

Thursday, 1 September 2022

*Te Hui o Te Kaunihera ā-Rohe o Heretaunga*  
**Hastings District Council**  
**Hearings Committee Meeting**

## *Kaupapataka*

# Agenda

### **Kainga Ora - Homes and Communities - Grove Rd/Sussex St**

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*Te Rā Hui:*  
Meeting date: **Thursday, 1 September 2022**

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*Te Wā:*  
Time: **9.30am**

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

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*Te Hoapā:*  
Contact: **Democracy and Governance Services  
P: 06 871 5000 | E: [democracy@hdc.govt.nz](mailto:democracy@hdc.govt.nz)**

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*Te Āpiha Matua:*  
Responsible  
Officer: **Group Manager: Planning & Regulatory Services - John  
O'Shaughnessy**

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**HASTINGS DISTRICT COUNCIL**  
207 Lyndon Road East, Hastings 4122 | Private Bag 9002, Hastings 4156  
Phone **06 871 5000** | [www.hastingsdc.govt.nz](http://www.hastingsdc.govt.nz)  
**TE KAUNIHERA Ā-ROHE O HERETAUNGA**

## Hearings Committee – Terms of Reference

### Fields of Activity

The Hearings Committee is established to assist the Council by hearing and determining matters where a formal hearing is required in respect of a planning or regulatory function of the Council, including under the provisions of the:

- Resource Management Act 1991
- Building Act 2004
- Health Act 1956
- Dog Control Act 1996
- Litter Act 1979
- Hastings District Council Bylaws
- Local Government Act 1974
- Local Government Act 2002; and
- Hastings District Council Class 4 Gambling Venue Policy.

### Membership - Up to 12 Hearings Commissioners (comprising at least 7 elected members of Council and up to 3 externally appointed Independent Hearings Commissioners)

- Chair appointed by Council from the membership including externally appointed members.
- Deputy Chair appointed by the Council from the membership including externally appointed members.
- Under section 39B of the Resource Management Act, the Chair must be accredited, and unless there are exceptional circumstances, appointees on hearings panels must have accreditation to make decisions on;
  - Applications for Resource Consents.
  - Notice of Requirements given under section 168 or 189.
  - Requests under clause 21(1) of Schedule 1 for a change to be made to a Plan.
  - Reviews of Resource Consents.
  - Applications to change or cancel Resource Consent Conditions.
  - Proposed Policy Statements and plans that have been notified.
  - Any hearing of an objection under section 357C.

### Quorum\*

- a) For Hearings other than Council Initiated Plan Change hearings, a maximum of three members including the Chair (or Deputy Chair, in the Chair's absence) to meet for any one hearing.
- b) For Council Initiated Plan Change hearings, all members may attend and take part in the decision-making process unless the Chair exercises the power of delegation to assign any function, power or duty of the Hearings Panel to any one or more Commissioners.
- c) For Hearings other than Council Initiated Plan Change hearings the quorum shall be two members.
- d) For Council Initiated Plan Change Hearings, the quorum shall be three members.
- e) Members to sit on any hearing other than a Council Initiated Plan Change Hearing shall be selected by agreement between the Chair (or Deputy Chair, in the Chair's absence) and the Group Manager: Planning and Regulatory Services.
- f) For the purpose of hearing any objection in respect of the matters detailed under the Dog Control Act 1996 the Hearings Committee will consist of any three members selected by the Chair.

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Thursday, 1 September 2022

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*Te Hui o Te Kaunihera ā-Rohe o Heretaunga*

## Hastings District Council: Hearings Committee Meeting

### *Kaupapataka*

# Agenda

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#### **Panel Members Rostered on for this hearing:**

Chair: George Lyons (Commissioner Chair - External appointee)  
Councillors Wendy Schollum & Alwyn Corban

*Ngā mema o te Komiti*

Committee Members:

#### **Other Hearings Committee Members**

**(who are not rostered on for this hearing):**

Councillors Bayden Barber (Deputy Chair), Tania Kerr, Eileen Lawson  
and Sophie Siers

Vacancies – 3 members

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*Apiha Matua*

Officer Responsible:

Group Manager: Planning and Regulatory Services – John  
O'Shaughnessy

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Reporting Planner

Consultant Planner – Tom Hosford

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*Te Rōpū Manapori me te*

*Kāwanatanga*

Democracy

Governance Services

Christine Hilton (Ext 5633)

## Te Rārangī Take

# Order of Business

- 1.0** **Apologies & Leave of Absence – Ngā Whakapāhatanga me te Wehenga ā-Hui**  
 Leave of Absence had previously been granted to Councillor Lawson

- 2.0** **Kainga Ora - Homes and Communities - Resource Consent application for residential development, 1012, 1014, 1018 Grove Road and 1015-1023 Sussex Street, Hastings (RMA20210495)**

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

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

**Kainga Ora - Homes and Communities - Grove Rd/Sussex St**      **Pg 5**

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

Thursday, 1 September 2022

*Te Hui o Te Kaunihera ā-Rohe o Heretaunga*

**Hastings District Council: Hearings Committee Meeting**

**Item 2**

*Te Rārangi Take*

# Report to Hearings Committee

**Nā:**  
**From:** **Christine Hilton, Democracy and Governance Advisor**

**Te Take:**  
**Subject:** **Kainga Ora - Homes and Communities - Resource Consent application for residential development, 1012, 1014, 1018 Grove Road and 1015-1023 Sussex Street, Hastings (RMA20210495)**

## **1.0 Purpose and summary - *Te Kaupapa Me Te Whakarāpopototanga***

- 1.1 This is a covering report relating to a resource consent application made by Kainga Ora – Homes and Communities regarding residential development 1012, 1014, 1018 Grove Road, 1015-1023 Sussex Street, Hastings.
- 1.2 The reporting planner's report is attached to this covering report and contains the details regarding this application.
- 1.3 For ease of reference the recommendation and associated conditions from the attached planning report are set out below.

## **2.0 Recommendations - *Ngā Tūtohunga***

Pursuant to Rules GR23, GR28 & TP2 of the Hastings District Plan (Now made part Operative as of the 11th of March 2020), and Sections 104, 104B & 104C of the Resource Management Act 1991, and Clause 10 of the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 consent as a Discretionary Activity is **GRANTED** to Kainga Ora - Homes and Communities to disturb soil associated with the construction of twenty-four dwellings on land located at 1015-1023 Sussex Street and 1012-1014, 1018 Grove Road Hastings, 4122, being legally described as LOTS 125-129 DP 9139 (RT HBH2/636) – 640), LOTS 135-136 DP 9139 (RT HBH2/642-643), and LOT 138 DP 9139 (RT HBH2/644).

**SUBJECT TO THE FOLLOWING CONDITIONS:****General**

1. The development proceeds in accordance with the plans and information submitted in the application unless otherwise altered by the consent conditions. A copy of the approved plan is attached:
  - a. Assessment of Environmental Effects titled “Resource Consent Application Tranche 6 Application”, dated 21 September 2021 prepared by WSP (HDC ref: 12380#0029)
  - b. Development and Landscape Plans – HDC reference: 12380#0028, #0055, #0056, #0057 & #0058.
  - c. Geotechnical Investigation – Project: 1015 – 1023 Sussex Street 1012, 1014 & 1018 Grove Road, Hastings” dated 28 April 2021 prepared by Resource Development Consultants Limited (HDC Ref: 12380#0034).
  - d. Engineering Servicing Report, Kāinga Ora Tranche 6 1015-1023 Street and 1012-1018 Grove Road, Hastings, Prepared for Kāinga Ora dated September 2021 by Stantec - (HDC ref: 12380#0033).
  - e. Detailed Site Investigation – Geosciences - 1011 Pukatea Street & 1016-1020 Fitzroy Avenue, Hastings. Hastings (HDC ref: 14640#0027).
  - f. Site Remediation Action Plan and Management Plan – Geosciences – 1015-1023 Sussex Street and 1012, 1014 & 1018 Grove Road, Hastings. (HDC ref: 12380#0036).
  - g. Urban Design Assessment – Creatus Group - Kainga Ora Homes and Communities Hastings Tranche 6 1015-1023 Sussex Street and 1012-1014, 1018 Grove Road, Hastings. (HDC ref: 12380#0037).
2. That following effects mitigation measures proposed by the application and assessment of environmental effects shall be implemented:
  - a. Install fixed louvres to the first-floor bedrooms on the east and west elevations on Lots 1, 3 and 5.
  - b. Establish obscured glazing on the bathroom windows for the dwellings located on Lots 1, 3 and 5.

**Infrastructure and earthworks:**

3. Infrastructure servicing and earthworks associated with this development shall be completed in accordance with conditions 10 to 50 of decision 1 of 2 (subdivision and NESCS).

**Architecture and landscaping:**

4. Prior to the lodgement of building consent for a dwelling, a finalised set of architectural detail drawings and materials specifications shall be submitted to Council for written certification by the Environmental Consents Manager, Planning and Regulatory Services, Hastings District Council (or nominee). The information shall include the following:

- Details of the building's façade treatment / architectural features;
- Materials schedule and specification, sample palette of materials, surface finishes, and colour schemes (including colour swatches) referenced on the architectural elevations; and
- External / rooftop services / plant, and visual.

The finalised set of drawings shall ensure that the building's proposed architectural treatment and finished appearance is consistent with the schedule of finishes - Creatus Group – sheets 201-203, (HDC ref: 12380#0031 & #0055) and information referenced in condition. The cladding materials/colours shall be used in a way that provides for a sense of variation between adjacent units/or groups of units of the same typology.

The buildings shall be finished in accordance with the approved finalised set of drawings prior to occupation of each building.

5. That prior to the occupation of the dwelling, all paving, garden edges and fencing for the development shall be provided as outlined in the Landscape Plan approved as part of this consent, except where otherwise approved by the Environmental Consents Manager, Hastings District Council.
6. That the consent holder shall ensure that all fencing and plantings approved under the landscape plans are maintained on an on-going basis to ensure that the overall landscaping of the site remains generally consistent with the approved Landscape Plan.

#### **Soil remediation:**

7. That a minimum ten days prior to the commencement of remediation works on the site, the consent holder shall provide written notice to the owners and occupiers of 1016 Grove Road which advises the following:
  - a. The anticipated start date.
  - b. The likely duration of works.
  - c. Proposed dust and sedimentation management measures.
  - d. Contact details for the site manager responsible for the remediation works.
8. That prior to any works or disturbance of soil being undertaken on site, the identified area of contamination on site shall be remediated in accordance with the following documents:
  - a. Detailed Site Investigation – Geosciences – 1015-1023 Sussex Street and 1012, 1014 & 1018 Grove Road, Hastings. HDC reference: 12380#0035)
  - b. Site Remediation Action Plan and Management Plan – Geosciences – 1015-1023 Sussex Street and 1012, 1014 & 1018 Grove Road, Hastings. HDC reference: 12380#0036)
9. That after the completion of works and prior to the approval of a Section 224c certificate, a Site Validation Report (SVR) shall be provided to Council confirming that:
  - a. The remediation works have been undertaken with the recommendations of the DSI and Site Remediation Action Plan, and performance standards under the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011;
  - b. Soils on site no longer poses a risk to human health for the proposed land use scenario (10% residential).
10. The SVR shall be prepared in accordance with the recommendations of the Remediation Action Plan submitted as part of the application.

**Monitoring**

11. A monitoring deposit of \$200 (including GST) shall be payable to cover the reasonable costs of monitoring compliance with the consent conditions in accordance with Council's schedule of charges. In the event of non-compliance being detected by monitoring or justified complaint and/or the costs of monitoring the consent exceeding the deposit, the costs to Council of any additional monitoring shall be paid by the consent holder in accordance with the Council's advertised schedule of fees.

**Attachments:**

1	Attachment 1 Sussex-Grove 24 Lot CRD s42a report	12380#0081	
2	Attachment 2 Section 95A & B Notification Assessment Report ('Notification Report')	12380#0077	Document 2
3	Attachment 3 - Application - Sussex Grove Redevelopment	12380#0080	Document 3
4	Attachment 4 Council's Request for Further Information (S92 RMA) Letter	12380#0078	Document 2
5	Attachment 5 S92 (additional Information received)	12380#0071	Document 2
6	Attachment 6 Copy of Submission Received - I & E Wilkinson	12380#0079	Document 2
7	Attachment 7 - Additional Mitigation Measures offered	12380#0076	Document 2



RMA20210495

REPORT TO: HEARINGS COMMITTEE

MEETING DATE: 1 September 2022

FROM: TOM HOSFORD  
CONSULTANT PLANNER – REPORTING OFFICER ON BEHALF OF HDC AS  
CONSENTING AUTHORITY

SUBJECT: LIMITED NOTIFIED LAND USE AND SUBDIVISION CONSENT APPLICATION  
FOR THE CONSTRUCTION OF TWENTY-FOUR RESIDENTIAL DWELLINGS,  
WITH ASSOCIATED EARTHWORKS, SOIL REMEDIATION AND SUBDIVISION.

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

**EXECUTIVE SUMMARY**

<b>Applicant:</b>	Kainga Ora Homes and Communities
<b>Applicant's Agent:</b>	WSP
<b>Site Addresses / Legal Description / Area / zoning / PID Ref's:</b>	1012, 1014 & 1018 Grove Road, and 1015-1023 Sussex Street Hastings 4122.  LOT 125 DP 9139 (RT HBH2/636), LOT 126 DP 9139 (RT HBH2/637), LOT 127 DP 9139 (RT HBH2/638), LOT 128 DP 9139 (RT HBH2/639), LOT 129 DP 9139 (RT HBH2/640), LOT 135 DP 9139 (RT HBH2/642), LOT 136 DP 9139 (RT HBH2/643), LOT 138 DP 9139 (RT HBH2/644).  PID(S): 12361, 12362, 12363, 12364, 12366, 12377, 12379, 12380.
<b>Proposal:</b>	Construction of 24 dwellings in the Hastings General Residential Zone, undertake associated earthworks, soil remediation, and subdivision.
<b>Hastings District Plan – Operative in part March 2020 (HDP) Provisions:</b>	<ul style="list-style-type: none"><li>• Restricted Discretionary Activity under rule GR23 due to Height In Relation to Boundary, Outdoor Living Space, Transport and Parking infringements,</li><li>• Restricted Discretionary Activity under rule TP2 for Transport and Parking Infringements, relating to the legal width of the proposed access lot, offsets between vehicle crossings, and reduced provision of parking spaces.</li><li>• Discretionary Activity under rule GR28 for not meeting the density requirements of the zone.</li></ul>

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	<ul style="list-style-type: none"> <li>Non-Complying Activity under rule SLD25 for a subdivision which does not meet the minimum site requirements.</li> </ul>
Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NESCS)	<ul style="list-style-type: none"> <li>Restricted Discretionary Activity for 'subdividing land' and 'disturbing soil' on a 'piece of land' pursuant to Regulation 10 of the NESCS</li> </ul>
Assessment of Status:	As a bundled Non-Complying Activity.
Date consent application received:	06 <sup>th</sup> October 2021

1. Kainga Ora – Homes and Communities (the Applicant) is undertaking a redevelopment programme across the Hastings District to provide additional social housing at the request of the Minister of Housing. The works that are proposed as part of this application are referred to as 'Tranche 6', which include two other redevelopment proposals in the suburb of Mayfair.
2. In summary the activities proposed include:
  - Demolition of all existing dwellings and accessory buildings.
  - Removal of selected vegetation as identified in the landscape plans.
  - Soil remediation of a contaminated lead hotspot identified at 1021 Sussex Street.
  - Approximately 1045m<sup>3</sup> of site preparation earthworks for building platforms, underground services, and the jointly-owned-access-lot.
  - Construction of 16 two-bedroom dwellings, three three-bedroom dwellings, four four-bedroom dwellings and one five-bedroom dwelling.
  - Formation and sealing of additional vehicle crossings.
  - Landscaping of all 24 dwellings in accordance with the attached plans.
  - Subdivision onto separate titles following construction.
3. The full proposal is summarised in Council's Section 95A & B Notification Assessment Report ('Notification Report') attached in **Attachment 2**; and in the application (AEE) attached in **Attachment 3**, to this report.
4. The following table identifies the various attachments to this report.

<b>Attachment 2</b>	Section 95A & B Notification Assessment Report ('Notification Report')
<b>Attachment 3</b>	Application (AEE)
<b>Attachment 4</b>	Council's Request for Further Information (S92 RMA) Letter
<b>Attachment 5</b>	Additional Information Received
<b>Attachment 6</b>	Copy of Submission Received
<b>Attachment 7</b>	Additional mitigation measures offered by the Applicant

5. A notification assessment pursuant to sections 95A and 95B of the Resource Management Act 1991 ('the RMA') was undertaken. Hastings District Council as the consent authority

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(‘the Council’) determined under section 95B(8) of the RMA that limited notification of the application was required to the owners of the site, and any occupants of 1016 Grove Road – Lot 137 DP 9139 (RT HBE2/80);

6. The application was limited notified on the 29<sup>th</sup> March 2022. Submissions closed on the 3<sup>rd</sup> of May 2022. One late submission was received on the 11<sup>th</sup> of May as set out in the following table.

Name & Address	Summary of Decision requested in Submission	Wishes to be heard
Emma & Ian Wilkinson, 1016 Grove Road, Hastings	Submission in opposition	Yes

7. An assessment of effects on the environment is undertaken in the report below. The key points from that assessment are:
- The adverse privacy effects of the proposed development cannot be fully avoided without the Applicant preparing an alternative site development layout. However, the conditioning of additional mitigation methods offered by the Applicant will assist in reducing the potential opportunities for overlooking from Lots 1, 3 and 5 onto 1016 Grove Road.
  - The site remediation works that are required to facilitate this development can be undertaken without giving rise to any adverse effects on human health.
  - Appropriate conditions of consent can be imposed to avoid, remedy and mitigate the risk of flooding on surrounding properties.
  - The access and parking arrangements of the proposed development are suitable from a traffic perspective.
8. By way of summary, the adverse effects on the environment can in my opinion be sufficiently mitigated by way of conditions of consent.
9. I note there are also positive effects that are relevant for the purposes of the assessment under section 104 of the RMA. Positive effects will arise as a result of increasing the supply of public/social housing within the Hastings District, which is facing an accommodation shortage. The efficient use of the urban land resource whereby urban sprawl onto the Heretaunga Plains soil resource is avoided has also been canvassed as a positive effect of this proposal.
10. I consider that the proposal is not contrary with the relevant objectives and policies of the HDP.
11. The proposal is considered to be consistent with the direction of the Hawkes Bay Regional Policy Statement, and my opinion is that it also represents sustainable management of the environment under Part 2 of the RMA.
12. The Committee must consider whether consent should be granted or declined under sections 104, 104B & 104D of the RMA.

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13. Subject to any additional or further information submitted at the hearing, it is my recommendation that the application may be granted subject to the conditions set out below to mitigate the potential adverse effects.

Item 2

Attachment 1



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**ASSESSMENT PURSUANT TO SECTION 104 OF THE RESOURCE MANAGEMENT ACT 1991**

**1.0 REPORTING PLANNER**

- 1.1 I, Tom Hosford, reside in Hastings and am employed by Mitchell Daysh Limited as a consultant planner. I hold a Bachelor of Resource and Environmental Planning with Honours from Massey University and am a Graduate Member of the New Zealand Planning Institute. I have had four years' experience as a practicing planner, three of these being in local government. My experience includes resource consent preparation, resource consent processing, as well as general policy planning work.
- 1.2 I have read the Code of Conduct for Expert Witnesses as contained in the Environment Court's Consolidated Practice Note (2014), and I agree to comply with it as if this hearing were before the Environment Court. I confirm that the issues addressed in this hearing report are within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

**2.0 PROPOSAL**

- 2.1 The Notification Report (**Attachment 2**) contains a full description of the proposal provided in the application documents prepared by WSP (**Attachment 3**).
- 2.2 Reference to those documents can be made for a full description, however the key aspects of the proposal are included in the following bullet point summary:
- Demolition of all existing dwellings and accessory buildings.
  - Removal of selected vegetation as identified in the landscape plans.
  - Soil remediation of contaminated lead hotspot identified at 1021 Sussex Street.
  - Approximately 1045m<sup>3</sup> of site preparation earthworks for building platforms, underground services, and the jointly-owned-access-lot.
  - Construction of 16 two-bedroom dwellings, three three-bedroom dwellings, four four-bedroom dwellings and one five-bedroom dwelling.
  - Formation and sealing of additional vehicle crossings.
  - Landscaping of all 24 dwellings in accordance with the attached plans.
  - Subdivision onto separate titles following construction.
- 2.3 Figures 1 and 2 below, extracted from the Notification Report, provide a visual description of the proposed development and where it is to be located.

Item 2

Attachment 1

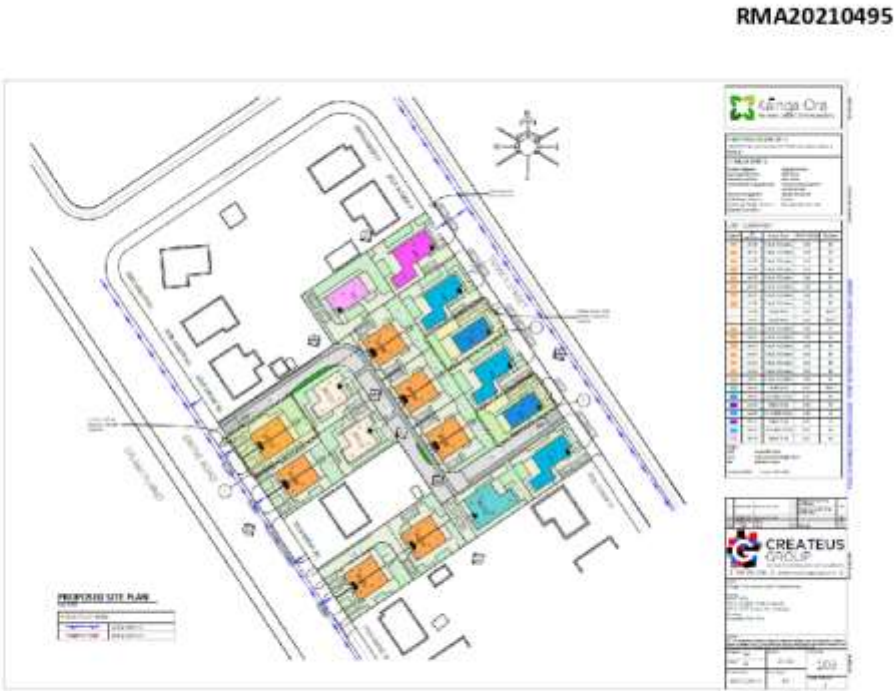


Figure 1: Proposed site plan.



Figure 2: Aerial image of the sites that are subject to the application.

- 3.0    SITE DESCRIPTION AND SURROUNDING AREA
- 3.1    As can be seen in Figure 2 above, the subject sites are located in the residential suburb of Mayfair, near the south-eastern corner of urban Hastings. The eight titles which form the development site comprise a total area of 5,612m<sup>2</sup> and are bound by Grove Road to the southwest and Sussex Street to the northeast. The combined subject site is centrally located

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and accounts for one third of the total land within this block due to the crescent shaped roading layout of Sussex Street.

- 3.2 The housing layout of the area is characteristic of the 1950s-1960's state housing development scheme led by the Ministry of Works, whereby the dwellings are typically either of a gable or hipped roof single storey construction and clad in either brick or weatherboard. The dwellings are positioned centrally within their site to provide a generous front yard with grassed lawns, while retaining a private backyard. Adjacent residential properties, including the residential site that is internally located between 1014 and 1018 Grove Road are all of a similar development layout and scale.

- 3.3 Local amenities in the area include Splash Planet and Windsor Park directly west of Grove Road; Karamu High School to the south; Te Atawhai early childhood centre and Te Wharekura primary school to the east (ex-Riverslea School).

#### 4.0 APPLICANTS ASSESSMENT OF ENVIRONMENTAL EFFECTS AND ADDITIONAL INFORMATION RESPONSE

- 4.1 The application was lodged with Council on 6 October 2021. The application and associated Assessment of Effects on the Environment ('AEE') (**Attachment 3**) was prepared on behalf of the Applicant by WSP and is supported by the following technical reports and plans:

- *Assessment of Environmental Effects titled "Resource Consent Application Tranche 6 Application"*, dated 21 September 2021 prepared by WSP (HDC ref: 12380#0029)
- *Architectural Plans*, prepared by Creatus Group (HDC ref: 12380#0058)
- *Landscape Plans*, prepared by Development Nous (HDC ref: 12380#0056).
- *Scheme Plan*, prepared by WSP (HDC ref: 12380xxxx).
- *Engineering Servicing Report, Kāinga Ora Tranche 6 1015-1023 Street and 1012-1018 Grove Road, Hastings*, Prepared for Kāinga Ora dated September 2021 by Stantec - (HDC ref: 12380#0033).
- *Geotechnical Investigation – Project: 1015 – 1023 Sussex Street 1012, 1014 & 1018 Grove Road, Hastings" dated 28 April 2021* prepared by Resource Development Consultants Limited (HDC Ref: 12380#0034).
- *Detailed Site Investigation – Prepared by Geosciences - 1015-1023 Sussex Street and 1012, 1014 & 1018 Grove Road, Hastings, Hastings* (HDC ref: 12380#0035).
- *Site Remediation Action Plan and Management Plan – Prepared by Geosciences – 1015-1023 Sussex Street and 1012, 1014 & 1018 Grove Road, Hastings*. (HDC ref: 12380#0036).
- *Urban Design Assessment – Prepared by Creatus Group - Kainga Ora Homes and Communities Hastings Tranche 6 1015-1023 Sussex Street and 1012-1014, 1018 Grove Road, Hastings*. (HDC ref: 12380#0037).

- 4.2 In addition, the following technical report was provided in response to a further information request (**Attachment 5**):

- *Hood Street Wastewater Catchment Modelling Report – Prepared by Stantec, December 2021.*

- 4.3 The AEE includes sections assessing the following environmental effects: Character and Amenity of the Area, Site Livability, Parking, Traffic Generation, Network Infrastructure, Natural Hazards, Human and Environmental Health, Positive Effects.



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- 4.4 The AEE concludes:

*"The actual and potential effects from this development are considered less than minor and acceptable. Therefore, passing the first gateway test as a non-complying activity".*

- 4.5 Further information was requested from the applicant on 29 October 2021 (**Attachment 4**). This request sought six items of information, relating to transportation, earthworks, wastewater, and urban design matters to fully understand the proposal.

- 4.6 A response to the request for further information was received on the 10<sup>th</sup> of December 2021 (**Attachment 5**) which included an amended site development plan and elevations, updated landscaping plans, an explanation of earthworks, a wastewater memorandum. A wastewater catchment assessment was provided shortly after.

#### 5.0 ADDITIONAL CONSENTS REQUIRED

- 5.1 No additional resource consents from the Hawkes Bay Regional Council or Heritage New Zealand are required to facilitate this proposal.

#### 6.0 STATUTORY CONSIDERATIONS

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

- (a) *Any actual and potential effects on the environment of allowing the activity; and*
- (ab) *any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity; and*
- (b) *Any relevant provisions of:*
  - (i) *a national environmental standard;*
  - (ii) *other regulations;*
  - (iii) *a national policy statement;*
  - (iv) *a New Zealand coastal policy statement;*
  - (v) *a regional policy statement or proposed regional policy statement;*
  - (vi) *a plan or proposed plan; and*
- (c) *Any other matter the consent authority considers relevant and reasonably necessary to determine the application.*

#### Determination of Status

- 6.2 At the time the application was received (October 2021) the relevant district plan was the Hastings District Plan (Operative in Part, with the exception of Section 16.1). The application is not affected by any of the provisions of Section 16.1.

- 6.3 The subject sites are located in the Hastings General Residential Zone under the HDP as shown in Figure 3 below (yellow). The dark green shading identifies the Open Space Zone associated with Windsor Park and Splash Planet. Designated land is shown for Karamū High School and Riverslea School shown with labels MEDU-5 and MEDU-18, respectively. The purple colour represents the Suburban Commercial Zone around the Jellicoe Street shops, while the mid green colour identifies the Plains Production Zone land beyond Hood Street.



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Figure 3: Zoning map.

- 6.4 The application is for a combined land use and subdivision consent. A full explanation of the application status is provided in the Notification Report in **Attachment 2**.
- 6.5 In summary, the proposed residential development exceeds the density threshold to be considered as a Comprehensive Residential Development, which anticipates between 20-40 dwellings per hectare. In this case, the proposal will result in 42.7 dwellings per hectare.
- 6.6 In light of this, the application has been assessed as a residential development which exceeds the density provisions of the Hastings General Residential Zone. Rule RG28 provides for activities not meeting General Performance Standard and Term 7.2.5A (Density) as a Discretionary Activity.
- 6.7 The proposal results in additional land use infringements which are listed as follows:
  - Height in Relation to Boundary infringements internally at the boundary of Lots 6 with Lot 7, Lot 21 with Lot 22, Lot 17 and JOAL 3, and Lot 12 and JOAL 1, whereby Standard 7.2.5D is not met. All external boundaries comply.
  - Outdoor Living Space infringements where Lots 1, 3, 4, 6 and 7 will be provided with 30m<sup>2</sup> of outdoor living space with a 4m diameter, whereby Standard 7.2.5I is not met.
  - Various Transport and Parking infringements associated with the following:
    - The legal width of JOAL's 1-3 ranges between 5-5.5m, in lieu of the required 6m for 7+ household units (whereby standard 26.1.6.1-1 is not met); and
    - The vehicle crossings for Lot 8, JOAL 1, and the adjoining property (1010 Grove Road), and Lot 1, JOAL 4 and the adjoining property (1016 Grove Road) are not offset by more than 1.5m in width (whereby standard 26.1.6A(2)(a) is not met); and

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- The two-bedroom dwellings will be provided with one car parking space instead of one space plus an additional standing bay (whereby standard 26.1.7A(1)(a) is not met). *NB: This standard has since been removed from the HDP.*
  - The above standards all result in Rules GR23 and TP2 being triggered and therefore each require an assessment as a Restricted Discretionary Activity.
- 6.8 Regarding the subdivision aspect of this application, as the minimum site area requirements specified in standard 30.1.6 cannot be complied with, the subdivision falls to be assessed as a Non-Complying Activity pursuant to Rule SLD25.
- 6.9 Given the above, the activity status against which this application should be assessed is the most stringent applying under the HDP rules. This means the application has the overall status of a **Non-Complying Activity**. Pursuant to sections 104B and 104D of the RMA a non-complying activity may be granted or refused, after having regard to those matters in section 104, and if granted conditions may be imposed under section 108.
- 6.10 Under regulation 5(7), the NESCS applies to land if an activity or industry on the Hazardous Activities or Industries List ("HAIL") has been, is, or is more likely than not to have been, undertaken on that land.
- 6.11 The DSI report in **Attachment 3** identifies that one sample within the site exceeds the residential (10% produce) soil contamination standard and therefore requires remediation. Sites where a Detailed Site Investigation exists stating that the contaminants **exceed** the applicable standard in Regulation 7 are required to be considered as a **Restricted Discretionary Activity** pursuant to Regulation 10.
- 6.12 Disturbing the soil and subdividing land under the NESCS as a Restricted Discretionary Activity, requires assessment under sections 104 of the RMA, just as required for the land use consents under the HDP.
- 7.0 NOTIFICATION AND SUBMISSIONS**
- 7.1 A notification assessment pursuant to section 95A of the RMA was undertaken and is documented in the Notification Report (see **Attachment 2**). The Council, as the consent authority determined under section 95B(8) that limited notification was required to the owners and occupiers of one property.
- 7.2 The application was limited notified on the 29<sup>th</sup> of March 2022 in accordance with section 2AB of the RMA and that notice was served in accordance with clause 10 of the Resource Management (Forms, Fees, and Procedure) Regulations 2003.
- 7.3 Submissions closed on the 3<sup>rd</sup> of May 2022. A late submission was received on the 11<sup>th</sup> of May 2022, which was accepted by both the Council and the Applicant pursuant to section 37 of the RMA. A copy of the submission is included in **Attachment 6**. A summary of the submission is set out in the following table:

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Name & Address	Summary of Decision requested in Submission	Wishes to be heard
Emma & Ian Wilkinson, 1016 Grove Road, Hastings	Submission in opposition. The following items are raised in the submission: <ul style="list-style-type: none"> <li>• Building size and scale "Too many building codes are non-compliant or breached to justify larger houses".</li> <li>• Loss of privacy and possible boundary issues.</li> <li>• Risk of contaminated soil becoming airborne during removal.</li> <li>• Flooding issues.</li> <li>• Vehicle overflow.</li> </ul>	Yes

Developments Since the Close of Submissions

- 7.4 The Applicant has contacted the submitter to identify and address their concerns with aspects of the proposal, or to ascertain whether the Applicant could acquire their property for inclusion in the proposed development. As a result of these discussions, the Applicant has since offered to include the following mitigation measures (**Attachment 7**):
- Establish fixed Louvers to first floor bedrooms to East and Elevation to prevent looking down on the property at 1016 Grove Road.
  - Establish obscured glass to bathroom windows.
  - Undertake landscaping on the submitter's property. NB: This offering has not been accepted by the submitter and therefore does not form part of the proposed mitigation measures which will be assessed in Section 8 below.
- 7.5 At the time of issuing this report to the Hearings Committee, the submitter has not modified their submission.
- 7.6 The concerns raised in the submission of Mr and Mrs Wilkinson will be considered alongside the application in the following assessment under section 104 of the RMA.
- 8.0 SECTION 104(1)(a) – ASSESSMENT OF ENVIRONMENTAL EFFECTS – ACTUAL AND POTENTIAL EFFECTS**
- 8.1 To avoid any unnecessary duplication in reporting on the actual and potential environmental effects of this proposal given that the s95A and 95B report (**Attachment 2**) has already covered the majority of relevant effects to the wider environment. This report will now only assess the actual and potential effects arising from the proposed resource consent and how it affects the property at 1016 Grove Road.
- 8.2 As stated in section 7.3 above, the key issues/themes raised by the submitter are summarised as follows:
- Building size and scale "too many building codes are non-compliant or breached to justify larger houses".
  - Loss of privacy and possible boundary issues.
  - Risk of contaminated soil becoming airborne during removal.



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- Flooding issues.
- Vehicle overflow.

8.3 In terms of how these submission points translate into effects on the environment, the following assessment places them into the following categories:

- Effects on Amenity and Residential Privacy
- Effects on Human Health from contaminated soil
- Effects on Property arising from Flooding
- Effects on the Safe and Efficient Use of the Road arising from Vehicle Overflow.

8.4 In addition, as required by s104(1)(ab), an assessment of any positive effects of the proposal will also be considered.

8.5 The approach undertaken in the following assessment of these topics is to summarise any relevant issues raised by submitter, identify relevant provisions of planning documents (in particular the HDP) that could provide guidance, assess the effects, and recommend potential conditions to be applied in the event that consent is granted and / or identify if adverse effects cannot be mitigated or avoided.

#### Permitted Baseline

8.6 Section 104(2) states that in the assessment of effects under section 104(1) Council may disregard an adverse effect of the activity on the environment if a national environmental standard or the plan permits an activity with that effect. In this case, it is useful to have regard to the permitted baseline in terms of building height, setbacks, and height in relation to boundary that are established by the HDP when considering privacy and overlooking related effects.

8.7 The site contains elevated levels of lead, which as a result means that the remediation works cannot be undertaken as a permitted activity due to the NESCS requiring consent as a Restricted Discretionary Activity.

8.8 In some instances, there may be relevant permitted baselines to the specific effects of the proposed activity. Where that is the case, it will be noted in the following assessment.

#### Trade Competition and Written Approvals

8.9 Section 104(3) states that the consent authority must not have regard to: (a)(i) trade competition; and (a)(ii) any effect on a person who has given their written approval to the application.

8.10 I have not had regard to trade competition nor the effects of trade competition for the purposes of this assessment. No persons have given their written approvals to the application.

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#### Effects on Amenity and Residential Privacy

- 8.11 As stated in the s95 assessment regarding residential and streetscape amenity, the development does present as a sizeable change to this residential area, due to the subject sites occupying a substantial portion of the street block, and will result in a higher proportion of two-storey dwellings in what is predominantly a single storey residential neighbourhood.
- 8.12 The proposed development will include four different building designs when viewed from either of the public viewpoints on Grove Road or Sussex Street, and are to be supported by a comprehensive landscaping package and colour scheme which in combination are considered to provide a positive contribution to the streetscape.
- 8.13 The submission of Mr and Mrs Wilkinson raises concern about the building size and scale, density of development and the loss of privacy as a result of this application.
- 8.14 A key factor that was noted in the notification assessment (**Attachment 2**) was the perceived effect of 'enclosure' around the affected property arising from the predominance of two-storey dwellings on the opposite side of the affected boundary. The two storey dwellings are shown in orange on the proposed site plan shown as Figure 4 below.



Figure 4: Site plan showing development in relation to the Wilkinson property (1016 Grove Road).

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- 8.15 Guidance on the consideration on the effects on the land situated at 1016 Grove Road is best sought from the assessment criteria and relevant outcomes of the Hastings Residential Environment. The relevant HDP outcome in relation to density is stated below:

*Development intensity which is compatible with surrounding activity and takes account of amenity, sense of place and infrastructural capacity.*

- 8.16 This outcome is framed in four parts: being the compatibility with surrounding activity, and the consideration of amenity, sense of place, and infrastructural capacity. In terms of assessing amenity and privacy effects, it is considered that the last part of this outcome, relating to infrastructural capacity, is not applicable to this assessment.
- 8.17 In terms of surrounding activity, the proposed residential development is located within an established residential environment which is of a character that is of an identical building form that is dominated by single storey dwellings. While the proposal will introduce an element of change to the streetscape and the immediate residential area in terms of the introduction of a two-storey built form at a higher density than the in-situ environment, it is noted that the HDP already provides for the construction of two-storey buildings through the 8m maximum height standard, which in this case will be complied with. The setback and height in relation to boundary requirements of the zone are also met in all instances at the external boundaries of the development site.
- 8.18 In considering amenity and 'sense of place' as part of the above outcome, it is noted that subject site and surrounding environment comprises part of an established residential area that is situated adjacent to a popular recreational area, being Windsor Park and Splash Planet. Grove Road functions as a collector road within the Hastings urban area, which contributes to a higher level of visibility than that of local roads. In this sense, the proposed development and change to the residential streetscape will be more evident compared to other developments that have been led by the Applicant (such as at Kauri Street, or Bledisloe Street). However, it is noted that as all of the proposed buildings will comply with the maximum building height standard for the zone, weight needs to be given to the fact that the development of two-storey dwellings along this road frontage could have eventuated as of right if this was an empty site.
- 8.19 Page 27 of the Applicant's AEE provides a thorough assessment of the permitted baseline in terms of the built form that could arise had this development been designed with one dwelling per 350m<sup>2</sup> net site area with a building coverage of up to 45%. The following graph included in Figure 5 was prepared by the Applicant to provide a comparison of the level of building coverage that could have arisen under a permitted baseline scenario, compared to that proposed by this application. It is noted however that the permitted baseline would not include the subdivision component of the application as any subdivision requires at least a controlled activity consent under the Hastings District Plan.

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Figure 5: Graph showing permitted baseline.

- 8.20    In addition to the graph shown above, Figure 6 below provides a site layout illustration of what a permitted baseline scenario could look like for the subject site.
- 8.21    While the plan for this scenario does not include any building elevations and is largely indicative, it is fair to assume that the layout could include a mixture of one or two storey dwellings to maximise the developable area of land on each of the proposed sites.



Figure 6: Permitted Baseline layout plan (provided June 8 2020).



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- 8.22    I generally agree with the information provided by the Applicant and contained in Figures 4 and 5 above and how the permitted baseline has the potential to deliver similar effects on residential amenity and privacy to that which will arise as part of the proposed development.
- 8.23    As included in Attachment 3, the application includes a comprehensive landscaping and fencing scheme which is intended to provide visual interest within the development, while also providing privacy between the units. In relation to 1016 Grove Road, the landscape plans shown that a 1.85m high timber fence is to be established along their entire shared boundary, with the exception of the fencing directly adjacent to the proposed driveways of Lots 1 and 5 which will be a maximum height of 1.2m to maintain visibility at the footpath.
- 8.24    In addition to the above, the Applicant has since proposed to include additional mitigation measures to provide additional privacy and amenity to the owners and occupiers of 1016 Grove Road. As shown in Figure 7 below, the Applicant proposes to install fixed louvres to the first-floor bedrooms on the east and west elevations, and to establish obscured glazing on the bathroom windows for the dwellings located on Lots 1, 3 and 5. Should a decision be made to grant consent, requiring these works to be undertaken can be enforced by way of a condition.



Figure 7: Additional mitigation measures.

- 8.25    The Applicant has also offered to undertake additional landscaping on the submitter’s property as a means of further mitigating any potential amenity or privacy effects arising from the proposed development. At the time of finalising this report, the submitter has not agreed to any specific landscaping offering. While such landscaping may provide additional relief to the submitter in managing the potential privacy and amenity effects of this



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development, as this has not been agreed to between both parties it cannot form part of this assessment.

- 8.26 In conclusion, having considered the form of development that could have arisen under a permitted baseline scenario and the additional mitigation measures that have since been offered by the Applicant, I believe that development is of a level of intensity that has sufficiently considered the possible effects on amenity and sense of place in terms of the above HDP outcome.

#### **Conclusion on Amenity and Privacy Effects**

- 8.27 To conclude on the amenity and privacy effects of this Application on the submitter's property, it is noted that additional mitigation measures have since been offered by the Applicant compared to at the time a decision on notification was made.
- 8.28 While the potential issue of 'enclosure' arising from their site being surrounded by two-storey residences on all three sides of the boundary has not been resolved and could only be achieved by altering the proposed development plan, it is considered that the additional mitigation measures that have been offered by the applicant have resulted in a slight improvement in terms of privacy by mitigating the potential for overlooking from the first-floor bedrooms. However, in concluding on privacy effects, I believe that the privacy effects on this property will not be avoided and still remain of a level which is minor.

#### **Effects on Human Health from Contaminated Soil**

- 8.29 The submission of Mr and Mrs Wilkinson has raised concern with the potential for windborne dust to discharge onto their property during the contaminated soil remediation works.
- 8.30 The AEE and Detailed Site Investigation have both identified that a 150m<sup>2</sup> area of soil within the development site contains lead contamination which is in excess of the residential (10% produce) soil contamination standard. This area of contamination is located on 1021 Sussex Street, which directly adjoins the rear of the Wilkinson property, and as shown in Figure 8 below.

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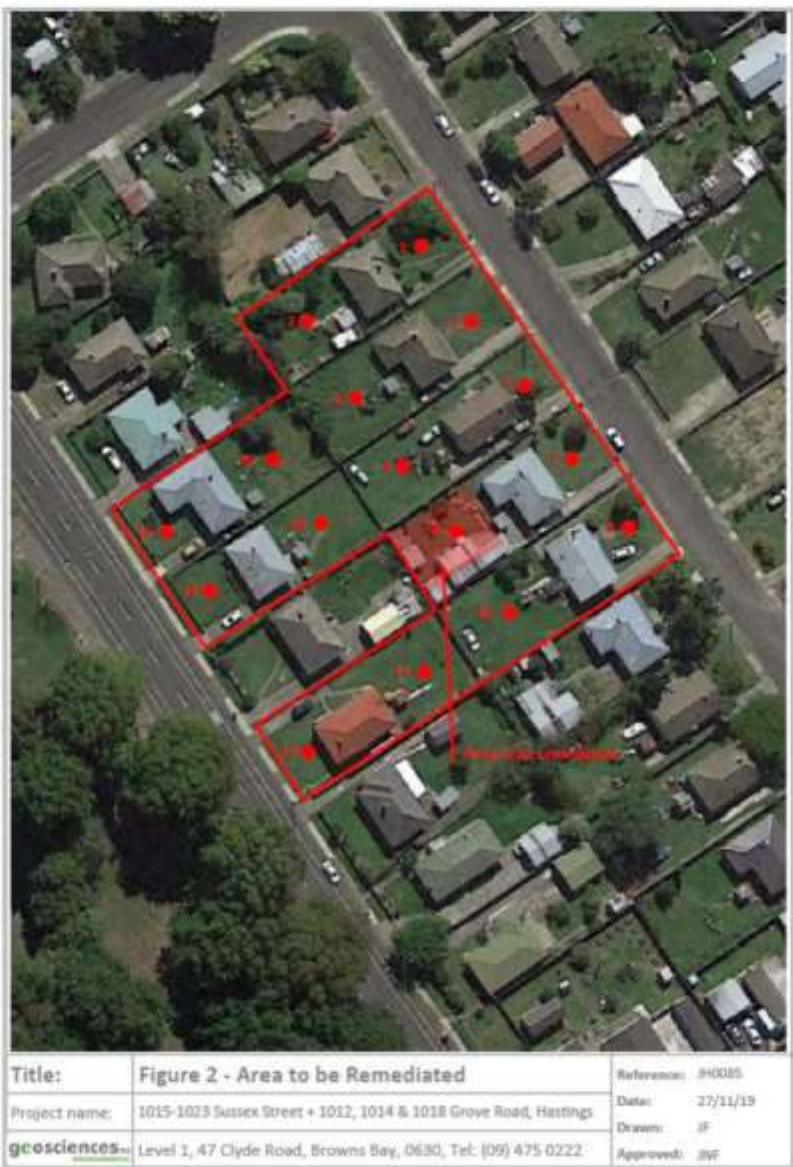


Figure 8: Area to be remediated.

- 8.31
- In addition to the above, 15 of the 16 soil samples that were analysed revealed one or more concentration of contaminants which exceed the naturally occurring background levels reported across the Hawkes Bay Region.
- 8.32
- The Notification Report (**Attachment 2**) includes an assessment in relation to the management of contaminated soil. This assessment has been based on the proposed Remedial Action Plan (RAP) which was submitted with the application (**Attachment 3**). It is noted that both the DSI and RAP have been prepared by a suitably qualified and experienced person (SQEP) with experience in management of contaminated land. The RAP notes that

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Kainga Ora will appoint a site manager for these works will be responsible for ensuring that the remedial works are undertaken in accordance with the RAP, and that dust suppression and sediment controls are in place throughout the duration. Once the remediation is complete a site validation report will be required to be prepared by the applicants SQEP and submitted to the Council. This will ensure that there is no ongoing risks to human health either on the site or neighbouring sites.

- 8.33 In terms of the earthworks procedures that are specified in the RAP, it has been recommended that the excavated contaminated soil shall be loaded directly into the trucks for direct off-site disposal. All trucks will be covered when transporting the material to its disposal destination.
- 8.34 While the Applicant has not advised what the estimated duration of the remediation works will be, it is anticipated that as only 45m<sup>3</sup> of earth needs to be removed (equating to approximately five truck loads), that these works will be completed relatively quickly (i.e. less than a week).
- 8.35 Therefore, I remain of the opinion that the site remediation works can be completed in accordance with both the RAP and industry best practice to avoid any off-site sedimentation effects, and this can be secured by a suitably worded condition, should consent be granted.
- 8.36 Furthermore, with the view of providing greater transparency to the submitter regarding when the site remediation works are to be undertaken, I suggest that a further condition of consent should be included should this application be granted, which requires the applicant to provide a minimum of 10 working-days' notice to the submitter of the intended start date for these works, and an explanation the expected works duration and to outline the specific dust and sedimentation measures that will be utilised to protect their property.

Therefore, it is concluded that the site remediation works that are required to facilitate this development can be undertaken without giving rise to any adverse effects on human health, and that any effects on the submitters property can be avoided, remedied or mitigated to a level which is less than minor.

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**Effects on Property arising from Flooding**

- 8.37 The submission of Mr and Mrs Wilkinson has raised concern with the potential for increased flooding, arising from additional building and hardstand compared to the existing situation.
- 8.38 The Notification Report (**Attachment 2**) has included an assessment in regard to flooding risk. This assessment has noted that the area surrounding Grove Road, Sussex, Jellicoe, and Beatty Streets has been previously recorded as being subject to ponding events in the 1980's and 1990's.
- 8.39 The Application included an Engineering Services Report that has been prepared by Stantec which has commented on the nature of the local stormwater network and has provided pre-development and post-development predications of stormwater flooding based on a 100-year event. This assessment has concluded that the site is free from flooding, however the Sussex Street carriageway will be inundated.
- 8.40 To mitigate the additional runoff arising from an increase in impervious surfaces and the potential for flooding and ponding, the Engineering Services Report has recommended that on-site stormwater detention tanks with a volume of 1000-2000L shall be provided to each of the proposed lots/dwellings and maintained thereafter. Adhering to these recommendations for the development of the site is deemed to be sufficient to avoid the potential for floodwaters to be displaced on adjoining properties, including that of the submitter.
- 8.41 Therefore, it is concluded that as appropriate conditions of consent can be imposed to avoid, remedy and mitigate the risk of flooding on surrounding properties, that any effects on property arising from flooding risk will be less than minor.



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**Effects on the Safe and Efficient Use of the Road arising from Vehicle Overflow**

- 8.42 The submission of Mr and Mrs Wilkinson has raised concern with the potential for increased vehicle overflow arising from the increased density.
- 8.43 The Notification Report (Attachment 2) has assessed the access and parking arrangements that are proposed as part of this application, including the reduction of on-site car parking spaces for the two-bedroom units. In relation to the two-bedroom units, this report has stated that these units will likely be occupied by smaller households of no more than 4 people as the units contain a master bedroom and two single beds in the second bedroom to accommodate for children. The report concluded that this level of occupancy would generate a lesser demand for parking space compared to a normal residential section. It is also noted that since the notification report was issued in March 2022, the on-site parking provisions of the HDP have since been removed (specifically standard 26.1.6(1)) as a result of policy 11(a) of the National Policy Statement-Urban Development 2020 (which was a New Zealand wide requirement). Additionally, visitor parking can be sufficiently accommodated on either Sussex Street or Grove Road.
- 8.44 A large portion of the future units proposed as part of this development gain access via the one-way JOAL which enters the site from Grove Road and exits onto Sussex Street. This arrangement is considered to be practically designed to suit the nature of the roading environment as this allows for vehicles exiting the site to navigate to either of the intersections at the end of Sussex Street. This is considered to be a safer and more efficient option than exiting directly onto Grove Road from within the development.
- 8.45 While the arrangement of three adjoining vehicle entrance in two locations along Grove Road is not ideal given its function to the local roading network, it is noted that pedestrian visibility will be provided through the use of low height fencing adjacent to the vehicle accesses. There will be ample room for pedestrians to stop and check for traffic when making their key stop/go decisions along the footpath.
- 8.46 I therefore consider that the access and parking arrangements of the proposed development are suitable from a traffic perspective, and that any adverse effects on the safe and efficient use of the road can be avoided, remedied or mitigated to a level that is less than minor.

**Positive Effects**

- 8.47 Section 8.3 of the Assessment of Environmental Effects outlines the two positive effects that are anticipated by the applicant; greater housing availability and greater utilisation of the land resource. The applicant has made the following comments in relation to the positive effects resulting from greater housing availability:

*The mix of proposed units responds to the current housing needs and the desire to create mixed communities through varied housing. The proposal will continue to allow for eight traditional larger houses, as well as providing an additional 16 smaller houses to accommodate those that traditional three- bedroom dwellings don't.*

*For people living in hardship, large landscaped areas which require maintenance are not of a high priority. A more productive alternative is to provide high quality, smaller spaces which requires little maintenance. However, areas are still provided within each lot for those who wish to establish a planter bed for gardening or vegetable growing".*

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- 8.48 I concur with the above statements regarding greater housing availability.
- 8.49 The applicant has made the following claim in relation to the positive effects resulting from greater utilisation of the land resource:

*"The current site utilisation is well below what the District Plan anticipates in terms of houses per hectare. Currently, eight dwellings are provided across the subject sites and the District Plan anticipates development of up to 16 dwellings. As such, the land resource is well under utilised in this instance.*

*The minimum lot size in the General Residential zone is 350m<sup>2</sup>, which none of the proposed residential lots meet. Instead the development utilises the existing land for more dense, high quality development without compromising the amenity of the surrounding environment.*

*Intensifying the existing urban area is consistent with the National Policy Statement for Urban Development (NPES-UD), the Hastings Residential Intensification Design Guide 2020, and the Heretaunga Plains Urban Development Strategy (HPUDS) which are discussed in further detail below".*

- 8.50 I generally agree with the above comments regarding the efficient use of the land resource.

#### **Assessment of Environmental Effects Conclusion**

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

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

- 9.1 The following will assess the proposal in regard to any relevant provisions of –

- (i) a national environmental standard:
- (ii) other regulations:
- (iii) a national policy statement:
- (iv) a New Zealand coastal policy statement:
- (v) a regional policy statement or proposed regional policy statement:
- (vi) a plan or proposed plan.

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

##### **Contaminated Soils (NESCO)**

- 9.2 The application has been considered against the requirements of the NESCO above and recommendations are made for the imposition of various conditions to require compliance

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with the proposed DSI and RAP. Additionally, a condition has been recommended that the developer shall notify the neighbouring site at 1016 Grove Road of the intended start date of the remediation works and to provide the details of the site-specific measures that will be utilised to mitigate any dust or sedimentation effects on this property during the works.

- 9.3 On the basis that the remediation works are undertaken in accordance with the RAP and the conditions recommended above, in my opinion the requirements of the NESCS have been satisfactorily addressed.

#### **National Environmental Standard for Sources of Human Drinking Water**

- 9.4 The National Environmental Standards for Sources of Human Drinking Water, require consideration under regulation 12, if the activity itself may lead to an event occurring that may have a significant adverse effect on the quality of the water at any abstraction point of a registered drinking-water supply.
- 9.5 The Sources of Human Drinking Water NES is not considered relevant to this proposal given there is no registered drinking water abstraction point in the immediate vicinity and that all of the proposed sites will be connected to the reticulated services that are available in the road corridor.

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

##### **NPS Urban Development 2020 (NPS UD)**

- 9.6 The National Policy Statement on Urban Development (NPS-UDC) came into effect on 20 August 2020. The NPS contains a number of objectives that are relevant to this proposal:
- *Objective 1: New Zealand has well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future.*
  - *Objective 2: Planning decisions improve housing affordability by supporting competitive land and development markets.*
  - *Objective 3: Regional policy statements and district plans enable more people to live in, and more businesses and community services to be located in, areas of an urban environment in which one or more of the following apply:*
    - (a) *The area is in or near a centre zone or other area with many employment opportunities;*
    - (b) *The area is well-served by existing or planned public transport;*
    - (c) *There is high demand for housing or for business land in the area, relative to other areas within the urban environment.*
  - *Objective 4: New Zealand's urban environments, including their amenity values, develop and change over time in response to the diverse and changing needs of people, communities, and future generations.*



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- 9.7 The proposal is consistent with those objectives and associated policies applicable to a "tier 2" local authority.
- 9.8 The development will provide a diverse range of new housing options to meet the current and future needs of the community, particularly those in the community who have a greater reliance on public housing to provide for their social and economic wellbeing, and their health, and safety. The range of housing options provided as part of this proposal is targeted towards delivering a greater number of two bedrooms units, which historically have not been well provided for by the private development market.
- 9.9 Though the proposal will result in a higher development density within this block of Grove Road, it is noted that this area of urban Hastings has been specifically identified in Appendix 27 of the HDP as being suitable for Comprehensive Residential Development, and therefore a more intensive residential environment. Given the close proximity of the site to local schools, recreational areas, an existing public transport route and employment nodes, it is considered that the proposed development will contribute to the social and economic wellbeing of the Hastings community by providing additional social housing to the Hastings housing market during a time where the district is facing a housing shortage. Therefore, the proposal is consistent with Objectives 1, 2 and 3.
- 9.10 In terms of Objective 4, it is noted that this application introduces a more intensive form of residential development into a relatively low-density residential environment. The proposal involves a greater use of two-storey residential units to maximise the use of the land resource. The variety in house typologies responds to the changing needs of the community by providing greater choice in the available housing stock, particularly for smaller families and other demographics which do not require a larger number of bedrooms to meet their housing requirements. The design of the housing units will utilise high quality materials and includes on-site landscaping to provide a quality living environment for those who will reside on-site. Accordingly, the application is considered to be consistent with the overall direction of the NPS-UD.

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

- 9.11 The site is not located within the coastal environment, so it is not necessary to have regard to the New Zealand Coastal Policy Statement. I do not consider that there are any other national policy statements that are relevant to have regard to in the assessment of this application.

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

- 9.12 The Hawke's Bay Regional Resource Management Plan 2006 (RRMP) includes the regional policy statement (RPS) for the Hawke's Bay Region, which contains the following relevant objectives and policies:

*OBI UD1 Establish compact, and strongly connected urban form throughout the Region.*

*OBI UD2 Provide for residential growth in the Heretaunga Plains sub-region through higher density development in suitable locations.*



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- 9.13 Given that this Application relates to the intensification of an existing residential area for residential purpose, it considered to be consistent with the approach of both OBJ UD1 and OBJ UD2.

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

- 9.14 The assessment of environmental effects in section 8 of this report considered relevant standards and assessment criteria/outcomes from the HDP as appropriate. Accordingly, the following assessment is confined to the relevant objectives and policies of the HDP. I consider that the relevant sections to this assessment are: 2.4 Urban Strategy, 7.1 Hastings Strategic Management Area, 7.2 Hastings Residential Environment, 25.1 Noise District Wide Activity, 26.1 Transport and Parking District Wide Activity, and 30.1 Subdivision and Land Development.

**Section 2.4 Urban Strategy**

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

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

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

- 9.16 The assessment of the RPS above concluded that the proposed development assists in providing for the housing needs of the Hastings community without resulting in an encroachment onto the versatile soils of the Heretaunga Plains. The development will utilise existing roading and infrastructure as envisioned by Policy UDP3 above, including a future upgrade to the Hood Street wastewater pump station as agreed between the Applicant and the HDC Asset Management department. Accordingly, it is considered that the proposed residential development is consistent with HDP objective UDO2 and policy UDP3.

**Section 7.1 Hastings Strategic Management Area**

- 9.17 The subject sites are located within the Hastings Strategic Management Area. The objectives and policies of this SMA which relate to residential development are listed and assessed below.

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*HSMO2 To contain development within the Hastings SMA urban boundaries.*

*HSMAP2 Minimise development pressure on the Heretaunga Plains by ensuring provisions for land use activity within the Hastings SMA are aligned with Council strategies for growth and are appropriately implemented.*

*HSMAP3 Promote a high quality urban environment, where environmental and amenity values are protected.*

- 9.18 The redevelopment of the eight sites that form part of this application will support the containment of residential development within the urban boundaries of Hastings as a means of minimising development on the Heretaunga Plains.
- 9.19 Given the above, in my opinion the proposed residential development is generally consistent with the objectives and policies of the Hastings Strategic Management Area section of the HDP.

#### Section 7.2 Hastings Residential Environment

- 9.20 The subject sites are located in the Hastings General Residential Zone. The objectives and policies of the Zone which relate to residential development are listed and assessed below.

*OBJECTIVE RO1 To enable a diverse range of housing that meets the needs of the community while offering protection to the amenity of neighbouring properties and the local environment.*

*POLICY RP1 To provide for diversity by zoning areas of the Hastings residential environment to recognise different characters and to appropriately manage different types of residential development.*

*POLICY RP3 Manage the scale and intensity of residential development to ensure that it relates positively to the quality of the collective streetscape and avoids adverse effects on neighbourhood amenity, environmental quality, community health and safety.*

- 9.21 The development will provide for a mix of residential dwellings in terms of both the size and typology. The overall scale of development is considered to be generally appropriate for the site in terms of the overall building coverage and compliance with the yard and HIRB standards.

*OBJECTIVE RO2 To ensure that the amenity of the present character of the residential environment is maintained and enhanced by managing design, layout, intensity and land use activities.*

*POLICY RP4 Maintain and enhance a high standard of amenity in the residential environment while enabling development innovation and building variety.*

*POLICY RP5 Minimise the adverse effects of developments created by excessive building scale, overshadowing, building bulk, excessive site coverage or loss of privacy.*

- 9.22 As stated previously, the proposed development will change the residential character of Grove Road and Sussex Street when viewed from the streetscape, given the shift towards a two-storey building form on smaller sections. While this will result in an increased level of residential intensity in terms of Objective RO2, this needs to be balanced with the fact that part of this site is located within an area that has been identified in the Hastings District Plan

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as being suitable for Comprehensive Residential Development, or some form of residential intensification.

- 9.23 In terms of maintaining and enhancing a high standard of amenity in this residential area, the proposed development will be complemented by a comprehensive landscaping plan and colour scheme to soften the increased number of housing units compared to the in-situ environment.
- 9.24 Regarding the potential for overshadowing arising from the shift towards two-storey buildings, the Applicant has provided a sun-study based on mid-winter conditions to illustrate the effect of overshadowing on the submitters (see **Attachment 7**). These effects are largely in line with what could be expected as part of the permitted baseline. Privacy effects will also be addressed through the use of obscure glazing and fixed louvres in relation to the east and west elevations of the two storey dwellings which face 1016 Grove Road.
- 9.25 Notably, the overall building coverage will still be consistent with a complying development scenario. A consent notice condition restricting further residential development will be imposed to ensure the overall density of the development does not increase further.

*OBJECTIVE RO3 To ensure that suitable levels of infrastructural services are in place and that potential conflicts over zone boundaries are addressed, in advance of any new residential development.*

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

*OBJECTIVE RO4 To protect people, property and infrastructure of the community from flooding and ponding effects associated with stormwater runoff.*

*POLICY RP10 Ensure that stormwater runoff that has the potential to create flooding or ponding effects will be attenuated on site.*

- 9.26 As identified in the Stantec Wastewater Catchment Assessment, the proposal will exacerbate an existing capacity issue within the local wastewater catchment due to the increased level of residential density. A separate agreement is being drawn up between the Applicant and the Council to address this issue outside of the resource consent process. On-site stormwater detention will be provided to each lot to mitigate the additional stormwater runoff into the local network and surrounding environment. There are no known water supply constraints.

*OBJECTIVE GRO2 To enable residential growth in Hastings by providing for suitable intensification of housing in appropriate locations.*

*POLICY GRP3 Provide for comprehensive residential development in locations that are in close proximity to high quality public amenities*

*POLICY GRP4 Manage the scale and intensity of infill housing and comprehensive residential development to avoid adverse effects on the local neighbourhood character and amenity.*



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- 9.27 The scale and intensity of the development is slightly higher than envisioned for a comprehensive residential development. As previously assessed, the sites are conveniently located near a number of amenities that make this location suitable for intensive residential development. The assessment in the notification report has also concluded that adverse effects to the neighbourhood character and amenity can be avoided.
- 9.28 Given the above, in my opinion the proposed residential development is not contrary to the objectives and policies of the Hastings Residential Environment section of the HDP.

#### Section 25.1 Noise District Wide Activity

- 9.29 The proposal involves the emission of noise in association with demolition, earthworks and construction activities to facilitate this development. The objectives and policies of the Noise District Wide Activity which relate to construction and demolition noise are listed and assessed below.

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

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

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

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

- 9.30 Policies NSP5 and NSP6 acknowledge that construction activities are inherently noisy and seek for such noise to be minimised so that it is not unreasonable, rather than expecting noise to be avoided. While undertaking this development will result in an increase of construction noise throughout the duration of works, it is recognised that this will be of a temporary duration.
- 9.31 Construction noise has not been addressed as part of the application. However, it is standard practise to include conditions around construction management, including reference to NZS6803:1999 Acoustics – Construction Noise, which includes requirements to employ management measures that seek to avoid or reduce noise generation where possible and ensure that noise does not extend beyond commonly accepted construction hours.
- 9.32 On this basis, it is considered that undertaking the necessary construction, demolition and earthworks activities can be managed in a manner which is consistent with policy NSP6 as such noise will be of limited duration.

#### Section 26.1 Transport and Parking District Wide Activity

- 9.33 As the proposal involves an increase in the number of vehicle entrances along both road frontages and will result in increased parking demands, the following is an assessment against the relevant objectives and policies of the Transport and Parking DWA.

*OBJECTIVE TPO2 To establish and maintain an efficient and effective parking regime that meets the present and future parking needs of the community.*

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*POLICY TPP6 Control the width and position of access points to each property to minimise the adverse effects of manoeuvring and queuing vehicles, the potential effects on pedestrian safety and the effects on streetscape amenity.*

- 9.34 While the proposed double vehicle crossings and separation of vehicle crossings along Grove Road do not strictly comply with the District Plan standards, the generally open nature of the front yard with low height fencing will still provide for good line of sight and ensure that pedestrian safety will not be compromised.

*POLICY TPP8 Require land owners and occupiers to provide off-street parking, access and loading facilities which are appropriate to the demands of the activities carried out on their sites and which do not negatively impact on the amenity of the streetscape.*

- 9.35 As stated prior, the minimum parking requirement of the HDP have since been removed after the lodgement of this application. Though the proposed two-bedroom units will only provide one dedicated parking space, it is noted that these dwellings will generally cater for smaller household tenants, which are more likely to have only one car or no car. The three-to-five-bedroom dwellings will continue to provide two car parking spaces. In this case it is considered that the provision of on-site carparking is appropriate for the level of residential development proposed. Any occasional need for additional parking spaces for visitors can be sufficiently provided through on-street parking.
- 9.36 Given the above, it is considered that the proposal is generally consistent with the relevant objectives and policies of the Transport and Parking DWA.

#### **Section 30.1 Subdivision and Land Development**

- 9.37 The proposal involves a concurrent subdivision consent. The objectives and policies of the Subdivision and Land Development section of the HDP are listed and assessed below.

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

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

- 9.38 It is noted that the subdivision component is largely a secondary aspect of this application, as it will follow the proposed residential development. In this regard, the proposal has already been assessed as being consistent with the objectives and policies for the General Residential zoning, as the proposed redevelopment will provide new dwelling typologies with bedroom numbers that are not readily provided for in Hastings that can be accommodated on their future sites without compromising on the residential amenity of the wider area.

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

*POLICY SLDP4 Ensure that land being subdivided, including any potential structure on that land, is not subject to material damage by the effects of natural hazards.*

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*POLICY SLDP5 Ensure that any measures used to manage the risks of natural hazards do not have significant adverse effects on the environment.*

- 9.39 A geotechnical investigation report has confirmed that the site is susceptible to liquefaction. Specific foundation design requirements have been recommended by the report to address this issue. A condition of consent can be imposed to ensure that the development will be carried out in accordance with the recommendations of the geotechnical investigation report.

- 9.40 The potential flooding/ponding hazard has been investigated and addressed within the Engineering Services Report. Material damage will not arise from this potential hazard on the basis that the recommended minimum floor level and on-site stormwater detention requirements are embedded in the development.

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

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

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

*POLICY SLDP14 Ensure that earthworks associated with providing vehicle access, building platforms or services on land being subdivided will neither detract from the visual amenities of the area, nor have adverse environmental impacts, such as dust, or result in the destruction of heritage sites (include archaeological sites), cause natural hazards, or increase the risk of natural hazards occurring.*

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

- 9.41 Each proposed lots can be serviced through the council's reticulated potable, stormwater, and wastewater services in accordance with the HDC Engineering Code of Practice 2020. As stated prior, the increased demand on the local wastewater network which is already experiencing a reduced level of service will be mitigated by both the applicant and Council as part of a separate process.
- 9.42 The double vehicle crossings proposed to service adjacent duplex dwellings will not adversely affect pedestrian and traffic safety. Sufficient sightline will be protected through limiting the height of the fencing in the front portion of the sites.
- 9.43 The proposed earthworks are generally of a scale which is commensurate with the proposed development and is considered to be necessary to ensure the future dwellings are constructed on stable ground and can be satisfactorily accessed. The land is flat and no significant contour change is expected. Risks associated with contaminated soil will be managed through normal remediation and site management measures.



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- 9.44 Therefore, it is considered that the application is generally consistent with the relevant objectives and policies of the Subdivision and Land Development section of the HDP.

#### HDP Objectives and Policies Assessment Conclusion

- 9.45 In summary, the proposal residential development is generally consistent with:
- The Urban Strategy section by providing additional housing within the existing Hastings urban area through the efficient use of existing infrastructure.
  - The Hastings Strategic Management Area section by avoiding further encroachment onto the versatile soils of the Heretaunga Plains while providing for intensification of the existing urban area.
  - The Hastings Residential Environment section as the proposed change in residential character has been balanced by the ability to avoid, remedy or mitigate any adverse effects on the environment, particularly in relation to overshadowing, privacy and servicing.
  - The Noise section by mitigating the potentially adverse construction noise effects so that the health of the neighbouring residents is protected.
  - The Transport and Parking section as the access and parking demands of the proposed development can be accommodated within the existing environment.
  - The Subdivision and Land Development section on the basis that this component is secondary to the proposed development insofar that the future sites can cater for the residential use of the dwellings which will be constructed.
- 9.46 Given the above assessment, I consider that the proposed residential development and associated subdivision is not contrary with the relevant objectives and policies of the HDP.

#### OTHER MATTERS 104(1)(c)

- 9.47 Section 104(1)(c) makes provision for 'Any other matters the consent authority considers relevant and reasonably necessary to determine the application'. Matters of precedent and district plan integrity can be considered under this provision.
- 9.48 As the proposed activity is non-complying and has been assessed as being not contrary with the objectives and policies of the HDP, in my opinion there would be no adverse precedent created, if consent were to be granted to this application.

#### 10.0 PART 2 OF THE RESOURCE MANAGEMENT ACT 1991

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

*If it is clear that a plan has been prepared having regard to pt 2 and with a coherent set of policies designed to achieve clear environmental outcomes, the result of a*

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*genuine process that has regard to those policies in accordance with s 104(1) should be to implement those policies in evaluating a resource consent application. Reference to pt 2 in such a case would likely not add anything. It could not justify an outcome contrary to the thrust of the policies.*

- 10.3 The HDP has only recently been made operative and has in recent Environment Court cases<sup>1</sup> been accepted as having coherent provisions with no need for a Part 2 analysis.

#### 11.0 SUMMARY AND CONCLUSIONS

- 11.1 This application for the construction of 24 residential dwellings with associated earthworks, soil remediation and subdivision of a block of land between Grove Road and Sussex Street, was limited notified pursuant to Section 95B(8) of the Resource Management Act 1991.
- 11.2 One late submission was received on the application, being in opposition of the proposal. The consent authority and the Applicant have accepted this late submission, and therefore waived the failure to comply with the time period for the close of submissions. The submitter has advised that they wish for their submission to be heard.
- 11.3 The application has an overall status of a non-complying activity under the HDP. Consent is also required as a restricted discretionary activity under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011.
- 11.4 Section 8 of this report has given regard to the actual and potential effects of allowing the activity. Particular attention has been given to the effects of the proposed residential development on the amenity and privacy of the property owned by the submitter as this was the primary concern based on their submission. In my opinion the adverse privacy effects of the proposed development cannot be fully avoided without the Applicant preparing an alternative site development layout. However, the conditioning of additional mitigation methods offered by the Applicant will assist in reducing the potential opportunities for overlooking from Lots 1, 3 and 5 onto 1016 Grove Road.
- 11.5 The site remediation works that are required to facilitate this development can be undertaken without giving rise to any adverse effects on human health, and that any effects on adjoining property can be avoided, remedied or mitigated to a level which is less than minor.
- 11.6 Appropriate conditions of consent can be imposed to avoid, remedy and mitigate the risk of flooding on surrounding properties, that any effects on property arising from flooding risk will be less than minor.
- 11.7 The access and parking arrangements of the proposed development are suitable from a traffic perspective, and that any adverse effects on the safe and efficient use of the road can be avoided, remedied or mitigated to a level that is less than minor.
- 11.8 Positive effects will arise in the form of an increased supply of public/social housing within the Hastings District, which is facing an accommodation shortage. The efficient use of the urban land resource and avoidance of sprawl onto the Heretaunga Plains soil resource can

<sup>1</sup> Endsleigh Cottages v Hastings District Council [2020] NZEnvC 064 (paragraph 272) and Stone v Hastings District Council [2019] NZEnvC 101 (paragraph 127).



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also be considered a positive effect in terms of the sustainable management of the soil resource.

- 11.9 Having considered all of the relevant potential adverse effects of the proposed activities, and the mitigation measures proposed, I am of the opinion that such effects will be minor, given the imposition of the conditions recommended below.
- 11.10 Of the statutory instruments to be had regard to under section 104(1)(b), the NESCS and the HDP are in my opinion of the greatest significance to this application. In regard to the NESCS, the proposed RAP will ensure that any adverse effects from earthworks involving contaminated soil are avoided remedied or mitigated. A further condition has been recommended requiring the Applicant to provide advance notice to the submitter of the intended commencement of remediation works. Such a condition has been recommended below.
- 11.11 The consistency of the application with the relevant objectives and policies of the HDP has been assessed in section 9 above and in my opinion, with the imposition of the recommended conditions, the application is consistent with those objectives and policies. As such I do not consider that granting consent would give rise to any adverse precedent effects or issues of district plan integrity.
- 11.12 I therefore consider that with the imposition of the recommended conditions, that the application achieves the sustainable management of natural and physical resources.
- 11.13 In my opinion therefore the option is open to the committee, subject to the hearing and the imposition of appropriate conditions, to grant consent to this application.

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## RECOMMENDATION TO HEARINGS COMMITTEE

### Recommendation 1 of 2 (Subdivision and NESCS):

Pursuant to Rule SLD25 of the Hastings District Plan (Now made part Operative as of the 11<sup>th</sup> of March 2020) and Sections 104, 104B & 104D of the Resource Management Act 1991, and Clause 10 of the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 consent as a Non-Complying Activity is **GRANTED** to Kainga Ora - Homes and Communities to undertake a residential development involving the construction of 24 residential dwellings and a corresponding subdivision at 1015-1023 Sussex Street and 1012-1014, 1018 Grove Road Hastings, 4122, being legally described as LOTS 125-129 DP 9139 (RT HBH2/636) – 640), LOTS 135-136 DP 9139 (RT HBH2/642-643), and LOT 138 DP 9139 (RT HBH2/644).

### SUBJECT TO THE FOLLOWING CONDITIONS:

#### General

1. That unless otherwise altered by the conditions of this consent, the development shall proceed in accordance with the plans and information submitted as part of the resource consent application RMA20200495 (PID 12380):
  - a) The Application and Assessment of Environmental Effects titled "Resource Consent Application Tranche 6 Application", dated 21 September 2021 prepared by WSP (HDC reference: 12380#0029)
  - b) The approved plans attached to this decision (HDC reference: 12380#0028, #0055, #0056, #0057 & #0058. **\*NOTE: MAY NEED TO BE UPDATED FOLLOWING COMPLETION OF HEARING SHOULD CONSENT BE GRANTED\***)
  - c) Any other information submitted as part of this application.

#### Land Transfer Plan

2. That the Land Transfer Plan to give effect to this subdivision consent shall be consistent with the approved scheme plan prepared by (WSP), dated: 9<sup>th</sup> September 2021 (HDC Ref: 12380#0028) Surveyors Reference: 2-T4332.01 submitted with application RMA20210495, unless otherwise altered by the consent conditions. A copy of the approved plan is attached.
3. Any dwellings that have been constructed or are under construction at the time of application

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for Section 223 and 224c certification shall be identified on an as-built plan showing offsets to the new lot boundaries.

#### Easements

4. No reticulated service or right of way required herein shall extend beyond the boundary of the site served unless an appropriate easement is shown within a memorandum of easements on the face of the Land Transfer Plan. All such easements shall be to the satisfaction of the Environmental Consents Manager, Planning and Regulatory Services and cover the entire physical alignment of that service. Easements shall be supported with as-builts confirmation the final location of underground.

#### Amalgamation conditions

5. That Lot 25 (legal access) be held as to ten undivided one-tenth shares by the owners of Lots 9, 10, 11, 13, 14, 15, 16, 17, 18 as tenants in common in the said shares and that individual records of title be issued in accordance therewith. LINZ ref: 1769022
6. That Lot 26 (legal access) be held as to ten undivided one-tenth shares by the owners of Lots 9, 10, 11, 13, 14, 15, 16, 17, 18 as tenants in common in the said shares and that individual records of title be issued in accordance therewith. LINZ ref: 1769022
7. That Lot 27 (legal access) be held as to ten undivided one-tenth shares by the owners of Lots 9, 10, 11, 13, 14, 15, 16, 17, 18 as tenants in common in the said shares and that individual records of title be issued in accordance therewith. LINZ ref: 1769022
8. That Lot 28 (legal access) be held as to two undivided one-half shares by the owners of Lots 3 & 4 as tenants in common in the said shares and that individual records of title be issued in accordance therewith. LINZ ref: 1769022

#### Consent Notices

9. That a Consent Notice pursuant to Section 221 of the Resource Management Act 1991 be issued by Council and registered against the certificate of title to be issued for Lot 1-24 hereon. The notice shall be registered at the subdivider's expense and shall read as follows:

##### Landscaping and fencing maintenance

- a. This property forms part of a comprehensive residential development approved under resource consent RMA20210495. The approval was subject to the condition that the landscaping on site shall be maintained at all times.

Accordingly, plants, trees, fencing and lighting forming part of the landscape plan approved under RMA20210495 (HDC Reference: 12380#0056) shall be maintained in

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accordance with the specifications as shown on the plan. Any dead plants/damaged fencing shall be promptly removed and replaced.

*Advice note: Maintenance of plants/trees means the ongoing replacement of any dangerous, dead or dying matter, the replacement of any plants that are lost or otherwise defective and the general preservation of the landscaping to a healthy standard.*

- b. Except where provided by the landscape plan as referred to in the condition above, no other fencing shall be established on site.

One Residential Building only.

- c. That regardless of provisions of the Hastings District Plan or any subsequent revisions, only one residential building/unit, and no supplementary residential building, whether contained within the existing building or in separate buildings, shall be established on site. This does not preclude the establishment of a complying residential accessory building on the site.
- d. No garages, carports, or any other kind of building for the purpose of vehicle storage shall be established on site.

On-site stormwater attenuation

- e. An individual on-site attenuation tank has been installed on this site for the stormwater from impervious areas prior to discharge to the Stormwater infrastructure in accordance with 'Engineering Servicing Report, Kāinga Ora Tranche 6 1015-1023 Street and 1012-1018 Grove Road, Hastings, Prepared for Kāinga Ora dated September 2021 by Stantec - (HDC Ref: 12380#0033)

This Private Stormwater attenuation tank on each lot shall be maintained, at all times, by the owner(s) and all future owners, at the owner's expense

**Engineering design (Prior to the Commencement to Physical Works Onsite)**

- 10. The consent holder shall submit an engineering design (and a signed 'Form 4' (Appendix 62; Hastings District Plan), including construction drawings, detailing; vehicle crossings, the proposed rights of ways/JOALS, earthworks (including sediment control), water, stormwater and sewer services required to service the development for approval, prior to construction. As part of this approval process, a memorandum of easements reflecting the storm water design calculations and required easements, shall be provided to the satisfaction of the Environmental Consents Manager, Planning and Regulatory Services, Hastings District Council.



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The design of all proposed works associated with the subdivision and shall be undertaken by a Chartered Professional Engineer experienced in roading, water, stormwater and sewer services design and construction, to the satisfaction of the Environmental Consents Manager, Planning and Regulatory Services, Hastings District Council.

11. That the entrance and exit of access lots 25-27 shall be clearly marked as one way only. Location and details of the signage shall be provided as part of the engineering design plans.
12. That the design of the water, sewer, and storm water, services (including separate connections to the individual lots) shall be in accordance with the Hastings District Council Engineering Code of Practice 2020 unless an alternative design has been approved by the Development Engineer, Planning and Regulatory Services, Hastings District Council.

#### Service Connections

13. That works shall not commence until the engineering design plan and sediment control plan certification has been approved by Councils Development Engineer (or nominee).
14. That all private services for water, storm water and sewer, other than those approved as part of the engineering design approval for this subdivision, will require a building consent. Copies of the Certificate of Compliance for this building consent shall be provided prior to Section 224c being sought.
15. That each residential Lot shall be connected to the kerb and channel for stormwater disposal, to the satisfaction of the Development Engineer, Planning and Regulatory Services, Hastings District Council.
16. That each residential Lot shall be provided with a sewer connection to the sewer main in either Sussex Street or Grove Road, to the satisfaction of the Development Engineer, Planning and Regulatory Services, Hastings District Council.
17. That each Lot shall be provided with individual water supply connection from either a shared connection within Lots 25-27 or individual direct connection to the water mains in either Sussex Street or Grove Road, to the satisfaction of the Development Engineer, Planning and Regulatory Services, Hastings District Council.
18. That the applicant shall construct the water, sewer and storm water services (including separate connections to the individual lots for water and sewer) using an appropriately skilled contractor, in accordance with the approved design.
19. That all water connections to individual lots shall include an Acuflo 900s toby and manifold complete with Hastings District Council service lids, to the satisfaction of the Water Services Manager (or nominee).
20. That the water services shall be tested in accordance with the Hastings District Council Engineering Code of Practice 2020 in the presence of a Council Officer. Items covered by this include, but are not limited to, inspections of all pipework prior to backfill; pressure and leak testing of all pipes; pipe disinfection and perusal of Lab test results of the Chlorine residual; final inspection after all development works.

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21. That the existing services (water, sewer and stormwater) which are not being reused shall be capped at the property boundary.

#### Vehicle crossings

22. That new vehicle crossings constructed in accordance with Drawing C19 of the Engineering Code of Practice 2020 shall be provided to Lots 1-2, 5-8, 19-25 and the JOALs. Note: the siting and width of these crossings is to be agreed with Council prior to any construction works.
23. That prior to commencement of works, a vehicle crossing application for the vehicle crossings for the Lots shall be submitted to Hastings District Council for approval.
24. That prior to final surfacing of the proposed vehicle crossing to the Lots and JOAL's the preparatory works shall be presented to Hastings District Council for approval.
25. That the consent holder shall meet all the costs associated with the provision of any road signage, road marking and lighting.
26. That any unused existing access crossings shall be removed and reinstated with a footpath, kerb & channel and berm, to the satisfaction of the Environmental Consents Manager, Planning and Regulatory Services Hastings District Council (or nominee).

#### Sediment Control

27. That the consent holder shall submit a sediment control plan that has been prepared by an appropriately qualified person to Council, for approval by the Development Engineer, Planning and Regulatory Services 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 the Hawke's Bay Waterway Guidelines- Erosion & Sediment Control 2009 and current engineering best practice. A statement shall be included with the plan stating the author's qualifications and experience in this area.
28. That the consent holder shall install sediment and erosion controls in accordance with the approved plan prior to the commencement of the earthworks and that these controls shall be maintained throughout the period of the works, to the satisfaction of the Development Engineer, Planning and Regulatory Services Hastings District Council (or nominee).
29. That a suitably qualified and experienced professional shall certify that the sedimentation works have been constructed in accordance with the approved design.

#### Earthworks

30. That all earthworks operations shall be so conducted as to comply with the provisions of New Zealand Standard NZS 6803: 1999 Acoustics – Construction Noise.

Noise levels will be measured in accordance with the New Zealand Standards NZS6803: 1999 Acoustics – Construction Noise.

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31. That earthworks shall be limited to the hours of 7.00 am - 5.00 pm Monday – Friday, and 8.00 am – 5.00 pm Saturday.
32. That all work within the boundaries of the public road shall require a Corridor Access Request (CAR) application to be submitted and approved prior to commencement of the specific work items.
33. 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 watercourse, storm water drain/system or road.
34. That as part of the earthworks' no filling shall take place that will obstruct overland flow from higher ground/upstream.
35. That while the earthworks are being undertaken and prior to re-vegetation, areas of exposed earth shall be regularly dampened with water to ensure that no wind born dust is deposited outside the property boundaries.
36. That all earthworks associated with the construction of the right of way and building platforms shall be stabilised prior to issue of a Section 224c certificate.
37. That all areas of earthworks shall be either permanently surfaced or re-grassed with a minimum cover of 90% for the development, to the satisfaction of the Environmental Consents Manager, Planning and Regulatory Services Hastings District Council (or nominee).  
  
*Advice note: Please ensure that those managing works have due consideration of this condition and manage works so that there is sufficient time to allow grass to grow. This will include having regard to any seasonal limitations and water requirements.*
38. That the consent holders contractor shall confirm in writing that only 'clean fill' shall be imported onsite (i.e. no rubbish, no stumps, no concrete, bricks any no other substance containing; combustible, putrescible, degradable or leachable components, hazardous substances, products or materials derived from hazardous waste treatment, hazardous waste stabilisation or hazardous waste disposal practices, medical and veterinary waste, asbestos or radioactive substances or liquid waste).  
  
*Advice note: Imported 'clean fill' will also need to comply with the relevant standards in the NES for Assessing and Managing Contaminants in Soils to Protect Human Health.*
39. That all unsuitable soils and fill materials uncovered during the earthworks shall be removed off site to an appropriate land fill facility.

**Completion of earthworks and engineering works**

40. Unless all sites are developed at time of seeking a 224c, after earthworks to prepare site has been undertaken, the consent holder shall submit a completion report and Form 6 (Appendix



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62 of the Hastings District Plan) from a Chartered Professional Engineer specialising in geotechnical matters confirming the stability and suitability of the land for residential building development.

41. That a Chartered Professional Engineer shall certify that the earthworks have been constructed in accordance with the approved Engineering Plans.
42. A completed Form 5 'Certification of Construction and Completion of Engineering Works for Subdivision' (Appendix 62 of the Hastings District Plan) prepared by a Chartered Professional Engineer, (See Section 1.3, PART 3 of the Engineering Code of Practice 2020) shall be submitted to the satisfaction of Council's Development Engineer on the completion of the engineering works.

*Note 1, that person or persons will normally be expected to be professionally recognised in the area of competence claimed and to carry professional indemnity insurance to a level suitable for the purpose but in any case not less than \$1,000,000 per project.*

*Note 2, Council reserves the right to have any work peer reviewed regardless of any prior approval as to the acceptability of the suitably qualified person. The cost of all peer review work will be borne by the developer.*

43. That the Consent Holders Contractor shall issue a 'Contractors Certificate Upon Completion of land Development/Subdivision': Schedule 1B: NZ4404 certifying that all public and private three waters and roading infrastructure has been constructed in accordance with the Council approved Engineering Plan shall be provided in support of the section 224(c) application of each stage.
44. The Consent Holders supervising engineer shall issue a "Certification Upon Completion of land Development/Subdivision": Schedule 1C: NZ4404 for the services and roading construction, and the completeness and accuracy of the as built data, and the consent holder shall supply this statement to Council.
45. A copy of any 'Code Compliance Certificate' (under the Building Act) for any private drainage shall be provided with any 224c application.
46. Any damage caused to Council assets as a result of the subdivision work shall be rectified at the Consent-holders sole expense and to the satisfaction of Hastings District Council's Development Engineer (or nominee).
47. As-built plans and data detailing the roading, earthworks, water, wastewater and stormwater connections installed, shall be provided to the satisfaction of the Council's Development Engineer in accordance with the requirements of the Hastings District Council's Code of Engineering Practice 2020. The plans and data shall be provided once construction is completed and shall be certificated as a complete and correct record by the applicants Chartered Professional Engineer.
48. Road Name signs (private or public) shall be installed for all; roads, access lots and/or rights of way servicing more than 5 sites and in accordance with C18 of the Hastings District Council's Engineering Code of Practice (2020).



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**Soil remediation:**

49. That prior to any works or disturbance of soil being undertaken on site, the identified area of contamination on site shall be remediated in accordance with the following documents:
- a. Detailed Site Investigation – Geosciences – 1015-1023 Sussex Street and 1012, 1014 & 1018 Grove Road, Hastings. HDC ref: 12380#0035)
  - b. Site Remediation Action Plan and Management Plan – Geosciences – 1015-1023 Sussex Street and 1012, 1014 & 1018 Grove Road, Hastings. HDC ref: 12380#0036)
50. That after the completion of works and prior to the approval of a Section 224c certificate, a Site Validation Report (SVR) shall be provided to Council confirming that:
- a. The remediation works have been undertaken with the recommendations of the DSI and Site Remediation Action Plan, and performance standards under the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011;
  - b. Soils on site no longer poses a risk to human health for the proposed land use scenario (10% residential).

The SVR shall be prepared in accordance with the recommendations of the Remediation Action Plan submitted as part of the application

**Power:**

51. Written confirmation shall be provided from a network utility operator for electricity confirming that connections and reticulations have been place to the boundary of Lots 1-24, prior to section 224c certification.
52. That all works shall be completed in accordance with the Engineering Code of Practice 2020 (ECOP 2020), unless an alternative design has been approved by the Council's Development Engineer or nominee.

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Advice Notes

1. At the time of applying for Certification under Sections 223 and 224(c) of the Resource Management Act 1991, fees shall be payable under Council's Schedule of Resource Management Fees and Charges: <http://www.hastingsdc.govt.nz/resource-management-fees>

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*In respect of any charges under the Resource Management Act 1991, charges shown above shall be applicable to any additional charge payable in terms of Section 36(3) of the Act, where the actual and reasonable costs incurred exceed the standard charge paid.*

2. All engineering plans must be submitted to [developmentengineer@hdc.govt.nz](mailto:developmentengineer@hdc.govt.nz), with a cover letter clearly stating the resource consent number, address and which condition/s the plans relates to.
3. If it is intended to make any changes to the easements, staging or scheme plan approved by the Council as part of this resource consent, a new approval may be required. If you have any doubts as to whether or not a new application will be required, please contact one of Council's Environmental Consent Planners.
4. Please note that this consent only relates to District Plan requirements. Building Consent must be obtained before any building or drainage work commences. This work can include the construction of stormwater, sewer and/or water services. Please contact the duty Building Officer on 871 5000 who will be able to assist you in this regard.
5. In exceptional circumstances, Council will consider bonds for residential vehicle crossings only. Any other bonds or 'letters of undertaking' will not be accepted by Council. Those persons project managing a development will need to ensure all conditions (including any required regrassing and sediment control plans) are met before Section 224c applications are submitted to Council.
6. Incomplete or incorrect 224c applications (including applications that need a variation) will be returned to agents and/or landowners.
7. Please ensure any 224c applications include the following form: <https://www.hastingsdc.govt.nz/assets/Document-Library/Forms/Resource-Consents/resource-consent-form-224c.pdf>
8. To avoid doubt, except as otherwise allowed by this resource consent, all landuses must comply with all remaining standards and terms of the relevant Hastings District Plan. The proposal must also comply with the Building Act 2004, Engineering Code of Practice and Hawke's Bay Regional Plans. All necessary consents and permits shall be obtained prior to development.
9. All engineering plans must be submitted to [developmentengineer@hdc.govt.nz](mailto:developmentengineer@hdc.govt.nz), with a cover letter clearly stating the resource consent number, address and which condition/s the plans relates to.
10. The Engineering Code of Practice drawings can be viewed online at: <https://www.hastingsdc.govt.nz/assets/Uploads/Engineering-Code-of-Practice-ECOP-Final-2020.pdf>

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11. All works on existing public wastewater, stormwater and water mains shall be carried out by approved contractors at the consent holder's expense. For new service connection application guidance refer to: <https://www.hastingsdc.govt.nz/services/water/water-service-connections/>
12. Any new or upgraded vehicle crossing requires a vehicle crossing application from Council's Transportation Department prior to installation. For vehicle crossing guidance refer to: <https://www.hastingsdc.govt.nz/services/roads-and-streets/vehicle-crossings/>
13. Satisfactory public vehicle and pedestrian access shall be maintained at all times when undertaking works within the road reserve, unless alternative arrangements are made to the satisfaction of the Council.
14. All necessary precautions shall be taken to protect the public from open trenches and all other hazards associated with the construction works.
15. Any damage to fixtures or features within the Council road reserve that is caused as a result of construction or demolition on the site shall be repaired or reinstated to the satisfaction of the Development Engineer and at the expense of the consent holder.
16. Please note that a development contribution may be required under the provisions of the HDC Development Contributions Policy applicable at the time of application. The Council requires Development Contributions to be paid prior to the issue of the Code Compliance Certificate for a building consent, the issue of a section 224 certificate for a subdivision consent, or authorisation of a service connection. Development contribution requirements are as defined in Council's Development Contributions Policy established under the Local Government Act 2002. Full details of the policy are available from the Council website. The relevant assessment for Development Contributions for this development will follow in due course.
17. Under Section 125 of the Resource Management Act 1991 each separate decision will lapse if it has not given effect to within 5 years of the date the consent was granted, unless an extension is authorised under Section 125(1A)(b).
18. This approval does not override any existing; private easements, land covenants or other interests on the Record of Title. The owners should seek independent legal advice on such matters and how they might impact on the development.
19. Council reserves the right to have any work peer reviewed regardless of any prior approval as to the acceptability of the suitably qualified person. The cost of all peer review work will be borne by the developer.

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**Recommendation 2 of 2 (Land Use):**

Pursuant to Rules GR23, GR28 & TP2 of the Hastings District Plan (Now made part Operative as of the 11th of March 2020), and Sections 104, 104B & 104C of the Resource Management Act 1991, and Clause 10 of the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 consent as a Discretionary Activity is **GRANTED** to Kainga Ora - Homes and Communities to disturb soil associated with the construction of twenty-four dwellings on land located at 1015-1023 Sussex Street and 1012-1014, 1018 Grove Road Hastings, 4122, being legally described as LOTS 125-129 DP 9139 (RT HBH2/636) – 640), LOTS 135-136 DP 9139 (RT HBH2/642-643), and LOT 138 DP 9139 (RT HBH2/644).

**SUBJECT TO THE FOLLOWING CONDITIONS:**

**General**

1. The development proceeds in accordance with the plans and information submitted in the application unless otherwise altered by the consent conditions. A copy of the approved plan is attached:
  - a. Assessment of Environmental Effects titled "Resource Consent Application Tranche 6 Application", dated 21 September 2021 prepared by WSP (HDC ref: 12380#0029)
  - b. Development and Landscape Plans – HDC reference: 12380#0028, #0055, #0056, #0057 & #0058.
  - c. Geotechnical Investigation – Project: 1015 – 1023 Sussex Street 1012, 1014 & 1018 Grove Road, Hastings" dated 28 April 2021 prepared by Resource Development Consultants Limited (HDC Ref: 12380#0034).
  - d. Engineering Servicing Report, Kāinga Ora Tranche 6 1015-1023 Street and 1012-1018 Grove Road, Hastings, Prepared for Kāinga Ora dated September 2021 by Stantec - (HDC ref: 12380#0033).
  - e. Detailed Site Investigation – Geosciences - 1011 Pukatea Street & 1016-1020 Fitzroy Avenue, Hastings. Hastings (HDC ref: 14640#0027).
  - f. Site Remediation Action Plan and Management Plan – Geosciences – 1015-1023 Sussex Street and 1012, 1014 & 1018 Grove Road, Hastings. (HDC ref: 12380#0036).
  - g. Urban Design Assessment – Creatus Group - Kainga Ora Homes and Communities Hastings Tranche 6 1015-1023 Sussex Street and 1012-1014, 1018 Grove Road, Hastings. (HDC ref: 12380# 0037).



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2. That following effects mitigation measures proposed by the application and assessment of environmental effects shall be implemented:
  - a. Install fixed louvres to the first-floor bedrooms on the east and west elevations on Lots 1, 3 and 5.
  - b. Establish obscured glazing on the bathroom windows for the dwellings located on Lots 1, 3 and 5.

**Infrastructure and earthworks:**

3. Infrastructure servicing and earthworks associated with this development shall be completed in accordance with conditions 10 to 50 of decision 1 of 2 (subdivision and NESCS).

**Architecture and landscaping:**

4. Prior to the lodgement of building consent for a dwelling, a finalised set of architectural detail drawings and materials specifications shall be submitted to Council for written certification by the Environmental Consents Manager, Planning and Regulatory Services, Hastings District Council (or nominee). The information shall include the following:

- Details of the building's façade treatment / architectural features;
- Materials schedule and specification, sample palette of materials, surface finishes, and colour schemes (including colour swatches) referenced on the architectural elevations; and
- External / rooftop services / plant, and visual.

The finalised set of drawings shall ensure that the building's proposed architectural treatment and finished appearance is consistent with the schedule of finishes - Creatus Group – sheets 201-203, (HDC ref: 12380#0031 & #0055) and information referenced in condition. The cladding materials/colours shall be used in a way that provides for a sense of variation between adjacent units/or groups of units of the same typology.

The buildings shall be finished in accordance with the approved finalised set of drawings prior to occupation of each building.

5. That prior to the occupation of the dwelling, all paving, garden edges and fencing for the development shall be provided as outlined in the Landscape Plan approved as part of this consent, except where otherwise approved by the Environmental Consents Manager, Hastings District Council.
6. That the consent holder shall ensure that all fencing and plantings approved under the landscape plans are maintained on an on-going basis to ensure that the overall landscaping of the site remains generally consistent with the approved Landscape Plan.

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**Soil remediation:**

7. That a minimum ten days prior to the commencement of remediation works on the site, the consent holder shall provide written notice to the owners and occupiers of 1016 Grove Road which advises the following:
  - a. The anticipated start date.
  - b. The likely duration of works.
  - c. Proposed dust and sedimentation management measures.
  - d. Contact details for the site manager responsible for the remediation works.
8. That prior to any works or disturbance of soil being undertaken on site, the identified area of contamination on site shall be remediated in accordance with the following documents:
  - a. Detailed Site Investigation – Geosciences – 1015-1023 Sussex Street and 1012, 1014 & 1018 Grove Road, Hastings. HDC reference: 12380#0035)
  - b. Site Remediation Action Plan and Management Plan – Geosciences – 1015-1023 Sussex Street and 1012, 1014 & 1018 Grove Road, Hastings. HDC reference: 12380#0036)
9. That after the completion of works and prior to the approval of a Section 224c certificate, a Site Validation Report (SVR) shall be provided to Council confirming that:
  - a. The remediation works have been undertaken with the recommendations of the DSI and Site Remediation Action Plan, and performance standards under the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011;
  - b. Soils on site no longer poses a risk to human health for the proposed land use scenario (10% residential).
10. The SVR shall be prepared in accordance with the recommendations of the Remediation Action Plan submitted as part of the application.

**Monitoring**

11. A monitoring deposit of \$200 (including GST) shall be payable to cover the reasonable costs of monitoring compliance with the consent conditions in accordance with Council's schedule of charges. In the event of non-compliance being detected by monitoring or justified complaint and/or the costs of monitoring the consent exceeding the deposit, the costs to Council of any additional monitoring shall be paid by the consent holder in accordance with the Council's advertised schedule of fees.

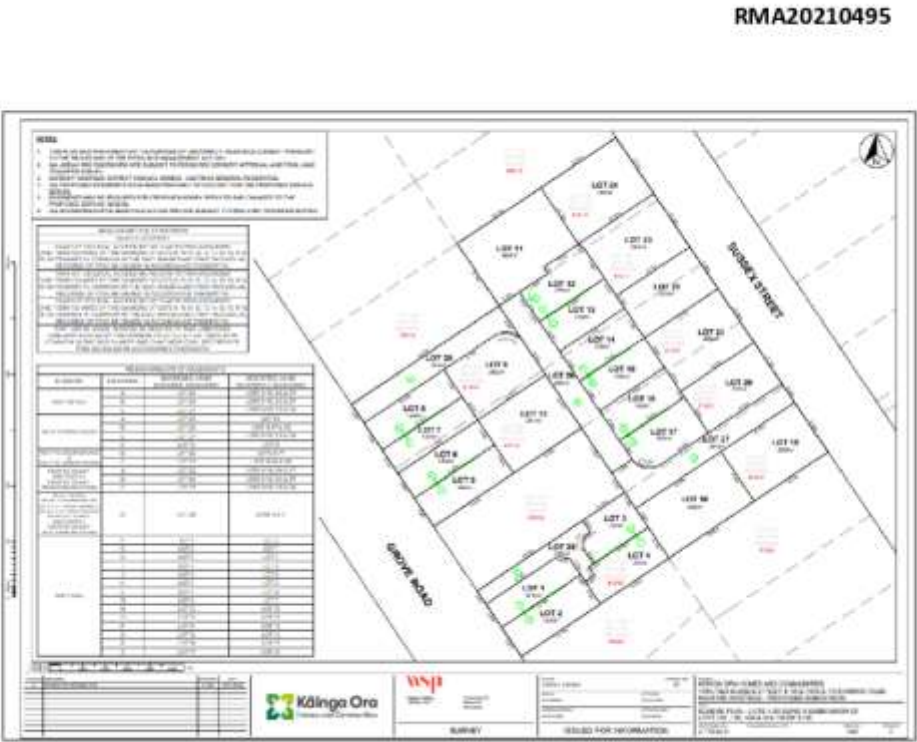


Figure 9: Approved Scheme Plan.



Figure 10: site development plan

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**This report and recommendation prepared by:**

Name: Tom Hosford

Title: Consultant Planner for Hastings District Council

Signed:



Date: 5 August 2022

**Report approved for release to the Hearings Committee:**

Name: Caleb Sutton

Title: Environmental Consents Manager, Hastings District Council

Signed:



Date: 8 August 2022

Item 2

Attachment 1