

21 December 2023

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Dear Kim and Ryan

**RE: RESPONSE TO S92 REQUEST – RM230016 – SUBDIVISION CONSENT, SR & BJ
WILLIAMS CHARITABLE TRUST BOARD, WILLIAMS ROAD, MANGAKURI**

I refer to the section 92 request dated 18 September 2023. The following letter provides a response to the ten items of information requested.

The following response letter also refers to the following attachments:

- › RDCL updated geotechnical assessment date 10 November 2023, in response to Item 1.
- › East Cape Consulting Limited letter dated 29 September 2023, in response to Items 2 – 8.
- › Strata Group Limited letter dated 21 September 2023, in response to Item 9.
- › Wayfinder letter dated 22 September 2023 providing a landscape and visual effects response to Item 10.
- › The following two documents as background to a condition offered by the Applicant in response to Item 10:
 - › A Hastings District Council subdivision consent decision (RMA20200400) providing an example of the condition offered by the Applicant.
 - › A plan identifying additional titles owned by the Applicant on which lifestyle subdivision development rights are proposed to be restricted by the condition offered.

Referring to the numbering in the section 92 letter the following response is provided:

Geotechnical

Item 1 – Geotechnical Risk Assessment

Please provide a risk assessment that confirms that with the mitigations proposed, the geohazard risks are reduced from high, or moderate to 'low' for all lots. If this is not able to be provided, please outline the reasons for how an alternative risk rating (other than low) is deemed acceptable under s106 of the RMA.

Response:

Please see the attached updated geotechnical assessment report from RDCL dated 10 November 2023, which includes an updated residual risk assessment in section 9, assessing risk following mitigation to be low for all hazard types except for seismic hazard involving a catastrophic Hikurangi Trench subduction zone earthquake, which has a return period of 500 years and would result in widespread damage to existing buildings in many locations over the lower North Island. The AGS Qualitative Risk Analysis Matrix (see Table 25 of RDCL Report) notes that 'Moderate Risk' may be tolerated in certain circumstances. As outlined in the RDCL report:¹

The likelihood and consequence of damage can be partially mitigated by:

- *TA accepting 1 in 500-year Recurrence Intervals for large earthquake events.*
- *Strategic location of building platforms outside of known earth & debris flow;*
- *Building in accordance with current Building Act regulations and guidelines.*
- *1170.0 Importance Level 2 (IL2) structures designed to meet ULS (Life Safety) objectives.*

With the above engineering controls implemented, the likelihood of a large earthquake occurring remains "Possible". The engineering control implemented could arguably reduce the consequence of damage from "Medium" to "Minor" on the basis of approximate cost of damage.

The Risk level remains "Moderate" and may be tolerated in certain circumstances (Subject to regulatory approval).

It is therefore considered that consent can be granted under section 106 of the Resource Management Act 1991 ("RMA") on the basis that significant risk from natural hazards can be avoided remedied and mitigated by adopting the recommendations of the RDCL report as both s224 and consent notice conditions as appropriate and as offered as part of the application.

Transportation

Item 2 – Traffic Effects

Please have a transportation expert confirm that there is no need for any improvements to Williams Road to safely accommodate the additional traffic and the higher incidence of two-way movement, for example; localised widening on curves, passing bays, additional sealing, line marking, signage, changes in speed limit or traffic calming measures.

Response:

Please refer to the attached letter from East Cape Consulting Limited ("ECCL"), dated 29 September 2023, which confirms that no improvements are necessary. The reasons for this are quoted from the ECCL letter as follows:

The highest traffic volume given by Mobileroad is 120 vehicles per day (vpd) on Williams Road (reported Section 2.2 of TAR). When spread across the 27 existing lots this equates to an average of 4.4 vpd per lot. The addition of 8 lots could therefore add 35 vpd to Williams Road to give a total of 155 vpd, this is well within the carrying capacity of a two-way two-lane rural road.

Along the beachfront (which will be used by one additional lot) the existing lane width is sufficient for one-way traffic with informal passing within the berm. The provision of existing speed management features indicates a historical speeding issue which could be exacerbated by road widening. Therefore, no localised widening is recommended for a single additional lot.

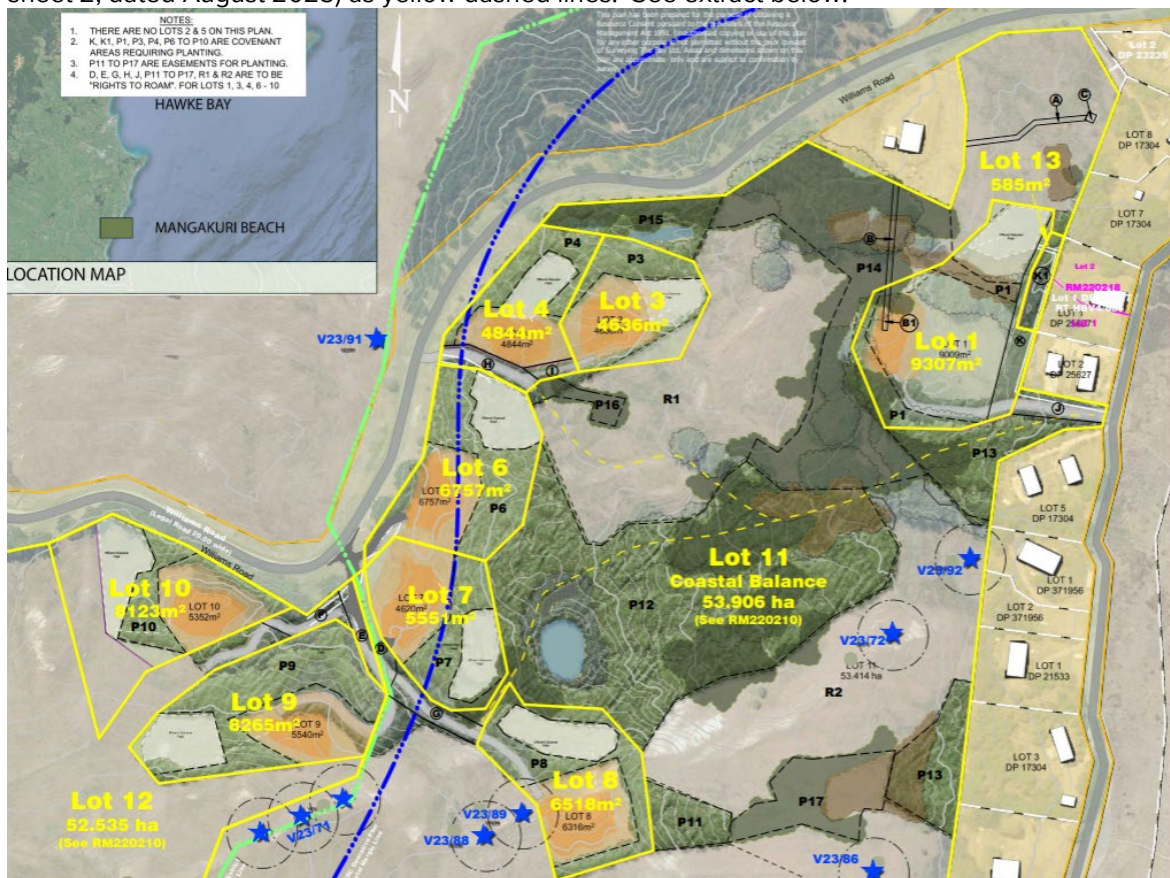
On the unsealed section of Williams Road (in the vicinity of Lots 6-10), the existing curve has an inside radius of approximately 35m. If this section of road was sealed this curve radius equates to a speed environment of 30km/h (with about 4.6% superelevation¹). This existing road geometry is wide enough for two-way flow and encourages low speeds, therefore no speed limit changes or other measures are considered necessary.

Item 3 – Active Modes

Please provide a plan of the proposed walkway path network and confirm how this will be formed and maintained on an ongoing basis.

Response:

Please refer to the attached letter from East Cape Consulting Ltd, dated 29 September 2023, which refers to the paths shown on the subdivision consent plan (Surveying the Bay, Drawing No. 4698-30, sheet 2, dated August 2023) as yellow dashed lines. See extract below.



As can be seen from the plan there are potential walkway connections from each of the three proposed vehicle rights of ways to the access onto Okura Road and the beach beyond. The paths shown are indicative and not intended to be constructed as formal tracks. The residents of each of the proposed lifestyle lots are to be conferred 'Rights to Roam' over the proposed planted and open areas of balance Lot 11 between the Right of Way to Lots 6 – 10 (the most western of the lifestyle

lots) and the Lot 1 access to Okura Road. These Rights to Roam are identified on the above-mentioned subdivision consent plan in Note 4.

Items 4 & 5 – Proposed District Plan Sight Distances

Please provide an assessment of available sight distances against the PDP transport standard TRAN-S8. 5. Please confirm extent of any earthworks necessary to meet sight distance requirements.

Please confirm whether a 5 metre long approach platform with a gradient of less than 5 percent will be provided on each right of way where they meet the frontage road. If not, please confirm what approach/gradients will be provided with appropriate diagrams to demonstrate this, as necessary.

Response:

Please refer to the attached letter from ECCL, dated 29 September 2023, which provides a response to Items 4 and 5 on pages 2 – 6. This assessment identifies that the Austroads standards apply and that 4 trees will need to be either selectively limbed or removed from the road reserve north of the northern access to achieve compliance. A condition of consent is offered requiring such action.

Diagrams are provided on pages 4 and 5 of the ECCL letter confirming that complying approach platforms can be achieved.

Item 6 – Speed Limits

Please identify a potential future extent of the low speed zone and appropriate measures to encourage low speeds on Williams Road.

Response:

Please refer to the attached letter from ECCL, dated 29 September 2023, which provides the following response:

No low speed zones are recommended. The Okura Road access falls within an existing low speed zone. The Williams Road accesses are within a rural environment, and even though an open road speed limit applies the vertical and horizontal road geometry restricts vehicle speeds to less than 50 km/h. Forward visibility along Williams Road is adequate for drivers to observe a slow moving vehicle (such as a tractor towing a boat) and moderate their speed appropriately.

Item 7 – Emergency Vehicle Access

Please advise whether a medium length truck can turn without leaving the carriageway for ROW 2. If this is proposed, please update the ROW2 / Okura Road crossing design.

Response:

Please refer to the attached letter from ECCL, dated 29 September 2023, which provides a response on pages 6 & 7 including a diagram to confirm access for a medium length truck.

Item 8 – Emergency Vehicle Access

Please confirm whether the carriageway widths are sufficient to accommodate a medium length rigid truck. If so, please update all vehicle tracking and confirm this.

Response:

Please refer to the attached letter from ECCL, dated 29 September 2023, which provides a response including diagrams on pages 7 and 8.

3 Waters

Item 9 – Respond to Peer Review

Please provide comment on the Stantec Peer Review table of comments and recommended actions:

Comment	Recommended Action
<p>a) Calculations have used a Horton roughness value for overland flow roughness, and this is expected to potentially overestimate the time of concentration for assessing pre and post peak flow mitigation storage volumes, which is conservative and acceptable for demonstrating mitigation measures. However peak flow designs for culverts, channels and overflows should consider a shorter time of concentration based on the Mannings roughness values in the E1 building code verification method.</p>	<p>Include comment in consent conditions for the engineering design drawings and calculations submitted for Engineering Approval to:</p> <p><i>Time of concentration for design of culverts, channels and overflows shall be based on the time of concentration calculated in accordance with the method detailed in NZBC E1/VM1 Section 2.</i></p>
<p>b) Detention calculations have used a simplified spreadsheet approach with assumptions. This may underestimate required detention volumes when using a hydrograph and routing the flows through the ponds with the proposed outlet control mechanism.</p> <p>Also, detention storage assessments have considered 2-year and 100-year ARI events. In accordance with the HBRC Waterway guidelines consideration of the 10-year event should also be made to confirm that this has not increased with the development.</p>	<p>Include comment in consent conditions for the engineering design drawings and calculations submitted for Engineering Approval to:</p> <p><i>The development shall mitigate stormwater runoff to pre-development rates in accordance with the HBRC Waterway Guidelines for the 2-year and 10-year ARI events and less than 80% of the 100-year event. The required detention volumes and outlet details shall be confirmed through pond routing using a flow routing programme for a range of storm durations. (Ponds should drain within an acceptable period in accordance with the HBRC waterway guidelines).</i></p>
<p>c) Detention calculations have used future climate rainfall intensity (estimated in the years 2081-2100) for assessment of pre-development runoff. Whilst this is not specifically identified in the HBRC Waterway guidelines, the more common approach is to use the historic rainfall intensity for pre-development and the future climate for post-development.</p>	<p>Noted for consideration by CHBDC going forward, but no action recommended for this consent application.</p>
<p>d) An existing farm pond is proposed to be modified to provide detention storage for the development. The integrity of the pond embankment has not been addressed but should be assessed as part of the engineering design with confirmation of the modification works to the embankment and outlets.</p>	<p>Include comment in consent conditions for the engineering design drawings and calculations submitted for Engineering Approval to:</p> <p><i>Integrity of the existing pond shall be assessed by a geotechnical engineer as being satisfactory for use as a detention storage, including any remedial works to be carried out as part of the modifications to the pond.</i></p>
<p>e) Building developments, at the building consent phase will need to assess the required detention storage in relation to the engineering report limitations and assumed water tank sizes and diameters. The consent notice will need to be clear on the requirements and where engineering assessment is required for a building development</p>	<p>Include consent notice for requiring detention storage to be installed with the building development, and maintained in operating condition to the required volumes, including clearing of outlets and inlet screens.</p> <p>Include minimum detention storage volumes and outlet restriction orifice</p>

Response:

The attached letter from Strata Group Ltd, dated 21 September 2023, accepts all the points in the above table and the applicant accepts the recommended conditions.

Planning

Item 10 – Objectives and Policies of the Proposed District Plan

Considering the above please provide:

A detailed assessment of all relevant objectives and policies of the PDP, having specific regard to RLR–O2, RLR-P3 and GRUZ-P8.

Response:

The scope of the required response was clarified in a phone call with Kim Anstey on 21 September 2023 where it was confirmed that the Council is specifically seeking a more detailed assessment of the above-mentioned Rural Land Resource objective and policy and General Rural Zone policy, and related objectives and policies. It was confirmed that the updated AEE of 15 August 2023 included an adequate assessment of all other relevant Proposed Central Hawke’s Bay District Plan (“PDP”) objectives and policies. I note that updated AEE includes a comprehensive assessment of the relevant objectives and policies, over some 17 pages, from the following PDP Chapters:

- › Rural Land Resource
- › Sustainable Subdivision and Building
- › General Rural Zone
- › Natural Hazards
- › Historic Heritage
- › Coastal Environment
- › Earthworks
- › Transport
- › Subdivision (including assessment matters: SUB-AM13 & SUB-AM16)

A reassessment of the Rural Land Resource and General Rural Zone objectives and policies is provided in Tables 1 and 2 below, with specific attention to RLR–O2, RLR-P3 and GRUZ-P8 and consideration of the matters raised in the preamble to Item 10 of the further information letter. Before providing that reassessment however, I comment on the matters raised in the preamble to Item 10.

General Comment on Matters Raised in Preamble to Item 10

It is acknowledged that the appeals version of the PDP has resulted in a substantial policy shift in subdivision provisions applying to rural zones compared to the Operative Central Hawke’s Bay District Plan District Plan (“ODP”) and that the PDP now has greater weight. A significant change applying to the General Rural Zone is rule SUB-R5, which limits controlled activity subdivision to the creation of one lifestyle site every three years, with a minimum balance lot of 20ha. Where these conditions are not met Discretionary Activity resource consent is required, just as Discretionary Activity resource consent is required for General Rural Zone subdivision creating lifestyle site(s) within the Coastal Environment Area (rule SUB-R5(10)). Accordingly, this application (RM230016) has the status of a Discretionary Activity under both the ODP and the PDP.

I note that discretionary activity status enables consent to be granted if appropriate following assessment under section 104 of the RMA and does not give rise to the same issues of precedent and district plan integrity, that arises with a non-complying activity status which applies to subdivisions not meeting the Rural Production Zone standards in the PDP.

I also note that the expectation that General Rural Zone discretionary activity subdivisions will be assessed on their merits was given during the reporting and decisions on the recent PDP submission hearing process. The PDP Decisions Report titled: “*Report of Hearing Panel – Topic 3B Rural Environment: Rural Zones, Rural Noise, Rural Subdivision*” and dated 4 May 2023 includes the following extracts relating to submissions seeking provision for ‘Farm Park Subdivision’ in the General Rural Zone:

The submitters described the concept of a ‘farm park’ as providing for a cluster(s) of lifestyle sites within a working farm property. The idea was to provide flexibility for the ‘balance’ area to continue to operate as a working farm or to be set up as a conservation/recreation area. Owners of the lifestyle sites have exclusive use of their own site, but may also have access to communal land and amenities.

The reporting planner accepted that ‘farm parks’ can be an effective way of allowing for rural residential living whilst maintaining a working farm, but did not consider that there was evidence of any significant demand for such developments in the CHBD at this time, to warrant adopting a raft of additional special provisions.

A subdivision consent for a farm park development in the General Rural Zone or the Rural Lifestyle Zone can still be applied for under the current subdivision rules in the PDP, and assessed on their merits, on a case-by-case basis, as a Discretionary Activity.

The reporting planner did not consider there was any substantial benefit in incorporating a set of specific ‘farm park’ subdivision provisions for the General Rural Zone or Rural Lifestyle Zone in the PDP, at this time.² (Emphasis added).

The subdivision sought in this application (RM230016) is generally in accord with the farm park concept. It seeks to cluster 8 lifestyles sites together in an unproductive area of the farm and to continue to operate the majority of costal balance Lot 11 and all of balance Lot 12 as a working farm, but to also incorporate conservation plantings and communal access to the portion of balance Lot 11 surrounding the lifestyles sites.

The Panel’s findings on the issue of farm park subdivisions are stated as follows:

While the Panel sees some merit in the concept of Farm Park Developments, given that they would currently fall to a Discretionary Activity status the Panel does not see value at this point in time in developing an additional set of provisions for farm parks. Therefore, the Panel agrees with the reporting planner’s recommendation that the submissions seeking the inclusion of farm park subdivision provisions in the General Rural and Rural Lifestyle Zones be rejected.³

In my opinion the above extracts from the PDP decisions confirm that the PDP, with its discretionary activity status applying to General Rural Zone subdivisions not meeting the conditions of rule SUB-R5, intends applications such as RM230016 to be assessed on their merits. That is, rather than intending a presumption of decline on the basis that such subdivision is considered inappropriate by the PDP, as would be the case with a non-complying activity status.

² PDP Decisions Report Topic 3B, page 52, paragraphs 9.3.25 – 9.3.27.

³ PDP Decisions Report Topic 3B, page 59, paragraph 9.6.22.

The preamble to Item 10 goes onto quote the Principal Reasons from the PDP relating to RLR-O2 and RLR-P3 as follows:

These objectives are not limited to rural productive land. Further explanation is provided here under Principal Reasons:

“The subdivision of land will be primarily for the purpose of achieving a more efficient outcome for land based primary production around pastoral, cropping or forestry purposes. There may be the need to subdivide off a surplus residential building or provide for those property owners who may wish to subdivide their house from the farm and retire on the property, but these activities need a level of control. The Plan aims to prevent large numbers of small holdings in the rural environment, particularly on the highly productive land within the Rural Production Zone”

This ‘Principal Reason’ from the Rural Land Resource Chapter of the PDP is relevant to rural subdivision in the General Rural Zone, Rural Production Zone, and Rural Lifestyle Zone. In my interpretation it reinforces the need for subdivision to achieve efficient outcomes for land based primary production, which is what RM230016 seeks to achieve by clustering the lifestyle sites on low productivity LUC7 land. The last sentence is aimed at limiting fragmentation but specifies this as being more significant to highly productive land within the Rural Production Zone. This is reinforced by Rule SUB-R5 where non-complying activity status is applied to subdivision in the Rural Production Zone not meeting the PDP conditions. While the PDP aims to “prevent large numbers of small holdings in the rural environment”, the expert landscape advice from Wayfinder is that the proposed eight lifestyle sites are appropriate for the rural and coastal environments in this location (which is discussed further below) and achieves a better outcome than creating multiple complying lifestyle sites over the multiple tiles owned by the applicant as part of Mangakuri Station.

The section 92 letter then refers to the PDP Anticipated Environmental Results (“AER”) of the Rural Land Resource Chapter as follows:

All of the following Anticipated Environmental Results are relevant:

RLR-AER1 The safeguarding of the District’s rural land resource and its life-supporting capacity for current and future generations.

RLR-AER2 The area of land available for primary production purposes is not reduced by ad hoc and unplanned development.

RLR-AER3 An attractive and economically sustainable rural environment that provides opportunity for a stable rural population.

RLR-AER4 Activities in the rural area are predominantly primary production and related activities.

RLR-AER5 Maintaining and enhancing rural character and amenity including avoiding reverse sensitivity effects.

Our interpretation of this section is that the provisions do not solely relate to the protection of productive land and the direction is to consider the rural land resource as a whole.

In my opinion the proposed subdivision is generally consistent with all these AERs for the following reasons:

- RLR-AER1 – The clustering of the lifestyle sites in an unproductive area of Mangakuri Station on LUC7 land and the associated soil stabilisation and conservation planting of that land is consistent with safeguarding the rural land resource and life-supporting capacity.

- RLR-AER2 – The location of the lifestyle sites is on land of low productivity reflected by its LUC7 classification, and the proposed subdivision is carefully planned and designed for the context of the rural and coastal environment. This careful planning has located the proposed lifestyle sites to avoid adverse geotechnical, archaeological, Māori cultural, landscape, natural character, and agricultural productivity, effects and is not ad-hoc. In this regard it is relevant that the subdivision would replace an existing unimplemented consent for an 8 Lot subdivision (RM180095A⁴ which is to be surrendered if RM230016 is granted), which forms part of the existing consented environment. Further to this the proposed subdivision was planned and lodged under the ODP, in compliance with the Rural Zone subdivision provisions of that plan, which is why it should not be considered as an adhoc and unplanned development.
- RLR-AER3 – The proposed subdivision is entirely consistent with providing an attractive and economically sustainable rural environment, particularly given the landscape led design, and that there will be no tangible loss to the productivity of Mangakuri Station as a result.
- RLR-AER4 – Although 8 lifestyle sites will be created, they are clustered into one area and will not undermine the predominance or efficiency of rural production on Mangakuri Station, let alone the wider rural area.
- RLR-AER5 – As all surrounding farmland is part of Mangakuri Station and owned by the applicants and will be largely buffered by the proposed plantings on balance Lot 11, the proposed subdivision will not generate reverse sensitivity effects. Regarding rural character and amenity, I refer to the attached assessment letter⁵ from Shannon Bray of Wayfinder which comments on the rural character and amenity effects of the subdivision and concludes:

“Although the zoning may be different to the immediate coastal beach settlement (large lot residential), the landscape connection to this zone is significantly stronger than the site’s connection to the rural landscape inland. Its containment within the coastal-facing landform, immediately adjacent to the existing beach settlement, means that its rural amenity is already significantly diminished. This is a coastal development in a coastal landscape, with effects on the wider, more appreciable rural amenity largely avoided.”

The Wayfinder assessment letter referred to above was commissioned to provide expert landscape and visual effects information in response to the following section of the preamble to item 10 of the s92 letter:

The protection of rural amenity is also an important factor in the protection of the rural land resource as expressed in the strategic objective RLR-O2 that states ‘The primary production role and associated amenity of the District’s rural land resource is retained, and is protected from inappropriate subdivision, use and development’.

With regard to rural amenity, we note the Landscape, Natural Character & Visual Effects Assessment notes that the site is ‘well contained as part of the coastal settlement and as such has limited (if any) effects on the surrounding rural landscape’. While this may how it could be perceived once developed, it needs to be noted that the zoning is entirely separate from the large lot residential zone of the coastal settlement adjacent and therefore the rural amenity effects of ‘lifestyle development’ are not necessarily anticipated by the plan in this location.

⁴ A variation to that consent was granted on 1 March 2021.

⁵ Titled “Proposed Residential Subdivision, Mangakuri (RM230016) Addendum to Landscape, Natural Character & Visual Effects Rural Amenity Assessment”, and dated 22 September 2023.

The Wayfinder assessment letter confirms that the proposed subdivision largely avoids effects on rural amenity.

In terms of the PDP not anticipating lifestyle development in ‘this location’, I presume location is referring to the wider General Rural Zone based on SUB-R5. As explained above, discretionary activity status enables a clustered lifestyle subdivision development such as that proposed to be lodged and considered on its merits. In this case it is also relevant that the subdivision was planned and lodged under the ODP Rural Zone subdivision rules and lodged to replace a consented but unimplemented subdivision creating 8 Lots RM180095A.

Reassessment of Rural Land Resource Objectives and Policies

As requested, the following table provides a reassessment of the PDP Rural Land Resource Chapter objectives and policies with specific regard to RLR–O2, RLR-P3.

Table 1 – Assessment of Rural Land Resource Chapter Objectives and Policies

PDP Provision	Assessment of RM230016
<p><i>RLR-O1</i></p> <p><i>The productive capacity of the District's rural land resource, particularly the District's highly productive land, is maintained.</i></p>	<p>Seven of the eight proposed lifestyle sites are located on LUC7 land (non-arable land with severe limitations to use under perennial vegetation), and the eighth is on LUC6 land (non-arable land with moderate limitations to use under perennial vegetation). Accordingly, the proposed subdivision will not result in the loss of any highly productive land from primary production, and the clustered lifestyles sites located in a corner of the wider farm on low producing pasture, also minimises the loss of productive land from Mangakurin Station. Nor will the subdivision reduce productive capacity by reverse sensitivity effects as the applicant is the owner of all the agricultural land adjacent and near to the proposed lifestyle lots, including the land on the northern side of Williams Road. This land only has potential for low intensity pastoral grazing, which is the current use, or production forestry. Such productive uses have a significantly lower susceptibility to reverse sensitivity effects from lifestyle subdivision than more intensive uses such as cropping, horticulture or dairy farming.</p>
<p><i>RLR-O2</i></p> <p><i>The primary production role and associated amenity of the District's rural land resource is retained, and is protected from inappropriate subdivision, use and development.</i></p>	<p>As explained for RLR-O1 above, the proposed subdivision will have little impact on the primary production role of the District's Rural land resource. Regarding retaining and protecting the amenity of the rural land resource, the expert landscape advice from Wayfinder⁶ is that effects on appreciable rural amenity are largely avoided. On this basis I consider that the proposed subdivision is generally consistent with RLR-O1 and RLR-O2.</p>
<p><i>RLR-O3</i></p> <p><i>The District's highly productive land is protected from further fragmentation.</i></p>	<p>As explained above, the part of the site where the lifestyle lots are proposed is not highly productive land, and for the most part has a Land Use Capability classification of LUC7. Accordingly, this objective is not relevant to the proposed subdivision.</p>

⁶ “Proposed Residential Subdivision, Mangakuri (RM230016) Addendum to Landscape, Natural Character & Visual Effects Rural Amenity Assessment”, and dated 22 September 2023.

<p><i>RLR-O4</i></p> <p><i>Residential and other activities that are unrelated to primary production are directed to locations zoned for those purposes and that are not situated on highly productive land.</i></p>	<p>Residential use of the eight lifestyle sites proposed can be anticipated, however such use will not be situated on highly productive land.</p>
<p><i>RLR-P1</i></p> <p><i>To identify the highly productive land centred in and around the Ruataniwha and Takapau Plains and surrounding Waipukurau, Waipawa and Otane within a specific rural zone – the Rural Production Zone.</i></p>	<p>The subject site is zoned General Rural Zone and is away from the locations specified in this policy to be included in the Rural Production Zone.</p>
<p><i>RLR-P2</i></p> <p><i>To avoid unplanned urban expansion onto the District's highly productive land in the Rural Production Zone.</i></p>	<p>As above, the proposed subdivision is not within the Rural Production Zone.</p>
<p><i>RLR-P3*</i></p> <p><i>To minimise fragmentation of the District's rural land resource through directing lifestyle subdivision to the Rural Lifestyle Zone and limiting lifestyle subdivision in the General Rural Zone and, particularly, in the Rural Production Zone.</i></p>	<p>In limiting lifestyle subdivision in the General Rural Zone this policy is implemented through rule SUB-R5 which enables the creation of one lifestyle site every three years in the General Rural Zone, provided that a minimum balance area of 20ha is retained. The proposed subdivision could be considered inconsistent with this policy insofar as it seeks consent for eight lifestyle sites in a single application rather than, the one lifestyle site provided for as a controlled activity by SUB-R5. As explained above however, the subdivision must be assessed on its merits as a discretionary activity and was planned and lodged in compliance with the equivalent subdivision rules of the ODP Rural Zone, and will also if granted, result in an already consented eight lot subdivision⁷ being surrendered. As set out in the Wayfinder assessment⁸, through rule SUB-R5 it would be possible to create a fragmented development whereby singular lifestyle sites are widely scattered, bearing in mind that Mangakuri Station comprises of multiple separate General Rural Zone titles of greater than 20ha in area. In Mr Bray's opinion⁹ regarding fragmentation, the proposed subdivision "<i>is best practice as it considers development in a holistic and planned way and allows for the incorporation of appropriate mitigation measures and achievement of longer-term positive landscape and environmental outcomes.</i>" Nevertheless, to reduce the potential inconsistency with this policy and the equivalent General Rural Zone policy GRUZ-P8 in regard to fragmentation, a condition is offered to covenant three of the neighbouring Mngakuri Station titles and to consent notice balance Lot 11 to prevent any further lifestyle site subdivision from those titles for a period of 6 years. Accordingly, the creation of the 8 lifestyle sites</p>

⁷ RM180095A

⁸ "Proposed Residential Subdivision, Mangakuri (RM230016) Addendum to Landscape, Natural Character & Visual Effects Rural Amenity Assessment", and dated 22 September 2023.

⁹ Ibid.

	<p>in this single application would be offset by removing the development rights of Rule SUB-R5 from 4 records of title for two times three yearly cycles. In this way fragmentation of the rural land resource would be minimised to the extent provided for by the PDP, therefore achieving consistency with this policy.</p>
<p><i>RLR-P4*</i></p> <p><i>To provide for non-primary production activities that complement the resources of the rural area, provided they do not compromise primary production, particularly in the Rural Production Zone and associated rural character and amenity in all rural zones, recognising that some non-primary production activities have an operational or functional need to locate in a rural area.</i></p>	<p>The future dwellings on the proposed lifestyle sites are non-primary production activities but have been designed to complement and not compromise the surrounding Mangakuri Station. Also as assessed by Wayfinder¹⁰, effects on appreciable rural amenity are largely avoided. The Wayfinder assessment also identifies that irrespective of any zoning the site has a strongly identifiable coastal character, which will be strengthened by the clustered built form anchored with coastal appropriate vegetation. Accordingly, the proposed subdivision is considered generally consistent with this policy.</p>
<p><i>RLR-P5</i></p> <p><i>To enable primary production and related activities to operate in rural areas in accordance with accepted practices without being compromised by other activities demanding higher levels of amenity.</i></p>	<p>This policy relates to reverse sensitivity, and the lifestyle lots resulting from the proposed subdivision will be largely buffered by the proposed plantings on balance Lot 11, while the surrounding farmland is all part of Mangakuri Station and owned by the applicants and used for pastoral farming. Given this, the proposed subdivision will not generate reverse sensitivity effects and can be considered consistent with this policy.</p>
<p><i>RLR-P6*</i></p> <p><i>To recognise the value of reliable stored water resources and associated infrastructure where it provides increased water availability and security for maintaining and enhancing the productive capacity of the rural land resource.</i></p>	<p>Not applicable to this application.</p>

* Provisions subject to appeal.

¹⁰ Ibid.

Reassessment of General Rural Zone Objectives and Policies

As requested, the following table provides a reassessment of the PDP General Rural Zone Chapter objectives and policies with specific regard to GRUZ-P8.

Table 2 – Assessment of General Rural Zone Chapter Objectives and Policies

PDP Provision	Assessment of RM230016
<p>GRUZ-O1</p> <p><i>The General Rural Zone is predominantly used for primary production activities (including intensive primary production) and ancillary activities.</i></p>	<p>As explained for RLR-O1 and RLR-O2 above, the proposed subdivision will have little impact on the predominant use of the Rural Zone for primary production and ancillary activities as it is confined to a cluster of lifestyles sites in an unproductive corner of Mangakuri Station. It is therefore generally consistent with objective GRUZ-O1</p>
<p>GRUZ-O2</p> <p><i>The predominant character of the General Rural Zone is maintained, which includes:</i></p> <ol style="list-style-type: none"> 1. <i>overall low-density built form, with open space and few structures;</i> 2. <i>a predominance of primary production activities and associated buildings, such as barns and sheds, post-harvest facilities, seasonal workers accommodation, and artificial crop protection structures and crop support structures, which may vary across the district and seasonally;</i> 3. <i>the sounds, smells, and traffic associated with primary production activities and established rural industries, anticipated from a working rural environment;</i> 4. <i>existing rural communities and community activities, such as rural halls, reserves and educational facilities;</i> 5. <i>a landscape within which the natural environment (including farming and forest landscapes)</i> 	<p>This policy defines the character of the General Rural Zone that it seeks to maintain. Over the wider area of the subject site general consistency with GRUZ-O2(1),(2),(3) and (5) will be achieved as balance Lots 11 and 12 (totalling some 106ha of the 111.9ha parent site) are of a size that the pastoral farm will continue to operate over, with a character of open space, few structures, grazing animals and their sounds and smells, and a landscape within which the natural environment predominates over the built one. As stated in the Wayfinder assessment¹¹:</p> <p><i>“the wider farm on the inland side of the coastal ridgeline reinforces the rural amenity. This wide expanse of farmland country is part of a long sequence of productive farm land... This part of the landscape exudes a strong sense of productive capacity ...</i></p> <p><i>By keeping development on the coastal side of the ridgeline, the more traditional rural amenity of the inland farm is retained. The proposal speaks to and enhances its location on the coastal fringe, visible only when a person travels past the threshold of the rural landscape.”</i></p> <p>The clustering of the proposed lifestyles sites together on the coastal side of the ridge therefore generally maintains the character of the General Rural Zone.</p> <p>Clause (4) applies more to the macro definition of General Rural Zone character, as an individual site cannot be expected to contain a rural hall, school, or reserve.</p> <p>In terms of Clause (6) no urban infrastructure, such as street lighting, solid fences and footpaths are proposed, and the future built form will be contained within the proposed extensive vegetation framework.</p> <p>The proposed subdivision is therefore considered to be generally consistent with objective GRUZ-O2.</p>

¹¹ “Proposed Residential Subdivision, Mangakuri (RM230016) Addendum to Landscape, Natural Character & Visual Effects Rural Amenity Assessment”, and dated 22 September 2023.

<p><i>predominates over the built one; and</i></p> <p>6. <i>an environmental contrast and clear distinction between town and country (including a general lack of urban infrastructure, such as street lighting, solid fences and footpaths).</i></p>	
<p>GRUZ-O3</p> <p><i>Activities are managed to ensure rural character and amenity and, where applicable, the natural character and amenity values present within the coastal environment are maintained.</i></p>	<p>In this case the natural character and amenity values of the coastal environment are applicable and will be maintained and enhanced by the proposed subdivision. As set out in the August update of the AEE¹²: “Wayfinder therefore consider that any adverse effects on natural character resulting from the proposal will be very low. Rather, they consider that the proposal will have positive effects on natural character as with the establishment of the coastal native vegetation framework, the site will feel more natural than it does currently, and this is likely to enhance the wider coastal landscape experience.”</p> <p>The proposed subdivision can therefore be considered consistent with objective GRUZ-O3.</p>
<p>GRUZ-O4</p> <p><i>The primary productive purpose and predominant character of the General Rural Zone are not compromised by the establishment of potentially incompatible activities.</i></p>	<p>This objective is seeking to protect rural production activities from reverse sensitivity effects. For the reasons set out in the assessment of RLR-O1 and RLR-P5 above, the proposed lifestyle sites will not give rise to reverse sensitivity effects.</p>
<p>GRUZ-P1</p> <p><i>To enable primary production (including intensive primary production) and ancillary activities, recognising the primary productive purpose and predominant character and amenity of the General Rural Zone.</i></p>	<p>The proposed subdivision will remove a relatively small area of LUC7 land from production from Mangakuri Station and will not prevent or hinder primary production from the remainder of the property in achieving consistency with this policy.</p>
<p>GRUZ-P2</p> <p><i>To provide for non-primary production related activities that have a functional or operational need for a rural location, and/or that support the function and wellbeing of rural communities and/or the enjoyment of</i></p>	<p>The proposed lifestyle sites and anticipated future dwellings on them have an operational need for the enjoyment of the rural (and coastal) environment and will provide population to support rural communities and the resilience of the District’s economy. In managing the effects of the proposed subdivision future building floor areas are limited to 250m² and building height on Lots 3 – 9 to 6.5m, amongst additional design controls¹³ to protect character and amenity as is consistent with GRUZ-P2(1) & (2). As</p>

¹² Section 5.3.2, page 46.

¹³ See August 2023 updated Application & AEE, section 5.3.3.7, page 51.

<p><i>the rural environment, and contribute to the vitality and resilience of the District's economy, and where they are managed to ensure that:</i></p> <ol style="list-style-type: none"> <i>1. their scale, intensity and built form are in keeping with the rural character of the General Rural Zone;</i> <i>2. they maintain a level of amenity in keeping with the rural character of the General Rural Zone;</i> <i>3. they minimise reverse sensitivity effects on activities otherwise anticipated within the General Rural Zone; and</i> <i>4. adverse effects are avoided, remedied or mitigated.</i> 	<p>has already been assessed reverse sensitivity effects will be minimised in terms of GRUZ-P2(3); and as set out and concluded in the August 2023 updated AEE, adverse effects are able to be appropriately avoided, remedied, or mitigated in achieving consistency with GRUZ-P2(4).</p> <p>The proposed subdivision is therefore generally consistent with GRUZ-P2.</p>
<p>GRUZ-P3</p> <p><i>To manage the scale of post-harvest facilities rural industry and commercial activities to ensure that they remain compatible with the primary productive purpose of the General Rural Zone, and potential adverse effects on the character and amenity of the rural area are avoided, remedied or mitigated.</i></p>	<p>Not applicable to this application.</p>
<p>GRUZ-P4</p> <p><i>To manage the bulk, scale and location of buildings to maintain the character and amenity of the rural area and, where applicable, to protect the natural character and amenity of the coastal environment.</i></p>	<p>It can be anticipated that a dwelling will be established on each of the proposed lifestyle sites. As set out in the August 2023 updated application and AEE the recommendations of Wayfinder have been adopted as part of the application¹⁴, and these recommendations include controls relating to the bulk, scale and location of buildings amongst additional design controls and a vegetation planting concept to protect the natural character and amenity of the coastal environment, while maintaining the character and amenity of the rural environment. This is summarised in the Wayfinder assessment letter dated 22 September 2023:</p> <p><i>“As identified in my assessment, these coastal attributes are what has driven the Mangakuri proposal. The desire has been to create a landscape-led development within a part of the station that has least productive value. Rather than creating a fragmented development through ad hoc, one-off lifestyle developments over a period of time, the proposal seeks to cluster the built form and anchor it to the coast with appropriate</i></p>

¹⁴ Section 5.3.3.7, pages 51-52.

	<p><i>vegetation. It strengthens the connection to the existing settlement, enhancing its coastal character.”</i></p> <p>Accordingly, the proposed subdivision is considered to be consistent with GRUZ-P4.</p>
<p>GRUZ-P5</p> <p><i>To require sufficient separation between sensitive activities and existing primary production and intensive primary production activities, and between new intensive primary production activities and property and zone boundaries, in order to avoid, remedy or mitigate potential adverse effects, including reverse sensitivity and land use conflict.</i></p>	<p>This policy relates to reverse sensitivity. Although the future dwellings on the proposed lifestyles sites will be sensitive activities, they are unlikely to give rise to adverse reverse sensitivity effects on existing primary production activities for the reasons outlined under RLR-P5 above. Consistency with this policy is therefore achieved.</p>
<p>GRUZ-P6</p> <p><i>To manage location of trees so that adjoining public roads and properties are not adversely affected by shading.</i></p>	<p>The proposed plantings will be subject to PDP standard GRUZ-S6 which requires plantings within 5m of a public road to be no higher than 9m and plantings (which extend for more than 20m) to be setback a minimum distance of 5m from properties under separate ownership. The proposed landscape plantings will be subject to this PDP standard and will be either managed to comply with it, or resource consent will be sought at that time.</p>
<p>GRUZ-P7</p> <p><i>To ensure incompatible activities do not locate in the General Rural Zone where the activity:</i></p> <ol style="list-style-type: none"> <i>1. undermines the primary productive purpose and predominant character of the General Rural Zone;</i> <i>2. constrains the establishment and use of land for primary production;</i> <i>3. result in reverse sensitivity and/or lead to land use conflict; and/or</i> <i>4. does not have a functional or operational need for a rural location.</i> 	<p>The proposed lifestyle site subdivision is not considered to be incompatible to the General Rural Zone, it has been carefully designed and planned so as not to undermine the primary production potential of the site or the predominant character of the General Rural Zone (refer to Wayfinder assessment dated 22 September 2023), and nor to result in reverse sensitivity effects. Regarding the need for a rural location, rural lifestyle subdivision is by definition located in the rural environment, as set out in the Wayfinder assessment however, the location and design of the subdivision within the coastal rural landscape will have positive benefits in terms of coastal natural character with the vegetation proposed and will largely avoid effects on rural amenity.</p>
<p>GRUZ-P8</p> <p><i>To limit residential and rural lifestyle subdivision that results in fragmentation of the rural land and/or that restricts the use of rural land for productive purposes.</i></p>	<p>As discussed above due to the low productive capacity of the LUC7 land to be subdivided and the clustering of the lifestyle sites in a corner of the farm, the subdivision will not significantly affect the productive potential of Mangakuri Station, let alone the wider rural land resource.</p>

	<p>Any subdivision results in fragmentation of land. In seeking to limit rural lifestyle subdivision the same comments apply as set out above for RLR-P3. In short, the subdivision will result in a greater number of lifestyles sites being created from a single land title than anticipated by the PDP, therefore to mitigate potential inconsistency with RLR-P3 and GRUZ-P8 a condition is offered restricting subdivision from 3 separate Mangakuri Station records of title for a period of six years, as well as the same restriction being applied to balance Lot 11 by way of consent notice. The full wording of the proposed condition is set out under this table below. The condition offered is a transfer of the development rights from these additional titles to enable the eight lots to be created at one time as proposed. With such a condition it is considered that the proposed subdivision is consistent with GRUZ-P8.</p>
<p><i>GRUZ-P9</i></p> <p><i>To avoid establishment of commercial or industrial activities that are unrelated to the primary productive purpose of the General Rural Zone, or that are of a scale that is incompatible with the predominant character and amenity of the rural area.</i></p>	<p>Not applicable to this application as it does not involve commercial or industrial activities.</p>
<p><i>GRUZ-P10</i></p> <p><i>To ensure activities within the General Rural Zone are self-sufficient in the provision of a suitable on-site wastewater treatment and disposal system, stormwater disposal system, and water supply, unless an appropriate alternative system is available to connect to.</i></p>	<p>The assessment provided by Strata Group demonstrates how on-site wastewater and stormwater disposal can be provided for each proposed lifestyles site while complying with the recommendations of the RDCL geotechnical assessment. Water supply is proposed via rainwater harvesting. Accordingly, each proposed lifestyle site is demonstrated as being self-sufficient for on-site services achieving consistency with this policy.</p>

** Provisions subject to appeal.*

Given the above assessment the proposed subdivision is considered to be generally consistent with the objectives and policies of the Rural Land Resource and General Rural Zone chapters of the PDP.

Proposed Condition to limit fragmentation and achieve consistency with RLR-P3 and GRUZ-P8

A. That a Consent Notice pursuant to Section 221 of the Resource Management Act 1991 shall be issued by Council and registered against the certificate of title to be issued for Lot 11. The notice shall be registered at the consent-holder's expense and shall read as follows:

That no lifestyle site can be subdivided from this site within a period of 6 (six) years

from the date that this record of title is issued.

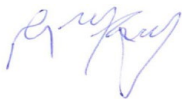
B. That pursuant to section 108(2)(d) of the Resource Management Act 1991 the following land covenant in gross shall be registered on the Records of Title for Pt Lot 1 and Lot 2 DP 4588 (RT HB K2/396), Lot 1 & 2 DP 25804 and Lot 3 DP 481291 (RT 675091), and Lot 2 DP 582622 and Pt Lot 3 DP 4588 (RT 1090915) at the applicant's expense, and shall be demonstrated to have been imposed, prior to the issue of RMA s224(c) certification:

That no lifestyle site can be subdivided from this site for a period of at least 6 (six) years from the date this land covenant is registered on this record of title.¹⁵

A plan identifying the location of these three adjoining and contiguous titles is attached.

I trust that the above information and attached documents provide all the requested information. Please feel free to contact me should you have any queries.

Yours sincerely,



Philip McKay
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¹⁵ This condition is modelled on a condition of consent on a subdivision in the Rural Zone under the Hastings District Plan (RMA20200400), where subdivision consent was granted as a non-complying activity to enable 4 lifestyle sites to be created in a cluster on one title. In that case the restriction was to prevent lifestyle subdivision on three neighbouring titles in the applicant's ownership for a period of three years. A copy of this decision is attached to this letter.