposal was a subdivision. Otherwise the appropriate approach would be via a covenant on the title (which it was noted would need to be an "Augier" condition approach).

Mr McKay remained of the opinion that the proposal be approved and addressed the proposed conditions attached to the evidence of Ms Wilson in some detail, noting suggested amendments.

- **Applicants Right of reply**

Ms Davidson then undertook a partial oral right-of-reply expanding on the points she raised at the hearing. This was on the basis that she would submit a written reply. She addressed various matters that had been raised during the hearing.

Ms Davidson referred to a point made in Mr Maassen's submissions and said that it was unfair and inappropriate to decline a resource consent on the assumption that a judicial review would succeed. She also did not believe it was necessary for the applicant to offer an 'Augier condition' and did not believe it would assist his client, Mrs Shotter.

Mas Davidson reiterated her opinion that where a proposal is regulated by legislation other than the RMA, the grant of consent is not prevented and cited various cases that supported her view. She noted that the applicant would need to obtain any other approvals under other legislation if this was deemed to be necessary. Such a situation is not a reason for declining consent to the applicant's proposal.

Ms Davidson confirmed that discussions would take place between the applicant and Mr McKay to prepare a set of conditions for presentation to the Commissioner as had been requested, showing where the two parties agreed or as the case may be, where there was disagreement.

I confirmed my request that an agreed set of conditions be provided as an attachment to the reply submissions with the reply to be received by the Council for circulation to all parties by close of business on Friday 24 July 2020.

13. MAIN FINDINGS

The main findings that have led to this decision are as below. They, along with the reasons for the decision, have been reached after considering the application details, the submissions, the evidence presented at the hearing and the s42A report and addendum from the reporting planner, together with legal advice. Further consideration has been given to all the relevant statutory and planning provisions, the principal issues that were in contention and the details gathered from my visit to the site and locality.

Effects on Character and Amenity Values of Frimley Park

The s42A report extensively discusses any potential effects on the character and amenity values of Frimley Park, as does the Assessment of Landscape and Visual Effects prepared by Mr Bray for the applicant.

Mr McKay also assessed the proposal against the relevant provisions of the District Plan.

Mr Bray, through his report, had identified a number of potential adverse landscape effects on Frimley Park in respect of the proposed location of the treatment plant and reservoir. These included a reduced feeling of open space and treescape, the visual presence of large utilitarian structures foreign to the proposed location, a reduction of views under the tree canopies diminishing the experience of depth and the loss of 12 mature trees and some smaller trees.

The landscape and visual effects assessment described how these potential adverse effects could be mitigated, or why they are considered to be insignificant in the context of the park. These were summarised as follows in the s42A report:

- *"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.*
- *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”.*

Mr Bray had concluded that the effects of the treatment plant and reservoir on the landscape amenity of Frimley Park would be low to moderate, and diminishing to low once the trees become established over a 3-5 year period, and the park maintenance sheds had been removed.

In regard to the effects of the proposed drinking water bores the ‘Wayfinder Report’ stated 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.

The submission of Ms Shotter raised a range of concerns about the proposal and its potential effects 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 generations in a growing district under RMA s5 but has not been considered.*
- *No conditions are offered to address effects.*

As discussed elsewhere in this decision, matters such as those related to park gifting, the Reserves Act 1977 and the way the Council may manage the park, are not within the scope of my consideration of the proposal under the RMA.

The applicant has assessed the proposal under the requirements of the RMA and the relevant provisions of the District Plan. Mr McKay has also undertaken such an assessment. I concur with the observations of Mr McKay that relevant effects relate

to effects on the environment such as visual and other amenity effects, and on the open character and amenity values of the park. It is not about how the Council manages or allocates space within the park.

Mr McKay's assessment on character and amenity values of Frimley Park is comprehensive as is his consideration of the issues raised by Mrs Shotter.

I noted that Mr Bray considered that the proposed location for the treatment plant and reservoir was primarily utilised for walking and that most of the park would be unaffected by the proposal.

Mr McKay considered that any effects on landscape character and amenity values can be adequately mitigated. In particular he was of the view that removal of the park maintenance sheds, and depot area was an important part of the proposal and mitigation. This would allow for the centre of the park to be improved through the provision of new planting and paths and strengthen the links between the most historic part of the park, being the sunken gardens, and Frimley Road.

This mitigation together with the proposed exterior finishing of the reservoir in timber, additional planting and screening walls, and painting of the treatment plant in a dark colour, would all mitigate effects on the character and amenity values of the park to an acceptable level.

Mrs Shotter was of the view that designation procedures under the RMA were available and that the proposal was based on fiscal and speed considerations. The applicant chose to utilise the resource consent application process which it was entitled to do, and whether there were alternative processes that the applicant could use is not for my consideration. I am only able to consider the proposal in respect of the particular process chosen and under which the application was made. Regardless of the process chosen, the proposal would still need to be assessed in respect of any potential environmental effects and associated matters.

Consideration has been given to any potential effects on Frimley Park both by the applicant and Mr McKay. The area where the proposal is to be located is removed from any organised recreational and sporting activity. It is in grass and has a number of trees and is utilised for informal walking.

The removal of the park maintenance sheds will contribute to the provision of public park space and will generally replace the area of land being proposed for the water treatment plant and reservoir.

The applicant has proposed a range of mitigations and has also volunteered conditions in the form of 'Augier' conditions, and I have considered that these are appropriate to impose.

While the proposal for an activity not normally associated with traditional park activity, it does on balance provide for an appropriate location for bores, water treatment plant and reservoir to address current limitations in respect of the Hastings drinking water supply and treatment.

Landscape and Visual Effects

Consideration has been given to the potential landscape and visual effects of the proposal on the wider locality beyond Frimley Park, and adjacent properties.

The AEE had identified that the most affected properties were those opposite the park, namely 210 (Shotter property) and 212 Frimley Road, from which the base of the structures would be visible.

The AEE had concluded that the visual effects in respect of other residential properties will see the structures as non-distinct dark features given the distance away from them.

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

Mr Bray had prepared a visualisation (Visualisation 12-Sheet 02- attached to his brief of evidence) which was taken from directly outside the Shotter property as described in paragraph 5 of his evidence. Mr Bray believed "generally only the base of the facilities will be visible, the top hidden by the tree canopy." He further noted that the facility would be set back from the road boundary and would be approximately 125 meters from Mrs Shotter's house.

He was of the view that the bulk and scale of the facility would be difficult to ascertain as much of it would be screened by vegetation.

Mr Bray reached the conclusion that the visual effects on Mrs Shotter's property would be 'low' and while she would be able to see the facility, it would not dominate her view and that it would not change the overall character of being a green leafy

space. He outlined that least 20 trees would be planted to assist in mitigating visual effects.

I have reviewed the visualisation, undertaken a site visit, and viewed the park from where the visualisation was taken. Having considered in totality Mr Bray's evidence, the Assessment of Landscape and Visual Effects (Wayfinder report), the proposed mitigation planting, exterior finishes and use of dark colours, and the physical separation of over 125m from the submitter's property, I am of the opinion that the visual effects on 210 Frimley Road would be no more than minor. I noted that Mr McKay had reached similar conclusions.

While Mrs Shotter in her submission, stated that the visual effects assessment was not robust, no alternative expert landscape and visual effects evidence was presented to me.

The s42A report had provided an extensive analysis of these matters and landscape and visual assessment conclusions reached by Mr Bray, were generally agreed with by Ms Wilson and Mr McKay.

Cultural Effects

I was not advised that there were any concerns regarding cultural effects either by the applicant or Mr McKay.

The application documentation outlined 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.⁵

The s42A report outlined that notification of the application had been served on the following mana whenua groups being Te Taiwhenua of Heretaunga; Heretaunga Taiwhenua Settlement Trust; and Ngati Kahungunu iwi incorporated.

I noted that none of the submissions that were received on the application, had raised cultural effects as an issue of concern.

⁵ AEE, pages 39 – 42.

The s42A report noted that neither Frimley Park, nor its immediate surrounds, included any identified archaeological sites, wāhi taonga or sites of significance to Māori.

Given the above, I consider that the proposal is unlikely to result in any adverse cultural effects.

Noise Effects

The proposal has the potential to create noise effects during both the construction phase and on-going operations. The Marshall Day Acoustics report identified that bore construction had the potential to create significant temporary noise effects.

It is noted that the assessment outlines that all other construction and operational activities, subject to building design recommendations, will be compliant with the relevant standards at 'sensitive' receiving locations.

I was advised⁶ that the WTP operational noise would not meet the District Plan 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.

Mr Chapman outlined that to mitigate the noise effects of the bore construction a high frequency vibration method would be used for bore-drilling as the best practicable option to ensure noise does not exceed a reasonable level. It is also proposed that construction activity occur as quickly as possible in order to limit the duration of the noise effects.

I noted that a Construction Noise and Vibration Management Plan (CNVMP) is proposed, which will incorporate various provisions such as a requirement for contractors to advise residents of the timing of bore construction activities amongst other mitigations.

The submission of the Ministry of Education sought the implementation of a CNVMP and monitoring. Mrs Shotter was of the view that there would be inappropriate operational and construction noise and the noise assessments were not robust. I note that no acoustic evidence was adduced apart from that of the applicant.

Given the anticipated non-compliance in respect of noise generation during the construction of bore FR4, reference monitoring at locations representative of the

⁶ S42A Report: Para 8.87

noise received at 317 Frimley Avenue and 402 to 408 Frimley Road, as well as other Frimley Road residential properties, will be undertaken. Mitigation of noise in respect of these properties is intended to occur through the CNVMP.

The applicant had volunteered various noise conditions, and along with those recommended by Mr McKay, I am of the view that any operational and construction noise effects as discussed by Mr McKay in his s42A report, can be adequately mitigated.

Traffic Effects

Traffic effects essentially fall into two categories, being operational and construction traffic.

I have considered the AEE and the s42A report where the conclusions reached are that operational traffic effects are not considered significant, given traffic generation is one utility passenger vehicle per day and up to three delivery truck movements per week. Concerns regarding traffic effects highlighted by submitters focus on construction traffic rather than operational traffic effects.

Given the above matters, I do not consider that there would be any adverse operational traffic effects arising from the proposal.

In regard to construction traffic, Mr McKay advised⁷ that Ms Bradshaw was comfortable after discussions with the applicant to the extent that she had withdrawn her wish to be heard at the hearing. Mr Scougall had outlined in his substantive submission that he did not oppose the proposal but expressed concerns about additional traffic on Frimley Road arising from the construction of the proposal, which was an already busy road.

Mr McKay was of the opinion that the use of the Lyndhurst Road access for the WTP and reservoir construction traffic was important in respect of the mitigation of effects on Frimley Road residents, as outlined in Mr Scougall's submission. He further noted that it would be appropriate for the Lyndhurst Road access to be used for construction traffic and that a condition be imposed to require this. He outlined that Lyndhurst Road has Plains Production Zoned land on its north eastern side and is designed to accommodate regular use by trucks.

The s42A report also discussed that the Ministry of Education had raised concerns about student pedestrian safety through construction traffic travelling through

⁷ S42A Report: Para 8.136

Frimley Park. I was advised by Mr McKay that any concerns related to this matter had been addressed by the applicant through the volunteering of conditions to address this issue. These conditions have been imposed on the consent.

I noted that to ensure the safety of pedestrians and park users, conditions of consent have been imposed that require the development and implementation of a Construction Traffic Management Plan.

Therefore, I consider any traffic effects can be adequately mitigated through appropriate consent conditions as discussed above.

Contaminated Soils

The application documentation had identified that there were 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 included 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, and chemical storage and use in the park maintenance sheds and yard.

It was proposed that the mitigation of the effects of soil contamination would be through a Ground Contamination and Soil Management Plan (GCSMP).

The s42A report discusses in some detail what such a plan will include and actions to be undertaken.

I noted as outlined in the s42A report⁸, that the NESCS soil contaminant criteria are not exceeded for recreational use, that there is no human health risk for the operation of the Park and the road berms following the construction activities. It appears that any risk of background contaminant levels being exceeded in areas where earthworks are proposed, is related 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.

Compliance with the GCSMP is key in the management of any contaminated soil and appropriate conditions of consent have been imposed to achieve this. Therefore, it is

⁸ S42A Report: Para 8.145

considered that any adverse effects from contaminants in the soil where earthworks are proposed, will be adequately avoided, or mitigated.

I noted that the Preliminary Site Investigation report identified that soil contamination is likely around the park maintenance sheds and yards, given the activities associated with the sheds and yards. Mr McKay was of the view that further soil sampling was required in accordance with the NESCS and I concur with that advice. Appropriate conditions have been imposed to address this matter.

Construction Earthworks Effects

I was advised⁹ that a Ground Contamination Soil Management Plan (GCSMP) had been prepared by the applicant and that site management procedures proposed included procedures for dust control, sediment discharges and water discharges. I further noted that the Council's Development Engineer had recommended the imposition of standard earthworks consent conditions to ensure that the effects of such earthworks are avoided, remedied, or mitigated.

In addition, I consider that any adverse visual effects arising from construction earthworks and activities will be temporary and therefore less significant.

With the imposition of appropriate earthworks conditions as recommended, any adverse effects from earthworks construction activities will be appropriately mitigated.

Natural Hazards

I was advised that the subject site was not subject to any natural hazard areas identified by the District Plan maps. Mr Mc Kay outlined that the *'Hawke's Bay Natural Hazard Property Report 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.'*

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' 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'.

⁹ S42A Report- Para 8.156

Various conditions of consent had been proposed consent to ensure that the building structure and foundation designs are appropriate to mitigate any effect of earthquake and liquefaction hazards, to an acceptable level.

The s42A report¹⁰ outlined how the design of the reservoir has addressed the potential for failure and release of water which could have a greater adverse effect than a standard building failure.

It was considered that given the proposed steel construction, catastrophic failure was considered to be extremely unlikely.

In conjunction with the condition in respect of liquefaction, Mr McKay considered that any potential adverse effects resulting from natural hazards in causing reservoir failure had been adequately mitigated by what the applicant had proposed by way of structure design.

No evidence was provided that was contrary to that view.

Servicing Effects

The proposed building development will require authorisation for appropriate site servicing through the building consent process. That process will ensure that satisfactory utility services are provided so that any adverse effects of unsatisfactory site servicing or on servicing infrastructure, are avoided or mitigated.

Heretaunga Plains Aquifer

It is noted that the proposed drinking water reservoir will assist in reducing the potential adverse effects of the Frimley bore-field abstraction on the aquifer by enabling abstraction to occur at a steady rate.¹¹ 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.¹²

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 Regional Resource

¹⁰ S42A Report: Para 8.162

¹¹ AEE, page 38.

¹² Ibid.

Management Plan (RRMP) and the applicant will require a variation to its existing Frimley water take consent to enable the proposal to proceed.

Given the above situation, no further consideration is required by me in respect of this matter.

Positive Effects

Given the evidence before me and the application documentation, I consider that the proposal will have positive effects in terms of significant improvements to the Hastings drinking water network and the reduction of potential effects on the aquifer.

I note that the submission from MC & CS Smiley was in support of the application in future-proofing the treated water supply infrastructure.

14. REMOVAL OF PARK MAINTENANCE SHEDS

The applicant is proposing to remove the existing park maintenance sheds as part of the overall proposal. The applicant has outlined in its application documentation and through the evidence of Ms Wilson that removal of the sheds is not necessary to mitigate, remedy or avoid any environmental effects arising from the water treatment plant and reservoir proposal.

Some submitters support the removal of the sheds, and Mr Scougall in presenting at the hearing supported removal and wished to see the removal occur prior to works commencing on the treatment plant and reservoir.

The applicant though the reply submissions of Ms Davidson advised that a two- year timeframe would be required, from the time works commence on site, to achieve removal of the sheds. The timeframe is required to identify and secure an alternative site and then for subsequent construction to occur. Ms Davidson was of the opinion that it was not feasible to reduce the two- year timeframe.

I also noted that Ms Davidson re-iterated that there was no evidence that removal of the sheds was necessary to address an adverse effect on the environment. I accept that point of view, but also note that a condition requiring removal of the sheds, is on the basis of being offered up by the applicant, as an '*Augier*' condition.

15. LEGAL MATTERS RELATING TO FRIMLEY PARK AND STATUTORY PROCESSES

I was advised by Ms Davidson¹³ that Frimley Park was not held under the Reserves Act 1977 and that the park area is freehold land managed by the Council as reserve although not vested under the Reserves Act 1977.

I have considered the legal opinion of Ms Hill of Cooney Lees Morgan which was attached to the s42A report.¹⁴ The advice among other things, noted that the Memorandum of Transfer recorded that the land be vested in Hastings Borough as a public park and recreation ground but also noted that it could be utilised for varying types of other good causes. Ms Hill observed that it therefore contemplated purposes other than recreation.

Notwithstanding the above, this is not a matter for me to consider. As outlined by Ms Hill in paragraph 6 of her advice, an applicant does not need to establish a legal right to use the land that is subject to a resource consent application and she further noted that the consent authority has no jurisdiction to determine issues relating to the legal right to use the land.

Ms Hill further observed that it was unnecessary to grant consent subject to some form of 'condition precedent'. It is incumbent on a consent holder to ensure it has obtained all the necessary approvals before undertaking any works to give effect to a consent, and this would include any necessary interest in the land.

Mr Maassen was of a different opinion due to his client's belief that the park was held under the Reserves Act 1977 and / or in trust as per the 'Deed of Gift'. Mr Maassen outlined at the hearing that 'The Friends of Frimley Park' had mounted a claim in the High Court which seeks to have it recognised that the land should be managed under the Reserves Act as recreation reserve; and that the Council's proposal was unlawful.

These are matters beyond my jurisdiction and will be considered outside of the Resource Management Act. The processes under the RMA and Reserves Act 1977 are quite separate and that position has previously been confirmed in cases such as *Sustainable Matata v Bay of Plenty Regional Council (2015) 18 ELRNZ 620*; *Friends of Tiritea Reserve Society Inc v Palmerston North City Council (2008) 2 NZLR 661*; and *Bateman v North Shore City Council (A121/2003)*. If there are issues arising regarding the legal status of the land and what the owner may or may not do on it, then that will need to be resolved prior to the consent holder giving effect to any land-use consent.

¹³ Davidson Opening Submissions: Paras 8 & 9

¹⁴ S42A Report: Hill Legal Opinion- Attachment 13

I concur with the advice of Ms Hill given under s88(1) of the RMA, any person may apply for a resource consent whether or not they own or have an interest in the land.

The matters that Mr Maassen raised in his submissions relating to land status, 'Deed of Trust' and background to the gifting, are matters in my opinion outside of the matters I have jurisdiction to consider under the RMA. While I am not doubting his client's concern about these issues, they are for another jurisdiction and this is reflected in terms of the High Court judicial review action that 'The Friends of Frimley Park' are undertaking.

I am obliged to confine my consideration to matters under the RMA for which I have a delegation for, being consideration and determination of the resource consent application, which I am required to progress my consideration and make a decision on.

In respect of other matters Mr Maassen highlighted in his submissions, I have considered those in my discussion under 'Main Findings'.

District Wide Reserve Management Plan

The District Wide Reserve Management Plan (DWRMP) is a document that I can have regard to under s104(1)(c) of the RMA if considered relevant and reasonably necessary to determine the application.

Mr Maassen outlined various provisions of the DWRMP and was of the view that I should give careful consideration to the Plan and that it had weighting in terms of my consideration of the proposal.¹⁵

Accordingly, I have given consideration to the DWRMP in terms of s104(1)(c) of the RMA. The Plan outlines a number of objectives and policies which apply to the use, development and management of parks including Frimley Park.

While I acknowledge that the provisions focus on the nature and scope of management and development of the park, and do not for see the establishment of a water treatment plant and reservoir, the 'Utilities' provisions of the District Plan apply to all zones in the District Plan. While the DWRMP may not have provided for such utilities, the key planning document for Hastings District does, although not necessarily in a site-specific manner.

¹⁵ Maassen: Legal Submissions- Para 36

The DWRMP and District Plan are developed under quite different statutes, and how the Council may then deal with any implications in respect of the Management Plan is for it to consider outside of the resource management process.

I am of the view that the applicant has been able to develop a proposal, whereby any environmental effects can be adequately mitigated, avoided, or remedied. Such mitigation is significantly assisted by the Council offering as an '*Augier*' condition, to remove the park maintenance shed and park that will restore a similar area to public park use, to that being utilised for the proposal.

16. OTHER MATTERS RAISED (CONSENT NOTICES & PARK CLASSIFICATION)

I noted that Mr Maassen in paragraph 56 of his submissions raised the potential of the Council volunteering conditions related to consent notices and restrictions that limit the facilities, along with a promise to dedicate and classify the land as a recreation reserve.

Ms Davidson's reply submissions responded to these two matters outlining that they were not warranted and were not offered up by the applicant. Paragraphs 44 and 45 of the submissions outlined Ms Davidson's reasoning and she noted that a covenant (as opposed to a consent notice which can only apply in respect of a subdivision) would not address a relevant adverse effect of the proposal.

Ms Davidson noted matters related to the 'dedication and classification' of the park as a recreation reserve were unrelated to the activity for which consent is sought under the RMA, given they are two different processes under separate statutes.

I concur with the conclusions reached by Ms Davidson.

17. DISTRICT PLAN OBJECTIVES AND POLICIES

Through the s42A report and expert evidence, there has been an extensive analysis of District Plan objectives and policies.

I noted that Ms Wilson in her statement of evidence had agreed with Mr McKay's analysis and conclusions reached in respect of the assessing the proposal against the relevant District Plan objectives and policies.

I generally concur with that analysis and do not intend to repeat it in this decision.

In respect of Mrs Shotter's submission, she believed the proposal did not achieve the objectives and policies of the District Plan and that the application assesses the

proposal against the text of the plan provisions without context. However, an analysis of the plan objectives and policies is against what the District Plan contains, although that analysis may be informed by other documents such as reserve management plans.

However, it is appropriate to note that the proposal is considered to be generally consistent with the policy and objective framework of the District Plan as outlined as follows:

- the Urban Strategy section of the District Plan by it increasing the efficiency of the Hastings water supply infrastructure and reducing the effects of the associated water take on the Heretaunga Plains Aquifer. The proposal will allow through reservoir storage, peak demands for drinking water to be catered for without increasing abstraction rates from the aquifer.

- the Open Space Environments Section by not significantly reducing the function and character of Frimley Park, as informed by its categorization as a 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. This in my view is a key mitigation and ensuring that a part of Frimley Park is returned for public open space purposes and that there is no significant reduction in the overall provision of park open space.

- the Network Utilities Section as infrastructure which benefits the community and has special technical and operational requirements provided that, adverse effects are avoided, remedied, and mitigated. This section which includes an objective to provide for the safe, effective, and efficient construction and operation of network utilities for the social and economic well-being of the community provides very clear direction along with its associated policies. It is providing for key infrastructure to ensure a safe and adequate supply of water for the Hastings urban area.

- the Noise Section by mitigating the potentially adverse construction noise effects so that the health of the neighbouring residents is protected and the CNVMP is a key plan to ensure that the adverse effects of noise from bore construction will not unreasonably affect the health and well-being of adjacent property owners.

While I acknowledge that some submitters are of a different view and do not believe the proposal is consistent with the objectives and policies of the District Plan, I have reached a different conclusion after considering the evidence and assessments

presented to me and consider that the proposal is generally consistent with the relevant objectives and policies of the District Plan.

18. NATIONAL POLICY STATEMENTS AND ENVIRONMENTAL STANDARDS

There are several policy statements and environmental standards requiring consideration in respect of the proposal, and these are outlined as follows.

- **National Policy Statement on Urban Development Capacity 2016 (NPS-UDC)**

I have given consideration to the NPS which has as its focus on ensuring the availability of land to support residential and business development needs. Suitable infrastructure, including drinking water supply, is required to support new development areas.

The proposal seeks to provide a more secure and efficient drinking water supply for the existing urban area as opposed to servicing new development.

Given this situation, it is my view that no further consideration of the NPS is required.

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

The focus of this NPS is on the life supporting capacity of water bodies and seeks to achieve such protection through objectives and policies protecting both water quality and quantity.

I noted that the proposal documentation outlined 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. This falls within the jurisdiction of the Regional Council and the AEE outlined that:

“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 further enable improved network management to be implemented.

The application is therefore consistent with, and supports, the objectives of the NPSFM.”

I agree with the assessment of the NPSFM in the AEE. The proposal is confined to land use matters related to the drinking water infrastructure and no further consideration of the NPS is considered necessary.

National Environmental Standard for Sources of Human Drinking Water

As outlined in the s42A report and proposal documentation, this standard requires consideration in respect of 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.

It is not considered likely 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:¹⁶

“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”.

I noted that the required regional resource consents for the proposed bores will seek to ensure that the bores do not pose any risks to the water quality of the aquifer.

Having considered the above matters and supporting documentation, I consider that the proposal is consistent with the relevant provisions of the standard.

- **National Environmental Standard- Contaminated Soils (NESCS)**

Mr McKay outlined that the proposal had been considered in respect of the NES requirements and conditions proposed to ensure compliance with the proposed GCSMP in regard to the earthworks associated with the treatment plant, reservoir and inground pipe and bore infrastructure.

¹⁶ AEE, page 43.

He had proposed conditions 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.

Given the technical reports that had been prepared, soil sampling undertaken and the proposed conditions, I am of the view that with the conditions proposed, the requirements of the NESCS have been satisfactorily addressed.

19. HAWKES BAY REGIONAL POLICY STATEMENT

The s42A report provided a comprehensive assessment of the proposal in respect of the RPS provisions. I was advised that the RPS is embedded in the Hawke's Bay RRMP. This plan includes the relevant regional plan provisions for determining the status of and assessing the necessary regional council resource consents in respect of the proposal.

Mr McKay did not consider that the regional plan component of the RRMP was of relevance to my consideration of the land use consents required in respect of proposal.

I noted that Ms Wilson had agreed with Mr McKay's assessment in respect of section 104 of the RMA and no matters were raised by submitters that questioned or disagreed with the RPS assessment contained in the s42A report.

The proposal is generally consistent with the relevant RPS objectives and policies with the imposition of appropriate consent conditions.

Having considered the overall assessment in respect of the RPS, I concur with it and adopt it.

20. OTHER MATTERS

I noted Mr McKay's advice¹⁷ that the District Wide Reserve Management Plan and District Reserves Strategy were potentially relevant other matters. These are

¹⁷ S42A Report- Para 9.51

discussed in the 'Effects on Character and Amenity of Frimley Park' and do not in my opinion require any further consideration.

I also note the legal advice provided to the Council as consent authority attached to the s42A report, outlining that it was not necessary for the determination of the resource consent application, to consider the applicant's right to use the land.

I am therefore of the view that no further consideration to these documents is necessary in terms of my determination of the proposal.

21. PART 2 MATTERS: RMA

Section 5 of the Act 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".*

Case law¹⁸ has clarified that if a plan has been prepared having regard to Part 2 matters and with a coherent set of policies, resorting to Part 2 matters would likely not add anything to evaluating a resource consent application.

In *Stone v Hastings District Council*¹⁹ the Environment Court held that the Hastings Proposed District Plan *"has a coherent set of policies designed to achieve clear environmental outcomes. ... Further, the PDP has only recently been made operative and we understand there to be no challenge to the competency of the plan."*

However, I have considered the assessment Mr McKay undertook in respect of Part 2 matters and generally concur with it. No particular challenges were highlighted in respect of the 'competency' of the plan.

¹⁸ *RJ Davidson Family Trust v Marlborough District Council* [2018] 3 NZLR 283, NZCA 316

¹⁹ [2019] NZEnvC 101

Consideration has been given to Part 2 matters to provide a rounded decision and in addition, some submitters have referred to it.

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, economic, and cultural well-being and for their health and safety by having a safe and secure water supply.

I consider that the potential of the Park will be sustained for future generations, and that the proposed offset to provide for removal of the park maintenance sheds and depot and re-establish the existing parks depot back to publicly accessible park land helps to achieve this.

In my view, it has been adequately demonstrated that the proposal, for both its construction and operation, will be able to appropriately avoid, remedy or mitigate any adverse effects of activities on the environment.

In respect of section 6 matters, no matters were raised regarding issues or concerns of mana whenua.

In respect of natural hazards, I believe the consideration of natural hazards had been appropriately undertaken and that the reservoir has been designed to withstand significant seismic events.

Section 7 of the RMA sets out matters that are required to be given particular regard to, and I consider the following as being relevant to the proposal:

(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:

The proposal seeks to provide for efficient development of the physical drinking water resource as is consistent with section 7(b). In addition, 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.

I noted that considerable attention has been given to maintaining the amenity values and quality of the Frimley Park environment. Conditions related to the exterior treatment of the proposed structures, screening walls, additional landscape plantings, removal of the parks maintenance depot as an offset, and the incorporation of new

park amenities with the drinking water bores will in my opinion assist in the maintenance and enhancement of amenity values.

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. No particular matters were raised requiring further consideration.

Overall, and in exercising a broad judgment, I conclude that proposal is consistent with the purpose and principles of the Act.

22. CONCLUSIONS

In my opinion, the proposal is worthy of being granted consent.

The adverse effects of the proposed activity on Frimley Park can be adequately mitigated through the mitigation proposed by the applicant and the suite of conditions that have been imposed. In particular, the condition requiring the removal of the park maintenance sheds and depot and its reinstatement as publicly accessible park within two years of site preparation works commencing in respect of the proposal, would offset the public space lost due to the construction of the treatment plant and reservoir.

I noted that Mr Maassen had suggested that schedule 4 of the RMA requires an assessment of alternative locations and methods where effects are significant. The expert planning and landscape evidence outlined that any effects are not significant with appropriate mitigation.

Although the applicant was of the view that removal of the sheds and depot area was not required to mitigate any environmental effect, I consider it appropriate that it occurs.

In respect of construction noise, the imposition of the offered conditions relating to the proposed CNVMP, will in my opinion mitigate construction noise effects such that they would be no more than minor. The temporary nature of these effects is an important consideration in reaching this conclusion. As Mr McKay noted in his s42A report, the objectives and policies of the Noise Section of the District Plan anticipate that there will be noise effects from construction activities.

In respect of s104(1)(b) of the RMA, the NESCS and the District Plan are of significant relevance to consideration of the proposal. In respect to the NESCS, the proposed

GCSMP will ensure that any adverse effects from earthworks involving contaminated soil are avoided, remedied, or mitigated. Appropriate conditions have been imposed to ensure that any adverse soil contamination effects are addressed in the future with the removal of the park maintenance sheds and yard area.

Having regard to the relevant objectives and policies of the District Plan, I consider that with the mitigation outlined and the imposition of conditions, the proposal is consistent with such objectives and policies.

I therefore consider that with the mitigation proposed, and the imposition of appropriate and relevant conditions, that the application achieves the sustainable management of natural and physical resources and that potential adverse effects of the proposal will be no more than minor.

23. DECISION

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, the Hastings District Council grants consent to Hastings District Council 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. *Unless otherwise altered by the conditions of this consent, the development shall proceed in general accordance with the plans and information submitted as part of the resource consent application RMA20190545 (PIO 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).*

2. *The following landscape and visual effects mitigation measures shall be implemented in general accordance with the Wayfinder Report (Appendix B to the application and AEE (HDC reference 13818#0263):*

- a. *i. The exterior finishing and paint colours.*
- ii. The planting of at least 20 additional trees to soften and reduce the visibility of the Treatment Plant and Reservoir as viewed from Frimley Road.*
- iii. The establishment of screening walls.*
- iv. Visual treatments at each of the new bores including a covered gazebo at bore FR2.*

The following operational noise mitigation measures shall be implemented in the establishment and operation of the WTP:

- 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 facade of the building facing the HGHS playing fields.*
- iii. Roof fans to be Fantech FSU Series 3, or similar non-tonal 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.*

Removal of Maintenance Sheds and Yard

3. *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 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 B 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, noting that the above limits will apply to any new noise sensitive activities lawfully established on the Hastings Girls High School site.

- 5A. *Any maintenance activities carried out on the emergency generator installed on the site shall not occur outside the hours of 7.00am to 7.00pm*
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 who shall make a determination as to whether or not operational noise is 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 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. *Bore construction shall be completed one bore at a time rather than concurrently 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 in the Memorandum from Good Earth Matters Consulting to Hastings District Council as*

Consent Authority dated 22 May 2020 and 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 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 have the potential to have significant adverse noise effects in particular measurements of bore 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 vehicles shall access and exit the site from the Lyndhurst Road entrance of Frimley Park with the exception of the bore drilling rig. Construction vehicles do not include passenger vehicles used to transport staff to and from the site.*
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. *restricts the hours of vehicle movements to protect the amenity of the surrounding environment during the earthworks and construction phase.*
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 licensed asbestos removalist with recommendations for the safe removal of structures containing asbestos. This plan shall also include analysis of soil sampling to 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 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.*

Reasons for granting consent are outlined in the decision report but can be summarised as follows:

1. *That any effects on the environment can be appropriately mitigated, remedied, or avoided through the imposition of consent conditions including the conditions volunteered by the applicant, and includes the removal of the park maintenance sheds which will provide for the return of park land for public use. The proposal will not significantly reduce the function and character of Frimley Park. Adverse effects arising through construction noise can be adequately mitigated through a Construction Noise and Vibration Management Plan. Landscape and visual effects can be appropriately mitigated as proposed by the applicant and conditions have been imposed accordingly.*
2. *The proposal is consistent, when taking an overall broad consideration, with the policy and objective framework of the District Plan. The proposal provides for the efficient use of the Heretaunga Plains aquifer by increasing the efficiency of the water supply infrastructure and reducing the effects of the water take on the aquifer.*
3. *The proposal meets the various statutory provisions to be given regard in terms of the Resource Management Act 1991.*
4. *The proposal is consistent with the purpose and principles of the Resource Management Act 1991.*

A handwritten signature in black ink, appearing to read 'W. Wasley'.

William Wasley
Independent Commissioner
22 August 2020

Item 2

Attachment 1