

Thursday, 1 September 2022

Te Hui o Te Kaunihera ā-Rohe o Heretaunga

Hastings District Council

Hearings Committee Meeting

Kaupapataka

Agenda - Pre-circulated Applicant Evidence - Doc 2

**KĀINGA ORA - HOMES AND COMMUNITIES - LIMITED NOTIFIED RESOURCE CONSENT
APPLICATION FOR RESIDENTIAL DEVELOPMENT, 1012, 1014, 1018 GROVE ROAD AND
1015 - 1023 SUSSEX STREET, HASTINGS (RMA20210495)**

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

Te Wā:
Time: **9.30am**

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

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TE KAUNIHĒRA Ā-ROHE O HERETAUNGA

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2.	<p>APPLICANT'S PRE-CIRCULATED EVIDENCE FOR KĀINGA ORA - HOMES AND COMMUNITIES - LIMITED NOTIFIED RESOURCE CONSENT APPLICATION FOR RESIDENTIAL DEVELOPMENT, 1012, 1014, 1018 GROVE ROAD AND 1015 - 1023 SUSSEX STREET, HASTINGS (RMA20210495)</p> <p><u>Document 2</u> Containing this attachment</p> <p>Attachment 4 Kate Graham - planning evidence Pg 3</p>	

UNDER the Resource Management Act 1991 (**RMA**)

IN THE MATTER of an application by Kāinga Ora-Homes and Communities
under s88 RMA for consents to undertake a 24 unit
residential housing development and other associated works
at 1012, 1014 and 1018 Grove Road, and 1015 – 1023
Sussex Street, Mayfair, Hastings

**STATEMENT OF EVIDENCE OF KATE GRAHAM ON BEHALF OF
KĀINGA ORA-HOMES AND COMMUNITIES**

PLANNING

17 August 2022

BUDDLE FINDLAY

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1. SUMMARY OF EVIDENCE

- 1.1 My full name is Kate Larissa Graham, I am a Senior Planner at WSP, based in Napier.
- 1.2 This evidence is in respect of an application by Kāinga Ora - Homes and Communities (**Kāinga Ora**) for resource consent to undertake a residential housing development comprising 24 dwellings, in both attached and standalone typologies, and associated site works and subdivision (**Proposal**) at 1015 – 1023 Sussex Street and 1012, 1014, and 1018 Grove Road, Mayfair (**Site**).
- 1.3 The Proposal requires land use and subdivision consent under the Hastings District Plan (**District Plan**). In addition, a consent is required under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health Regulations 2011 (**NESCS**) for the remediation of contaminated soils. The land use component of the application requires a discretionary activity, the subdivision component requires a non-complying activity, and the NESCS component requires a restricted discretionary activity. As the consents are integral the bundling principle has been applied and the overall status of the application is non-complying.
- 1.4 In my view, the potential adverse effects of the Proposal will be appropriately avoided, remedied and mitigated, and will be no more than minor.
- 1.5 The Proposal represents an efficient use of land and will have positive social and economic effects, including by providing additional warm, dry and safe housing for a range of household sizes and needs. With regard to amenity and character effects, while the Proposal represents an increase in density with the smaller lot sizes than what is permitted under the District Plan, and a change from the current built form onsite, in my opinion, the District Plan already enables increased intensity and a range of typologies that differ from the current built form.
- 1.6 In my opinion, the scale of development and internal site layout is appropriate for the site and will create positive on-site residential amenity with quality urban design. The dwellings will not have greater dominance or overshadowing effects on adjacent properties than

permitted baseline scenarios, and are of a scale proportional to the allotments proposed.

- 1.7 In my view, appropriate mitigation measures have been proposed to further ensure an appropriate relationship with neighbouring properties.
- 1.8 In my view, taking into account the positive effects, any actual and potential adverse effects on the environment of allowing the activity will be acceptable.
- 1.9 The National Policy Statement for Urban Development (**NPSUD**) supports increased densities within urban environments, particularly where those developments provide for a range of lifestyle living opportunities that will meet a broad range of public demand from individuals, couples, families and the elderly community. This proposal meets that demand through the provision of quality medium density living located within close proximity to local amenities. Overall, I consider that the Proposal is a good example of a project that will achieve the directives of the NPSUD.
- 1.10 The parts of the District Plan that are particularly relevant to the consideration of this application are:
 - (a) Section 7.1 – Hastings Strategic Management Area;
 - (b) Section 7.2 – Hastings Residential Environment;
 - (c) Section 26.1 – Transport and Parking; and
 - (d) Section 30.1 – Subdivision and Land Development.
- 1.11 I have assessed each of these matters within Tables 1 - 4 of my evidence and conclude that the proposal is consistent with the relevant Objectives and Policies of the District Plan.
- 1.12 The AEE demonstrates that the subdivision aspects of the Proposal pass the tests in section 106(1) of the RMA.
- 1.13 The AEE also demonstrates that the proposal passes both limbs of the section 104D gateway tests for a non-complying activity.
- 1.14 I have read the submission received, the letters and documentation provided by Council, and the Council Officers Section 42A report prepared by Mr Hosford. In the Council Planning Officer's view, it is

appropriate that consent be granted subject to suitable conditions, and I concur with that conclusion.

- 1.15 I have reviewed the suggested conditions that are included in the Officers s42A report. In my view, the proposed conditions are generally an appropriate basis on which consent could be granted if the Commissioner was minded to do so, subject to some changes. A tracked change version of the conditions showing these changes and the rationale for them is included as **Appendix A**.
- 1.16 In my view, the Proposal passes all the relevant tests of Part 2 of the RMA and will yield significant benefits for the Hastings community.
- 1.17 In conclusion, I consider that the Proposal is appropriate for the site and has been well considered by the design team to ensure that the potential and actual adverse effects on the environment will be no more than minor. In my view, the Proposal and its level of housing density is highly consistent with the relevant Objectives and Policies in the District Plan. Overall, my view is that the Proposal will result in significant benefits to the Hastings Community and will achieve the RMA's purpose of sustainable management.

2. INTRODUCTION

- 2.1 My full name is Kate Larissa Graham. I am a Senior Planner at WSP, based in Napier.
- 2.2 I hold a Bachelor of Resource and Environmental Planning with Honours from Massey University (2003). I am an Intermediate member of the New Zealand Planning Institute.
- 2.3 I have 19 year's experience as a practicing planner. My planning experience includes a diverse range of projects involving resource consent preparation, resource consent processing, policy development and policy analysis. My recent experience includes involvement in both the preparation and processing of resource consent applications for medium density housing developments in Hawke's Bay and Gisborne. Relevant projects I have worked on recently include:
 - (a) Preparation of resource consent applications for Kāinga Ora development sites on Sussex Street (16 dwelling units), Beatty

Place / Hood Street (24 dwelling units), and Ngaio Street (6 dwelling units), Hastings; and

- (b) Processing of a resource consent application on behalf of Gisborne District Council for a residential development (32 dwelling units) on Worsley Street, Gisborne.

2.4 This evidence is in respect of an application by Kāinga Ora - Homes and Communities (**Kāinga Ora**) for resource consent to undertake a residential housing development comprising 24 dwellings, comprising a mixture of 2, 3, 4 and 5-bedroom units in standalone and duplex typologies, and associated site works and subdivision (**Proposal**) at 1012, 1014 and 1018 Grove Road, and 1015 – 1023 Sussex Street, Mayfair, Hastings (**the Site**).

2.5 For the Proposal I have been engaged by Kāinga Ora as the lead planner, with my involvement commencing in March 2021. My involvement in the proposal to date is as follows:

- (a) Site visits;
- (b) Planning guidance to the project team throughout the site layout and design phase;
- (c) Provision of strategic resource consenting advice to Kāinga Ora;
- (d) Attendance at pre-application meetings with Hastings District Council ("**HDC**");
- (e) Preparation and lodgement of the resource consent application including Assessment of Effects ("**AEE**");
- (f) Preparation of response to further information request (pursuant to s92 RMA 1991);
- (g) Liaison on behalf of Kāinga Ora with HDC regarding the limited notification process;
- (h) Attendance at pre-hearing mediation facilitated by HDC on 10 June 2022;
- (i) Review and inputs into the additional mitigation measures proposed at, and after the pre-hearing mediation;

(j) Review and inputs into the applicant's evidence in chief package;

(k) Review of, and responses to draft conditions of resource consent.

2.6 I have visited the site and its surrounds to conduct site investigations for the resource consent application (between March 2021 and present). I am very familiar with the site and the surrounding area.

3. CODE OF CONDUCT

3.1 I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2014. I confirm that I have complied with the Code of Conduct in preparing this statement of evidence. Unless I state otherwise, this evidence is within my sphere of expertise and I have not omitted to consider material facts known to me that might alter or detract from the opinions I express.

4. SCOPE OF EVIDENCE

4.1 My evidence will address the following topics:

- (a) The Proposal;
- (b) Site Description and description of the resource consents being sought;
- (c) Post lodgement updates to the application;
- (d) The "Gateway Test" under section 104D;
- (e) Assessment of Environmental Effects of the Proposal, including the Existing Environment and proposed mitigation measures (section 104(1)(a) and (ab));
- (f) Assessment of the Proposal against the relevant RMA policy statements, plans, national environmental standards and other regulations (section 104(1)(b));
- (g) Consideration of "any other matters" relevant to the Proposal, which includes the fit of the Proposal with other statutory plans (section 104(1)(c));
- (h) Part 2 Assessment;
- (i) Submission;

- (j) Section 42A Report;
- (k) Conditions;
- (l) Conclusions.

4.2 This evidence relies on the: resource consent application (including assessment of environmental effects); supporting appendices submitted with the application; response to HDC request for further information pursuant to section 92 of the Resource Management Act 1991 (**RMA**); supporting material prepared for the pre-hearing mediation; and the Kāinga Ora mitigation measures document. I will reference the above material when speaking to this statement.

4.3 In preparing this evidence I have read:

- (a) The Hastings District Council section 95 report for a Limited Notified Resource Consent (RMA20210495);
- (b) The Hastings District Council section 42A report for a Limited Notified Resource Consent (RMA20210495); and
- (c) Form 13 Submission on Limited Notified Resource Consent Application: RMA20210495 (11 May 2022).

5. SUBJECT SITE AND SURROUNDING ENVIRONMENT

5.1 Section 3 of the application and Section 3 of the Officers s42A report detail the site and surrounding environment. I have also outlined the key components of the subject site and the surrounding environment below:

Subject site

- 5.1 The 5,614m² application site consists of eight adjoining Kāinga Ora owned properties comprising: six allotments which each currently contain a single residential dwelling, associated accessory buildings (garages, carports and garden sheds), gardens and curtilage; and two vacant allotments where previous residential dwellings have been demolished.
- 5.2 The Site is located at 1012, 1014 and 1018 Grove Road, and 1015 – 1023 Sussex Street, Mayfair, Hastings, within a wider established residential area. Grove Road is an arterial road and Sussex Street is a local road under the District Plan.

- 5.3 The Site is contained within the Hastings General Residential zone. The portion of the subject site fronting Grove Road is located within the Land Identified as Suitable for Comprehensive Residential Development overlay.
- 5.4 The Site and the surrounding area are serviced through the Hastings District Council (**HDC**) reticulated services network (wastewater, water supply, and stormwater). Electricity and telecommunications services are available from Grove Road and Sussex Street.
- 5.5 The topography of the Site is generally flat in elevation with no outstanding natural features to note. The internal overland flow paths within the site have a general fall from Grove Road towards Sussex Street, although the front half of the existing Grove Road properties tends to fall towards Grove Road. There are no wider stormwater flow paths into the Site from surrounding properties.

Surrounding area

- 5.6 The surrounding area predominantly comprises single storey standalone dwellings on larger lots with a typical density of between 500m² and 1,000m².
- 5.7 The Site is located approximately 1.8km from the Hastings Central Business District (**CBD**) and is within walking distance of several bus stops, offering connectivity with the CBD, supermarkets, and Hawke's Bay Hospital. There are several parks and sports facilities, churches, and schools within the vicinity of the site. The closest shops are the Zodiac dairy and hairdresser which are located a short walk (less than 5 minutes) from the Site. The Site is directly across from Windsor Park which is home to Splash Planet, open space areas and other recreational facilities.
- 5.8 There are known ponding issues within the wider Grove Road and Sussex Street area identified on the Hastings District Council Intramaps. It is understood ponding was more frequent in the 1990's, prior to upgrades to the stormwater reticulation in Sussex Street and Grove Road.

6. THE PROPOSAL

- 6.1 A detailed outline of the Proposal is provided in Section 4 of the application report and Section 1 of the Officers S95 report. Ms Guilford's evidence outlines the key elements of the proposal from a landscape design perspective, and Mr Hodson's evidence outlines the engineering components of the Proposal.
- 6.2 The Proposal is for the redevelopment of eight existing residential sites by demolishing the existing residential dwellings and accessory buildings and constructing 24 new dwellings with a diversity of housing typologies. Following completion of the proposed development the subject site will be subdivided into 24 residential allotments (around each dwelling) and four joint owned access lots (JOAL).
- 6.3 Spatially the Proposal features three double storey duplex buildings (each building comprising two dwellings) fronting Grove Road, six double storey standalone dwellings fronting Sussex Street, and a mixture of single storey and double storey standalone and duplex dwellings fronting the JOAL. A total of 17 residential buildings comprising 24 dwellings/units will be created across the existing eight allotments as follows:
- (a) Seven sets of two-bedroom double storey duplexes (proposed Lots 1 – 8, and 12 - 17);
 - (b) Two standalone two-bedroom single storey dwellings (proposed Lots 9 and 10);
 - (c) One standalone four-bedroom single storey dwelling (proposed Lot 11);
 - (d) One standalone three-bedroom single storey dwelling (proposed Lot 18);
 - (e) Three standalone four-bedroom double storey dwellings (proposed Lots 19, 21, and 23);
 - (f) Two standalone three-bedroom double storey dwellings (proposed Lots 20, and 22);
 - (g) One standalone five-bedroom double storey dwelling (proposed Lot 22).

- 6.4 For the standalone dwellings, the proposed subdivision will result in lots ranging in size from 220m² (Lot 20) to 360m² (Lot 11). For the duplexed units, the proposed allotments range in size between 131m² (Lot 1) and 167m² (Lot 2). Because Kāinga Ora's housing typologies have smaller ground area footprints than the average New Zealand home, all lots will achieve building coverage no greater than 45%. The site coverage across the entire Site is only 31%.
- 6.5 The Site will be accessed from both Grove Road and Sussex Street, with the central JOAL (JOALs 1 -3) linking through the site. The central JOAL has been designed to be one-way with vehicles entering the development from Grove Road and exiting via Sussex Street. Different surface treatments have been proposed to manage vehicle speeds, and to define the JOAL as separate (private) access. The central JOAL has an "S" configuration to minimise the potential of it being used as a public thoroughfare. Signage will be installed at each entrance to the central JOAL to ensure vehicles entering the development know which way to drive. Similarly, vehicle access will be for residents only and appropriate signage will be installed at each entrance to the JOAL.
- 6.6 The Proposal features a total of 32 on-site car parks, with one space for each two-bedroom dwelling, and two spaces each for dwellings with three or more bedrooms. Car parking spaces are accommodated within each proposed allotment.
- 6.7 A detailed Landscape Plan was provided with the Application (Appendix E to the Application). A revised Landscape Plan was provided in response to Council's further information request. Ms Guilford's evidence describes the key elements of the proposal from a landscape design and I will not replicate this here except to highlight the following details:
- (a) Each new dwelling will be afforded privacy from adjacent sites within the Site with 1.8m high fencing and/or vegetation along shared boundaries¹.

¹ Please note there is an error in paragraph 8.23 of Mr Hosford's Officers s42A report which states the perimeter fencing will be 1.85m high.

- (b) The fencing proposed allows for passive surveillance while providing privacy for the occupants of the dwellings through visually permeable upper sections.
- (c) Existing perimeter fencing will be retained if it is in good condition. To integrate the existing fencing with new fencing the same timber finish will be utilised.
- (d) Edges of the shared JOAL and parking areas will be landscaped with vegetation to soften the built environment and provide a pleasant living area for the residents.
- (e) Each new dwelling will be provided with outdoor living space, a clothesline, and a service area suitable for rubbish bins.

6.8 An Engineering Services Report was provided with the Application (Appendix F to the Application). Mr Hodson's evidence describes the key elements of the proposal from an engineering design perspective, and I will not replicate this here except to highlight the following details:

6.9 Three waters infrastructure will be provided to the site as follows:

Water supply

- (a) The existing site is serviced via a 100mm diameter cast iron water main located within Sussex Street and a 150mm diameter cast iron water main located within Grove Road. The Proposal will re-use the existing water connections, where available and if serviceable. New connections to the mains will be constructed where required. Easements have been included on the subdivision scheme plan accordingly.
- (b) Fire-fighting water supply will be provided via four existing fire hydrants which are in close proximity to the Proposal, two on Sussex Street and two on Grove Road. There are two existing fire hydrants on each of these mains within proximity to the development. The central JOAL has been designed to allow for access for emergency vehicles with widths and tracking paths designed to allow adequate turning radii at the internal bends.

Wastewater

- (c) The existing dwellings are connected to the HDC DN125mm and DN150mm wastewater reticulation network within Sussex Street and Grove Road.
- (d) New wastewater pipes will be laid within the JOALs to consolidate and minimise connections to the mains where possible. Easements have been included in the scheme plan for the right to drain sewage.
- (e) The proposed dwellings with road frontage to Sussex Street will be connected to the existing Council reticulation within Sussex Street and the proposed dwellings with road frontage to Grove Road will be connected via private sewer mains within the central JOAL which will be connected to the existing wastewater main in Grove Road.

Stormwater

- (f) Stormwater will be attenuated to pre-development levels with the provision of water tanks ranging in size from 1,000 – 2,000 litres for each dwelling (totalling 32,000L on-site attenuation).

6.10 The Proposal also includes:

- (a) The remediation of approximately 45m³ of contaminated soils over a 150m² area in accordance with a Remedial Action Plan;
- (b) Earthworks of approximately 1,045m³, for site preparation, excavations and backfilling to create stable building platforms, and ground levelling for installation of underground services;
- (c) Connection to reticulated electricity and telecommunication services.

7. POST LODGEMENT UPDATES TO THE APPLICATION

- 7.1 HDC issued a Request for Further Information (**section 92 request**) on 29 October 2021. This was responded to in writing on 10 December 2021 and 17 January 2022. Key changes of note to the application, included with the section 92 response, were:

- (a) Provision of a revised site plan with changes to the vehicle crossing separation distances between Lot 8 and JOAL 1 and Lot 1 and Lot 2;
 - (b) Provision of revised landscape plans showing the location of power poles, streetlights, and power boxes;
 - (c) Provision of revised architectural elevations for the proposed dwellings fronting Grove Road;
 - (d) Provision of diagrams showing vehicle tracking curves; and
 - (e) Provision of a memorandum providing information of the additional wastewater flows for the proposed development, and a wastewater capacity modelling report for this proposed development and two future Kāinga Ora proposed developments in the Mayfair area.
 - (f) Provision of a wastewater modelling report titled "Hood Street Wastewater Catchment Network Modelling Report" dated 17 January 2022, prepared by Stantec for Hastings District Council and Kāinga Ora.
- 7.2 Hastings District Council facilitated a pre hearing mitigation meeting with Kāinga Ora (the Applicant) and Mr and Mrs Wilkinson (the Submitters) on 10 June 2022. I attended this meeting. The following Further Information was provided prior to this meeting:
- (a) Provision of a study of the Proposal in relation to the submitters property (1016 Grove Road);
 - (b) Provision of a sun study showing the Proposal in relation to the submitters property (1016 Grove Road);
 - (c) Provision of an alternative development layout in relation to the HDC anticipated baseline;
 - (d) Provision of design drawings showing the layout and elevations of the proposed 2 bedroom duplex dwellings adjacent to the submitters property.
- 7.3 Following the pre hearing mitigation meeting the following additional mitigation measures were proposed:

- (a) Provision of fixed-louvers on the upper floor bedroom windows and obscured glass to upper floor bathroom windows on the elevations of Lots 1, 3, and 5 facing 1016 Grove Road.

8. REASONS FOR CONSENT AND ACTIVITY STATUS

- 8.1 The Proposal requires two resource consents under the Hastings District Plan for the land use and subdivision components of the proposal. In addition, a consent is required under the NESCS for the remediation of contaminated soils.
- 8.2 The Proposal is for the land-use component (construction of 24 residential dwellings) to be completed first and the proposed subdivision to follow after the dwellings have been constructed. This approach has been proposed to provide certainty to Council that the development of the proposed lots can comply with the relevant development controls.
- 8.3 Resource consent is sought for a **discretionary land use** activity as the Proposal does not comply with the following General and Specific Performance Standards in the Hastings District Plan:
 - (a) General Performance Standard 7.2.5a – minimum density;
 - (b) General Performance Standard 7.2.5l – outdoor living space.
- 8.4 Resource consent is sought for a **non-complying subdivision** activity as the proposed lot sizes are smaller than the minimum lot size of 350m² for the General Residential zone (General Standard 30.1.6A).
- 8.5 Land use consent for a **restricted discretionary** activity is sought for disturbing soil pursuant to Regulation 10 of the NESCS.
- 8.6 As the consents are integral the bundling principle has been applied and the **overall status of the application is non-complying**.

9. THE "GATEWAY TEST" UNDER SECTION 104D

- 9.1 Section 104D of the RMA provides that a resource consent for a non-complying activity may only be granted if either (a) the adverse effects of the activity on the environment will be minor or (b) the activity will not be contrary to the objectives and policies of the relevant plan. This is frequently referred to as the "gateway test."

- 9.2 The AEE demonstrated that the adverse effects of the Proposal on the environment will be less than minor and acceptable for a Residential zone. See section 10 below for further discussion on the effects from the Proposal.
- 9.3 The assessment of the relevant Objectives and Policies in the Hastings District Plan demonstrates the Proposal and its level of housing density is highly consistent with these Objectives and Policies. See section 11 below for further discussion on the applicable objectives and policies in relation to the Proposal.
- 9.4 In my view, the Proposal passes both limbs of the section 104D gateway tests. As a result, the Proposal can be considered under section 104 of the RMA.

10. SECTION 104 ASSESSMENT

- 10.1 As a non-complying activity, all Actual and potential effects of the Proposal are subject to scrutiny. In my view, however, the following effects are most relevant to the consideration of this application:
- (a) Permitted baseline;
 - (b) Positive effects;
 - (c) Amenity and character effects;
 - (d) Effects on the safe and efficient use of the road;
 - (e) Effects on network infrastructure;
 - (f) Effects from natural hazards; and
 - (g) Effects on human and environmental health.
- 10.2 Each of these matters are considered in turn:
- Permitted Baseline**
- 10.3 Pursuant to section 104(2) of the RMA, a consent authority when forming an opinion for the purposes of subsection (1)(a), 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. This is commonly referred to as the 'permitted baseline assessment'.

- 10.4 The purpose of the permitted baseline assessment is to identify the non-fanciful effects of permitted activities and those effects authorised by resource consent in order to quantify the degree of effect of the proposed activity. Effects within the permitted baseline can be disregarded in the effects assessment of the activity.
- 10.5 The Application included a thorough assessment of the permitted baseline². In addition, a site layout illustration of what a permitted baseline scenario could look like for the Site was provided at the pre-hearing mediation meeting facilitated by HDC on 10 June 2022.
- 10.6 Mr Hosford at Section 8.19 of the Officers section 42A report concurs with the following component of the permitted baseline assessment provided in the Application report:

The District Plan permits one dwelling per 350m² with building coverage of 45%. The subject site is 5,614m². Therefore, 16 residential dwellings could be placed on the subject site with a building coverage of 2,525.4m² as a permitted activity. This proposal is for 24 dwellings with a total building coverage of 1,767.0m² (31%) to be built on the subject site (refer to the graph in Figure 1 below).



Figure 1: Permitted baseline assessment (Source: Application)

- 10.7 Mr Hosford at Section 8.20 of the Officers section 42A report notes that in addition to the graph above a permitted baseline layout plan was provided by the Applicant on June 8 2022³ which illustrates an indicative site layout for of what a permitted baseline scenario could look like for the subject site (refer to Figure 2 below): "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

² Resource Consent Application - Kāinga Ora Homes and Communities - 1015 - 1023 Sussex Street and 1012, 1014, and 1018 Grove Road, Mafair, WSP, 24 September 2021

³ Please note the Officers s42A report notes this date incorrectly as 08 June 2020.

dwellings to maximise the developable area of land on each of the proposed sites".



Figure 2: Permitted baseline layout plan (Source: Information provided to support application on June 8 2022)

- 10.8 Mr Hosford states in paragraph 8.22 of the Officers section 42A report that *"I generally agree with the information provided by the Applicant and contained in Figures 1 and 2 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."*
- 10.9 I agree with the above assessment of the permitted baseline scenario. It is my view that the permitted baseline applies to the land use component of the Proposal and the adverse visual effects in terms of building bulk and coverage should be disregarded in the effects assessment of the activity. I consider that these adverse effects include those associated with effects on infrastructure, effects on visual amenity and character, effects from traffic volume and effects from general disturbances from residential activities (such as the coming and going of people).
- 10.10 In addition to the permitted baseline assessment provided with the application I would also like to add the following in relation to earthworks:
 - (a) When assessed under Rule Table 27.1.5, in Section 27 of the District Plan (Earthworks Mineral Aggregate and Hydrocarbon Extraction) earthworks are considered a Permitted Activity and do

not have to comply with the Performance Standards and Terms in Section 27.1.6 provided they are:

- (i) *Earthworks assessed with any Subdivision Consent and Designations;*
- (ii) *Earthworks in association with a Building Consent, where the area of earthworks includes no more than 150% of the area of the associated building footprint. Note that Rules and Standards are applied once the 150% threshold is exceeded.*

10.11 It is my view that the Proposal's earthworks (1,045m³) required for the gravel rafts and ground improvements are in association with both a subdivision consent and future building consents (for the land use component of the application) and are therefore a permitted activity. I consider any associated effects should be disregarded.

Positive Effects

10.12 Positive effects of the Proposal are a relevant consideration when assessing applications under s104(1)(a) of the Act. In my view, there are significant positive effects that are associated with the Proposal that are relevant to the overall consideration of whether or not consent should be granted. In my view, the positive effects associated from the Proposal are:

- (a) Provision of greater housing availability;
- (b) Greater utilisation of the land resource;
- (c) On-site liveability - achievement of a high standard of living and a safe environment for future residents.

10.13 The above positive effects are discussed in detail in Sections 8.3, 8.4, and 8.6 of the Application report. Mr Liggett has also outlined these positive effects in his evidence, and I concur with his assessment.

10.14 Sections 8.47 – 8.50 of the Officers section 42A report concur that the Proposal will result in positive effects resulting from: provision of greater housing availability; and greater utilisation of the land resource, as outlined in Sections 8.3 of the Application report. I agree with this conclusion.

- 10.15 Overall, I consider the positive effects to be significant for the Hastings Community.

Amenity and Character Effects

- 10.16 The Proposal represents an increase in density with the smaller lot sizes than what is permitted under the District Plan.
- 10.17 The AEE⁴ provided a detailed assessment of the effects of the Proposal on amenity and character, including both on-site and off-site effects, and concluded that on both counts the effects are acceptable.
- 10.18 The submission of Mr and Mrs Wilkinson raises concern about the building size and scale, density of development, and loss of privacy as a result of the Proposal. I acknowledge that increased density can give rise to increased traffic movements, demand for parking and noise from vehicles and residents, and some degree of loss of privacy to adjoining properties. I address each of these matters below.

Building Scale and Size

- 10.19 The submission of Mr and Mrs Wilkinson raises concern about the building scale and size of the Proposal in relation to their property (1016 Grove Road).
- 10.20 Mr Hosford is of a view that the Proposed development "*presents 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*" (paragraph 8.11 of the Officer's section 42A report). Mr Hosford also discusses adverse effects from the Proposal on the Wilkinson's property (1016 Grove Road) from 'enclosure'.
- 10.21 As discussed in the permitted baseline assessment above, it is my view that the permitted baseline applies to the Proposal and the adverse visual effects in terms of building bulk and coverage should be disregarded in the effects assessment of the activity.
- 10.22 Specifically, Performance Standard 7.2.5C in the Hastings Residential Environment Chapter in the District Plan sets a maximum building height

⁴ Resource Consent Application - Kāinga Ora Homes and Communities - 1015 – 1023 Sussex Street and 1012, 1014, and 1018 Grove Road, Mafair, WSP, 24 September 2021

of 8 metres for buildings in this zone; Performance Standard 7.2.5D sets a requirement for new buildings to be constructed within a recession plane from points 2.75m above the boundary (height to boundary); and Performance Standard 7.2.5F sets a building setback requirement of 3m from front boundaries and 1m from all other boundaries. All of the proposed dwellings, including the proposed two storey dwellings comply with these Performance Standards.

10.23 In my view, although the existing streetscape predominantly comprises of single storey residential dwellings, the District Plan allows for the development of two storey dwellings in the Hastings General Residential zone. Therefore, two storey dwellings along the street frontage could be developed as a permitted activity. Mr Hosford acknowledges this in paragraph 8.17 of the Officers section 42A report where he states: *"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".*

10.24 In my view, the District Plan is not seeking to discourage two storey dwellings in areas where the predominant character is single storey dwellings. It is also not seeking to ensure that only similar looking houses should be built to match the prevailing style of houses. I do however acknowledge that there will be a visual change to the immediate area. It is my view that the Proposal, although denser than the surrounding environment is not inconsistent with the pattern of existing development along Sussex Street and Grove Road. I consider that the size and visual appearance of the proposed dwellings have been carefully designed to complement the existing environment and will not detract from it.

- 10.25 It is my view that the proposed building scale and size of the proposed duplexed buildings adjacent to the Wilkinson's property (1016 Grove Road) is appropriate.

Effects on Privacy

- 10.26 The submission of Mr and Mrs Wilkinson raises concern about adverse effects on their privacy from the Proposal.
- 10.27 Mr Hosford's view is that the proposed two storey duplex buildings adjacent to the Wilkinson's property (1016 Grove Road) will result in an adverse effect on the Wilkinson's property from 'overlooking' and the resulting adverse effects will be 'minor'. As discussed in Section 9 above, the Section 104D of the RMA provides that a resource consent for a non-complying activity may be granted if the adverse effects of the activity on the environment will be minor.
- 10.28 The Kāinga Ora design team has carefully considered the internal layout of the dwellings and placement of windows to afford occupants and adjacent residents a reasonable degree of privacy each. This is further emphasised through careful placement and orientation of dwellings on the Site in relation to adjacent sites. Boundary fencing and landscape planting along all the site boundaries have also been carefully considered.
- 10.29 Regarding the Proposal and potential for adverse privacy effects on the adjoining property at 1016 Grove Road Kāinga Ora has offered additional mitigation measures to the submitter to address their concerns (as described above): provision of fixed-louvers on the upper floor bedroom windows and obscured glass to upper floor bathroom windows on the elevations of Lots 1, 3, and 5 facing 1016 Grove Road. In addition, Kāinga Ora offered to undertake additional 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).
- 10.30 The Proposal is for the proposed duplex buildings adjacent to the Wilkinson's property (1016 Grove Road) to be set back further than the 1m building set back required by the District Plan (5m, 5.5m and 6.5m building setbacks from each boundary respectively), the proposed buildings comply with all other bulk and location standards for a

permitted activity in the District Plan, and the proposed building coverage is less than the 45% The District Plan allows.

10.31 In my view, the dwellings will not create dominance or overshadowing effects on adjacent properties that fall outside the permitted baseline and are of a scale proportional to the allotments proposed.

10.32 I concur with Mr Hosford at paragraph 8.26 of the Officers S42A report where he states that considering the *"form of development that could have arisen under a permitted baseline scenario and the additional mitigation measures that have since been offered..."* that the *"proposed development is of a level of intensity that has sufficiently considered the possible effects on amenity and sense of place"*.

10.33 It is my view that the Proposal has been designed carefully to ensure any adverse effects are mitigated appropriately. With the addition of mitigation measures proposed it is my opinion that any resulting adverse effects can be mitigated appropriately and will be less than minor.

Effects from increasing Density

10.34 I acknowledge that the Proposal will result in a change in urban form that differs to the 350m² lot size permitted under the District Plan.

10.35 The part of the Site fronting Grove Road is located within the Suitable for Comprehensive Residential Development overlay in the District Plan. This overlay allows for a density of 250m². The lot size of the existing property at 1014 Grove Road is 614m² and the lot size of the existing property at 1016 Grove Road is 701m². It is my view that the District Plan anticipates two 250m² lots on each of these adjoining properties as appropriate.

10.36 An Urban Design Assessment was provided as Appendix J to the Application⁵. Which includes details of the urban design principles the development has been founded on. In my opinion, the scale of development and internal site layout, is appropriate for the site and will create positive on-site residential amenity with sensitive and quality urban design. Although the proposed allotments are smaller than the minimum lot size for the General Residential zone, each proposed allotment is of a sufficient area to accommodate an appropriately sized

⁵ Urban Design Assessment, Kāinga Ora Homes and Communities Hastings Tranche 6 1015 – 1023 Sussex Street and 1012-1014, 1018 Grove Road, Hastings, 16 September 2021, Createus Group

standalone or duplex residential dwelling able to comply with bulk and location standards including maximum height and height recession planes.

- 10.37 The Proposal demonstrates that the proposed lot sizes and building dimensions are sufficient for the operational use and maintenance of a residential dwelling with adequate outdoor space, and vehicle parking and manoeuvring is able to be performed on the Site.

Summary of amenity and character effects

- 10.38 Due to the great demand for more housing, larger allotments and single storey development are not considered to be an efficient use of land. Whilst the number of units being created does exceed the minimum net site area, the Site has been developed to a size and scale that provides for both on-site and off-site amenity. In my opinion, the dwellings will not create dominance or overshadowing effects on adjacent properties that fall outside the permitted baseline and are of a scale proportional to the allotments proposed.
- 10.39 It is my view that any adverse effects from the Proposal on the amenity and character of the surrounding environment will be less than minor and acceptable.
- 10.40 It is my view that there will be a clear distinction in quality/amenity from what is currently on site or within the general area, and the Proposal is congruent with the future existing environment and the directives of the NPSUD. The new Kāinga Ora dwellings will be modern, healthy homes adhering to urban design standards and with quality landscaping and fencing provided. This represents an enhancement in local amenity and setting of a new benchmark for re-generation of the area with homes tailored to meet the demands of a changing population.
- 10.41 This position is consistent with NPSUD, particularly Policy 6 which, as noted in the AEE, recognises that significant changes to urban areas from increased density are not adverse effects in themselves, and that a balancing judgement is required of Council regarding amenity effects.

Effects on the safe and efficient use of the road

- 10.42 As discussed in the AEE, the Proposal is likely to increase traffic and visitor movements to the Site when compared to the existing environment.

- 10.43 The submission of Mr and Mrs Wilkinson raised concern with the potential for increased vehicle overflow arising from the increase in residential density⁶.
- 10.44 The AEE in the Application Report, the Engineering Services Report which was provided as Appendix F to the Application, and the further information provided to HDC on 10 December 2021 provide detail of the proposed access, parking, and on-site manoeuvring for the Proposal.
- 10.45 The Application report and Attachment 2 to the Officers section 42A report discuss the adverse effects from the Proposal from a non-compliance with the District Plan standards for on-site car parking (General Standards 7.2.5N (Residential zones) and 30.1.7E (subdivision)). As discussed in paragraph 8.43 of the Officers section 42A report, these requirements have been removed from the District Plan since the Application was lodged, consistent with Policy 11(a) of the NPSUD which came into effect in February 2022.
- 10.46 I concur with Mr Hosford's statement in paragraph 8.43 of the Officers section 42A report that *"visitor parking can be sufficiently accommodated on either Sussex Street or Grove Road"*.
- 10.47 Section 8.7.2 of the AEE in the Application Report⁷ provides a detailed assessment of the potential adverse effects from increased traffic generation along Grove Road and Sussex Street:

General Performance Standard 7.2.5M sets out threshold limits for vehicle movements from sites in the General Residential Zone. The maximum number of car movements from a site per day is 30.

The New Zealand Transport Agency research report regarding trips and parking related to land use (Trips and parking Related to Land Use (453), NZTA, 2011) states that the average number of trip legs per person, per day in a household is 6 trip legs, and that this was 'fairly constant' until the household size reached 5+ people. An average house contains 3-4 bedrooms. The research report by NZTA states that a household of 4 people has an average of 25 trip legs per household, per day, and a household of two people has an average of 12 trip legs per household per day. The proposed 24 dwellings ranging from 2 – 5 bedrooms with a total of 64 bedrooms will potentially create an average of approximately 392 trip legs per day.

Taking into account the permitted baseline of 16 three-bedroom dwellings, the District Plan has anticipated an average of approximately

⁶ This submission point was clarified by Mr and Mrs Wilkinson at the pre-hearing mediation on 10 June.

⁷ Resource Consent Application - Kāinga Ora Homes and Communities - 1015 – 1023 Sussex Street and 1012, 1014, and 1018 Grove Road, Mafair, WSP, 24 September 2021.

400 trip legs per day. As such the proposed number of average potential trip legs per day can be tolerated within this environment with less than minor adverse effects.

10.48 It is my view that any adverse effects from increased traffic generation on the safe and efficient use of the road will be less than minor and acceptable.

10.49 I concur with Mr Hosford's statements in paragraphs 8.44 and 8.45 of the Officers section 42A report:

Paragraph 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".

Paragraph 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".

10.50 I also agree with Mr Hosford's concluding statement in paragraph 8.46 of the Officers section 42A report 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".*

Effects on network infrastructure

10.51 As discussed in the AEE⁸, the effects from the Proposal on the network infrastructure will not be largely different to the developments described within the permitted baseline, where eight larger dwellings are established, with a similar amount of residents.

10.52 The Engineering Services Report provided as Appendix F to the Application includes information that illustrates that reticulated service

⁸ Resource Consent Application - Kāinga Ora Homes and Communities - 1015 - 1023 Sussex Street and 1012, 1014, and 1018 Grove Road, Mafair, WSP, 24 September 2021.

connections are available for water, wastewater, and stormwater, and that additional on-site stormwater storage is proposed to mitigate any potential adverse effects from an increase in impervious surfaces.

10.53 The effects of the Proposal on network infrastructure are well covered by Mr Hodson's evidence which I do not intend to repeat here.

10.54 I note that no submissions were received on the effects of the proposal on network infrastructure, and these effects are not covered in the Officers section 42A report.

10.55 Mr Hosford does address the effects of the Proposal on network infrastructure on pages 22 and 23 of the Officers Section 95A and 95B Notification Report (Attachment 2 to the Officers S42A report). Mr Hosford's assessment states that: *"Council's reticulated services asset managers have reviewed the proposal and have raised concern at the level of intensification in and how this would affect the wastewater network due to known capacity constraints in the vicinity of the Hood Street pump station. While the applicant did not solely cause this issue, it is acknowledged that the proposed development would exacerbate the existing issue and any effects of additional development of an intensive manner needs to be mitigated"*.

10.56 Mr Hosford acknowledges on page 23 of the Officers Section 95A and 95B Notification Report (Attachment 2 to the Officers section 42A report) that since the application was lodged a Wastewater Modelling Assessment (jointly commissioned by HDC as the asset owner and Kāinga Ora as the developer) was provided to understand the impact of this Proposal and two other Kāinga Ora Developments in the same wastewater catchment.

10.57 Mr Hodson's evidence includes detail on the results of the Wastewater Modelling Assessment and a proposed agreement between Kāinga Ora and HDC for upgrades to the wastewater network to mitigate to a less than minor effect the effect from increasing demand on the reticulated wastewater network from this Proposal and two other planned Kāinga Ora developments in the Mayfair area.

10.58 I agree with Mr Hosford's statement on page 23 of the Officers Section 95A and 95B Notification Report (Attachment 2 to the Officers S42A report) that *"On the basis that an agreement is reached regarding any*

necessary network upgrades to be completed, it is considered that any adverse effects from the proposed development on the effective operation of the existing reticulated wastewater network will be no more than minor. No other servicing related effects are anticipated”.

Effects from natural hazards

- 10.59 As discussed in the AEE, the Site is contained within the Heretaunga Plains Liquefaction Hazard Vulnerability medium risk area, and Earthquake Amplification medium risk area. A Geotechnical Report prepared by RCDL was provided as Appendix G to the AEE. This Geotechnical report confirmed that stable building platforms are achievable on all proposed allotments. A condition of consent was volunteered with the Application that all development shall be consistent with the recommendations of the Geotechnical Report.
- 10.60 With the imposition of this condition, it is my view that any potential adverse effects from building within the Heretaunga Plains Liquefaction Hazard Vulnerability Medium Risk Area, and Earthquake Amplification Medium Risk Area can be avoided.
- 10.61 As discussed in the AEE in the Application Report, there are known ponding issues within the wider Grove Road and Sussex Street area identified on the Hastings District Council Intramaps. The Engineering Services Report in Appendix F to the Application and Mr Hodson's evidence provide a thorough description of the flow paths through the site and I will not repeat this detail here.
- 10.62 The submission of Mr and Mrs Wilkinson raised concern with the potential for increased flooding, arising from additional building and hardstand compared to the existing situation⁹.
- 10.63 Specific floor levels have been proposed for the proposed dwellings to mitigate any potential effects from ponding on the proposed dwellings. On-site stormwater detention tanks have been proposed for each allotment to mitigate any effects from the additional runoff from the increase in impervious surfaces from the Proposal.
- 10.64 HDC have accepted the proposed floor levels and on-site stormwater detention as appropriate mitigation.

⁹ This submission point was clarified by Mr and Mrs Wilkinson at the pre-hearing mediation on 10 June.

- 10.65 I concur with Mr Hosford's statement in paragraph 8.41 of the Officers section 42A report 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"*.

Effects on human and environmental health

- 10.66 As noted above, the Proposal includes resource consent for a Restricted Discretionary activity for disturbing soil pursuant to Regulation 10 of the NESCS.
- 10.67 NESCS matters for the disturbance of contaminated soils are well covered in the Detailed Site Investigation (DSI) and a Remedial Action and Site Management Plan (RAP-SMP) submitted with the application. HDC have accepted the proposed remediation as necessary.
- 10.68 The DSI report (provided as Appendix H to the Application) identified a 150m² area of soil within the subject site that has levels of lead that exceed the applicable standards.
- 10.69 I note that the submission of Mr and Mrs Wilkinson raised concern over the potential for windborne dust to discharge onto their property¹⁰ during the removal of the contaminated soil of which the 150m² area is adjacent to their boundary.
- 10.70 The RAP-SMP (provided as Appendix I to the Application) includes provision for the excavation and removal of contaminated land to an appropriately licensed facility, silt fences around any temporary stockpiles, dust control such as dampening soils to minimise air pollutants, contingencies in case other contamination is encountered, reporting and record keeping of the remediation, and validation sampling upon completion of the first stage of remedial excavations. Further validation sampling will be undertaken until samples return a 95% upper confidence level below the NESCS criteria.
- 10.71 I concur with Mr Hosford's opinion in paragraph 8.33 that *"the site remediation works can be completed in accordance with both the RAP-SMP and industry best practice to avoid any off-site sedimentation effects,*

¹⁰ Note, this submission point was clarified by Mr and Mrs Wilkinson at the pre-hearing mediation on 10 June.

and this can be secured by a suitably worded condition, should consent be granted.

10.72 I have reviewed the suggested condition(s) that are included in the Recommendation to the Hearings Committee in the Officers section 42A report which relate to the remediation works. In my view, the proposed conditions are appropriate.

10.73 I concur with Mr Hosford's opinion that the site remediation works required to facilitate this Proposal can be undertaken without giving rise to any adverse effects in human health.

Conclusion Regarding Effects

10.74 In my view, taking into account the positive effects, any actual and potential adverse effects on the environment of allowing the activity will be acceptable.

11. RMA POLICY STATEMENTS, PLANS, NATIONAL ENVIRONMENTAL STANDARDS AND ANY OTHER REGULATIONS

National Policy Statement for Urban Development

11.1 The NPSUD supports increased densities within urban environments, particularly where those developments provide for a range of lifestyle living opportunities that will meet a broad range of public demand from individuals, couples, families and the elderly community. The Proposal meets that demand through the provision of quality medium density living located within close proximity to local amenities. It will provide for the housing needs of current and future generations. This will be achieved through the provision of significant increase in housing choices, compared to what currently exists on site, and which will cater for social housing demand.

11.2 A detailed assessment of the application against the NPSUD Objectives and Policies was included in the Application report and I will not repeat it here. Mr Liggett has also outlined the key provisions of the NPSUD in his evidence, and I concur with his assessment.

11.3 Overall, I consider that the Proposal is an example of a project that will achieve the directives of the NPSUD.

Heretaunga Plains Urban Development Strategy 2017 (HPUDS)

- 11.4 HPUDS seeks to shape development giving preference to the maintenance of the versatile land across the Heretaunga Plains. To meet this, part of the HPUDS vision is to provide the community with physical infrastructure which is "*integrated, sustainable and affordable*".
- 11.5 A detailed assessment of the application against the HPUDS was included with the Application and I will not repeat it here. In summary, it is my view that the Proposal is consistent with the intention of the HPUDS.

Hastings District Plan

- 11.6 In my view, the parts of the Hastings District Plan that are particularly relevant to the consideration of this application are:
- (a) Section 7.1 – Hastings Strategic Management Area;
 - (b) Section 7.2 – Hastings Residential Environment;
 - (c) Section 26.1 – Transport and Parking; and
 - (d) Section 30.1 – Subdivision and Land Development.
- 11.7 Each of these matters are considered in turn within tables 1 – 4 below. I have only set out what I consider to be the most relevant provisions here, with a more comprehensive assessment of the Hastings District Plan provisions being contained in the Application report.

Table 1. Assessment against Section 7.1 Hastings Strategic Management Area Objectives and Policies

Policy/Objective	Assessment
Objective HSMAO2 To contain development within the Hastings SMA urban boundaries.	The Proposal reflects the objective and these policies to the core. The redevelopment of sparse residential properties ensures that a high quality urban environment can be provided without developing beyond the urban boundaries. The Proposal is consistent with these provisions.
Policy 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.	
Policy HSMAP3	
Promote a high quality urban environment, where environmental and amenity values are protected.	

11.8 Overall, I conclude that the Proposal is highly consistent with the relevant Hastings District Plan Objectives and Policies for the Hastings Strategic Management Area.

Table 2. Assessment against Section 7.2 Hastings Residential Environment

Policy/Objective	Assessment
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.	It is my view that: <ul style="list-style-type: none"> The proposed redevelopment of the Site takes advantage of the existing under-utilised land resource and promotes an alternative to urban sprawl.
POLICY RP2 Enhance and promote the sustainability of the District's urban form by requiring new development to incorporate design elements outlined in Section D (Subdivision Design) & E (Road Design) of the Hastings District Council's Subdivision and Infrastructure Development in Hastings: Best Practice Design Guide	<ul style="list-style-type: none"> The proposed housing configuration enables successful integration of smaller housing to meet the needs of the community now and into the future without compromising environmental quality.
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.	<ul style="list-style-type: none"> I consider that the Proposal is consistent with Objective R01 and Policies RP2 and RP3.
OBJECTIVE RO2 To ensure that the amenity of the present character of the residential environment is maintained and enhanced by managing	As discussed in the AEE ¹¹ , the character of the residential environment will be maintained and enhanced as the development has had careful

¹¹ Resource Consent Application - Kāinga Ora Homes and Communities - 1015 – 1023 Sussex Street and 1012, 1014, and 1018 Grove Road, Mafair, WSP, 24 September 2021.

<p>design, layout, intensity and land use activities.</p> <p>POLICY RP4</p> <p>Maintain and enhance a high standard of amenity in the residential environment while enabling development innovation and building variety.</p>	<p>consideration of design, landscaping and materials used.</p> <p>It is my view that the proposal is therefore consistent with these provisions.</p>
<p>POLICY RP5</p> <p>Minimise the adverse effects of developments created by excessive building scale, overshadowing, building bulk, excessive site coverage or loss of privacy.</p>	<p>The proposed development complies with the performance standards in the District Plan in respect to building scale, yard setbacks and height in relation to boundary. The proposed dwellings are not considered excessive in size, bulk or site coverage and are not anticipated to result in loss of privacy or amenity for adjacent properties.</p> <p>It is my view that the Proposal is consistent with this policy.</p>
<p>OBJECTIVE GRO2</p> <p>To enable residential growth in Hastings by providing for suitable intensification of housing in appropriate locations.</p> <p>POLICY GRP3</p> <p>Provide for comprehensive residential development in locations that are in close proximity to high quality public amenities.</p> <p>POLICY GRP4</p> <p>Manage the scale and intensity of infill housing and comprehensive residential development to avoid adverse effects on the local neighbourhood character and amenity.</p>	<p>Hastings is in need of affordable housing in appropriate areas. Affordable housing is housing that doesn't occupy large spaces of land and appropriate areas are those that are connected to the existing communities through local schools, public transport, and access to services.</p> <p>It is my view that the Proposal meets all of these needs without compromising the residential amenity of the area.</p>

11.9 Overall, I conclude that the Proposal is highly consistent with the relevant Hastings District Plan Objectives and Policies for the Hastings Residential Environment.

Table 3. Assessment against Section 26.1 Transport and Parking

Policy/Objective	Assessment
<p>Objective TP01</p> <p>Ensure that land uses and new subdivision are connected to the transportation network in a manner that</p>	<p>The Site is well connected to the local roads, public transport and is within easy walking distance to amenities and services.</p>

<p>provides for the efficient and sustainable movement of people and goods in a safe manner.</p> <p>Policy TP1</p> <p>Ensure that subdivision and land use are integrated with the transport network and that the traffic effects are mitigated, including through the use of sustainable transport modes.</p>	<p>It is my view that the Proposal is considered to be consistent with these provisions.</p>
<p>Objective TP02</p> <p>To establish and maintain an efficient and effective parking regime that meets the present and future parking needs of the community.</p> <p>Policy TPP8</p> <p>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.</p>	

11.10 Overall, I consider that the Proposal is highly consistent with the relevant Hastings District Plan Objectives and Policies for transport and parking.

Table 4. Assessment against Section 30.1 Subdivision and Land Development

Policy/Objective	Assessment
<p>Objective SLD02</p> <p>To ensure that sites created by subdivisions are physically suitable for a range of land use activities allowed by the relevant Section Rules of the District Plan.</p> <p>Objective SLD04</p> <p>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.</p> <p>POLICY SLDP7</p> <p>Recognise the role of the Hastings District Council's Subdivision and</p>	<p>The subdivision in this instance simply involves the creation of legal boundaries around the proposed dwellings. Appropriate easements are provided for the underground utilities and services and right of way access. As such, the subdivision itself will not result in any adverse effects on the environment.</p> <p>I consider the Proposal is consistent with these provisions.</p>

<p>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.</p> <p>POLICY SLDP10</p> <p>Require the provision of safe and practicable access for pedestrians and vehicular traffic from a public road to each site.</p> <p>POLICY SLDP15</p> <p>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.</p>	
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11.11 Overall, I conclude that the Proposal is highly consistent with the Relevant Hastings District Plan Objectives and Policies for subdivision and land development.

12. SECTION 106(1) – SUBDIVISION CONSENT

12.1 Regarding subdivision, section 106(1) of the RMA provides that a consent authority:

... may refuse to grant a subdivision consent, or may grant a subdivision consent subject to conditions, if it considers that—

- (a) *there is a significant risk from natural hazards; or*
- (b) *[Repealed]*
- (c) *sufficient provision has not been made for legal and physical access to each allotment to be created by the subdivision.*

12.2 The AEE demonstrated that there are no significant natural hazards risks associated with the proposed subdivision. All potential risks have been avoided or mitigated such that those risks are acceptable, and the redevelopment and subdivision of the Site can safely proceed.

12.3 The Proposal has made sufficient provision for legal and physical access to each lot proposed for the subdivision, as described in the AEE¹². Where necessary easements are proposed (or retained) to ensure legal and physical access is maintained.

12.4 I consider the Proposal therefore passes the test of section 106.

13. COMMENTS ON THE COUNCIL'S SECTION 42A REPORT

13.1 I have read all of the letters and documentation provided by Council and the Council Officers section 42A report prepared by Mr Hosford. In the Council Planning Officer's view, it is appropriate that consent be granted subject to suitable conditions, and I concur with that conclusion.

13.2 I have addressed aspects of the section 42A report in my assessment of effects above.

14. COMMENTS ON SUBMISSION

14.1 I have read the submission received and consider my assessment above addresses the matters raised.

15. PART 2 ASSESSMENT

Section 5

15.1 Section 5 covers the purpose of the Act, being sustainable management. This means:

"managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while—

- (a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
- (b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
- (c) avoiding, remedying, or mitigating any adverse effects of activities on the environment".*

¹² Resource Consent Application - Kāinga Ora Homes and Communities - 1015 – 1023 Sussex Street and 1012, 1014, and 1018 Grove Road, Mafair, WSP, 24 September 2021.

- 15.2 In my opinion, the development will enhance the health, wellbeing, and safety of the community, whilst mitigating potential effects on adjacent sites and the wider environment. It therefore achieves the purpose of sustainable management.

Section 6

- 15.3 Section 6 covers matters of national importance, including the management of significant risks from natural hazards, protection of waterbodies from inappropriate subdivision, the relationship of Maori with their lands and other taonga, and the protection of historic heritage. None of these matters are relevant to the Proposal other than management of natural hazards which I have addressed above.

Section 7

- 15.4 Section 7 identifies a number of "other matters" to be given particular regard to and includes (but is not limited to) Kaitiakitanga, the efficient use of natural and physical resources, the maintenance and enhancement of amenity values, and maintenance and enhancement of the quality of the environment. In my view, the Proposal will be an efficient use of residentially zoned land for an activity provided for in that zone. In my view, amenity values of adjacent properties will be appropriately maintained and enhanced, whilst the Proposal mitigates any potential effects on the natural environment.

Section 8

- 15.5 Section 8 relates to the principles of the Treaty of Waitangi. In my opinion, the Proposal is consistent with the Treaty.

Overall assessment

- 15.6 In my view, the Proposal passes all the relevant tests of Part 2 of the RMA and will yield significant benefits for the Hastings community.

16. CONDITIONS

- 16.1 I have reviewed the suggested conditions that are included in the Officers section 42A report. In my view, they are generally an appropriate basis on which consent could be granted if the Commissioner was minded to do so, subject to some changes. A tracked change version of the conditions showing these changes is

included as **Appendix A**. The rationale for these suggested changes is included below.

Earthworks and sediment control

16.2 As outlined in Mr Liggett's evidence: Conditions (27) - (42) of recommendation 1 of 2 (subdivision consent) relate to the management of earthworks. Kāinga Ora is of the view that the matter of earthworks is a land use consent issue and therefore these conditions do not belong under the subdivision decision. Moreover, the Proposal complies with permitted earthworks standards of the District Plan and therefore earthworks controls and their implementation should not be a condition of subdivision consent. I agree with this reasoning and consider that the earthworks conditions should be included as advice notes rather than conditions and that the sediment control conditions should be included under the land use consent recommendation.

16.3 Condition 27 of recommendation 1 of 2 (subdivision consent) requires an erosion and sediment control plan is provided to Council for approval. Recommendations for erosion and sediment control are included in Section 6 of the approved Engineering Services Report and an erosion and sediment control plan was provided in Appendix 9 of this report. It is requested that the erosion and sediment control conditions are amended to reference the approved erosion and sediment control plan.

Soil remediation

16.4 As outlined in Mr Liggett's evidence: Conditions (49) – (50) of recommendation 1 of 2 (subdivision consent) relate to potential contaminants and soil remediation. Kāinga Ora is of the view that this is a land use consent issue and it is not appropriate to include these conditions under the subdivision recommendation.

16.5 I agree with this reasoning and request the deletion of conditions (27) – (42) under recommendation 1 of 2 and the relocation of conditions (49) – (50) to be under recommendation 2 of 2 (land use).

Duplication of conditions

16.6 As outlined in Mr Liggett's evidence several conditions are duplicated in the subdivision recommendation 1 of 2 and the land use recommendation 2 of 2. These duplications are outlined below.

- 16.7 Condition (3) of recommendation 2 of 2 (land use) requires infrastructure servicing and earthworks associated with the development to be completed in accordance with conditions (10) – (50) of recommendation 1 of 2 (subdivision). I agree with Liggett's evidence, earthworks are not a subdivision matter and therefore such conditions should not be within the subdivision recommendation.
- 16.8 As outlined in Mr Liggett's evidence: the matter of infrastructure servicing is a subdivision consent issue or a building consent issue. I agree these conditions should not be referenced as a condition through the land use consent recommendation. There are conditions proposed through the subdivision recommendation ((10) – (26)) that adequately address infrastructure servicing requirements.
- 16.9 Condition (4) of recommendation 2 of 2 (land use) requires additional certification prior to lodging building consent to confirm that the finishing of the development is to be undertaken in accordance with the details approved through this resource consent. As outlined in Mr Liggett's evidence, Kāinga Ora considers this to be covered by condition (1) of both recommendation 1 and 2 of the council's s42a report and therefore results in unnecessary duplication.
- 16.10 It is requested that a condition requiring the submission of final materials and colour palettes is a more appropriate condition and is included in place of condition (4).
- 16.11 As such, the deletion of condition (3) and replacement of condition (4) of recommendation 2 of 2 is requested. Should the Council see it necessary, an advice note could be included on the land use consent that relates to servicing requirements.

Consent Notices

- 16.12 Conditions (9)(a) – (e) of recommendation 1 of 2 (subdivision) seek to impose consent notices relating to the following matters:
- (a) Landscaping maintenance;
 - (b) Establishment of any future fencing on-site;
 - (c) Limit of one household unit per site
 - (d) Stormwater attenuation.

16.13 As outlined in Mr Liggett's evidence: Landscaping of the development and the continued maintenance of this is a land use consent matter and can be certified through the land use consent process. Kāinga Ora does not consider this to be a matter for the subdivision consent as it is a means of managing land use effects. Kāinga Ora seeks the deletion of proposed conditions 9(a) and (b).

16.14 As outlined in Mr Liggett's evidence: The limit of one household unit per site following the subdivision of land is reflective of the level of development that is able to be undertaken through the Operative District Plan. Kāinga Ora does not consider it appropriate to impose this as a consent notice as development within the urban environment should be adequately regulated through the District Plan provisions and any subsequent changes to these provisions. Furthermore, the condition to limit the sites to one household unit per site is considered to be contrary to the NPS-UD in that it removes a community's ability to respond to change in housing demand over time. Kāinga Ora seeks the deletion of proposed condition 9(c).

16.15 As outlined in Mr Liggett's evidence: with regards to the maintenance of the proposed stormwater attenuation systems, it is the view of Kāinga Ora that the stormwater attenuation system to manage the land use component of the development and therefore should be imposed through recommendation 2 of 2 (land use) and need not flow through as a consent notice under the subdivision recommendation. Kāinga Ora seeks the deletion of proposed condition 9(a) and (b). In replacement of this consent notice condition, it is requested that maintenance of the on-site stormwater attenuation is included as a new condition of recommendation 2 of 2 (land use).

16.16 For these reasons, Kāinga Ora request the deletion of conditions (9)(a) – (e) of recommendation 1 of 2.

Infrastructure Servicing

16.17 It is considered that conditions 14, 20, and 51 of recommendation 2 of 2 are more appropriate as advice notes as they reference matters that are dealt with at building consent stage. It is requested that these conditions are deleted and included as advice notes.

- 16.18 Conditions 15 and 16 of recommendation 1 of 2 require separate stormwater and sewer connections for all residential allotments. Condition 17 of recommendation 2 of 2 references shared connections within Lots 25 – 27. It is requested that conditions 15 and 16 of recommendation 2 of 2 are updated to reference these shared connections.

Mitigation Measures relating to 1016 Grove Road

- 16.19 Condition 2 of recommendation 2 of 2 relates to the proposed mitigation measures in relation to the adjoining property at 1016 Grove Road. Amendments to this condition have been requested to reference the side of the dwellings on Lots 1, 3, and 5 adjacent to 1016 Grove Road.

Reference of Plans

- 16.20 It is noted that condition 1(e) of recommendation 2 of 2 includes an incorrect reference for the Detailed Site Investigation. It is requested that this reference is corrected.

17. CONCLUSION

- 17.1 In my view the Proposal is highly appropriate for the Site and has been well considered by the design team to minimise the potential and actual adverse effects on the surrounding environment.
- 17.2 The Proposal represents a thoughtful response to the significant demand for housing and to the call of the NPSUD to provide for forms of development to cater for the varying needs of the Hastings population through more intensive forms of development.
- 17.3 The Proposal also meets the objectives of the Regional Policy Statement and HPUDS by encouraging medium density infill development to reduce pressure on urban creep onto the versatile soils of the Heretaunga Plains. Overall, my view is that the Proposal will result in significant benefits to the Hastings Community and will achieve the RMA purpose of sustainable management.

Kate Larissa Graham

Date: 17 August 2022

Appendix A – Requested Condition Amendments

Kainga Ora Amendments to the Council's s42A recommended conditions (date) shown in ~~strikethrough~~ and underline.

Kāinga Ora

Draft Conditions – S.42A Report

17 August 2022

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

Pursuant to Rule SLD25 of the Hastings District Plan (Now made part Operative as of the 11th 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 subdivide eight allotments into 24 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).

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).
 - 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: 9th 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 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 Record 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 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)~~

~~f) 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. 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 stormwater, 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 have either a shared connection within Lots 25 – 27 or be individual direct connection 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 have either a shared connection within Lots 25 – 27 or be individual direct connection ~~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.~~

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 and 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.~~

- ~~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 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 section 224c certificate 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).~~

~~• 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~~

PowerElectricity:

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 (EGOP 2020), unless an alternative design has been approved by the Council's Development Engineer or nominee.~~

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> 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, 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. All earthworks operations shall be so conducted as to comply with the provisions of New Zealand Standard NZS 6803: 1999 Acoustics Construction Noise.
6. 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.
7. 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.
8. Incomplete or incorrect 224c applications (including applications that need a variation) will be returned to agents and/or landowners.

9. 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>
10. 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.
11. All engineering plans must be submitted to developmentengineer@hdc.govt.nz, with a cover letter clearly stating the resource consent number, address and which condition/s the plans relates to.
12. 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>
13. 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.
14. 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/>
15. 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/>
16. 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.
17. All necessary precautions shall be taken to protect the public from open trenches and all other hazards associated with the construction works.

18. 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.
19. 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.
20. 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).
21. 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.
22. 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.

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 for ~~the te construction of twenty-four dwellings and associated soil disturbance 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 - 1015 – 1023 Sussex Street 1012, 1014 & 1018 Grove Road, Hastings-1011 Pukatea Street & 1016-1020 Fitzroy Avenue, Hastings. Hastings (HDC ref: 1238014640#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 elevations of the dwellings on Lots 1, 3, and 5 facing 1016 Grove Road, east and west elevations on Lots 1, 3 and 5.
- b. Establish obscured glazing to on the first-floor bathroom windows on the elevations of the dwellings on Lots 1, 3, and 5 facing 1016 Grove Road for the dwellings located on Lots 1, 3 and 5.

Infrastructure and earthworks:

3. The consent holder must maintain the on-site stormwater attenuation tanks at all times. The 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 and colour schemes 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 RMA20210495 (HDC Reference: 12380#0056) approved as part of this consent, except where otherwise approved by the Environmental Consents Manager, Hastings District Council. Any dead plants/damaged fencing shall be promptly removed and replaced.
6. Except where provided by the landscape plan as referred to in the condition above, no other fencing shall be established on site.
7. 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 and sediment control:

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 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)
9. That after the completion of works, 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

10. 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.
11. Prior to the commencement of earthworks on the site, erosion and sediment controls shall be installed in accordance with the most recent version of the "Hawke's Bay Waterway Guidelines - Erosion and Sediment Control" and the recommendations in section 6 of the Engineering Services Report submitted with the application (HDC Ref12380#0033)
12. 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).

Monitoring

13. 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.