

# MITCHELL DAYSH



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SR & BJ WILLIAMS CHARITABLE  
TRUST BOARD

## **RURAL SUBDIVISION – CREATING 8 LIFESTYLE LOTS AT MANGAKURI**

Subdivision Consent Application and  
Assessment of Effects on the  
Environment (Revised August 2023)

15 August 2023

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***Appendix G1 – Engineering and Infrastructure Report (Updated)***

***Appendix G2 – Engineering Drawings (Updated)***

***Appendix H – Cut/Fill Plan (Updated)***



## REPORT INFORMATION

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<b>Report Status</b>	Final
<b>Our Reference</b>	MDL001996
<b>File Location</b>	SR & BJ Williams Charitable Trust / MDL001996 – Mangakuri Road Subdivision / 03 Application
<b>Author</b>	Moana Schoffa
<b>Review By</b>	Philip McKay
<b>Version Date</b>	15 August 2023

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## **PART A**

Resource Consent Application

FORM 9

**APPLICATION FOR RESOURCE CONSENT OR FAST-TRACK  
RESOURCE CONSENT**

Sections 87AAC, 88, and 145, Resource Management Act 1991

To Central Hawke's Bay District Council

1. SR & BJ Williams Charitable Trust Board, C/- Brown Webb Richardson Ltd, 111 Avenue Road East, Hastings 4122 apply for the following type(s) of resource consent:

- Subdivision Consent

2. The activity to which the application relates (the proposed activity) is as follows:

- Proposed Subdivision of Lot 2 DP 481291 comprised in Record of Title 674477 to create 11 rural lots, being 8 lifestyle lots, 2 balance lots and a lot to be amalgamated with an adjoining title.

3. The site at which the proposed activity is to occur is as follows:

*A rural location at the corner of Williams Road and Mangakuri Road, Mangakuri.*

*The site is located in the Rural Zone of the Operative Central Hawke's Bay District Plan and the General Rural Zone of the Proposed Central Hawke's Bay District Plan and is relatively hilly pasture used for stock grazing. Approximately half of the site is within the Coastal Margin as identified on the District Plan maps. The site does not contain any existing dwellings. The site also has frontages to Okura Road.*

*The site has a total land area of 111.9 hectares.*

4. The applicant is the owner and occupier of the site.

5. There are no other activities that are part of the proposal to which this application relates.

6. No additional resource consents are needed for the proposal to which this application relates. It is however noted that a separate resource consent application has been lodged with Central Hawke's Bay District Council to subdivide Lot 2 DP 481291 into two lots of 54ha and 58ha respectively, being RM220210.

7. I attach an assessment of the proposed activity's effect on the environment that—

- (a) includes the information required by clause 6 of Schedule 4 of the Resource Management Act 1991; and



- (b) addresses the matters specified in clause 7 of Schedule 4 of the Resource Management Act 1991; and
  - (c) includes such detail as corresponds with the scale and significance of the effects that the activity may have on the environment.
8. I attach an assessment of the proposed activity against the matters set out in Part 2 of the Resource Management Act 1991.
9. I attach an assessment of the proposed activity against any relevant provisions of a document referred to in section 104(1)(b) of the Resource Management Act 1991, including the information required by clause 2(2) of Schedule 4 of that Act.
10. I attach information that adequately defines the following:
- (a) the position of all new boundaries; and
  - (b) the areas of all new allotments; and...<sup>1</sup>
11. I attach the following further information required to be included in this application by the district plan, the regional plan, the Resource Management Act 1991, or any regulations made under that Act:

***Application AEE***

***Appendix A1 – Scheme Plan (Updated)***

***Appendix A2 – Staging Plan (Updated)***

***Appendix B1 – Record of Title***

***Appendix B2 – Consent Notice***

***Appendix C1 – Archaeological Assessment***

***Appendix C2 – Archaeological Authority***

***Appendix C3 – Cultural Impact Assessment***

***Appendix C4 – Request for CIA to be Confidential***

***Appendix D1 – Landscape Assessment (Updated)***

***Appendix D2 – Landscape Plans (Updated)***

***Appendix E – Geotechnical Report (Updated)***

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<sup>1</sup> Clauses 10(c) – 10(g) are not applicable to this subdivision application.

**Appendix E1** – Geotechnical Response to Peer Review Comments

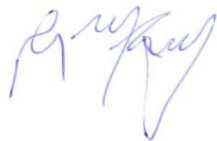
**Appendix F1** – Traffic Impact Assessment

**Appendix F2** – Traffic Letter Response to Peer Review

**Appendix G1** – Engineering and Infrastructure Report (Updated)

**Appendix G2** – Engineering Drawings (Updated)

**Appendix H** – Cut/Fill Plan (Updated)



Signature: Philip McKay

(person authorised to sign on behalf of applicant)

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## **PART B**

Assessment of Environmental Effects

# 1. INTRODUCTION

## 1.1 SUMMARY OF AMENDMENTS FROM FEBRUARY 2023 SUBDIVISION PLAN

This is a revised subdivision consent application and assessment of effects on the environment on behalf of the SR & BJ Williams Charitable Trust Board to that lodged with Central Hawke's Bay District Council ("Council") on 24 February 2023, reference: RM230016. It is not a new application.

The reason for revising the application and reducing the number of lifestyle lots sought from 10 to 8, is to enable better avoidance and mitigation of potential slope instability effects in response to Cyclone Gabrielle and the potential for more significant weather events with climate change. In this regard the previously proposed lifestyle sites Lots 2 and 5 have been removed to provide certainty that potential land instability effects are appropriately mitigated. These amendments also respond to Stantec's initial peer review on behalf of Council, of the Applicant's geotechnical assessment.

Other amendments to the application include refinement of the boundaries of the remaining lifestyle sites by increasing the size of these lots where necessary to provide greater land areas available for onsite wastewater disposal and refinement of the planting plan to place a greater emphasis on erosion protection in high rainfall events.

It is important to note that the Lot numbering from the original application and subdivision plan lodged in February 2023 has been reused in the amended application to avoid confusion with Lot referencing. The removed lifestyle lots are Lot 2 and Lot 5. Accordingly, there are no Lots 2 and 5 on the subdivision plan for this application (see Figure 5 below, and Appendix A1). It is also noted that the removal of Lot 2 has significantly increased the size of Lot 1 from 6,084m<sup>2</sup> to 9,307m<sup>2</sup>. Lot 8 has also been increased in area slightly (from 6,316m<sup>2</sup> to 6,518m<sup>2</sup>) and moved further to the east to increase the separation distance of the lot boundary from archaeological site V23/89 in consultation with the Kairakau Lands Trust.

Lot 7 has been increased in area from 4,620m<sup>2</sup> to 5,551m<sup>2</sup> to ensure a greater area of land within the site suitable for wastewater disposal. Similarly, Lots 9 and 10 have been increased from 5,540m<sup>2</sup> to 8,265m<sup>2</sup> and from 5,352m<sup>2</sup> to 8,123m<sup>2</sup>, respectively to enable the most appropriate areas for wastewater disposal to be incorporated within each lot boundary. As a consequence of these amendments, rural balance Lot 11 is also increased slightly in area from 53.436ha to 53.906ha, while rural balance Lot 12 is slightly reduced in area from 53.085ha to 52.535ha.

Refinements have been made to the various technical reports in support of the Application to reflect the amended subdivision plan and where necessary to address the recommendations of the revised geotechnical and engineering & infrastructure reports. It is also noted that the engineering & infrastructure report has also been refined to respond

to the initial Stantec 3 waters engineering review of the original application lodged in February 2023. East Cape Consulting have provided a letter to respond to the Stantec traffic peer review rather than updating the original TIA.

## 1.2 PROJECT OVERVIEW

This Assessment of Environmental Effects (**'AEE'**) is provided in support of a resource consent application under the Resource Management Act 1991 (**'RMA'**) prepared by Mitchell Daysh Limited for and on behalf of the SR & BJ Williams Charitable Trust Board (**'Applicant'**). In summary, this application seeks subdivision consent for 11 new lots in the Rural Zone (including 8 rural lifestyle lots, 2 balance lots, and a lot to affect a boundary adjustment) from one existing Record of Title as outlined in Table 1 below.

**Table 1: The Proposed Lots**

Proposed Lot Number	Area	Purpose
Lot 1	9,307 m <sup>2</sup>	Rural lifestyle
Lot 3	4,636 m <sup>2</sup>	Rural lifestyle
Lot 4	4,844 m <sup>2</sup>	Rural lifestyle
Lot 6	6,757 m <sup>2</sup>	Rural lifestyle
Lot 7	5,551 m <sup>2</sup>	Rural lifestyle
Lot 8	6,518 m <sup>2</sup>	Rural lifestyle
Lot 9	8,265 m <sup>2</sup>	Rural lifestyle
Lot 10	8,123 m <sup>2</sup>	Rural lifestyle
Lot 11	53.906 ha	Coastal balance
Lot 12	52.535 ha	Inland balance
Lot 13	585 m <sup>2</sup>	To be amalgamated with Lot 1 DP25627 for boundary adjustment

The purpose of this application is to create 8 rural lifestyle lots, 2 balance lots and a Lot to be amalgamated with an Okura Road property to affect a boundary adjustment. Pastoral farming and potentially forestry activities are proposed on the balance lots.

The Scheme Plan is attached in full detail as **Appendix A** to this AEE. The Record of Title is attached as **Appendix B** to this AEE.

The following figure shows the location of the site to be utilised for the proposed subdivision.



Figure 1: Location of the Site

### 1.3 STRUCTURE OF THIS AEE

The structure of this AEE is as follows:

- Section 1:** This introduction provides background to the proposal, a summary of the required consents, and the structure of this AEE.
- Section 2:** Describes the environmental setting, including general site characteristics and physical setting.
- Section 3:** Provides a detailed description of the project.
- Section 4:** Provides an assessment of the rules of the Operative District Plan (“**Operative District Plan**”) and the Proposed Central Hawke’s Bay District

Plan (“**Proposed District Plan**”), as well as the nature of the consents required.

- Section 5:** Provides an assessment of environmental effects associated with the proposal.
- Section 6:** Sets out the statutory framework against which the resource consent applications have been made and considers the proposal in relation to the provisions of the RMA and the relevant statutory planning documents.
- Section 7:** Provides a notification assessment and seeks that the application be processed on a non-notified basis.
- Section 8:** Presents a concluding statement.

## 2. EXISTING ENVIRONMENT

### 2.1 SITE DESCRIPTION

The site is bound by Mangakuri Road to the west, Williams Road to the north, coastal residential lots of the Mangakuri Beach settlement to the north-east and the coastal margin to the east. To the south, the site bounds farmland that is also owned by the Applicant.

The surrounding environment comprises largely of a rural / coastal environment, with Mangakuri Beach located immediately to the east of the site and the site and neighbouring properties to the north, west and south predominantly used for pastoral farming.



**Figure 2 Pastoral farmland comprising north-eastern portion of site from Williams Road (photographed 16/9/22)**

The site has an area of approximately 111.9 hectares and is generally irregular in shape. The general topography comprises elevated terrain to the west (100 to 60 m elevation) sloping down to the east (30 to 20 m elevation).

The site comprises of a single lot, being Lot 2 DP 481291, which is owned by the Applicant. The Applicant is also the owner of additional farmland in the area, including that located on the northern side of Williams Road and to the south of the site.

The site does not contain any existing dwellings and forms part of the Applicant's pastoral grazing farm known as Mangakuri Station. It contains several blocks of trees including a cluster of poplars in the north-eastern portion of the site (see Figure 3 below) and a mixed tree block in the north-western portion of the site. There are also several stock drinking water ponds spread over the site.





**Figure 3** Poplars on north-eastern portion of site (photographed 16/9/22)

The Proposed District Plan maps (see Figure 12 below) identify two archaeological sites on the north-eastern portion of the site. An Archaeological Assessment has therefore been prepared for the site and is appended as **Appendix C1** to this AEE.

## **2.2** **LANDSCAPE CONTEXT**

A report titled *'Landscape, Natural Character & Visual Effects Assessment – Proposed Residential Subdivision, Mangakuri'*, dated August 2023 has been provided by Wayfinder Landscape Planning and Strategy (“**Wayfinder**”) and is been attached as **Appendix D** to this AEE. This assessment has also been updated from that lodged in February 2023 to take into consideration the amendments to the subdivision. An overview of the existing landscape, natural character and visual amenity values, extracted and summarised from the Wayfinder assessment, is provided in the following paragraphs.<sup>2</sup>

The site forms part of the much wider Mangakuri Station, which extends from the coast some way inland. Most of the Station is managed as pastoral farmland, but there are some areas of commercial pine forestry, including a small forest on the opposite side of Williams Road.

Mangakuri is one of several similar eastern beaches that are located along the Central Hawke’s Bay coastline. Although, they all have similar character – typically open sandy beaches flanked by prominent limestone headlands, each one has its own uniqueness. In the case of Mangakuri, this comes from the relatively small sized settlement – largely consisting of a generally lineal arrangement of coastal dwellings set behind a flat dune

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<sup>2</sup> Landscape, Natural Character & Visual Effects Assessment, Wayfinder, August 2023 (Pages 4 & 5).

area towards the northern end of the beach. The beach / coastal area is also well defined, not only by the headlands to the north and south, but also the relatively steeply rising topography behind the beach, separating the coast from the Mangakuri River which meets the coast at Kairakau Beach to the north.

Above the settlement, the landscape is predominantly pastoral farmland within the Station. On the steeper slopes immediately above the southern portion of the settlement (the site location), various poplar have been planted to help with stormwater runoff. Most of these are now mature, and in recent times some have begun dropping branches – as is typical for this type of tree. Closer to the bottom of the site is a selection of macrocarpa trees, as well as some mixed native scrub. As mentioned, a small pine forest is planted on the northern side of Williams Road, having an estimated harvest date of 2035.

The settlement is separated from the beach itself by a wide stretch of modified dune land. Historically, it is probable that this has been cleared, however, native dune grasses have largely re-established. Some weed and pasture species are also established within the dunes, and there are several walking tracks cutting from the road to the beach. The main beach access, however, is near the T-junction at the bottom of Williams Road, and consists of a wider grass reserve for informal parking and picnics.

Overall, Wayfinder state the landscape is evidentially heavily modified. It still a coastal character, largely as a result of the low-density settlement, the presence of some replanted native vegetation, and the expansive dune area.

## 2.3 GEOTECHNICAL AND GROUND CONDITIONS

Geotechnical reporting has been commissioned from Resource Development Consultants Limited (“RDCL”) and has been attached as **Appendix E** to this AEE. The report attached as Appendix E to this revised application ‘*Geotechnical Assessment Report – 10-Lot Subdivision, Managakuri Beach*’ has been amended from that originally lodged and is dated 7 August 2023. It is accompanied by **Appendix E1** which is a letter from RDCL documenting the responses to the Stantec peer review of their February 2023 geotechnical report.

RDCL have described the site from a geotechnical perspective as follows:<sup>3</sup>

- The general topography is elevated to the west bounded by Williams Road at ~60m to ~100m elevation, and Mangakuri Beach to the east at ~20m to 30m elevation.

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<sup>3</sup> Geotechnical Assessment Report, RDCL, 7 August 2023 (pages 3 & 7).

- Three (3) separate gully catchments (North, Central and South) are defined at the western extent with a head scarp and separated by prominent ridgelines trending east.
- The lower part of the slope is more gently sloping and defined by what appears to be historical landslide runout debris.
- Each gully catchment appears to be spring fed:
  - Northern gully shows ongoing seepage developing into a small stream.
  - Central gully shows evidence of periodic seepage, probably controlled by seasonal conditions. There is no stream in this gully.
  - Southern gully also shows ongoing seepage, evident by wet and boggy ground and water tolerant vegetation.
- A farm dam has been built in the southern gully with fill forming the downslope embankment.
- A water tank is situated in the northern gully and is fed by a farm water system, location unknown.
- The 1:250,000 online GNS Science Webmap indicates the site geology consists of:
- The upper (western) slope comprises Late Cretaceous to early Miocene melange of undifferentiated Whangai, Wanstead and Weber formations and Early Miocene in a sheared matrix;
- The lower (eastern) slope comprises Late Cretaceous Glenburn Formation sandstone of well-bedded, alternating sandstone, mudstone and conglomerate.
- The boundary between both units is inferred to be defined by an inactive normal fault.
- The QMap published text for Hawke’s Bay Area identifies that the local geology (Wanstead & Weber Formations), comprise Smectite rich soils which are susceptible to expansion (and contraction), resulting in slope instability and rapid erosion.
- Inferred colluviums from gullies infill are anticipated.

### 2.3.1 Geohazards

With respect to the occurrence of geohazards at the site, the following is pertinent:

- The Hawkes Bay Hazard Portal for Land instability indicates the subdivision is within a “severe earthflow” risk zone. Observations made by historical and recent aerial imagery and site walkover and geomorphic mapping confirms the risk of

land instability indicated by recent rotational or translational landslides on slopes exceeding 30° and historical and widespread debris flow.<sup>4</sup>

- Rainfall induced landslides present as shallow rotational or translational landslides at a decametre (tens of metres) scale (Figures 2a & 2b and Image 1) on steep slopes > 30°. <sup>5</sup>
- Seismically induced landslides are much larger and deeper and are the likely primary cause of instability that encompasses the subdivision. <sup>6</sup>
- Landslide risk is considered to be “High” where building platforms encroach into or within 10m of steep slopes exceeding 30°, “Moderate” risk for building platforms on slopes that encroach into or within 10m of slopes 10° to 30° and “Low Risk” on slopes less than 10°. <sup>7</sup>
- The local geology comprises Smectite rich soils which are susceptible to expansion (and contraction), resulting in slope instability and rapid erosion. Expansive soil risk is considered high.
- The 1:250,000 online GNS Active Faults Database does not indicate any known active faults on the site. Based on that, active fault rapture risk is considered low. <sup>8</sup>
- The Hawke’s Bay Emergency Management Group Portal indicates that the site is unlikely to liquefy. This is supported by the geological age and composition of materials which are unlikely to be susceptible to liquefaction. Given this, liquefaction risk is assessed to be low.
- Lot 1 is susceptible to Tsunami Risk from a near wave source directly affecting the eastern edge of the site. Tsunami Risk is assessed to be “moderate” based on the return period (1/2,500 years).
- The Hawke’s Bay Hazard Portal for Flood Risk indicates the site is outside of the mapped area, with no indicative risk for the site. Topographically, the risk of flooding is unlikely, except for Lot 1, situated in the change of slope gradient and nearby an ephemeral stream, but has been designed to achieve a low flood risk. <sup>9</sup>

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<sup>4</sup> Geotechnical Assessment Report, RDCL, 7 August 2023 (page 9).

<sup>5</sup> Ibid (page 10).

<sup>6</sup> Ibid (page 10).

<sup>7</sup> Ibid (page 11).

<sup>8</sup> Ibid (page 12).

<sup>9</sup> Ibid (page 13).

## 2.4 TRANSPORT AND ROADING

East Cape Consulting Limited have prepared a Traffic Impact Assessment (“TIA”) which is attached as **Appendix F1** to this AEE.

The road network surrounding the site is made up of Okura Road, Williams Road and Mangakuri Road.

Okura Road is approximately 600 m in length and provides access to the residential properties that overlook the beach. It is sealed to a width of 2.4 m and its alignment is generally flat and gently winds alongside the beach. The posted speed limit is 50 km / hour.

The northern section of Williams Road (north east of Okura Road) also provides access to residential properties. It has similar features to Okura Road and is encompassed by the 50 km/hour posted speed limit from its end to 300 m west of the Okura Road intersection.

The southern section of Williams Road runs from Okura Road to the Mangakuri Road/Nilsson Road intersection. This crossroads has four legs and is uncontrolled. The Williams Road approach is sealed due to its gradients, with the remaining roads being unsealed.

Williams Road climbs from beside Mangakuri River, over a hill, then drops back to sea level between Mangakuri Road and Okura Road. From Mangakuri Road, the surface is chipseal for about 470 m, and then reverts to an unbound (gravel) surface for a flatter 360 m, then is sealed for another 660 m to Okura Road.

Williams Road is formed to a width of approximately 5.8 m and has an open road speed limit (up to 300 m from the Okura Road intersection) although speeds tend to be much lower due to the vertical and horizontal geometry.

Mangakuri Road connects north towards Waipawa and State Highway 2, or south to other settlements along the coast.

Okura Road is classified as a Low Volume Road, whereas Mangakuri Road and Williams Road are both classified as Access Roads under the NZTA One Network Road Classification.

### 2.4.1 Traffic Volumes

With respect to traffic volumes, the following indicates the average daily traffic volumes on roads in the area:

- Williams Road (north east of Okura Road) – 120 vehicles per day;
- Williams Road (south west of Okura Road) – 80 vehicles per day;
- Okura Road – 40 vehicles per day;

- Mangakuri Road (north of Williams Road) – 60 vehicles per day;
- Mangakuri Road (south of Williams Road) – 35 vehicles per day; and
- Nilsson Road – 50 vehicles per day.

#### **2.4.2 Road Safety**

The New Zealand Transport Agency’s Crash Analysis System was used to review the road safety history of the area. The search area covered the:

- Full length of Okura Road;
- Full length of Williams Road;
- Williams Road / Okura Road intersection; and
- Williams Road / Mangakuri Road / Nilsson Road intersection.

The review confirmed that no crashes were reported on these roads or at these intersections within the last ten years (2012 – 2021 inclusive and including available data from 2022).

#### **2.4.3 Transport modes**

There are a number of walking tracks from Williams Road and Okura Road to the beach. Throughout the year, people move around the area on foot and bicycle using these tracks and/or the carriageways of Okura Road and Williams Road.

#### **2.4.4 Parking**

Public parking and vehicle/boat access to Mangakuri Beach is available from Okura Road, near the Williams Road / Okura Road intersection. A large, grassed area provides for informal vehicle parking and other activities.

### **2.5 ARCHAEOLOGICAL SITES**

Heritage Services Hawke’s Bay have prepared an archaeological assessment which is attached as **Appendix C1** to this AEE.

The physical site survey relocated the position of V23/72. Further, an additional six archaeological sites were found within the site inclusive of V23/86, V23/87, V23/88, V23/89, V23/90, and V23/92. V23/71 was unable to be located during the site survey and is presumed damaged and/or destroyed, although subsurface archaeology is likely to still be present. See summary of the archaeological survey In Figure 4 below).

V23/92 is an archaeological site which comprises of midden in the form of shell fragments on the ground surface located 50 m south of Lot 4 and the proposed access to the beach from the site.

V23/86 comprises a midden exposed by a small slump on the northern side of the ridge. The midden included Cook’s Turban, Spotted Top Shell, Cat’s eye, limpet and sandstone. V23/87 is another archaeological site recorded on the other side of the fence. It comprises a large, flat terrace with superior views to the north and south, and is likely associated with the midden.

V23/72 consists of two pits with a drain in the middle, and three terraces descending 60 m of the narrow ridge. Further up, but part of the same ridgeline as V23/72, are two flat terraces (V23/88 and V23/89) adjacent to the fence.

V23/71 and V23/90 are archaeological sites that were both visible on Google Earth satellite imagery taken in March 2018. However, they were not visible during the site survey undertaken in June 2022.

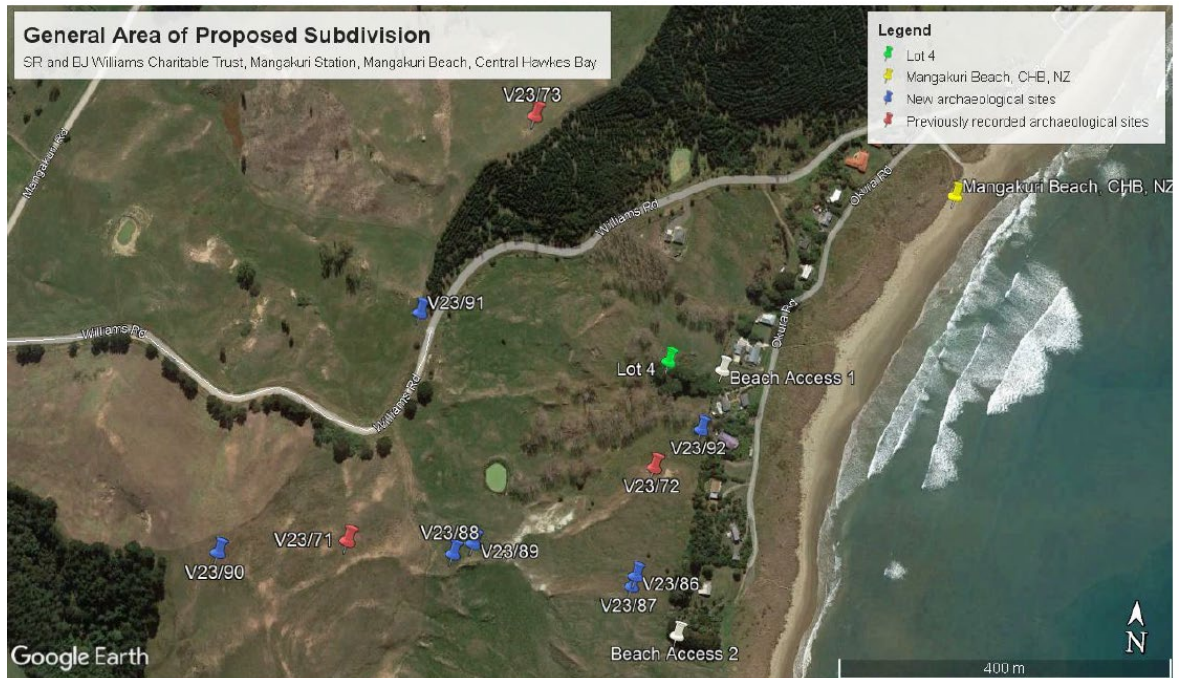


Figure 4 Summary findings of archaeological survey (Source: Heritage Services Hawke’s Bay <sup>10</sup>)

## 2.6 RECORD OF TITLE

The site comprises of one Record of Title as follows:

Legal Description	Area	Owners
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<sup>10</sup> Figure 15 of Heritage Services Hawke’s Bay, Archaeological Assessment of Effects: Proposed Subdivision; Mangakuri Station, 42 Okura Road, Mangakuri Beach, Central Hawke’s Bay.

A copy of the Record of Title is included as **Appendix B1** to this AEE.

The Record of Title includes the easements shown on the scheme plan in the schedule of existing easements. It also includes consent notice 9894516.3 which is also attached in **Appendix B2**. This consent notice requires ongoing compliance with:

- A condition requiring future building consents to address the natural hazards issues of coastal erosion and subsidence.
- A condition requiring a vehicle crossing to be formed and sealed to the legal road boundary prior to the use of any buildings and that the design and formation of the vehicle crossing be approved by Council.

This application provides a specific geotechnical report prepared by RDCL (see **Appendix E**) with recommendations on how each building platform can be formed such that coastal hazard risk (in regard to Lot 1) and the risk of subsidence and general ground instability is mitigated. Further to this three specific vehicular accesspoints are proposed and supported by an assessment from an expert traffic engineer, East Cape Consulting Limited (see **Appendix F**) confirming the safety and efficiency of those accessways. Specific section 224 conditions are anticipated in regard to the formation of the accessways to Council standards. Accordingly, the two matters that are the subject of the consent notice are being specifically addressed in this application.



### 3. PROPOSED SUBDIVISION

#### 3.1 OVERVIEW

The Applicant is applying for resource consent approval to subdivide their existing property (an area of approximately 111.9 ha) to create eight rural lifestyle lots, two balance lots and a lot to be amalgamated with Lot 1 DP 25627 (38 Okura Rd) to affect a boundary adjustment.

For the purpose of this application, it is noted that no land use consents are sought, and that the overall objective for this application is for the vehicle access, building platform earthworks and stormwater related matters to be addressed and resolved as part of the subdivision.

As part of the landscape mitigation and coastal natural character enhancement, each lifestyle lot will contain three zones, as follows:

- An identified Building Platform (coloured orange on the scheme plan shown in Figure 5 below) – which would be formed as part of the subdivision ready for the construction of dwellings;
- A Privately Managed Landscape (coloured beige on the scheme plan shown in Figure 5 below) – an area immediately surrounding the building platform which can be used by the future owner for the establishment of a garden or lawn areas as curtilage to their dwelling. Small sheds and water tanks would be allowed within this zone, but no additional buildings (such as a secondary dwelling) or significant earthworks as recommended by the CIA; and
- A staged Landscape Enhancement Zone (coloured mid green on the scheme plan shown in Figure 5 below)– being the remainder of the lot area and used only for the establishment of approved coastal native revegetation.

A copy of the Scheme Plan for the proposed subdivision is included in **Appendix A** to this AEE and the Scheme Plan of the subdivision is also shown in Figure 5 below. This concept plan uses the Wayfinder Landscape Concept Plan<sup>11</sup> which should be referred to for the plan legend. In addition to the three zones within each lot described above, the subdivision proposal also features walking tracks over the coastal balance lot (Lot 11) connecting each lot to the internal access to Okura Road and the beach beyond. Lot 11 also features staged vegetation enhancement to establish native coastal vegetation and hillside stability plantings behind the existing beach settlement as explained in the Wayfinder Assessment (see Appendix D1).

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<sup>11</sup> See Appendix D2, Landscape & Visual Assessment Graphical Attachment, Sheet 01.

The scheme plan, as now proposed in Figure 5, evolved in an iterative manner based on the various professional inputs in seeking to mitigate any potential adverse effects on the environment, including iterations from the original plan for 10 lifestyle lots lodged in February 2023 to the now proposed subdivision plan for 8 lifestyle lots (August 2023). Examples of earlier iterations of the subdivision plan (aside from the removal of Lots 2 and 5) include proposed Lot 9, which was originally intended to be immediately adjacent to Lot 8 but was relocated to its now proposed position following the identification of archaeological sites V23/88 and V23/89 and subsequent consultation with mana whenua.

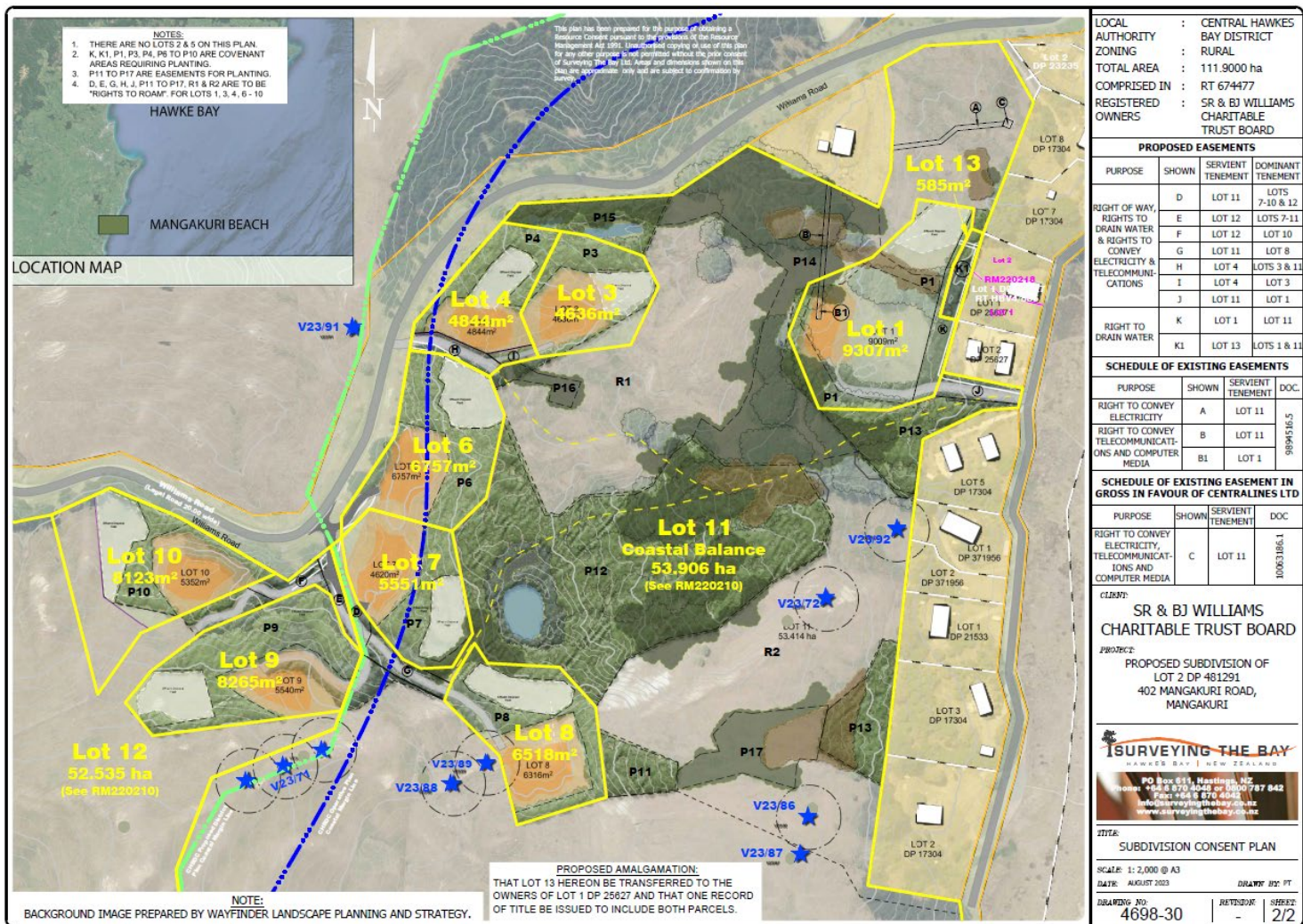


Figure 5: Proposed Scheme Plan (Source: Surveying the Bay)

Building platforms for the two balance lots (Lots 11 and 12) are not identified on the scheme plan as the Applicant intends to continue to farm this land as part of Mangakuri Station. As balance Lots 11 and 12 would have permitted activity rights to establish a dwelling on under both the Operative and Proposed District Plan, consent notices are offered stating that no dwelling shall be established unless any application for building consent is accompanied by:

- a geotechnical report from a suitably qualified engineer verifying the appropriateness of the proposed building platform and associated access way for a residential dwelling; and
- an archaeological report from a suitably qualified archaeologist verifying that the proposed building platform and associated access will not modify or destroy any known archaeological sites.

The land that is the subject of this subdivision application is substantially the same land that is included in the existing subdivision consent (RM180095A) variation granted on 1 March 2021 and which is the subject of Judicial Review proceedings in the High Court. The Applicant intends to implement the subdivision in this application and upon the granting of this consent on satisfactory terms, the existing subdivision consent RM180095A that is the subject of the Judicial Review proceedings will be surrendered.

### **3.2 STAGING**

The following staging approach is sought to provide some flexibility in the management of construction earthworks and sediment mitigation:

- Stage 1: Lots 9, 10, 12 & 13 (the amalgamation of Lot 13 with Lot 1 DP 25627 is proposed to occur as part of stage 1)
- Stage 2: Lots 6 – 8
- Stage 3: Lots 3, & 4
- Stage 4: Lots 1, & 11

Figure 6 below shows the proposed staging in plan form. Appendix A2 includes set of staging plans, including enlargements for each stage.

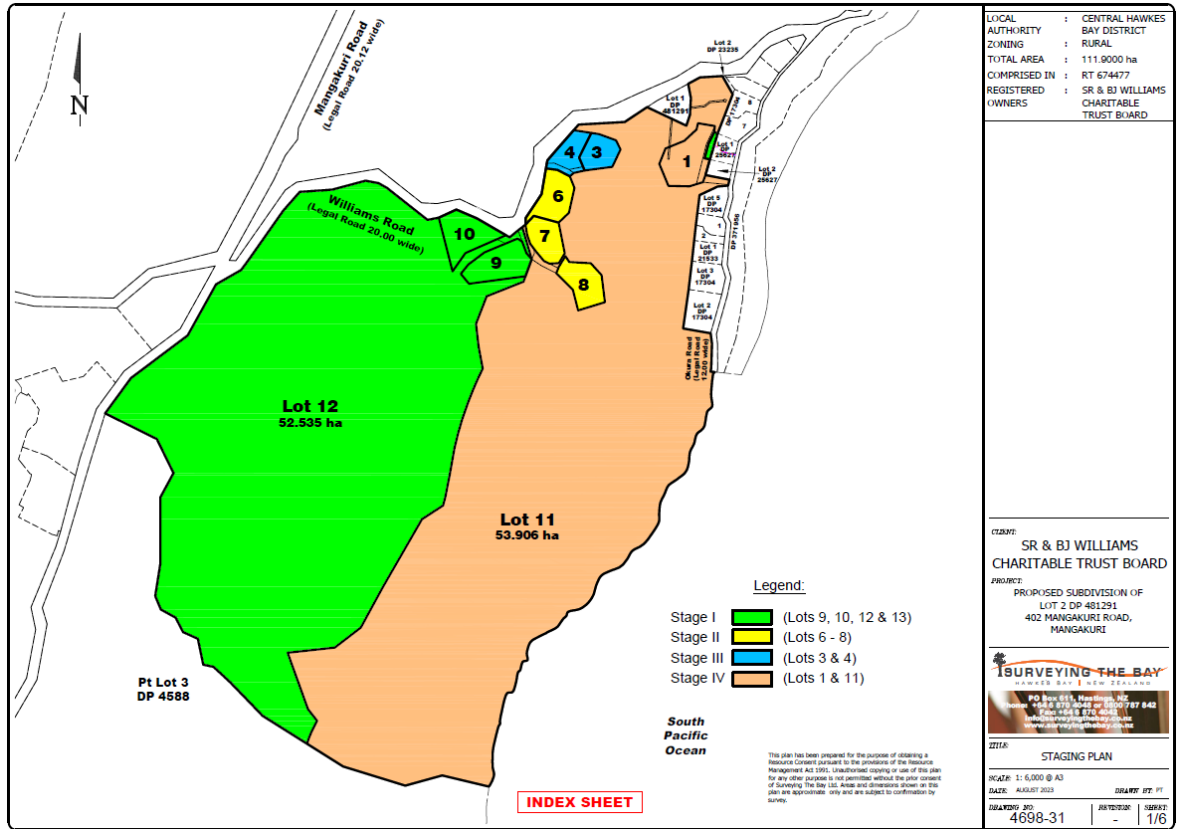


Figure 6: Proposed Subdivision Staging Plan (Source: Surveying the Bay)

### 3.3 EASEMENTS

The schedule of easements is detailed on the Scheme Plan, and also in the following tables:

Table 2: Schedule of Existing Easements

Purpose / Interest	Shown as	Servient Tenement (Burdened Land)	Identifier
Right to Convey Electricity	A	Lot 11	9894516.5
Right to Convey Telecommunications and Computer Media	B	Lot 11	9894516.5
Right to Convey Telecommunications and Computer Media	B1	Lot 1	9894516.5

Purpose / Interest	Shown as	Servient Tenement (Burdened Land)	Identifier
Easement in Gross to convey electricity, telecommunications and computer media	C	Lot 11	10063186.1

**Table 3: Memorandum of Proposed Easements**

Purpose / Interest	Shown as	Servient Tenement (Burdened Land)	Dominant Tenement
Right of Way, Rights to Drain Water & Rights to Convey Electricity & Telecommunications	D	Lot 11	Lots 7-10, 12
	E	Lot 12	Lots 7-11
	F	Lot 12	Lot 10
	G	Lot 11	Lot 8
	H	Lot 4	Lots 3 & 11
	I	Lot 4	Lot 3
	J	Lot 11	Lots 1
Right to Drain Water	K	Lot 1	Lot 11
	K1	Lot 13	Lots 1, & 11

### 3.4 AMALGAMATION

The following amalgamation condition is proposed for Lot 13 to be transferred into Lot 1 DP 25627 (38 Okura Road):

*That Lot 13 hereon be transferred to the owners of Lot 1 DP 25627 and that one record of title be issued to include both parcels.*

It is noted that Lot 13 and its proposed amalgamation also forms part of subdivision consent application RM220218 lodged with the Council in late 2022.

### 3.5 ACCESS

It is proposed for there to be three external access points. These being:

- Williams Road southern access, providing access to five lifestyle lots (Lots 6, 7, 8, 9 and 10) and the existing farm (Lots 11 and 12);
- Williams Road northern access, providing access to two lifestyle lots (Lots 3, and 4) and the existing farm (Lot 11); and
- Okura Road access, providing access to one lifestyle lot (Lot 1) and the existing farm (Lot 11).
- Lot 13 does not require any direct access from this subdivision as it is to be amalgamated with Lot 1 DP 25627 which has an existing formed access from Okura Road.

Figure 7 below identifies the approximate location of the proposed two vehicle crossings from Williams Road, photographed from the north-western side of Williams Road looking south over the site.



**Figure 7 Proposed vehicle crossing locations off Williams Road (photographed 16/9/22)**

As has been identified in Appendix F2, East Cape Consulting letter in response to the Stantec peer review, four existing trees on road reserve are required to be removed on Williams Road to the north of the northern access to ensure that adequate sightlines (97m) can be met for all proposed access ways.

Walking paths are proposed through Lot 11, to link all of the proposed lifestyle sites to the Lot 1 accessway, Okura Road and the beach beyond. Legal access will be provided via

'rights to roam over Lot 11 and within the landscape enhancement areas of each lifestyle site (see Appendix A1 scheme plan).

### **3.6 PARKING**

Sufficient onsite parking will be available on each of the lots given the complying site sizes and proposed access and building platform arrangements.

### **3.7 INFRASTRUCTURE SERVICING**

Strata Group Consulting Engineers have identified how the proposed lots will be serviced within their Civil Engineering Land Development Report attached as **Appendix G** to this AEE.<sup>12</sup> Again, this is an updated report to that appended to the February 2023 application, to incorporate the changes to the Lot boundaries and the removal of Lots 2 & 5. This updated report is summarised in the sections below.

#### **3.7.1 Water Supply**

The water supply for the proposed subdivision / future development will be provided via rainwater tanks. All lots will be responsible for their own potable water supply and rainwater harvesting has been recommended by Strata Group Consulting Engineers.

It is also noted that the rainwater tanks will be partly utilised for stormwater detention from all building platforms, with minimum detention volumes and design parameters proposed to be enforced through consent notices. In addition, all onsite water tank systems will be fitted with a 100 mm diameter firefighting coupling for firefighting purposes.

The water tank sizing will be at the discretion of each lot owner; however, it is anticipated that most sites will require two 25,000 litre water tanks to meet their potable demand and include the necessary stormwater detention requirements.<sup>13</sup>

In regard to firefighting water supply, if required the Applicant is agreeable to consent notices on the titles to ensure compliance with SNZ PAS 4509:2008. The option of communal dedicated water tanks for firefighting may be explored during detailed design but for the purposes of this subdivision consent application, compliance with SNZ PAS 4509:2008 by individual lots is the proposed approach.

#### **3.7.2 Wastewater**

The wastewater resulting from the proposed subdivision and future development will be the lot owner's responsibility and will be subject to building consent approval. Strata Group recommends that wastewater disposal involves shallow buried dripper lines, and

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<sup>12</sup> 'Land Development Report – Mangakuri Station Subdivision of Lot 2 DP 481291 – SR & BJ Williams Charitable Trust' (Revision 3), Strata Group, August 2023.

<sup>13</sup> Land Development Report, Strata Group, August 2023 (page 24).



disposal fields of 750 m<sup>2</sup> minimum, increasing to 1,000 m<sup>2</sup> minimum where slopes are more than 20%.<sup>14</sup>

In their August 2023 Land Development Drawing Set (Appendix G2) Strata Group have identified possible wastewater disposal field locations (Sheet C300). This identification has been undertaken in consultation with RDCL, whose input resulted in the indicative disposal field for Lot 9 being shifted to the west to be located on flatter contours. The indicative disposal fields for Lots 6 – 10 all exceed 1,000m<sup>2</sup> and for Lots 1, 3, and 4 exceed 750m<sup>2</sup>.

The Wayfinder Landscape Concept Plan (Appendix D2, Sheet 01) also incorporates the indicative effluent field locations so that appropriate planting can be specified over the effluent fields.

The wastewater fields will not however be constructed as part of the subdivision and will be constructed as part of the building consent process by future owners.

### **3.7.3 Stormwater**

Due to the sensitive receiving environment along the eastern boundary of the site and potential slope instability, it has been paramount for the stormwater design to achieve neutrality, and not increase stormwater flow rates to any of the properties that adjoin the eastern boundary. The proposed post development stormwater catchment plan is shown in Figure 8 below.

The following measures are proposed by Strata Group to mitigate the change in run-off:<sup>15</sup>

- Imposition of consent notices for lot owners to install stormwater detention measures during building construction works;
- The redirection of run-off from proposed Lots 6, 7 and 8 building platforms – conveying this to the west for Lots 6 and 7 and south for Lot 8;
- Modification of the existing pond so a portion of the pond volume is utilised for stormwater detention and to restrict flow rates in Catchment B;
- Construction of a dry stormwater detention pond to restrict flow rates in Catchment C;
- Construction of a dry stormwater detention pond (dry pond B) to restrict flow rates from Catchment A; and

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<sup>14</sup> Ibid

<sup>15</sup> Land Development Report, Strata Group, August 2023 (page 13).

- Significant landscaped areas will increase evapotranspiration as well as improve slope stability and biodiversity (as is proposed in the Wayfinder Landscape Concept Plan).

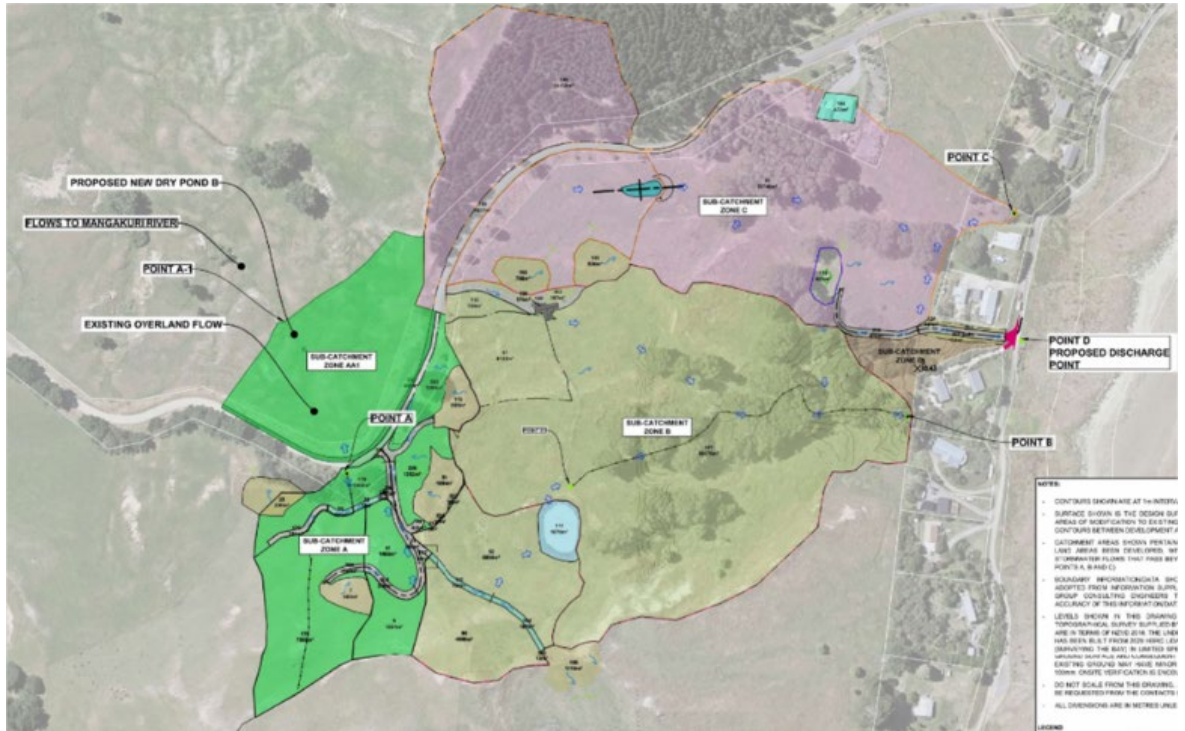


Figure 8: Post-development Stormwater Catchment Plan (Source: Strata Group)

In summary, the proposed stormwater system will utilise onsite detention on all lots via water tanks, enforced via a consent notice on each title. Further detention will be achieved via improvements to the existing pond on the site and include the construction of two new dry ponds. These methods of detention along with the access and platform surface design and proposed drainage will result in a decrease in stormwater run-off to the eastern side of the development.

Strata Group recommend the following consent notice condition to be applied to all eight lifestyle lots to ensure adequate stormwater storage on each building platform remains available, with the conditions referenced to the ‘Proposed Lot detention summary’ Table below:<sup>16</sup>

<sup>16</sup> Land Development Report, Strata Group, August 2023 (page 14).

**A.** Top 700mm of one 25,000 litre tank, or top 350mm of two 25,000 litre tanks to be available for detention at all times

**B.** Top 500mm of two 25,000 litre tanks to be available for detention at all times

The table below demonstrates the proposed detention on each platform recommended to be enforced through a consent notice.

LOT	WATER TANK VOLUME REQUIRED FOR DETENTION (L)	DETENTION CONDITION REQUIRED	APPLICABLE TIME OF CONCENTRATION (VOL. REQ. = INFLOW-OUTFLOW x T.O.C) IN MINUTES	TARGET RESTRICTED OUTFLOW FROM TANK (L)
1	7800	A	10	0.87
3	11000	B	30	0.74
4	11000	B	30	0.74
6	7800	A	10	0.87
7	7800	A	10	0.87
8	7800	A	20	0.87
9	7800	A	30	0.87
10	7800	A	10	0.87

*Table 1 – Proposed Lot detention summary*

Strata Group also recommend that the method of stormwater discharge from each tank is also enforced via consent notice. It is proposed that this notice reads as follows or similar:<sup>17</sup>

*“All water tank discharges from all 8 Lots within the subdivision shall be via bubble up trenches, and any other stormwater discharge from the building platforms shall be installed in a manner that does not result in any scouring or erosion at or downstream of the discharge point”.*

The bubble up trenches will disperse the stormwater flow over a wider area and would be installed in a level line across the slopes, below the toe of any engineered fill. The recommended bubble up trench positions as shown on sheet C210 (Appendix G2) and are positioned away from areas of fill, and also coordinated (away from) with the anticipated wastewater disposal fields. The bubble up trenches for all 8 platforms will be formed as part of the subdivision works, with a pipe connection available at each building platform.<sup>18</sup>

The stormwater run-off to Okura Road resulting from the formation of the access to Lot 1 is proposed to be collected by a sump within the accessway or at Okura Road and discharged to the beach sands on the opposite side of the carriage way of Okura Road. To prohibit the transmissions of any silt and debris, a syphon outlet sump will be installed with

<sup>17</sup> Land Development Report, Strata Group, August 2023 (page 15).

<sup>18</sup> Ibid.

a suitably designed outlet structure, a bottomless sump barrel with the surface grate residing below and away from the edge of the Okura Road formation is proposed.<sup>19</sup>

The existing cut-off drain located uphill (west) of 38-40 Okura Road will be regraded and planted as part of the development works. The drain will be sized to convey flows received from the immediate upstream Catchment which will include the upper reaches of the sealed R.O.W servicing Lot 1. The drain will be sized during developed design and will include a comfortable freeboard to ensure no overtopping of the drain occurs.<sup>20</sup>

In regard to overland flow, Strata Group conclude that with the exception of Catchment A and AA1 (discharging to point A-1 on the Applicant's property on the northern side of Williams Road), all overland flow rates all will be reduced for the rainfall events considered in the calculations included in Appendix B.<sup>21</sup>

Strata Group also comment on the positive effects of the proposed Wayfinder Landscape Concept Plan in reducing stormwater runoff over time as the plantings mature.<sup>22</sup>

### 3.8 SITE SUITABILITY

The geotechnical report is provided in **Appendix E** to this AEE. The building platforms are proposed to be formed as part of the subdivision. Due to the sloping nature of the site, confirming geotechnical stability is an important component of this subdivision consent.

Based on the proposed concept and results of the subsequent investigations and assessments undertaken, RDCL consider that the building platforms proposed for Lots 1, 3, 4, 6, 7, 8, 9, & 10 are suitable for residential development. Their overall conclusion on building suitability is set out as follows:

*We consider the proposed building platforms proposed for Lots 1 to 10 (excluding lots 2 & 5) to be suitable for residential development provided the recommendations and Consent Conditions in this report are addressed.*

*All sites are underlain by expansive soils requiring specific consideration for earthworks, foundations and for infrastructure (road surface stabilisation etc).<sup>23</sup>*

Due to the identified expansive soils, the RDCL report includes comprehensive recommendations for building platform location and design, foundation design, road access, stormwater & wastewater, . The Applicant adopts these recommendations which can be applied as s224 conditions in regard to the engineering design and earthworks,

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<sup>19</sup> Land Development Report, Strata Group, August 2023 (pages 19 & 20).

<sup>20</sup> Ibid (page 21).

<sup>21</sup> Ibid.

<sup>22</sup> Ibid.

<sup>23</sup> Geotechnical Assessment Report, RDCL, 7 August 2023 (page ii)

while those recommendations relating to future building design, location and servicing will need to be applied as consent notice conditions.

The 'Consent Condition' recommendations in the RDCL Geotechnical Report are:<sup>24</sup>

*The following consent conditions apply for Mangakuri Subdivision:*

- *Lots 3 to 11 building platforms should be lowered (excavated) to form a level building platform and to reduce the risk of further land instability.*
- *Lot 1 should not be subjected to excavation at the toe of the slope due to risk of land stability.*
- *Lot 1 may be subjected to fill with geotechnical consideration.*
- *Where land falls below the building platform:*
  - *Building setback of 5 m is recommended inside the break in slope (slope crest) for all building platforms formed on cut where ground slopes away exceeding 20 degrees; and/or*
- *Where land rises above the building platform:*
  - *Building setback of 5m from the toe of slope is recommended where ground rises above the building platform (Lots 1).*
- *Building Platforms should be formed entirely within Natural ground (Cut). Engineered Fill should be designated for minor structures and landscaping only unless modified and certified acceptable.*
  - *All materials excavated from this site in preparation for being used as engineered fill should be tested to confirm the presence of expansive clay soils in accordance with NZS3604:2011.*
  - *Expansive clay soils can only be reused if modified.*
- *All cut slopes should be formed at 1V:1.5H and fills at 1V:2H.*
- *Subsoil drains should be installed where seepage occurs relative to the building footprint or fill placement and in particular on the eastern side of the building platform and where appropriate for road access where seepage is observed.*
- *Cut-off drains to be installed above building platforms and road cuts.*
- *Due to the expansive nature of soils, strict control on planting is required. We recommend all cut and fill slopes and stormwater and effluent discharge areas to be planted with small shrubs and shallow rooting plants.*
- *Large tree species may not be planted within a horizontal distance equivalent to the mature tree height of any pertinent structure (house, road, stormwater, drainage).*
- *Stormwater Pond to be assessed and designed by competent engineers considering embankment suitability and slope stability*

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<sup>24</sup> Ibid (pages 49 & 50).

### 3.9 ELECTRICITY AND TELECOMMUNICATIONS

It has been indicated by the relevant utility providers (Centralines for electricity and Chorus and Gecko for telecommunications) that electricity reticulation and a telecommunications connection is able to be supplied for all lots.

It has been agreed with Centralines that in-ground ducts to service future development will be installed within the access corridors during construction. Further, pricing options are being explored with the Applicant to either underground the existing overhead power lines that traverse the northern part of the site – currently crossing Lots 3 and 4 (see the existing overhead lines in the photograph in Figure 2 above), or to re-route the overhead alignment. One of these options will be to relocate the overhead power at this location. The applicant is continuing discussions with Centralines on this matter.<sup>25</sup>

There are also existing in-ground Chorus cables that traverse proposed Lots 3, 4, 11 and 1, residing in part in the proposed building platform areas. These cables will also require relocation. The applicant is continuing discussions with Chorus on this matter.<sup>26</sup>

The site currently has a broadband repeater station located at the proposed Lot 8 building platform as shown in Figure 9 below. This repeater station is owned by Gecko broadband, and they have an existing agreement with Mangakuri Station. Communications with Gecko have commenced to relocate the repeater station, as well as exploring options to provide hard-wired internet to all platforms.<sup>27</sup>

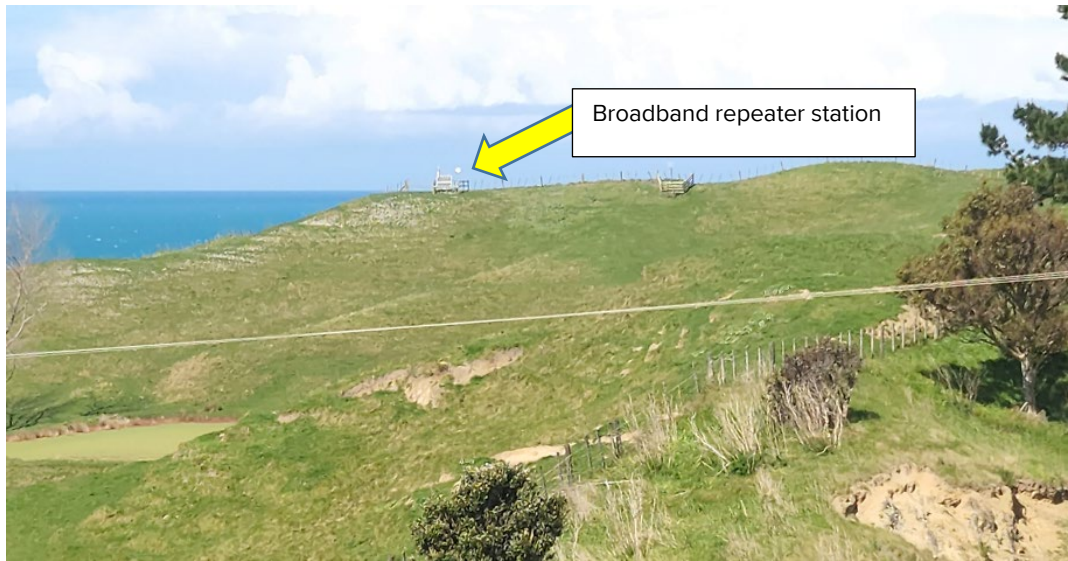
Strata Group propose that a plan will be prepared as part of the detailed design stage identifying all utility services within the development.

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<sup>25</sup> Land Development Report, Strata Group, August 2023 (page 28).

<sup>26</sup> Ibid.

<sup>27</sup> Ibid.



**Figure 9** Broadband repeater station on Lot 8 to be relocated (photographed 16/9/22)

### **3.10 PROPOSED EARTHWORKS**

Strata Group note that earthworks and finished levels will be required to align with the site's overland flow and design levels to achieve the design requirements. To achieve this, earthworks will be undertaken by the Applicant, including the construction of new access routes, building platforms and drainage aspects.

The preliminary volume estimates include the following:<sup>28</sup>

- Topsoil stripping (generalised at a depth of 300 mm) – 6,150 m<sup>3</sup>;
- Cut from topsoil strip to subgrade (platforms and access) – 8,200 m<sup>3</sup>;
- Cohesive/approved fill required from subgrade level – 7,380 m<sup>3</sup>;
- Imported granular fill for access formations – 1,520 m<sup>3</sup>; and
- Cut to waste – 820 m<sup>3</sup>.
- Total proposed earthworks volumes = 24,070m<sup>3</sup>.

All topsoil will be respread on site and discreet stockpiles will be left on each of the building platforms for landscaping purposes. Cohesive fill is required to be site-won where suitable and it is anticipated that a suitable location within the wider Mangakuri Station will be sought to dispose excess cut waste material.

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<sup>28</sup> Land Development Report, Strata Group, August 2023 (page 26).

The following figure, shows the preliminary cut/fill plan, which is also replicated in **Appendix H**. Red shades identify areas of cut and proposed areas of fill are identified with green shading.

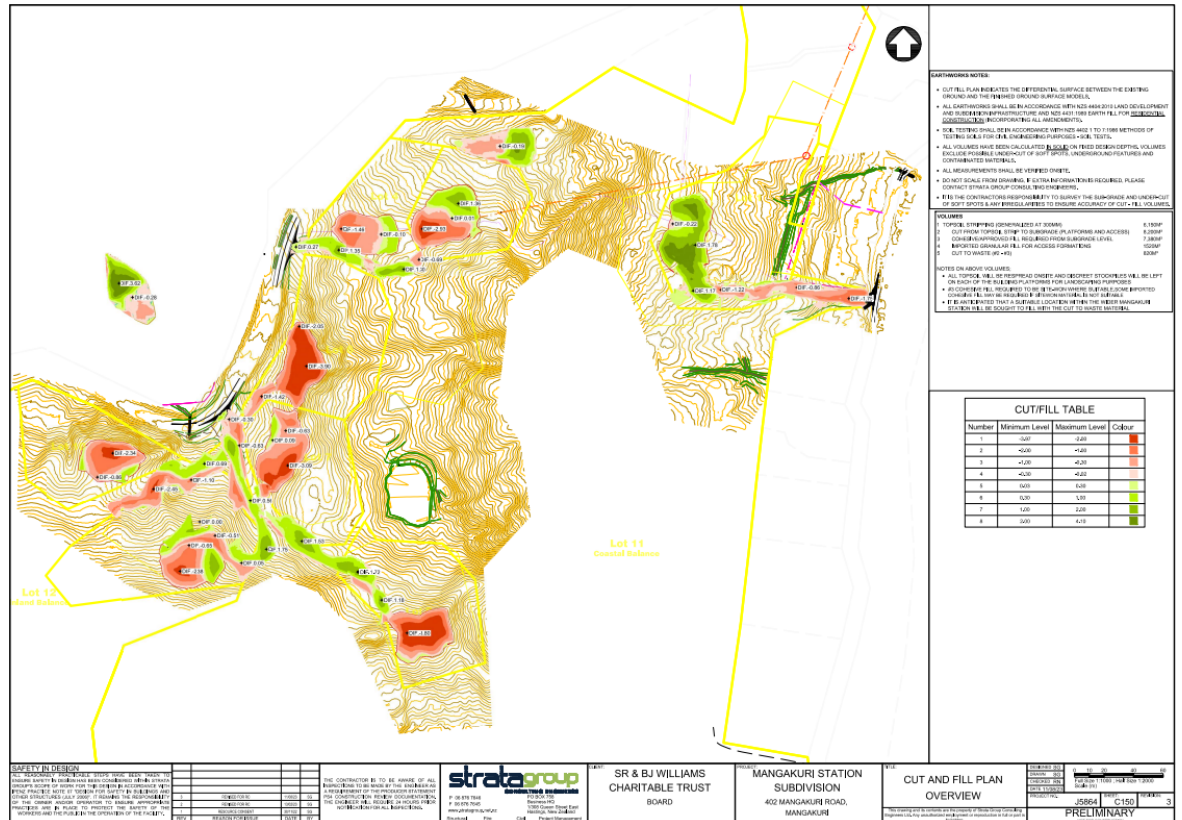


Figure 10: Cut / Fill Plan (Source: Strata Group)

RDCL advise that the earthworks design has considered the following key matters:<sup>29</sup>

- The entire development design has carefully considered the Archaeological report prepared by Stella August and Elizabeth Pishief. The platform and access positions have been modified since receiving this report and all earthworks will be undertaken in accordance with the Archaeological report.
- The house platform areas will be formed by the developer, with all topsoil being removed, prior to engineered fill placement. The cut-fill plan included in Appendix A illustrates that the majority of the house platforms are in cut material, some fill has been utilised to extend the platforms to allow for onsite maneuvering and parking.
- The geomorphology of the site as reported by RDCL has been carefully considered with the final position of all building platforms. Extensive geotechnical

<sup>29</sup> Land Development Report, Strata Group, August 2023 (page 25 & 26).



investigations have been undertaken to obtain a thorough understanding of the ground conditions. Parts of the site once considered for building platforms have now been completely avoided.

- Cut and fill batters have been designed in accordance with the recommendations made in the RDCL report, with fill batters no greater than 1V:2H and cut batters no steeper than 1V:1.5H. Typically the design batters have been limited with a maximum cut batter slope of 1V:2H, and fill batters 1V:2.5, however in both cut and fill, these batters have currently predominantly been designed at 1V:2.5 or flatter. The design intention is to limit cut faces and for the earthworks to blend with existing topography.
- An Erosion and Sediment Control Plan (ESCP) will be developed in accordance with the requirements of the Hawke's Bay Regional Council Guidelines for Erosion and Sediment Controls and shall be submitted to CHBDC for approval with the developed design drawings for the proposed development.

## 4. RESOURCE CONSENT REQUIREMENTS

### 4.1 INTRODUCTION

The activities relating to the subdivision of the existing property at the corner of Williams Road and Mangakuri Road, Mangakuri described in Section 3 of this AEE are subject to the provisions of the Operative District Plan and the Proposed District Plan. An analysis of the relevant rules is provided in the sub-sections below.

### 4.2 OPERATIVE CENTRAL HAWKE'S BAY DISTRICT PLAN

As set out above, the site is within the Rural Zone under the Operative District Plan. As is demonstrated in the assessment undertaken in Section 4.3 below, the proposed subdivision complies with most of the performance standards of Section 9.10 of the Operative District Plan. Notwithstanding this, the proposal does not comply with the relevant standards for the proposed vehicle crossings as the required minimum sight distances for a 100 km/hr road will not be complied with. Any subdivision which does not comply with one or more of the Subdivision Performance Standards must be assessed as a **Discretionary Activity** pursuant to Rule 9.9.4(i). Accordingly, the proposed subdivision requires resource consent for a **Discretionary Activity** under Rule 9.9.4(i).

Further, the majority of the site is located within the coastal margin area of the Rural Zone. To clarify, the building platforms for Lots 1, 3, 4, 6, and 8 are located within the coastal margin area, the Lot 6 building platform is partially within the coastal margin area and the building platforms for Lots 7, 9, and 10 are fully outside the coastal margin area. Accordingly, the proposed subdivision will require resource consent for a **Discretionary Activity** under Rule 9.9.4(ii).

Figure 11 below is an excerpt from the Operative District Plan Maps, showing the zoning, overlays and designations of the site and its surrounds. The site is shown in the thick black outline with the Coastal Margin Area identified by the red line.

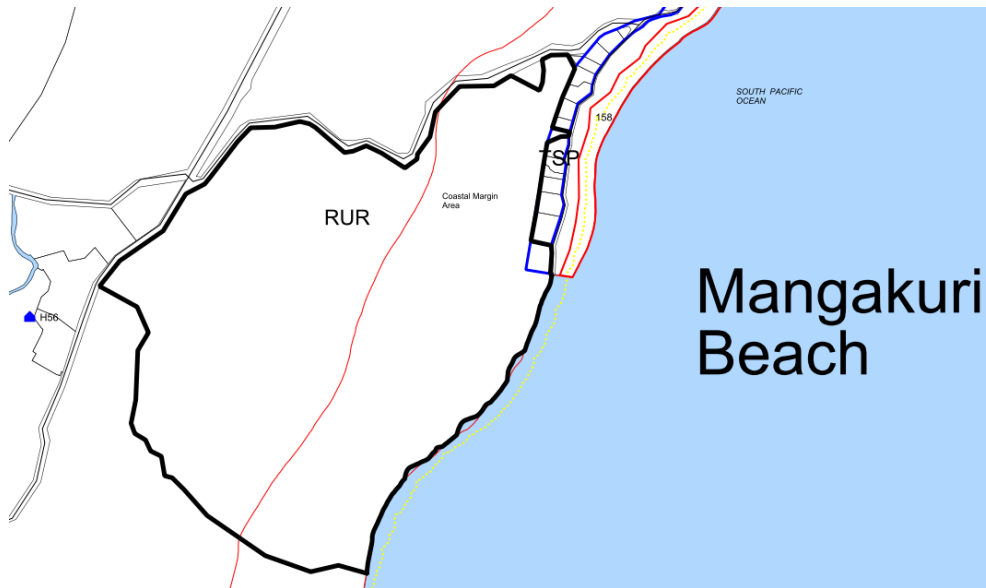


Figure 11: Operative District Plan Map of Site

In reviewing the Operative District Plan Maps, the land subject to this application is located in the Rural Zone and the majority of the site is subject to the Coastal Margin Area overlay.

#### 4.3 OPERATIVE DISTRICT PLAN PERFORMANCE STANDARD ASSESSMENTS

Table 4: Subdivision Performance Standards

Performance Standard	Assessment	Compliance
<p><i>Rule 9.10(a) No lots created by subdivision consent, including balance titles shall be less than the minimum specified in the table shown below except as provided for below in (i) and (ii).</i></p> <p><i>Minimum Lot Size in the Rural Zone is 4000m<sup>2</sup></i></p>	<p>The smallest proposed lot<sup>30</sup> as part of this subdivision is Lot 7 at 4,620 m<sup>2</sup>.</p>	<p>Complies</p>
<p><i>Rule 9.10(b) Road widening</i></p>	<p>The site is not subject to a road widening designation.</p>	<p>Does not apply</p>
<p><i>Rule 9.10(c) Water supply</i></p> <p><i>All new lots, other than lots for access, roads, utilities and reserves, shall be provided with a connection to a Council reticulated water supply</i></p>	<p>There is no reticulated water supply in this location, so this rule does not apply.</p>	<p>Does not apply</p>

<sup>30</sup> Excluding Lot 13 as it is to be amalgamated.

Performance Standard	Assessment	Compliance
<i>(where available) and shall be laid to the boundary of the net area of the lot.</i>		
<p><i>Rule 9.10(d) Sanitary Sewage Disposal</i></p> <p><i>All lots in the Residential and Business Zones other than lots for access, roads, utilities and reserves, shall be provided with a piped sewage outfall for disposing of sanitary sewage laid to the boundary of the lot. This rule shall also apply to Township Zones which have an existing reticulated disposal system.</i></p>	<p>The proposal is in the Rural Zone so this rule does not apply.</p>	<p>Does not apply</p>
<p><i>Rule 9.10(e) Protection of Vegetation</i></p> <p><i>Any notable trees, listed in Appendix B, shall be preserved and a Consent Notice shall be registered requiring continual preservation as an ongoing condition for approval to the lot containing such trees.</i></p>	<p>The subject site does not include any notable trees, so this rule does not apply.</p>	<p>Does not apply</p>
<p><i>Rule 9.10(f) Lot Dimensions</i></p> <p><i>Lot minimum dimensions shall be such that they can accommodate a 15x17m rectangle. Lot minimum dimensions shall not apply in any zone for lots for access, utilities, reserves and roads.</i></p>	<p>All lots are of a shape and site area that can comfortably accommodate a 15x17m rectangle.</p>	<p>Complies</p>
<p><i>Rule 9.10(g) Property Access</i></p> <p><i>i Every lot shall have a frontage to an existing road or to a new road to be provided by the owner which will give vehicular access to that lot from a road.</i></p> <p><i>ii This access may be directly to a road, or to a road by way of a Vehicle Access Lot.</i></p> <p><i>iii Where a lot has direct vehicle access to a road then vehicle access shall be subject to the vehicle</i></p>	<p>All lots will have vehicular access to existing roads by the establishment of new private access roads connecting with a public road.</p> <p>Access for the lots will be made to the road via shared reciprocal rights of way easements.</p>	<p>Complies</p> <p>Complies</p>

Performance Standard	Assessment	Compliance
<p>access provisions set out in Chapter 8:Transport Rules, as they apply.</p> <p>...</p> <p>v. If the subdivision is creating more than one lot, the following shall apply:</p> <p>...</p> <p>c) If the subdivision is in the Rural Zone and if the subdivision is for residential activities then:</p> <p>1. If the vehicle access to the road has to serve 2 to 4 residential units each lot shall have direct vehicle access to a vehicle access lot with a minimum legal width of 6.0m and a minimum formed width of 3.5m. A turning area is required.</p> <p>vi Where the subdivision fronts an unformed road the subdivider shall form the road to the nearest formed road, and shall construct the road to the formed widths and standards specified in this rule and rule 9.10 (h).</p>	<p>Please refer to the Chapter 8 Transport rule assessment in Table 3 below.</p> <p>The proposed lots will share access via ROW easements. The proposed ROWs are designed in compliance with the width requirements.</p> <p>Williams Road and Okura Road are not unformed roads so this rule does not apply.</p>	<p><b>Site access will not comply (see Table 2 below) with sight line distance requirements.</b></p> <p>Complies</p> <p>Does not apply</p>
<p><i>(h) Construction Standards For Private Vehicular Access</i></p> <p>All private vehicular access, access legs and access lots to fee simple title lots, cross leases, unit titles or leased premises shall be in accordance with the following standards:</p>		
<p>i Vehicle Crossings to all lots and to all vehicle access lots shall be provided in terms of the Transport Rule 8.5.2(a) and (b) [pages 103 and 104]</p> <p>...</p> <p>v Where a private vehicular access serves lot(s) within the Rural Zone and has access onto a metalled road, the vehicle access and its</p>	<p>An appropriate condition is offered to ensure that this standard will be achieved.</p> <p>An appropriate condition is offered to ensure this standard will be achieved.</p>	<p>Complies</p> <p>Complies</p>

Performance Standard	Assessment	Compliance
<i>carriageway shall be formed with an all weather standard, and shall be drained to the satisfaction of the Council</i>		

**Table 5: Transport Performance Standards**

Performance Standard	Assessment	Compliance
<i>Rule 8.5.1 (a) Minimum Parking Space Requirements Residential units are required to provide a minimum of 2 parks per site, 1 being the garage/carport.</i>	All of the proposed lots will have sufficient area to provide space for parking to meet this standard within the proposed building platform areas.	Complies
<i>Rule 8.5.1 (g) Reverse Manoeuvring i On-site manoeuvring shall be provided for all vehicles to ensure that no vehicle is required to reverse either onto or off a road except where: a) Any activity is required to provide, or contain, two or less parking or loading spaces; or b) An activity is in the Business 1 Zone and has access onto any road other than a State Highway.</i>	The activity for which the proposed lots are to be utilised (residential units) and agricultural activities are not required to provide any more than 2 parking spaces, so this requirement does not apply.	Does not apply
<i>Rule 8.5.1 (i) Surface of Parking and Loading Areas i The surface of all parking, loading and trade vehicle storage areas shall be formed and finished with an all-weather, dust free surface and shall be drained to the satisfaction of the Council. Rule i (i) does not apply where a site contains one residential unit and which requires no more than two parking spaces.</i>	The activity for which the proposed lots are to be utilised (residential units) and agricultural activities are not required to provide any more than two parking spaces, so this requirement does not apply.	Does not apply
<i>Rule 8.5.2 (a) Vehicle Access to be Provided  In all zones: i Every lot with direct vehicle access to a road or to a vehicle access lot, shall be provided with a complying vehicle crossing. ... iii Every activity requiring access to a road shall have access to that/those road(s) only by way of a complying vehicle crossing. iv A complying vehicle crossing shall meet the following requirements: a. Where a lot has direct vehicle access to a road: a formed and drivable surface shall be provided between the carriageway of the road and the road boundary of the lot. ...</i>	The proposal will provide three shared right of ways (access lots) for all lots. The vehicle crossings to the public roads are proposed to be compliant.	Will Comply

Performance Standard	Assessment	Compliance
<p><i>d. An access space shall be established on the lot. This shall comprise an area of land within the lot 3.5m wide by 5.0m long, formed and set aside and useable by a motor car and accessible from the vehicle crossing. (This access space may be used for any aisles or parking or loading spaces provided within the site).</i></p>		
<p><b>Rule 8.5.2 (b) Formation and Sealing of Vehicle Crossings</b></p> <p><i>i All vehicle crossings shall be formed with an all weather surface and shall be drained to the satisfaction of the Council.</i></p> <p>...</p> <p><i>iii Minimum height clearance for vehicle crossings and common vehicle manoeuvring areas on-site, shall be 3.5 metres for residential units and 4.5 metres for all other activities.</i></p> <p><i>iv Vehicle crossing gradients be designed in accordance with the New Zealand Building Code approved document D1: Access Routes.</i></p>	<p>The proposed vehicle crossings will be formed to an all-weather surface and a condition is offered to require this prior to 224(c) certification. There are no height clearance issues in this rural location. The proposal can comply with all aspects of this standard.</p>	Will Comply
<p><b>Rule 8.5.2 (d) Location of vehicle crossings with frontage in relation to intersections</b></p> <p>...</p> <p><i>ii The following standards apply to all other sites in the Rural Zone:</i></p> <p><i>a. Where the road frontage of the site lies entirely within 80 metres of an intersection, the vehicle crossing to the site shall be located on the access frontage within 12 metres of the side boundary of the site which is farthest from the intersection.</i></p> <p><i>b. Where the road frontage of the site is greater than 80 metres in length, the vehicle crossing to the site shall be located on the allowed access frontage at least 68.0 metres from the intersection.</i></p> <p>...</p>	<p>The road frontage of the site to Williams Road is greater than 80 m in length and the proposed vehicle accesses will be located approximately 676.6 m and 599.2 m from the intersection of Williams Road and Mangakuri Road and approximately 765.8 m and 635 m from the Williams Road intersection with Okura Road.</p> <p>The road frontage of the site to Okura Road is approximately 350m from the Williams Road intersection with Okura Road.</p>	Complies
<p><b>Rule 8.5.2 (e) Widths of Vehicle Crossings</b></p> <p><i>Crossing widths for residential land use are required to be 3.5 m minimum and 6.0 m maximum</i></p> <p><i>Others are required to be 6.0 m minimum and 9.0 m maximum.</i></p>	<p>The proposed subdivision will be able to provide vehicle crossings that meet the 'other' land use standard as they will provide access to the farm and occasional large vehicles at a minimum of 6m width. This is anticipated to be required as a condition of consent.</p>	Complies
<p><b>Rule 8.5.2 (f) Sight Distances from Vehicle Crossings and Road Intersections</b></p> <p><i>Unobstructed sight distances, in accordance with the</i></p>	<p>Williams Road has a legal speed limit of 100km/hr (noting that the operating</p>	<b>Will not comply</b>

Performance Standard	Assessment	Compliance
<p><i>minimum sight distances specified in Table 3, shall be available from all vehicle crossings and road intersections.</i></p> <p><i>30 km/hr: 45 m sight distance</i></p> <p><i>100km/hr: 170m sight distance</i></p>	<p>speeds will be significantly lower)<sup>31</sup> and is not state highway so requires a minimum sight distance of 170 metres.</p>	
<p><i>All sight distance measurements shall be undertaken in accordance with the relevant diagram in Appendix E.</i></p>	<p>The sight distances for the southern vehicle crossing proposed are at least 100m in each direction<sup>32</sup> but less than 170m.<sup>33</sup></p> <p>The sight distances for the northern vehicle crossing proposed are 50 m to the north and 100 m to the south but less than 170 m.</p> <p>Okura Road has a legal speed limit of 30 km/hr and it is not a state highway so requires a minimum sight distance of 45 m. The sight distances for the Okura Road access are at least 80 m to the north and 60 m to the south, which is greater than the 45 m required.</p>	

#### 4.4 PROPOSED CENTRAL HAWKE'S BAY DISTRICT PLAN

The Proposed District Plan was publicly notified for submissions on 28 May 2021. Under section 86B of the RMA some rules have immediate legal effect and need to be considered from that date until a decision on submissions relating to the Proposed District Plan are made. Decisions on submissions were publicly notified on 25 May 2023, which is after this Application was lodged on 24 February 2023.

Under section 86B(3) of the RMA, a rule in a Proposed Plan has immediate effect if the rule: –

- (a) protects or relates to water, air, or soil (for soil conservation); or*
- (b) protects areas of significant indigenous vegetation; or*
- (c) protects areas of significant habitats of indigenous fauna; or*

<sup>31</sup> The East Cape Consulting TIA states that the operating speed of Williams Road at the Southern Access approaches is less than 50km/hr (pages 8 & 9).

<sup>32</sup> East Cape Consulting TIA, page 9.

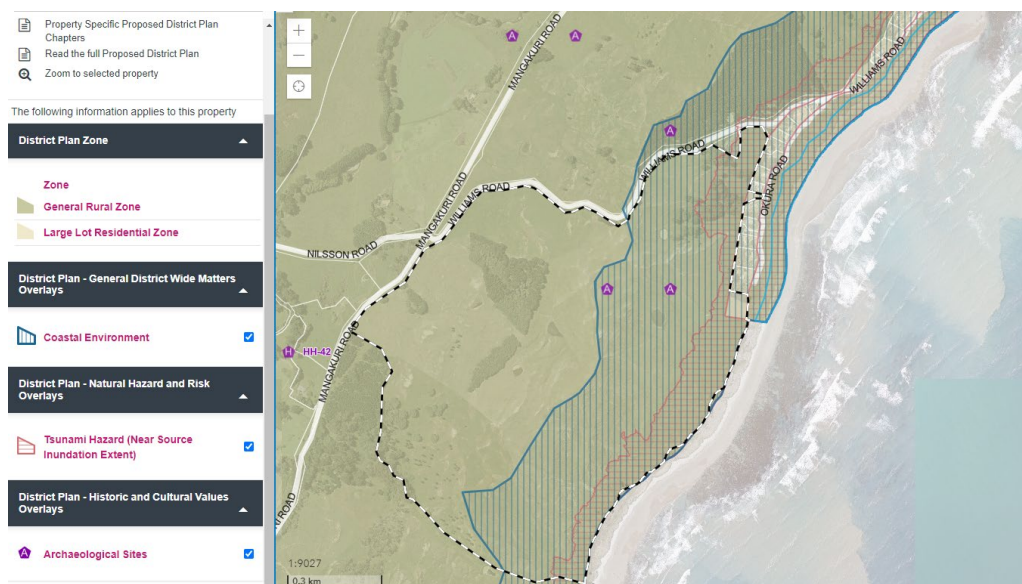
<sup>33</sup> Albeit that the East Cape Consulting TIA states that a sight distance of only 45m is required for the road operating speed at the point of the proposed access, page 10.



(d) protects historic heritage; or

(e) provides for or relates to aquaculture activities.

Figure 12 below is an excerpt from the Proposed District Plan Maps, showing the zoning, overlays and designations of the site and its surrounds. The site is shown in a black/white dashed outline, with the applicable zoning and overlays identified in the key to the left of the map.



**Figure 12: Proposed District Plan Map of Site**

In reviewing the Proposed District Plan maps, the land subject to this application is located in the General Rural Zone and Lots 1, 3, 4, 6, 7, 8, 11 and 13 are subject to the Coastal Environment Overlay. Further, the eastern portion of the site is also subject to the Tsunami Hazard Overlay.

In addition, there are also two archaeological sites located within the site identified by the Proposed District Plan maps. As discussed above however, the Archaeological Assessment undertaken identifies that there are more than two archaeological sites within the area of the site (seven separate archaeological sites are identified on the subdivision scheme plan within the subject site).

Neither the General Rural Zone rules nor subdivision rules have immediate legal effect. Archaeology is a form of historic heritage; however, the Proposed District Plan relies on the Heritage New Zealand Pouhere Taonga Act 2014 for the regulatory protection of archaeological sites and does not therefore include any rules applying such protection. Accordingly, the Proposed District Plan does not have any relevant rules with immediate effect that were applying when the application was lodged and does not therefore affect the activity status of the proposed subdivision. Notwithstanding the notification of decisions on submissions, this still remains the case in regard to activity status pursuant to section 88A of the RMA, which states:

**88A Description of type of activity to remain the same**

- (1) Subsection (1A) applies if—
  - (a) an application for a resource consent has been made under section 88 or 145; and
  - (b) the type of activity (being controlled, restricted, discretionary, or non-complying) for which the application was made, or that the application was treated as being made under section 87B, is altered after the application was first lodged as a result of—
    - (i) a proposed plan being notified; or
    - (ii) a decision being made under clause 10(1) of Schedule 1; or
    - (iii) otherwise.
- (1A) The application continues to be processed, considered, and decided as an application for the type of activity that it was for, or was treated as being for, at the time the application was first lodged.
- (2) Notwithstanding subsection (1), any plan or proposed plan which exists when the application is considered must be had regard to in accordance with section 104(1)(b).

As per section 88A(2) of the RMA the provisions of the decisions version of the Proposed Plan are relevant to the assessment of the application under section 104(1)(b) of the RMA, but it is the only the provisions of the Operative Plan that are relevant for the determination of status.

For completeness it is noted that under the decisions version of the proposed plan the subdivision would be a discretionary activity under Rule SUB-R5(10) ‘Subdivision to create Lifestyles Sites (not in association with a conservation lot) – General Rural Zone (Coastal Environment Area)’.

Lot 1 is within the Tsunami Hazard Overlay and a dwelling would be permitted on that lot under Rule HR-R2(9) ‘Any new, or alteration to existing, buildings and structures within a Natural Hazard area’.

It is understood that in the Proposed Plan the Earthworks provisions apply to subdivision. The proposed subdivision would be a permitted activity under Rule EW-R7 ‘All Other Earthworks not otherwise provided for’, as the following table demonstrates that the subdivision earthworks resulting from the formation of building platforms and accessways would comply with all the relevant standards.

**Table 6: Earthworks Performance Standards**

Performance Standard	Assessment	Compliance
<i>Rule EW-S1 Slope</i>	Strata Group advise the steepest slope on which	Complies

Performance Standard	Assessment	Compliance
<i>General Rural Zone – 1. Earthworks must be undertaken on land with a slope less than 45° above horizontal.</i>	earthworks will be undertaken is associated with Lot 9 and is 40° above horizontal.	
<i>Rule EW-S2 Extent of Earthworks</i>  <i>General Rural Zone – 4. All other earthworks – maximum of 2,000m<sup>3</sup> per hectare of sere in any 12 month period.</i>	At 111.9ha x 2,000 a total volume of 223,800m <sup>3</sup> is permitted per annum. A total volume of 24,070m <sup>3</sup> is proposed in association with this subdivision.	Complies
<i>Rule EW-S3 Vertical Extent of Excavation</i>  <i>General Rural Zone – 3. 5 metres.</i>	The maximum proposed vertical cut as per the Strata Group earthworks plan is 3.97m.	Complies
<i>Rule EW-S4 Site Reinstatement</i>  <i>All Zones – 1. Areas disturbed by ...earthworks will be stabilised, filled and/or recontoured in a manner consistent with the surrounding land as soon as practicable, but no later than 6 months of the disturbance activity ceasing, and</i> <i>2. Where vegetation clearance occurs as a result of land disturbance ... disturbed areas must be re-pastured or re-vegetated as soon as practicable within 18 months of the disturbance activity ceasing.</i>	Both these standards will be complied with.	Will Comply
<i>Rule EW-S5 Control of Silt and Sediment</i>  <i>All Zones – 1. Erosion and sediment control measures must be put in place to avoid sediment run-off from earthworks,... entering a Council reticulated network or into waterbodies.</i>	As stated in the Strata Group Land Development Report <sup>34</sup> an Erosion and Sediment Control Plan (ESCP) will be developed in accordance with the requirements of the Hawke's Bay Regional Council Guidelines for Erosion and Sediment Controls and shall be submitted to CHBDC for approval with the developed design drawings for the proposed development.	Will Comply
<i>Rule EW-S6 Earthworks and Vertical Holes within the National Grid Yard</i>  ...	NA there is no National Grid within the subject site.	Complies

<sup>34</sup> Strata Group report page 26.

Performance Standard	Assessment	Compliance
Rule EW-S7 Ancillary Rural Earthworks ...	NA ancillary rural earthworks are not proposed.	Complies
Rule EW-S8 Electrical Safety Distances  <i>All Zones – 1. Any earthworks within the vicinity of overhead electric lines must comply with the New Zealand Electrical Code of Practice for Electrical Safety Distances (NZECP 34:2001).</i>	Earthworks will comply with NZECP 34:2001.	Will Comply

The subdivision would therefore have discretionary activity status under the Decisions Version of the Proposed Plan, however as set out above status is required to be determined by the Operative Plan which was in place at the time the application was lodged, under which the subdivision also has a discretionary activity status.

#### 4.5 NATIONAL ENVIRONMENTAL STANDARDS FOR ASSESSING AND MANAGING CONTAMINANTS IN SOIL TO PROTECT HUMAN HEALTH

The National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 (“**NESCS**”) aims to ensure that land affected by contaminants in soil is appropriately identified and assessed before it is developed, and if necessary, the land is remediated, or the contaminants contained to make the land safe for human use.

Clause 5(1) of the NESCS states that the NESCS applies when:

*“... a person wants to do an activity described in any of the subclauses (2) to (6) on a piece of land described in subclauses (7) and (8).”*

The activities listed in subclauses (2) to (6) include the subdivision of land.

Clause 5(7) of the NESCS states:

*“Land covered*

*(7) The piece of land is a piece of land that is described by 1 of the following:*

- a) An activity or industry described in the HAIL is being undertaken on it;*
- b) An activity or industry described in the HAIL has been undertaken on it;*
- c) It is more likely than not that an activity or industry described in the HAIL is being or has been undertaken on it.”*

The ‘HAIL’ is the ‘Hazardous Activities and Industries List’. Therefore, the NESCS only applies if any activities in the HAIL are, or have been, or are more than likely to have been undertaken on the piece of land within which the subdivision is to occur. The words ‘piece of land’ in clause (7) are important and relate to the piece of land on which the works are proposed, not the balance of the subject property.

The Applicant is unaware of any HAIL activity being Carried out on the site. As there is no woolshed or stock yards within the site, it is unlikely that there have been any sheep dips or spray races. The piece of land is therefore not covered by clause (7) above, and the provisions of the NESCS are not applicable to the application.

#### **4.6 OVERALL STATUS**

In summary, this resource consent application is required to be assessed as a **Discretionary Activity**.

## 5. ASSESSMENT OF ENVIRONMENTAL EFFECTS

### 5.1 INTRODUCTION

This section of the AEE addresses the actual and potential environmental effects associated with the subdivision of the existing property – based on the rule and statutory framework that applies.

The relevant actual and potential effects are considered to be:

- Positive effects;
- Natural Character and Amenity effects;
- Landscape effects;
- Transportation effects;
- Geotechnical effects;
- Archaeological effects;
- Cultural effects;
- Site servicing effects; and
- Construction related effects.

### 5.2 POSITIVE EFFECTS

The proposed subdivision will have a positive effect in allowing people (particularly the Applicants, and future owners of the proposed lifestyle sites) to provide for their social, economic and cultural wellbeing, and for their health and safety. In addition, this proposal, will assist in providing land for additional coastal residential housing choice in the in the Hawke’s Bay Region clear of coastal erosion and inundation hazards.

The Wayfinder Landscape & Visual Effects Assessment has identified the overall natural coastal character effects to be positive, largely as a result of the native coastal revegetation proposed as part of the landscape plan and adopted by the Applicant. The Wayfinder Assessment draws the following conclusion in terms of positive effects:

*As a result, the establishment of a significant framework of coastal native species can be considered an overall enhancement to natural character. It will provide stability to the landforms, particularly along the waterways, whilst creating appropriate native habitat and food sources for coastal fauna. The planting will also provide a sense of naturalness, enhancing the coastal experience. A new culvert will allow for the most significant waterway on the site to be fully protected from any stock.*

*... Rather, it is considered that the proposal will have positive effects on natural character. 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.*<sup>35</sup>

### **5.3 LANDSCAPE, NATURAL CHARACTER AND VISUAL AMENITY EFFECTS**

A subdivision of land does not create any actual or potential physical effects on the environment. It is only the land uses that occur as a result of the subdivision that can cause effects. In this case that future land use is proposed to involve earthworks to create building platforms and associated vehicle accessways to accommodate a future dwelling on each of the proposed lifestyle lots and ultimately will result in residential dwellings and residents on each of the eight proposed lifestyle sites.

#### **5.3.1 Landscape Effects**

The Wayfinder Assessment specifically considers landscape effects, with the key findings summarised as follows.<sup>36</sup>

The landscape in which the site is located is highly modified. Essentially all original native vegetation has been cleared and land use for many decades has focused on pastoral farming. The landform is less modified, although the clearance in vegetation has resulted in minor slips and erosion on a localised scale.

The proposal seeks to align with the coastal beach character of the landscape due to the overall composition of the landform around the beach, the small scale of settlement, and the presence of some re-established coastal native vegetation. The concept is to utilise generally poor quality erosion prone farmland and enhance its character through significant coastal native revegetation. The associated future dwellings have been designed to sit within this vegetation framework, with the new owners collectively responsible for maintaining an enhanced coastal amenity through the easements and covenants proposed.

While an intended consequence is that landscape change will happen as a result of this proposal, this will take the form of retiring marginal pastoral land and establishing a significant framework of coastal native vegetation. In time (10-15 years), the existing Poplar across the site will fall and be replaced with a more natural, diverse array of planting that is considered to be more appropriate for the location. This can be considered as a restorative enhancement to the coastal character of the site and landscape.

Another notable change to the landscape will be the introduction of built form across the site, breaking the linearity of the existing settlement and elevating the township area up the hillside. Wayfinder have recognised that often the elevation of dwellings in coastal settlements can increase the dominance of built form over the natural coastal qualities,

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<sup>35</sup> Wayfinder Assessment, August 2023, page 13.

<sup>36</sup> Ibid (pages 11 & 12).

particularly if dwellings are expansive. However, in this instance, the site is well contained, defined to the south by a prominent ridgeline that also marks the end of the existing settlement, and defined to the north and west by Williams Road. Further, design controls, limiting the upper sites (Lots 3-9) to single storey, and controlling both colour and materiality will be imposed, alongside the requirement for all buildings (dwellings and ancillary buildings) on each lot to have a combined footprint of less than 250 m<sup>2</sup>. The three proposed ownership zones, particularly the Landscape Enhancement zones will also ensure that all buildings are integrated into the wider vegetation framework.

Water tanks will be installed on each lot; however, the design controls will require these to be positioned behind dwellings relative to the coast and coloured appropriately in dark grey or black.

The farming operation on the top of the ridgeline and through the centre of the site will continue. In time, Poplar species through the farming area will be replaced by mixed exotic specimen and shade trees, such as such as Oak, Gum and Beech trees that will continue to provide land stability, shading for stock and a degree of amenity in contrast to the native vegetation framework. Similarly, plantings within the Privately Managed Landscape zone may also include exotic amenity planting, but this will be contained to a similar scale as the existing dwellings in the settlement.

Walking tracks will provide access to Okura Road along the back of the dunes, whereby access to the beach is enabled through the Council Reserve across existing tracks.

Overall, Wayfinder considers that landscape effects are “low” concluding that:

*The proposal is located within a highly modified landscape and introduces dwellings at a small, scattered scale within a confined site. Proposed design controls, including height, colour, materiality and footprint will ensure that such dwellings are contained to a scale relative to existing built form. Most notably, poor quality farmland will be replaced by a collectively managed framework of coastal native vegetation that can be considered as restorative enhancement to the coastal character of the site and landscape.* <sup>37</sup>

### 5.3.2 Natural Character Effects

Wayfinder have highlighted that there is no District or Regional policy or mapping that identifies the site as having outstanding or high natural character. Rather, as described above, the site is highly modified and any historical native landcover has long been

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<sup>37</sup> Wayfinder Assessment, August 2023, page 12.



removed. Only the recovering dune area behind the beach holds any particular natural value.<sup>38</sup>

The remainder of the Wayfinder assessment on natural character effects are summarised as follows:<sup>39</sup>

The waterways on the site are largely incised overland flow paths, including overflow from a small farm reservoir. All of the waterways are highly modified and have little, if any, natural character value. Undoubtedly coastal bird species will make use of the Poplar and Macrocarpa trees for some shelter, but it is unlikely that these provide any useful, sustainable food or habitat.

Therefore, overall, the site is largely devoid of any physical (biotic or abiotic) natural character. Whilst it is clearly part of the coastal environment, the experiential values are derived from the outlook to the beach (where visible) and ocean, alongside its sound and smell.

Given the above, Wayfinder consider the establishment of a significant framework of coastal native species is an overall enhancement to natural character. The proposed planting will provide stability to the landforms, particularly along the waterways, whilst creating appropriate native habitat and food sources for coastal fauna. The planting will also provide a sense of naturalness, enhancing the coastal experience.

According to the Wayfinder Assessment the proposed built form is unlikely to diminish from the experience of naturalness. The wider landscape already contains built form, alongside human modifications by way of fences, roads and plantation forestry. The proposal is not attempting to fully restore the landscape to a natural state, but rather swing the balance away from highly modified. It is considered that the proposed dwellings, and the continued operation of the farm through the centre of the site, will achieve this balance.

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.

### **5.3.3 Visual Amenity Effects**

With regard to visual amenity effects, the assessment by Wayfinder identifies the following key viewing points / public places:

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<sup>38</sup> Wayfinder Assessment, August 2023, page 12

<sup>39</sup> Ibid ((pages 12 & 13).

- Williams Road;
- Okura Road;
- Lower Williams Road;
- Mangakuri Beach; and
- Private Residential Properties.
- A summary of the assessment completed by Wayfinder in relation to each of these groups is provided in the sub-sections below.

### 5.3.3.1 Williams Road

Wayfinder provides an assessment of the visual amenity effects of the proposal on the users of Williams Road. This assessment is summarised as follows:<sup>40</sup>

- There will be sequential visibility of some of the upper-most lots, notably Lot 10, Lot 6 and Lot 4. It may also be possible to see Lots 7 and 3, but these will be largely screened by landform and vegetation;
- The two Williams Road entrances to the site will also be visible, particularly the upper most entry as this is located in alignment with a short straight section of the road climbing up the ridgeline;
- The visual experience of arriving at Mangakuri will largely remain protected. This is first achieved after Williams Road has gone over the top of the ridgeline and has started to descend towards the beach. From this location, a dwelling on Lot 4 may be visible, but it will mostly be tucked behind the landform and planting. While the top of Lot 3 may be visible, this will sit quite low below the road, such that the outward view to sea remains visible; and
- On the outward journey, there will potentially be greater views into the site as the viewer is more aligned towards residential properties. While it is likely that there will be some locations on the upward view of a combination of Lots 3 to 10, these will be against a land backdrop and contained within the vegetation framework.
- Overall, Wayfinder conclude that the proposal will have a low degree of adverse visual amenity effects when views are experienced from driving along Williams Road, in either direction. Although the change in the site will be evident, the potential adversity of built form will be countered by the positive enhancement delivered through the vegetation framework. The experience of natural character will be enhanced, and the sense of arrival into Mangakuri either also enhanced, or at the least, unaffected as the proposal will not diminish views of the water.

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<sup>40</sup> Wayfinder Assessment, August 2023, (pages 13 & 14).

### 5.3.3.2 Lower Williams Road

The Wayfinder assessment of visual effects from Lower Williams Road is summarised as follows:<sup>41</sup>

- From the lower portion of Williams Road, the site is only visible when travelling in a southerly direction (essentially on leaving the settlement).
- From certain viewpoints, a wide range of the site is visible – in its current state this being the wide extent of mature Poplar. Within this view, the prominent features are the top ridgeline, which also defines the skyline, and the mix of native and exotic vegetation around the lower dwellings. It is also possible to see the existing elevated dwelling on Williams Road.
- Future dwellings on various lots will be visible from this location, however these will all sit below the skyline ridge. Also, the native vegetation framework will also become apparent as it establishes, particularly as it slowly replaces the Poplar on the site. Overall, the visual composition of the site will closely match the composition of the lower developed area, with the exception that dwellings will all be darker in colour, and as such more recessive than the white (or red-roofed) buildings in the lower foreground.
- From this location, the view extends across the dune landscape and to the southern headland of Mangakuri. These views will be unaffected by the proposal, and will likely remain the key outward focus.
- Overall Wayfinder consider that the visual effects of the proposal from lower Williams Road will be low.

### 5.3.3.3 Okura Road

Wayfinder provides an assessment of the visual amenity effects of the proposal on the users of Okura Road. This assessment is summarised as follows:<sup>42</sup>

- Visibility is largely restricted by the existing dwellings and immediately surrounding vegetation, although it may be possible to have snapshots up to particular lots.
- The driveway entrance to Lot 1 will also be visible, as well as the future dwelling on Lot 1.
- The visual experience along this road tends to be across the dune system to the coast, as well as to the foreground buildings and gardens (the beach style and character of the dwellings is a particular feature of interest). The site sits well

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<sup>41</sup> Wayfinder Assessment, August 2023 (page 15)

<sup>42</sup> Ibid (pages 14 & 15).

behind, as a distant and only partially visible backdrop. Whilst the dwelling on Lot 1 may be more prominent, this will soon diminish in view as a result of the proposed planting along the site boundary.

- Overall, Wayfinder concludes that the proposal will have a very low degree of adverse visual amenity effects as experienced from Okura Road.

#### 5.3.3.4 Mangakuri Beach

Wayfinder provides an assessment of the visual amenity effects of the proposal as viewed from Mangakuri Beach. The assessment is summarised as follows:<sup>43</sup>

- There will generally be low visibility of the site from Mangakuri Beach. Although some dwellings will be visible, these will mostly be contained within the framework of vegetation, screened from view by existing vegetation or by existing dwellings.
- While increased visibility may happen over time, as the Poplars slowly fall, resulting in potentially more dwellings becoming apparent, the dwellings will be contained within an already highly modified area of the landscape, flanked by the existing built form at the base.
- Design controls, including height, colour, materiality and footprint, will all help to ensure that dwellings are recessive against the native vegetation backdrop.
- Further, nearly all dwellings sit below the skyline ridge. Potentially dwellings on Lots 8 and 9 may breach the skyline when viewed from this particular location, but planting has been incorporated around the back of these dwellings to help integrate them with the remainder of the development. The scale of these two dwellings compared to the overall landform is very small, and as such the overall integrity of the skyline ridge will be retained across the broader landscape.
- Although the development will be visible from the beach, the site is generally not the focus of a viewer in this location. The beach experience is largely defined by the immediate coastal surroundings, with the surrounding landform forming only the backdrop. The proposal will be noticeable, but visually the site will have a character very similar to the existing dwellings.
- The wider experience of being in a relatively remote, small coastal settlement will remain.
- Overall, Wayfinder conclude that the potential visual effects of the subdivision from Mangakuri Beach will be low.

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<sup>43</sup> Ibid (page 16).

### 5.3.3.5 Private Residential Properties

Wayfinder provides an assessment of the visual amenity effects of the proposal from various private residential properties. The assessment is summarised as follows:<sup>44</sup>

- Visibility of the proposal is largely only achieved when looking away from the prominent outward view over the dunes, beach and ocean. This is certainly the case for all the existing dwellings located below the site, all of which have a focus eastward;
- Vegetation along the lower boundary will further screen views towards dwellings, such that the most notable change will be the replacement of a farmland outlook with a vegetated outlook. This is particularly the case for the residential properties below Lot 1.
- The building platform within Lot 1 has been deliberately set back from the boundary with the existing settlement to allow for vegetation to be established. Due to the steep nature of the topography to the west, and the existing presence of large mature Poplar, there is little (if any) chance that such vegetation will provide any greater shading of adjacent properties than already experienced.
- The vegetation will also help reduce any visual privacy effects, or the feeling of being looked down upon.
- Wayfinder conclude that that the visual effects on the existing residential properties below the site will be very low.
- Visual effects are more likely from an existing elevated property, located at 124 Williams Road, as this property already has southward views across the central part of the site and potentially up to Lots 3, 4, 6, 7 and 8. However, as for other existing dwellings, the general orientation of this property is to the east, capturing views across the coast, and so any views of the site can be considered as secondary. It is also noted that two water tanks and vegetation have been installed on the corner of the property in the direction of the site. Views are also restricted by the existing Poplar across the site, and will continue to be restricted by the proposed vegetation framework.
- Wayfinder consider that the visual effects on this property will be low.
- Overall, Wayfinder concludes that the potential visual effects of the proposal from residential properties below the site will be very low and the potential visual effects of the proposal from the elevated residential property will also be low.

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<sup>44</sup> Wayfinder Assessment, August 2023 (page 16).

### 5.3.3.6 Summary

Overall, Wayfinder concludes that while:<sup>45</sup>

*“the proposal will be visible from various public and private locations, the visual effects resulting from this change are not necessarily adverse. The extensive vegetation framework will enhance the naturalness of the site and help to visually integrate each of the dwellings. Further, the proposed design controls will help to recess any built form, and the site is well contained within the landform (mostly below the skyline ridge). There is unlikely to be any shading or privacy effects.”*

Overall, Wayfinder concludes that the visual effects of the proposal will be low.

### 5.3.3.7 Recommendations Arising from the Wayfinder Assessment

The Wayfinder report recommends the following design controls and landscape requirements for the proposed subdivision, and these are adopted by the Applicant for inclusion as 224 or consent notice conditions as appropriate:<sup>46</sup>

*Design Controls are to be developed and applied to each lot, and must incorporate the following:*

- *Buildings or structures may only be constructed within the identified Building Platform zone, with the exception of garden sheds or garden pergolas up to a maximum combined footprint of 16m<sup>2</sup>, and in-ground swimming or spa pools up to a maximum footprint of 40m<sup>2</sup>. No buildings or pools may be constructed in the Landscape Enhancement zone.*
- *The combined footprint of all buildings on any one lot must not exceed 250m<sup>2</sup>.*
- *The maximum height of any building on Lots 3 – 9 inclusive shall be single storey and no greater than 6.5m. The maximum height of any building on other lots shall be no greater than 7.5m.*
- *Building cladding is to be timber or coloured steel/aluminium, or greywacke stone.*
- *No retaining walls are to be constructed on any lot that are greater in height than 900mm, and there must be at least 2.0m separation between any two retaining walls.*
- *All buildings, roofs, structures and retaining walls are to be finished in dark, earthy tones and have a reflectivity value of no more than 25%.*
- *All glass, including windows and fences, must incorporate a dark tint.*
- *All water tanks are to be positioned such that they are located behind any buildings when seen from the reserve area adjacent to the intersection*

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<sup>45</sup> Wayfinder Assessment, August 2023 (page 17).

<sup>46</sup> Ibid (pages 10 & 11)

*of Okura and Williams Roads. Water tanks are to be coloured dark grey or black only.*

- *No commercial activities or buildings, including commercial or industrial sheds, are to be constructed on the site.*
- *No fences are to be constructed between lots. Fences are only permitted at the boundary between the residential lots and the retained farmland, or incorporated into the building design to provide screening or privacy within the Building Platform zone.*

*A Landscape Management Plan is to be prepared for the development, and must include the following:*

- *A plant species list comprising of New Zealand native plants that are appropriate to a Central Hawke's Bay coastal environment.*
- *A planting plan for the whole property demonstrating planting areas, species mixes, plant spacing, and specifying minimum planting size. The planting plan is to be consistent with the Landscape Concept Plan submitted as part of the application.*
- *A maintenance and management plan for all planting, including pest plant and animal control.*
- *Practical guidance for future landowners on how to successfully maintain each Landscape Enhancement zone across the site, either individually or collectively.*
- *Landscape detailing plans, including fences, signage and accessway designs.*
- *Any other information considered necessary to achieve a high quality landscape outcome.*
- *All building platforms are to be constructed.*
- *All planting within all Landscape Enhancement zones is to be undertaken by the applicant and the title owner.*

## **5.4 TRANSPORTATION EFFECTS**

East Cape Consulting have assessed the actual and potential effects of the proposal, which is documented in the TIA and appended to this AEE (Appendix F1). Their assessment is summarised in the sections below.

### **5.4.1 Access Effects**

The proposal will generate new demand for vehicle movement to and from Williams Road and Okura Road. To support this, proposed access points need to provide appropriate sight distance and appropriate geometry.

Further, all accesses are expected to provide an all-weather surface to match the road frontage at a minimum, consequently it is recommended that they be sealed. They should

also be designed to provide waiting platforms (with minimum length of 5 m at no more than 5% gradient) as they approach each public road.

East Cape Consulting recommend that the accesses be 6 m wide, over the first 15 m into the site, to allow two large vehicles (such as a tractor towing a trailer, or a medium rigid truck and 90 percentile car) to pass each other clear of the public road.

Although the layout may not strictly comply with drawing TS-LT-2009-08.14, East Cape Consulting Consider that this site-specific design is considered appropriate for a semi-rural settlement.

East Cape Consulting in their letter dated 11 August 2023 (Appendix F2) refer to the Strata Group long section plans to demonstrate that the access gradients are appropriate. This letter also provides vehicle tracking diagrams for a medium length rigid truck to confirm that each road access can appropriately accommodate such a vehicle.

#### **5.4.1.1 Williams Road – Southern Access**

This access is located on the outside of a relatively tight bend and because of that, it can achieve at least 100 m of sight distance in both directions. East Cape Consulting consider that this access is ideally located, with more than 100 m sight distance available and 45 m is required for their assessment of the actual operating speed environment.

#### **5.4.1.2 Williams Road – Northern Access**

This access is located on the inside of a gentle bend (halfway) between an existing gateway and an existing power pole. The current layout can achieve 50 m of sight distance to the north and 100 m to the south.

The letter in Appendix F2 demonstrates how the sight distance to the north can be improved to the required 95m by the removal of the 4 trees in the road reserve on the inside of the bend.

#### **5.4.1.3 Okura Road Access**

This access is located on a relatively straight section of road. It can achieve at least 80 m of sight distance to the north and 60 m to the south. East Cape Consulting consider that this access is located suitably, with more than 60 m of sight distance available, and 45 m required for the speed environment.

East Cape Consulting advise that although existing vegetation within the road reserve appears to encroach upon the sight distance to the south, this can be monitored and trimmed if required. The letter in Appendix 2 confirms that adequate sightlines to the south will be achieved with the removal of some road side berm vegetation.



### 5.4.2 Other Effects

The proposed subdivision is likely to generate demand for short trips to and from the beach. To support these trips being made on foot (or bike), East Cape Consulting recommend that the subdivision layout includes a pedestrian/cycle path or trail to enable residents of all lots to use the access to Okura Road as a walking and cycling connection. This recommendation has been adopted in the subdivision proposal with walking access easements (via a right to roam) across the balance of the site to the Okura Road beach access provided to each of the proposed lifestyle lots as shown by the yellow dashed lines in Figure 5 above. This access will be maintained by the owner of Lot 11 (which is proposed to remain as the Applicant).

The East Cape Consulting overall conclusion of traffic effects is:<sup>47</sup>

*Overall, it is concluded that the proposed development can be appropriately integrated with the surrounding transport network. Other than standard engineering approval conditions for access works, no specific transportation conditions are recommended.*

### 5.5 GEOTECHNICAL EFFECTS

RDCL have undertaken an assessment which confirms that the lots are suitable for residential development provided the recommendations in the report are undertaken.

As mentioned in Section 2.3 above, all lots are underlain by expansive soils requiring specific consideration for earthworks, foundations and for infrastructure.

Recommended consent conditions to mitigate the geotechnical effects from RDCL are set out in section 3.8 above.

With respect to slope management, a general 5 m setback is recommended for any break in slope exceeding 20 degrees.<sup>48</sup>

All foundations require specific engineering design to address expansive soils with adequate bearing available on all sites. RDCL consider that all foundations will require either waffle raft slabs or timber pole foundations embedded below expansive soil horizons.<sup>49</sup>

Regarding earthworks, RDCL set out various recommendations which the Applicant proposes to comply with under the following headings:<sup>50</sup>

- source material type,

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<sup>47</sup> East Cape Consulting letter dated 11 August 2023 (page 9) (Appendix F2).

<sup>48</sup> Geotechnical Report, RDCL, August 2023 (page 39).

<sup>49</sup> Ibid.

<sup>50</sup> Ibid (pages 40 – 44)

- material condition,
- physically unsuitable materials,
- expansive soil modifications and additives,
- cement / lime additive testing, cut slopes,
- earthworks benching,
- engineered fill construction road access, and
- preliminary design subgrade CBR%.

Accordingly, requiring the above recommendations to be complied with (including those in section 3.8) as conditions of consent, both 224 conditions for the proposed earthworks, and consent notice conditions for dwelling building and servicing design and location, will ensure mitigation of the instability hazard across the site.

## 5.6 ARCHAEOLOGICAL EFFECTS

Heritage Services Hawke’s Bay (“HSHB”) have prepared an archaeological assessment dated 2022 which is appended to this AEE (Appendix C1). They identify that the site is situated within a cultural landscape and that there are four known archaeological sites within the property to be subdivided and five outside, but located in close proximity. There may also be subsurface features within the area that are either part of the recorded sites or associated with them.

The HSHB report states that the subdivision:

*“...has avoided all but one of the recorded archaeological sites. The subsurface extent of the site V23/89 is unknown. This site is located in Lot 9, is the one closest to a house platform and as a result could be affected by the construction of the platform, roadway or services.*

*The other site V23/88 is a large flat terrace adjacent to a gateway in the fence running down the ridge. It is relatively close to Lot 9 but unlikely to be affected by the earthworks for the house platform.”<sup>51</sup>*

It is important to note that as a result of this assessment and subsequent mana whenua consultation and cultural reporting the subdivision scheme plan has been modified to avoid the identified location of V23/89. What is referred to as Lot 9 in the above extract has been renumbered as Lot 8 in the subdivision scheme plan as now proposed and both the building platform and boundary of Lot 8 have been moved slightly further to the east to avoid V23/89. Further to this a precautionary archaeological authority has been obtained and is attached as Appendix C2 as is discussed further below.

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<sup>51</sup> HSHB Archaeological Assessment, August 2022, page 43

HSHB also identify that another site, V23/92, is located within Lot 11. It is a midden comprised of shell scatter, close to the end of an access track but at some distance from the nearest lots, which is Lot 1. However, it is adjacent to one of the baches along the foreshore and midden scatter was also observed in the garden. Lot 11 is the 'coastal balance lot'.

Also, within the coastal balance Lot 11 is V23/72. It consists of two pits with a drain in the middle and three terraces descending 60 m of the low, narrow ridge.

HSHB state that while it is likely that the proximity of more people will affect the long-term preservation of these features, the current activities on a pastoral farm (cattle and sheep grazing, ploughing) also affect the preservation of features. Erosion compounds the problem of how best to manage these fragile markers of the former use and occupation of the coastal zone by pre-European era Māori.

There is reasonable cause to suspect that archaeological sites were damaged or destroyed during the construction of the row of baches along the foreshore. HSHB recommend that further development of these lots should require an archaeological assessment of effects prior to any subsequent work to ensure the Heritage New Zealand Pouhere Taonga Act 2014 is being complied with.

HSHB conclude that the proposed subdivision will avoid any adverse effects on the identified archaeological sites within the subdivision site in accordance with the recommendations provided and the location of the majority of building platforms away from the identified sites. The HSHB recommendations included that the removal of topsoil, and the excavation associated with the proposed earthworks will be monitored by an archaeologist and that if any archaeological material is uncovered it is investigated and analysed by the appropriate specialists. These recommendations have now been superseded by (and included within amongst other matters) the conditions of Archaeological Authority No: 2023/218, dated 18 November 2022 (see Appendix C2).

It is suggested that an advice note be added to the decision indicating that future subdivision and development is subject to Archaeological Authority No: 2023/218.

## **5.7 CULTURAL EFFECTS**

A Cultural Impact Assessment ("CIA") has been prepared on this application by the Kairakau Lands Trust ("KLT") dated 29 September 2022 and is attached as Appendix C3. KLT have advised that the CIA contains culturally sensitive information and requests that it not be publicly available. The Applicant requests that these wishes be respected and that the CIA remains confidential to CHBDC representatives processing the application. Accordingly, it is not appropriate to quote the contents of that report in this AEE, rather the following general comments are made about the inputs into the CIA and its outcomes.

Kairakau Lands Trust representatives Stella August and Wikitoria Moore were involved with HSHB in preparing the Archaeological Assessment and prior to preparing the CIA attended face to face meetings with Applicant representatives on site on 11 April 2022 and then again on 14 July 2022. An on-site survey was conducted on 15 June 2022. The CIA confirms that consultation has occurred, and that the KLT views are accurately expressed.

The CIA contains 10 recommendations, and the Applicant is agreeable to all of them.

- Recommendations 1 – 6 correlates with the requirements of Archaeological Authority No: 2023/218 and will therefore be enforced by Heritage New Zealand Pouhere Taonga.
- Recommendation 7 is for consent notice conditions to limit extensive earthworks within the ‘managed landscape zone’ of each lifestyle lot.
- Recommendation 8 is for lifestyle lots or access ways to avoid sites V23/86 and V23/87 in entirety. As can be seen on the subdivision scheme plan, these archaeological sites are well clear of any proposed lifestyle lots or associated accessways.
- Recommendations 9 and 10 relate to the Applicants on-going relationship with the KLT beyond this subdivision application.

The CIA states that: *“if our recommendations and the Archaeological Authority conditions are followed, the effects of the proposed subdivision on cultural values will be minimal.”*

The Applicants are accepting of those recommendations and conditions, accordingly then, any adverse effects on cultural values are considered to be appropriately avoided, remedied or mitigated.

The Applicant has been advised by the Council since lodging this application in February 2023 that there is another group that asserts mana whenua status for the Mangakuri area, being Ngā Karanga Hapū o Kairākau Incorporated. The Applicant was advised that Anna Douglas has been engaged by Ngā Karanga Hapū o Kairākau Incorporated to prepare a CIA on their behalf, which was to be completed for internal review by the end of June 2023.<sup>52</sup>

As yet the Applicant has not received a copy of this CIA.

## **5.8 SERVICING RELATED EFFECTS**

As detailed in Section 3.1.5, the site can be fully serviced from a stormwater, wastewater, water supply, electricity and telecommunications perspective, provided the

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<sup>52</sup> E-mail from K Anstey, Property Group Ltd, to P McKay, Mitchell Daysh Ltd, dated 25 May 2023.

recommendations of the Strata Group Land Development Report (Appendix G1) and RDCL Geotechnical Report (Appendix E1) are implemented.

Given the potential for slope instability the proposed stormwater design is a critical servicing component for this subdivision. For this reason, a post development catchment management plan has been developed by Strata Group (see Figure 7 above) and is integrated into the access and building platform construction works that will be completed as part of the subdivision prior to s224 certification.

Potential adverse effects could arise from increased stormwater runoff resulting from the development to the east and therefore towards the Okura Road beach houses. The Strata Group Report demonstrates that the post development stormwater discharge will be less than the predevelopment discharge to the east. Due to the recontouring earthworks involved there will be an increase in post development discharges to the Mangakuri Station farmland (being the Applicant's land) to the north of Williams Road. Channel improvements to reduce initial velocities are proposed to reduce the risk of scouring on the land north of Williams Road.

With the civil engineering designs and recommendations proposed as outlined in section 3.1.5 of this AEE, Strata Group consider the proposed development to be serviceable and feasible from an engineering perspective. Accordingly, any servicing related effects resulting from the subdivision are able to be avoided, remedied or mitigated.

## **5.9 CONSTRUCTION RELATED EFFECTS**

### **5.9.1 General Earthworks**

The earthworks for the subdivision, including preparing the access, shared right of way and building platforms will be undertaken in accordance with the geotechnical recommendations provided by RDCL as set out in sections 3.8 and 5.5 above.

As set out in the Strata Group Report (Appendix G1)<sup>53</sup>, the subdivision design has carefully considered the recorded archaeological sites located within the identified cultural landscape (inside and outside of the site). The building platform and access positions have been modified since the findings of the Archaeological Assessment and all earthworks will be undertaken in accordance with this Archaeological Assessment, including the requirement for archaeological stand over during earthworks where applicable.

There is potential for the earthworks to produce adverse effects from erosion on the site and sediment discharges beyond the site. In accordance with the recommendations of

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<sup>53</sup> Strata Group Land Development Report, August 2023, page 25

Strata Group<sup>54</sup>, an Erosion and Sediment Control Plan (“**ESCP**”) will be developed in accordance with the requirements of the Hawke’s Bay Regional Council Guidelines for Erosion and Sediment Controls and will be submitted to the Central Hawke’s Bay District Council for approval with the developed design drawings for the proposed development.

### **5.9.2 Water Quality Effects from Sediment Discharges during Earthworks**

The key effects associated with construction activities relate to the potential for sediment discharge. Sediment discharges to water can cause a range of adverse effects on coastal ecosystems, including smothering aquatic life, damaging fish and invertebrates gills, destruction of breeding grounds, and the deposition of nutrients to both fresh and coastal water.

As mentioned above, erosion and sediment control measures will be employed in accordance with an ESCP throughout the duration of the earthworks associated with the construction activities, and there will be no discharge to fresh or coastal water of sediment-laden water.

### **5.9.3 Local Air Quality Effects from Dust Discharges during Earthworks**

There is potential for dust to be generated during the earthworks associated with construction activities. The severity of dust is impacted by aspects, for example, such as wind strength and moisture content.

The adverse effects associated with dust include potential human health effects, visibility effects and nuisance effects such as dust settling on property.

The potential for dust generation can be managed during construction through a variety of methods. Dust will generally be controlled with water spray (as required). It is anticipated that the ESCP will set out the specific methods of managing the potential for nuisance dust during construction, and the Applicant will accept a condition in this regard.

It is therefore considered that with appropriate management practices, adherence to an approved ESCP, actual and potential adverse soil disturbance effects from an air quality perspective will be temporary and less than minor.

### **5.9.4 Noise**

Noise generation during the main construction activities will be short-term in nature.

The construction works will only occur between the hours of 7 am and 6 pm, and given that the activities will be temporary, the potential noise effects on neighbours are considered to be less than minor.

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<sup>54</sup> Ibid, page 26

The Applicant will ensure that construction noise will meet the limits in New Zealand NZS 6803:1999 Acoustics – Construction Noise and will accept a condition in this respect.

#### **5.9.5 Traffic and Access**

Given the scale, and relatively short-term nature of the proposed works, it is not anticipated that the additional truck / vehicle movements generated during construction of the subdivision will result in adverse effects that are more than minor.

As is typical with a development of this scale, it is proposed that provision be made in the conditions of consent for a Construction Traffic Management Plan to be developed for the works anticipated.

It is therefore considered that the additional traffic generated by the construction activities of the proposal will have less than minor effects.

#### **5.10 SUMMARY OF ENVIRONMENTAL EFFECTS**

Overall, it is considered that the adverse effects of the proposed subdivision can be appropriately avoided, remedied and mitigated and will be no more than minor, and generally consistent with the rural zoning of the site. As set out above, it is considered that the proposed indigenous revegetation will result in positive effects in regard to the natural character of the coastal environment.

## **6. STATUTORY ASSESSMENT**

### **6.1 INTRODUCTION**

The RMA is the principal statutory document governing the use of land, air, and water. The purpose of the RMA, as set out in Section 5, is to “promote the sustainable management of the natural and physical resources.” This section of the AEE sets out the framework under the RMA that applies to the subdivision consent being sought from the Central Hawke’s Bay District Council – which is classified as a discretionary activity.

### **6.2 REQUIREMENTS OF A CONSENT APPLICATION**

Section 88 of the RMA requires that an application for a resource consent be made in the prescribed form and manner, and include, in accordance with Schedule 4, the information relating to the activity, including an assessment of the activity’s effects on the environment as required by Schedule 4.

The resource consent application in Part A of this AEE is in the prescribed form, as set out in Form 9 of the Resource Management (Forms, Fees, and Procedure) Regulations 2003.

By way of summary, the AEE meets the requirements of Schedule 4, and the requirements of section 88 of the RMA.

### **6.3 SECTION 104 ASSESSMENT**

Section 104 of the RMA lists the matters that a consent authority must, subject to Part 2, have regard to in determining whether a resource consent should be granted. It states:

- 1) *When considering an application for a resource consent and any submissions received, the consent authority must, subject to Part 2, have regard to—*
  - (a) *any actual and potential effects on the environment of allowing the activity; and*
  - (ab) *any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity; and*
  - (b) *any relevant provisions of—*
    - (i) *a national environmental standard:*
    - (ii) *other regulations:*
    - (iii) *national policy statement:*
    - (iv) *a New Zealand coastal policy statement:*
    - (v) *a regional policy statement or proposed regional policy statement:*
    - (vi) *a plan or proposed plan; and*



(c) any other matter the consent authority considers relevant and reasonably necessary to determine the application.

- 2) When forming an opinion for the purposes of subsection (1)(a), a consent authority 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,
- 2A) When considering an application affected by section 124 or 165ZH(1)(c), the consent authority must have regard to the value of investment of the existing consent holder.

The matters for consideration under section 104 are assessed in the following subsections.

### **6.3.1 Section 104(1)(a) Assessment – Actual and Potential Effects**

With respect to section 104(1)(a) of the RMA, the actual and potential effects on the environment of the proposed subdivision are set out in Section 5 of this AEE. As concluded in that section, it is considered that all actual and potential adverse effects can be appropriately avoided, remedied, or mitigated to the extent that any residual effects will be less than minor.

### **6.3.2 Section 104(1)(b) Assessment – Policy and Planning Documents**

With respect to section 104(1)(b) of the RMA, the following documents are of relevance to the proposal:

- New Zealand Coastal Policy Statement 2011 (“**NZCPS**”);
- National Policy Statement for Highly Productive Land 2022 (“**NPS-HPL**”);
- Hawke’s Bay Regional Resource Management Plan – Regional Policy Statement (“**RPS**”);
- Operative District Plan; and
- Proposed District Plan.
- Each is addressed below.

### **6.3.3 New Zealand Coastal Policy Statement**

The NZCPS came into effect on 3 December 2010. The NZCPS guides local authorities in their day to day management of the coastal environment. As mentioned previously in this AEE, the site is partially located within the coastal environment. Therefore, the NZCPS includes objectives and policies of relevance to the eastern portion of the site.

The key objectives and policies of the NZCPS that are relevant to the proposal seek to:

- Protect significant natural ecosystems and sites of biological importance;<sup>55</sup>
- Maintain and enhance coastal water quality;<sup>56</sup>
- Preserve and enhance the natural character of the coastal environment and to protect it from inappropriate subdivision, use and development;<sup>57</sup>
- Protect natural features and natural landscapes of the coastal environment from inappropriate subdivision, use and development;<sup>58</sup>
- Enable people and communities to provide for their social, economic, and cultural wellbeing and their health and safety, through subdivision, use and development;<sup>59</sup>
- Maintain and enhance the public open space and recreation opportunities of the coastal environment and to provide public walking access to and along the coastal marine environment;<sup>60</sup>
- Require development to not result in a significant increase in sedimentation in the CMA;<sup>61</sup>
- Manage discharges of stormwater by reducing contaminant and sediment loadings in stormwater at source, through contaminant treatment, and by controls on land use activities; and<sup>62</sup>
- Ensure that coastal hazard risks are managed by locating new development away from areas prone to such risks and avoid increasing the risk for social, environmental and economic harm from coastal hazards.<sup>63</sup>
- The value and importance of the coastal environment has been recognised and provided for in the design of the subdivision and future residential development.
- Earthworks activities and stormwater and wastewater discharges will be appropriately managed on site so that there are no adverse effects on coastal water quality. Although the closest building platform (Lot 1) is located approximately 130 m from the beach front, the majority of building platforms are located a sufficient distance from the beach front (approximately 433 – 597 m).

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<sup>55</sup> Objective 1 of the NZCPS.

<sup>56</sup> Objective 1 and Policy 21 of the NZCPS.

<sup>57</sup> Objective 2 and Policies 13 and 14 of the NZCPS.

<sup>58</sup> Policy 15 of the NZCPS.

<sup>59</sup> Objective 6 and Policy 6 of the NZCPS.

<sup>60</sup> Objective 4 and Policy 18 of the NZCPS.

<sup>61</sup> Policy 22 of the NZCPS.

<sup>62</sup> Policy 23 of the NZCPS.

<sup>63</sup> Objective 5 and Policy 25 of the NZCPS.

Further to this, the existing dwellings to the east of the site are located closer to the beach front than what is being proposed.

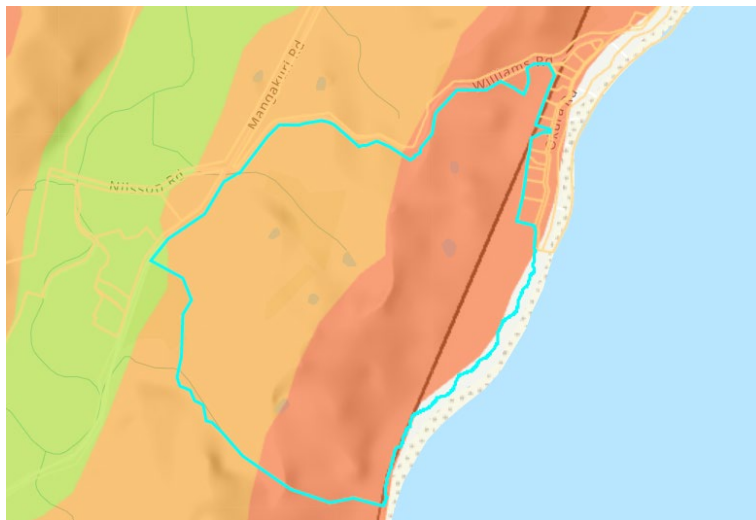
- The heavily modified nature of the site means that there is little existing natural character – with such value largely deriving from experiential elements beyond the site (i.e. the smell and sound of the sea, and coastal native vegetation on adjacent properties). The site is not recognised on any District or Regional Planning Maps as having high or outstanding natural character. As described above however, the proposal will involve the establishment of a coastal native framework that will essentially result in the enhancement of the site’s natural character. Therefore, the proposed vegetation is considered by the expert opinion of Wayfinder to be a positive outcome of the proposal in enhancing the natural character of the coastal environment.
- Further to this, there are a multitude of existing dwellings located in the immediate surrounding coastal environment bounding the site, with one dwelling located at 124 Williams Road and the others located at 4, 6, 12, 14, 26, 30, 38, 40, 44, 50, 52, 54 and 66 Okura Road. Given this, residential dwellings are already located within the existing coastal environment, while the subject site comprises of largely of grazing pasture, natural character values are therefore significantly compromised.
- Wayfinder’s landscape advice has been significant in determining the final location, layout and planting plans for the proposal to work with the existing landscape as best as possible, including identifying appropriate locations for building platforms and incorporating coastal native vegetation in the planting plan. As such, it is considered that the proposal will avoid significant effects on natural landscapes and natural features, whilst at the same time achieving positive longer-term landscape outcomes.
- The proposal provides land for coastal residential development, thereby enabling the economic and social wellbeing of both the Applicant and future owners, whilst ensuring that the natural character of the coastal environment will be maintained. Further to this, the subdivision will not restrict public access to the foreshore so that open space and / or recreation opportunities adjacent to the coastal environment can continue to be provided for. Such public access is currently and will continue to be, provided by Okura Road.
- It is also noted that cultural wellbeing is provided for with the proposed subdivision avoiding any adverse effects on the identified archaeological sites within the property in accordance with the recommendations of the HSHB Archaeological Assessment and the KLT CIA as the location of the building platforms are away from the identified sites.

- With respect to managing coastal hazard risk, as noted previously, a small part of the eastern portion of the site (including proposed Lot 1) is covered by the Tsunami Hazard Overlay in the Proposed District Plan. The proposed walking paths to the Okura Road access would be available to serve as an escape route to higher ground for the residents of Lot 1 in the event of a Tsunami. The subdivision of the site will not interfere with any natural coastal processes or natural defenses. Further to this, RDCL have also recommended that Lot 1 has a minimum floor height to mitigate any flood hazard risk.

#### 6.4 NATIONAL POLICY STATEMENT FOR HIGHLY PRODUCTIVE LAND

Approximately 0.28ha of the 112ha subject site is Class 3 (see portion of green coloured land in Figure 13 below) land as identified from the Hawke’s Bay Regional Council Land Use Capability Maps. That portion of Class 3 land is not being subdivided and will be retained entirely within proposed inland balance Lot 12 and some 500m from the proposed boundary with coastal balance Lot 11. The majority of the site, is either LUC 6 (orange shading which will be predominantly comprised in balance Lot 12 and a portion of lifestyle Lot 10) comprising 48ha or LUC 7 (red shading incorporating coastal balance Lot 11 and the majority of the proposed lifestyle lots) comprising 62ha.

Therefore only 0.28ha of the site is considered highly productive land under the NPS-HPL and all of that land will be contained within the 52.5ha inland balance lot which is to be retained for farming purposes.



**Figure 13** HBRC Land Use Capability Map of Site

The potentially relevant objectives and policies of the NPS-HPL to this subdivision consent application are listed as follows:

**Objective:** *Highly productive land is protected for use in land-based primary production, both now and for future generations.*

**Policy 1:** *Highly productive land is recognised as a resource with finite characteristics and long-term values for land-based primary production.*

**Policy 4:** *The use of highly productive land for land-based primary production is prioritised and supported.*

**Policy 7:** *The subdivision of highly productive land is avoided, except as provided in this National Policy Statement.*

**Policy 9:** *Reverse sensitivity effects are managed so as not to constrain land-based primary production activities on highly productive land.*

In this case the Applicants also own much of the Class 3 land near to the 0.28ha that falls within the subject site and farm it as part of their pastoral farming operations carried out over multiple land titles. This is not proposed to change as a result of this subdivision, which does not further fragment this Class 3 land. The proposed subdivision is therefore considered to be consistent with the NPS-HPL objective and policies 1, 4 and 7.

Regarding Policy 9 and reverse sensitivity, the closest of the proposed lifestyle lots to the Class 3 land are Lots 9 and 10. Both of these lots are located over 650m from the Class 3 land within Lot 12 and the adjacent Class 3 land along the Mangakuri River Flood Plain.

Due to the topography of the site with an intervening ridge line, there will be no line of sight between the proposed lifestyle sites and the closest Class 3 land. Further to this the nature of the farming in the area is extensive pastoral grazing. The Class 3 land in question is subject to flooding and is not therefore used for, or suitable for, horticultural production. Given the above, it is considered that the proposed subdivision will not give rise to any adverse reverse sensitivity effects on the continued use of the Class 3 land adjacent Managakuri Road for pastoral farming.

Given the above assessment the proposed subdivision is considered to be consistent with the provisions of the NPS-HPL.

## **6.5 HAWKE'S BAY REGIONAL RESOURCE MANAGEMENT PL-N - REGIONAL POLICY STATEMENT**

The Hawke's Bay Regional Resource Management Plan 2006 ("**RRMP**") includes the RPS for the Hawke's Bay Region. It sets out a wide range of objectives, policies and methods in relation to the management of natural and physical resources within the jurisdiction of the Central Hawke's Bay District Council.

The relevant conclusions relating to assessment of this application against the RPS objectives and policies include the following:

- Any reverse sensitivity effects of the proposal and from future residents on surrounding rural production activities will be low as the surrounding production activities are predominantly extensive pastoral farming which is considered less intensive in terms of effects than horticulture and dairy farming for example.

Furthermore, there is existing residential development located within close proximity to the site (to the east) and the proposed revegetation planting within Lot will further buffer future residents from farming activities;<sup>64</sup>

- The subdivision has been designed in a manner that will preserve the natural character of the coastal environment as confirmed by the Wayfinder Report;<sup>65</sup>
- The proposed subdivision will not restrict public access to and along the coast, and such access is already adequately provided for by Okura Road;<sup>66</sup>
- Earthworks activities and stormwater and wastewater discharges will be appropriately managed on site so that there are no adverse effects on coastal water quality as confirmed by the Strata Group Report ; and<sup>67</sup>
- The subdivision of the site will not exacerbate the adverse effects of natural hazards. The recommendations in the RDCL Geotechnical Report (see **Appendix E**) address the potential adverse effects of slope instability (for all lifestyle lots) and flooding (in regard to Lot 1) so that the potential for adverse effects from these matters as a result of the proposal are adequately mitigated.<sup>68</sup>
- Overall, the proposed subdivision is therefore considered generally consistent with the most relevant objectives of the RPS component of the RRMP.

## 6.6 OPERATIVE CENTRAL HAWKE'S BAY DISTRICT PLAN

The Operative District Plan includes a substantial number of objectives and policies that are of relevance to the subdivision of the existing site, in light of it being located within the Rural Zone and Coastal Margin and the presence of archaeological sites.

The relevant Operative District Plan provisions are listed in italic font. An assessment of the proposal against these follows in plain font below.

Based upon the assessment of environmental effects provided in Section 5 of this AEE and the accompanying technical assessments, the following key conclusions can be drawn as to how the proposed subdivision aligns with the relevant objectives and policies of the Operative District Plan:

### Heritage Values

#### *3.2.2.1 Objective*

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<sup>64</sup> Objective 16 of the RPS.

<sup>65</sup> Objective 4 of the RPS.

<sup>66</sup> Objective 5 of the RPS.

<sup>67</sup> Objective 6 of the RPS.

<sup>68</sup> Objective 31 of the RPS.

*The conservation and enhancement of the heritage values, including historic places and areas, waahi tapu sites and areas, archaeological sites and notable trees, in order to preserve the character and history of the District.*

The proposed subdivision has been designed in a manner which recognises heritage values on the site through the identification of archaeological sites on the subdivision scheme plan and the location of the proposed building platforms away from those archaeological sites in accordance with expert archaeological and cultural advice. For any accidental discovery of subsurface archaeology, any adverse effects will be managed appropriately in accordance with the conditions of Archaeological Authority No: 2023/218.

## **Rural Zone**

### *4.2.1 Objective*

*A level of rural amenity which is consistent with the range of activities anticipated in the rural areas, but which does not create unpleasant conditions for the District's rural residents; or adversely affect the quality of the rural environment.*

### *4.2.2.1 Policy*

*To encourage a wide range of land uses and land management practices in the Rural Zone while maintaining rural amenity.*

The proposed subdivision results in 11 new lots with the smallest lot being 4,620 m<sup>2</sup> (Lot 7), which is in exceedance of the minimum lot size requirement of 4,000 m<sup>2</sup>. It is also noted that balance Lots 11 and 12 will remain available for the range of agricultural land uses expected within the Rural Zone. The subdivision is in compliance with the Operative District Plan Rural Zone subdivision provisions and can therefore be considered to meet the rural amenity expectations of the District Plan.

### *4.2.2.11 Policy*

*To control the installation of septic tanks and other waste water treatment and disposal systems in order to mitigate potential health nuisances, odour and contamination of water.*

The septic wastewater services onsite will be installed at the time of building development on each lot, will be assessed through the building consent process and will need to comply with the rules of the RRMP. This process can be relied upon to achieve consistency with the above policy. Further to this the Strata Group Report identifies how an appropriate wastewater system will be able to be provided for each of the lifestyle sites created.

### *4.4.1.2 Objective*

*The margins of wetlands, rivers, lakes and the coast are managed in order to preserve the natural character of these environments and the margins of identified river catchments are managed to enhance water quality.*

### *4.4.2.5 Policy*

*To control activities which have the potential to adversely affect the natural character of the coast which is an important contributor to the amenity of the District.*

In respect to Objective 4.4.1.2 and Policy 4.4.2.5, the natural character of the coastal environment has already been addressed in detail above in relation to the assessment of effects and analysis of objectives and policies within the NZCPS and the RPS. That analysis is also considered applicable in relation to the above provisions, with the conclusion being that despite the site's location in the coastal environment, the proposed subdivision will have little effect on natural character values given the site's heavily modified pastoral farming nature and the adjoining coastal settlement along Okura Road. Further to this, the establishment of a coastal native vegetation framework as proposed will assist with enhancing the natural character of the coast.

## **Subdivision**

### *9.2.1 Objective*

*The provision of necessary services to subdivided lots, in anticipation of the likely effects of land use activities on those lots.*

As set out in the assessment above, the proposed subdivision will ensure that each proposed lot will be provided with appropriate legal and physical vehicular access to the local road network. There are no reticulated services for water supply, stormwater, or wastewater disposal in this rural area. Notwithstanding this, all lots will have water and sewer, appropriately provided through onsite servicing within their respective boundaries. Further to this, a comprehensive stormwater design is proposed as part of the subdivision to ensure that there are no adverse effects arising from stormwater runoff.

### *9.2.2.2 Policy*

*To ensure safe and effective vehicular access (including lighting) to properties in subdivisional developments.*

As set out above, safe and effective vehicle access is able to be provided to each lot, while vehicle access lighting is unnecessary in this rural coastal location for the number of lots to be served by each access.

### *9.2.2.4 Policy*

*To ensure that water supplies to subdivided lots are of a sufficient capacity and of a potable standard for the anticipated land uses on each lot or development, including firefighting requirements.*

The proposal can provide sufficient potable water supply and storage from onsite sources (rainwater collection tanks) to all lots in accordance with this policy. Further to this, it is noted that the development of the respective lots will be subject to the CHBDC Water Supply Bylaws 2021.



#### 9.4.1 Objective

*The maintenance or enhancement of amenity, cultural and significant nature conservation values through the subdivision process.*

#### 9.4.2.3 Policy

*To encourage innovative subdivision design consistent with the maintenance of amenity values.*

#### 9.4.2.5

*To avoid or mitigate any adverse visual and physical effects of subdivision and development on the environment, including the appropriate underground reticulation of energy and telecommunication lines in order to protect the visual amenities of the area.*

The proposed subdivision has been designed to ensure that building platforms for the lots are situated away from archaeological sites, while any encountered subsurface archaeology will be managed appropriately in accordance with Archaeological Authority No: 2023/218.

While the majority of building platforms are located within the coastal margin area (Lots 1, 3, 4, a portion of Lot 6 and Lot 8), it has been concluded by Wayfinder that the site is largely devoid of any physical (biotic or abiotic) natural character. Rather, it is considered that the proposal will have positive effects on natural character as with the establishment of the proposed 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.

In terms of visual and physical effects from the subdivision, the building platforms are located back from the coastline and the coastal dwellings on Okura Road. Wayfinder have completed a visual effects assessment from various locations, concluding in all cases that the visual effects of the proposed subdivision will be either low or very low. This is because the development of future dwellings on the proposed lots will not result in the loss of key views or viewpoints. As mentioned above, the extensive vegetation framework will also enhance the naturalness of the site and therefore help to visually integrate each of the dwellings. Further, the recommended design controls from Wayfinder will help to recess any built form, and the site is well contained within the landform (mostly below the skyline ridge).

Further to this, the proposal will maintain the amenity of the rural environment as is anticipated by the Rural Zone subdivision provisions.

#### 9.5.1 Objective

*The avoidance of subdivision where there are significant natural hazards, unless these can be mitigated without significant adverse effects on the environment.*

As set out above, the Operative District Plan maps do not indicate that the site is subject to any natural hazard overlays, albeit that a landslide risk for the site is identified in the

Hawke's Bay Regional Hazard portal maps. Due to the relatively steep topography of the site, the recommendations provided by RDCL are offered as conditions of the subdivision consent to ensure that land instability hazards are mitigated. Additionally consent notice conditions are also offered for proposed Lot 1 for minimum floor heights to mitigate flooding hazards as recommended by RDCL. Further to this the tsunami hazard is able to be mitigated by the proposed beach access walking path providing an escape route to higher ground. As such, the subdivision will not result in any land being more susceptible to the effects of natural hazards, nor any proposed new lots being subject to unacceptable risks from natural hazards. The proposal is therefore consistent with this objective.

Accordingly, the proposal is consistent with the relevant objectives and policies of the Operative District Plan.

## 6.7 PROPOSED CENTRAL HAWKE'S BAY DISTRICT PLAN

As set out above, the Proposed District Plan ("PDP" or "proposed plan") rules are not relevant to determining the status of this application, however, under section 104 of the RMA consideration is required to be given to any relevant provisions of a proposed plan, which would include its objectives and policies. Now that decisions on submissions have been made on the Proposed District Plan (post the initial lodgement of this application) appropriate weight must be given to it in the assessment of this application. The relevant objectives and policies of the Rural Land Resource, General Rural Zone, Subdivision, Earthworks, Natural Hazards, Historic Heritage and Coastal Environment Chapters are referenced and assessed below.

### Rural Land Resource

#### *Objectives*

*RLR-O1 The productive capacity of the Distr'ct's rural land resource, particularly the District's highly productive land, is maintained.*

*RLR-O2 The primary production role and associated amenity of the Distr'ct's rural land resource is retained, and is protected from inappropriate subdivision, use and development.*

*RLR-O3 The Distr'ct's highly productive land is protected from further fragmentation.*

*RLR-O4 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.*

#### *Policies*

*RLR-P1 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.*

*RLR-P2 To avoid unplanned urban expansion onto the Distr'ct's highly productive land in the Rural Production Zone.*

*RLR-P3 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.*

*RLR-P4 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.*

*RLR-P5 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.*

The Rural Land Resource objectives and policies have a strong focus on maintaining the productive capacity of the rural land resource and highly productive land in particular, for primary production (RLR-O1, O2, O3, O4, and RLR-P1, P2, P3, P4). Other themes include protecting the rural amenity that results from primary production (RLR-O2 and RLP-P4) and managing reverse sensitivity effects (RLR-P5). As set out in Figure 13 above, the only area of highly productive land within the subject site is a 0.28 area of LUC3 land in the western corner of the property which will remain within the 52.5ha farming balance of Lot 12. Accordingly, the proposed subdivision will not result in the loss of any highly productive land from primary production. Nor will the subdivision give rise to 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.

Objectives RLR-O2 and RLR-O3 and policies RLR-P2 and RLR-P3 guide subdivision of the rural land resource. RLR-O3 and RLR-P2 specifically protect 'highly productive land' from fragmentation and urban development. The proposed subdivision does not remove any highly productive land from primary productive use and does not therefore create any inconsistency with these provisions.

Objective RLR-O2 and Policy RLR-P3 are more general and refer to protection of the land resource from inappropriate subdivision and to limiting fragmentation from lifestyle subdivision in the General Rural Zone. Aside from the 8,123m<sup>2</sup> of proposed Lot 10 within LUC 6, all of the other proposed lifestyle sites are being subdivided from LUC 7 land.<sup>69</sup>

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<sup>69</sup> As can be seen by comparing Figure 13 with the subdivision plan in Figure 5.

The Land Use Capability maps accessed from the Regional Council website<sup>70</sup>, include the following descriptions of LUC classes 6 & 7:

*6 - Non-arable land with moderate limitations for use under perennial vegetation such as pasture or forest.*

*7 - Non-arable land with severe limitations to use under perennial vegetation such as pasture or forest.*

As the General Rural Zone land proposed for lifestyle subdivision has 'severe limitations' for agricultural use, the Application is not considered to be an inappropriate subdivision or fragmentation of the rural land resource in the context of RLR-O2 and RLR-P3.

It is therefore considered that the proposed subdivision is generally consistent with the objectives and policies of the Rural Land Resource chapter of the PDP.

### **Sustainable Subdivision and Building**

#### *Objectives*

*SSB-O1 Promote sustainable subdivisions and buildings in the District.*

#### *Policies*

*SSB-P1 To promote subdivision design and building development that optimises efficient resource and energy use and water conservation measures through improved subdivision and building design, including by orientation to the sun, domestic on-site water storage and utilising principles of low impact urban design.*

*SSB-P2 To promote use of on-site stormwater attenuation measures where appropriate, including but not limited to rainwater harvesting devices, green roofs, site landscaping, rain gardens, wetland treatment systems and low impact stormwater attenuation systems.*

*SSB-P3 To promote sustainable building design, including (but not limited to):*

- 1. use of durable low maintenance and energy efficient materials;*
- 2. use of inert exterior cladding (avoiding the use of materials containing copper or zinc);*
- 3. maximising access to sunlight (including the location of outdoor living areas) and natural ventilation; and*
- 4. incorporating mechanical and electrical systems that optimise energy efficiency.*

*SSB-P4 To promote water recycling (grey water) and the installation of water-saving devices.*

*SSB-P5 To promote the installation of solar panels on buildings.*

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<sup>70</sup> <https://gis.hbrc.govt.nz/LocalMapsViewer/?map=1ed9a3dd18344862b42373c31ba8e3d6>

*SSB-P6 To promote implementation of principles of sustainable building practice through provision of advice and information.*

The above objectives and policies seek to promote sustainable subdivision and building development, rather than directing and requiring such outcomes. It will be open to the future owners of the proposed lifestyle sites to design their dwellings in accordance with the principles of sustainable building design as encouraged by policies SSB-P2 – SSB-P5.

It is considered that the proposed subdivision is generally in accordance with the sustainable subdivision design principles promoted in policies SSB-P1 and SSB-P2 as the proposed lifestyle sites, as per the recommendations of the Strata Group engineering and Wayfinder landscape reports, will have:

- easterly and northerly aspects to maximise both an ocean outlook and solar access,
- roofwater collection,
- stormwater management utilizing onsite detention and release to natural water courses and wetlands, in accordance with low impact stormwater design principles, and
- proposed landscape planting for multiple purposes of ground stabilization, amenity enhancement, and water course and damp ground appropriateness in improving stormwater quality and reducing runoff flows.

It is therefore considered that the proposed subdivision is generally consistent with the objectives and policies of the Sustainable Subdivision and Building chapter of the PDP.

### **General Rural Zone**

#### *Objectives*

*GRUZ-O1 The General Rural Zone is predominantly used for primary production activities (including intensive primary production) and ancillary activities.*

*GRUZ-O2 The predominant character of the General Rural Zone is maintained, which includes:*

- 1. overall low-density built form, with open space and few structures;*
- 2. 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;*
- 3. the sounds, smells, and traffic associated with primary production activities and established rural industries, anticipated from a working rural environment;*
- 4. existing rural communities and community activities, such as rural halls, reserves and educational facilities;*

5. *a landscape within which the natural environment (including farming and forest landscapes) predominates over the built one; and*
6. *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).*

*GRUZ-O3 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.*

*GRUZ-O4 The primary productive purpose and predominant character of the General Rural Zone are not compromised by the establishment of potentially incompatible activities.*

#### *Policies*

*GRUZ-P1 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.*

*GRUZ-P4 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.*

*GRUZ-P5 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.*

*GRUZ-P6 To manage location of trees so that adjoining public roads and properties are not adversely affected by shading.*

*GRUZ-P7 To ensure incompatible activities do not locate in the General Rural Zone where the activity:*

1. *undermines the primary productive purpose and predominant character of the General Rural Zone;*
2. *constrains the establishment and use of land for primary production;*
3. *result in reverse sensitivity and/or lead to land use conflict; and/or*
4. *does not have a functional or operational need for a rural location.*

*GRUZ-P8 To limit residential and rural lifestyle subdivision that results in fragmentation of the rural land and/or which limits the use of rural land for productive purposes.*

*GRUZ-P10 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.*

The General Rural Zone objectives and policies can be grouped into the following four general themes:

- Maintaining a primary production predominance and character (GRUZ-O1, O2, P1 & P7).
- Managing reverse sensitivity effects (GRUZ-O4, P5 & P7).
- Maintaining rural character and amenity and the natural character of the coastal environment (GRUZ-O3 & P4).
- Limiting Rural Lifestyle Subdivision and suitability of on-site servicing (GRUZ-P8 & P10).

#### Maintaining a Primary Production Predominance & Character

Most significantly in regard to the above objectives and policies, there will be two balance lots (Lot 11 and Lot 12) of a sufficient size so that rural and land-based primary production activities can continue to occur on these lots. The change in character will be in the north-eastern portion of the property where the proposed lifestyle sites are located with associated building restrictions and coastal revegetation, in such a manner that there will be a positive enhancement to the existing natural coastal character as assessed by Wayfinder.

Therefore, a large portion of the site will remain rural in nature with Lots 11 and 12 proposed to continue to be farmed. As such rural character and amenity will be maintained over the majority of the site while natural coastal character values will be enhanced in the area of the proposed lifestyle sites.

#### Managing Reverse Sensitivity Effects

As discussed above the proposed subdivision will not give rise to reverse sensitivity effects, due to the clustering of the lifestyle sites and buffering of them with coastal revegetation from the surrounding farming activities. In any case, the farming activity within the vicinity of the lifestyle sites is extensive pastoral production and all undertaken as part of the Applicant's Mangakuri Station land holding.

#### Rural and Coastal Character

As set out above there will be a positive enhancement to the existing natural coastal character as assessed by Wayfinder. Further to this a rural character will be retained over all of balance Lot 12 and the southern two thirds of balance Lot 11.

#### Limiting Rural Lifestyle Subdivision and Appropriate Servicing

It is noted that GRUZ-P8 includes an "and/or" such that rural lifestyle subdivision that does not restrict the use of rural land for productive purposes is not limited by the policy to the same extent as subdivision that compromises rural land for such purposes. As established

above the portion of the property to be 'fragmented' into lifestyle lots generally has a land use classification of LUC 7 and as such has 'severe limitations to use' for perennial vegetation including pasture. Therefore, removing the proposed lifestyle sites and the area of proposed planting within Lot 11 from primary production will have little effect on the on-going primary production use of the Applicant's wider farming operations. For this reason, the proposed subdivision is not considered to be inconsistent with GRUZ-P8.

In regard to GRUZ-P10, as demonstrated in the Strata Group development engineering report, subject to consent notice conditions, the proposed lifestyles sites can be appropriately serviced by on-site methods.

#### Other Relevant Policies

Policy GRUZ-P6 seeks to prevent adverse effects of shading on roads and adjoining properties. This policy is implemented by standard GRUZ-S6 which requires a 5m setback for the planting of rows of trees longer than 20m adjacent properties in separate ownership, and requires rows of trees longer than 20m, within 5m of road boundaries to be maintained at a height of not less than 9m. The Wayfinder landscape planting plan shows planting up to the boundary of Williams Road but generally has a separation of the proposed planting from the rear of the Okura Road properties. A subdivision consent condition is therefore offered that all landscape planting complies with PDP standard GRUZ-S6. Compliance with that standard will ensure consistency with Policy GRUZ-P6.

#### **Natural Hazards**

##### *Objectives*

*NH-O2 The significant risks from natural hazards and the effects of climate change on the community are minimised.*

*NH-O3 Any increase in risk to people, property, infrastructure and the environment from the effects of natural hazards should be avoided, remedied or mitigated, reflecting the level of risk posed by the hazard.*

##### *Policies*

*NH-P4 To require that climate change effects be built into natural hazard risk assessments, using the latest national guidance and best information available.*

*NH-P5 To manage activities in areas at significant risk from natural hazards, including:*

- 1. the erection of new buildings or structures, or alterations to existing buildings or structures;*
- 2. earthworks;*
- 3. subdivision of land; and*
- 4. the establishment of new vulnerable activities.*

*NH-P9 to ensure that subdivision, land use activities or other development is located and designed to avoid the need for further natural hazard mitigation activities.*



In respect to Objectives NH-O2 and NH-O3 and Policy NH-P9, these matters have already been addressed in detail above with particular reference to the Geotechnical Report in **Appendix E**, and the recommendations which are offered as conditions of consent to ensure that the land instability hazard and potential inundation of the lower lots is appropriately mitigated.

Further to this, the Proposed District Plan maps indicate that the eastern portion of the site is subject to the Tsunami Hazard Overlay. While Lot 1 is located within the Tsunami Hazard overlay, as explained above the proposed beach access walking track will provide an escape route for the future residents of proposed Lot 1 (and other Okura Road residents) to the higher ground within the subject site.

## **Historic Heritage**

### *Objectives*

*HH-O1 Identify, preserve and enhance the District's significant heritage items, heritage character and history of the District.*

### *Policies*

*HH-P2 To identify archaeological sites to assist the continued protection of these sites from inappropriate subdivision, use and development..*

*HH-P3 – To ensure activities avoid, remedy or mitigate adverse effects on the character and values of heritage items.*

In respect to Objective HH-O1 and Policies HH-P2 and HH-P3, these matters have already been addressed in detail above in relation to the analysis of objectives and policies within the Operative District Plan. That analysis is also considered applicable in relation to the above provisions. It is noted that the Archaeological Assessment provided in **Appendix C1** has positively contributed to the achievement of this objective and policies by identifying additional archaeological sites and protection measures for those sites. This work has subsequently been supplemented by Archaeological Authority No: 2023/218 (see Appendix C2) and the CIA (Appendix C3) which all support the manner in which the subdivision is to protect historic heritage values.

## **Coastal Environment**

### *Objectives*

*CE-O1 Preservation of the natural character of the coastal environment of Central Hawke's Bay, comprising the following distinctive landform of:*

- 1. rugged eroding grey mudstone cliffs;*
- 2. steep limestone outcrops;*
- 3. remnant dunelands and associated interdunal wetlands, small lakes and associated vegetation;*
- 4. wide sweeping beaches; and*

5. *small settlements, recessed into bays, adjoining a number of sheltered beaches.*

*CE-O2 Protection of the natural character of the coastal environment of Central Hawke's Bay from inappropriate subdivision, use and development, and identify and promote opportunities for restoration or rehabilitation.*

*Policies*

*CE-P2 To avoid significant adverse effects and avoid, remedy or mitigate other adverse effects on the natural character of the coastal environment area (particularly in the areas of high natural character identified on the Planning Maps and in CE-SCHED7); including adverse effects resulting from the following activities:*

- 1. drainage of coastal flats and wetlands;*
- 2. earthworks within dunes and coastal escarpments;*
- 3. buildings outside of the Large Lot Residential Zone (Coastal) within the coastal environment;*
- 4. plantation forestry; and*
- 5. use of vehicles on beaches and adjacent public land;*

*Particularly where these have been identified as a threat to the values of a particular area of high natural character.*

*CE-P3 To avoid sprawling or sporadic subdivision and development in the coastal environment area.*

*CE-P4 To manage the activities that can occur in the coastal environment area, including:*

- 1. expansion and consolidation of existing coastal settlements;*
- 2. the scale, location, design and use of structures, buildings and infrastructure;*
- 3. earthworks; and*
- 4. subdivision.*

*CE-P6 To require that proposed activities within the coastal environment area demonstrate that the activity is located appropriately, having regard to its effects and:*

- 1. the particular natural character, ecological, historical or recreational values of the area;*
- 2. the extent to which the values of the area are sensitive or vulnerable to change;*
- 3. opportunities to restore or rehabilitate the particular values of the coastal environment of the area;*
- 4. the presence of any natural hazards and whether the activity will exacerbate the hazard and/or be vulnerable to it;*
- 5. the impacts of climate change;*
- 6. appropriate opportunities for public access and recreation;*
- 7. the extent to which any adverse effects are avoided, remedied or mitigated; and*
- 8. consistency with underlying zoning and existing land use.*

*CE-P7 To require that proposed activities within the coastal environment area minimise any adverse effects by:*

- 1. ensuring the scale, location and design of any built form or land modification is appropriate in the location;*
- 2. integrating natural processes, landform and topography into the design of the activity, including the use of naturally occurring building platforms;*
- 3. limiting the prominence or visibility if built form; and*
- 4. limiting buildings and structures where the area is subject to the impacts of climate change and the related impacts of sea level rise, sea temperature rise and higher probability of extreme weather events; and*
- 5. restoring or rehabilitating the landscape, including planting using local coastal plant communities.*

*CE-P8 To encourage restoration and rehabilitation of natural character, indigenous vegetation and habitats, landscape features, dunes and other natural coastal features or processes.*

In respect to Objective CE-O1 and CE-O2 and their accompanying policies, these matters have already been addressed in detail above in relation to the analysis of landscape and natural character effects and the objectives and policies within the NZCPS, the RPS and the Operative District Plan. That analysis is also considered applicable in relation to the above provisions. In summary, the natural character of the coastal environment is currently compromised within the site given its heavily modified pastoral nature and location adjacent to existing coastal residential development. Further to this, the establishment of a coastal native vegetation framework will assist with enhancing the natural character of the coast in this area and in integrating the proposed built form into the landscape.

## **Earthworks**

### *Objectives*

*EW-O1 Enable people and communities to carry out earthworks, while avoiding, remedying or mitigating the adverse environmental effects of earthworks, including on the health and safety of people.*

### *Policies*

*EW-P13 To enable earthworks to provide for people and communities' social, economic and cultural well-being, and their health and safety, where adverse effects are avoided, remedied or mitigated.*

*EW-P1 To avoid, remedy or mitigate the adverse effects of earthworks which:*

- 1. create new or exacerbate existing natural hazards, particularly flood events, or cause adverse effects on natural coastal processes; and*
- 2. result in adverse effects on the stability of land, structures or buildings.*

*EW-P2 To ensure earthworks are appropriately located, designed and managed to avoid, remedy or mitigate adverse effects by:*

1. *controlling volume and vertical extent of earthworks, to maintain the role, function and predominant character of each zone and reduce effects on neighbouring properties and the environment; and*
2. *controlling the movement of dust and sediment beyond the area of development, particularly to avoid nuisance effects and/or adverse amenity effects on neighbouring sites or any Council reticulated stormwater system; and*
3. *controlling the effects of urban development on the health and well-being of water bodies, freshwater ecosystems and receiving environments.*

*EW-P3 To ensure that earthworks are designed to reflect natural landforms, and where appropriate, landscaped to reduce and soften their visual impact having regard to the character and visual amenity of the surrounding area.*

*EW-P4 Where appropriate, to require the re-pasture or re-vegetation of land where vegetation is cleared as a consequence of earthworks.*

*EW-P5 To protect the highly productive land of Central Hawke's Bay from large-scale stripping, stockpiling, and removal to ensure the land can still support a range of primary production activities.*

*EW-P6 To avoid duplication in regulation by District Plan rules and standards where earthworks activities are already subject to regulatory assessment, such as through subdivision provisions and Building Act 2004 controls.*

*EW-P7 To control earthworks, exploration and mining activities to ensure that any adverse effects on the natural and physical environment, and the amenity of the community, adjoining land uses, heritage items, and wāhi tapu, wāhi taonga and sites of significance to Māori, are avoided, remedied or mitigated.*

As demonstrated in Table 6 above, compliance is achieved with the relevant earthworks rules and standards of the decisions version of the PDP. Nevertheless, as the subdivision is a discretionary activity, the above objectives and policies are relevant to assess. The general theme of these objectives and policies is to enable earthworks provided adverse effects on the environment can be appropriately managed. Given the careful and considered design of the earthworks to avoid land stability risk, the proposed erosion and sediment control measures and the proposed landscape plantings, it is considered that any adverse effects will be appropriately managed and generally avoided, remedied and mitigated. Accordingly, it is considered that the proposed subdivision is consistent with the relevant Earthworks objectives and policies.

## **Transport**

### *Objectives*

*TRAN-O1 The transport network is sustainable, safe, resilient, efficient and effective in moving people and goods within and beyond the District.*

*TRAN-O2 Activities generate a type or level of traffic that is appropriately accommodated within the local transport network.*

#### *Policies*

*TRAN-P1 To manage the number, location and type of parking, access, and loading facilities to support the functional and operational requirements of activities, while maintaining the safe, efficient, and effective operation of the transport network and the amenity of the streetscape.*

*TRAN-P2 To set standards for the design of new public roads, private roads and accessways to ensure that they are appropriate for the function they serve.*

*TRAN-P3 To manage subdivision and development to ensure the safety and efficiency of the transport network is not inappropriately compromised.*

*TRAN-P4 To establish appropriate design standards for the construction of car parking spaces and loading areas to ensure they are fit for purpose, where provided, and promote the safety of cyclists and pedestrians.*

*TRAN-P5 To control the width and location of vehicle access points from the transport network to each property to minimise the adverse effects of manoeuvring and queuing vehicles, the potential effects on pedestrian, cyclist and other road user safety, and effects on streetscape amenity.*

*TRAN-P6 To promote alternative means of safe, efficient and effective transport, including cycling and walking and public transport facilities to enable people of all ages to move within the District and reduce the effects of vehicle-based transport systems.*

*TRAN-P7 To ensure the transport network has capacity to accommodate the transportation needs of new development.*

The above objectives and policies are directed towards ensuring that appropriate standards are included in the District Plan, but still have some relevance to resource consent assessment. The general themes are to ensure the safety and efficiency of the transport network and a level of development that is appropriately accommodated by that network. The East Cape Consulting expert transportation reporting considers that the proposed development can be satisfactorily integrated with the surrounding transport network, and that the proposed private accessways to the new lots are appropriate. On this basis it is considered that the proposed subdivision is generally consistent with the Transportation Chapter objectives and policies.

## **Subdivision**

#### *Objectives*

*SUB-O1 Subdivision of land is consistent with the objectives and policies of the relevant zones and district-wide matters in the District Plan, including those relating to:*

1. *safeguarding the rural land resource of Central Hawke's Bay District from inappropriate subdivision (RLR – Rural Land Resource provisions in the District Plan);*
2. *the protection of areas identified as Outstanding Natural Landscapes and Features, Significant Natural Areas, areas of significant indigenous vegetation and significant habitats of indigenous fauna, and High Natural Character Areas from the adverse effects of inappropriate subdivision (NFL – Natural Features and Landscapes, ECO – Ecosystems and Indigenous Biodiversity, CE – Coastal Environment provisions in the District Plan);*
3. *the protection of historic heritage from the adverse effects of inappropriate subdivision, including historic heritage items, and sites and areas of significance to Māori (HH – Historic Heritage and SASM – Sites and Areas of Significance to Māori provisions in the District Plan);*
4. *managing adverse effects of inappropriate subdivision on Significant Amenity Features that contribute to the character and amenity values of the areas (NFL – Natural Features and Landscapes provisions in the District Plan);*
5. *managing adverse effects of inappropriate subdivision on the maintenance and enhancement of public access to and along the coast and the margins of lakes and rivers (CE – Coastal Environment and PA – Public Access provisions in the District Plan); and*
6. *promoting sustainable subdivision and building (SSB – Sustainable Subdivision and Building provisions in the District Plan).*

As has been set out above the proposed subdivision can achieve consistency with the objectives and policies of the General Rural Zone and the relevant district wide chapters including Natural Hazards, Coastal Environment, Historic Heritage and Earthworks. This is primarily because of the clustering of the lifestyle sites on low productivity LUC7 land, with specific subdivision design according to the recommendations of the expert geotechnical, landscape, archaeological, cultural values, and land development engineering reporting.

*SUB-O2 Lots created by subdivision are physically suitable for the types of development intended and anticipated by the relevant rules of the District Plan.*

*SUB-O3 Appropriate services and network utilities are provided that are compatible with the anticipated purpose, character and amenity of each zone, and provide for the health and safety of people and communities.*

The proposed lifestyles sites are designed to be physically suitable and stable to contain future dwellings and associated onsite service infrastructure in accordance with the recommendations of the RDCL geotechnical report and the Strata Group 3 waters engineering report.

*SUB-O4 Reverse sensitivity effects of subdivision and its resulting future land use activities on existing lawfully established activities are avoided where practicable, or mitigated where avoidance is not practicable.*

As explained above, potential reverse sensitivity effects are avoided by the low intensity nature of the Applicant's farming operations on the LUC 7 land comprising the area of the

proposed lifestyles sites, and the clustering of those lifestyle sites amongst coastal revegetation planting forming a buffer to agricultural activities.

*SUB-O5 Avoidance of subdivision in localities where there is a significant risk of material damage from natural hazards on land or structures, including in relation to any likely subsequent use of the land, unless these can that cannot be remedied or mitigated.*

The RDCL report and its recommendations will ensure that potential land instability risks are appropriately mitigated.

#### *Policies*

*SUB-P4 To integrate subdivision with the existing land transport network in an efficient manner that provides for the safety and convenience of, cyclists and pedestrians.*

*SUB-P7 To ensure an alternative method of water supply, wastewater disposal and stormwater disposal is provided for each new lot, where they are unable to connect to reticulated supplies or disposal systems.*

*SUB-P8 To encourage subdivision design consistent with the purpose, character and amenity values of the zone provisions.*

*SUB-P9 To encourage the incorporation of public open space and plantings (particularly natives) within subdivision design for amenity purposes.*

*SUB-P10 To provide or further develop pedestrian, cycling and amenity linkages between subdivisions and their surrounding areas where it is consistent with the objectives and policies of the zone, and where opportunities exist.*

*SUB-P11 To ensure that roads and any vehicle access to lots provided within a subdivision are appropriately designed and constructed to allow for safe and efficient traffic movements likely to be generated from development of the lots.*

*SUB-P13 To ensure that land being subdivided, including any potential structure on that land, is not subject to significant risk of material damage by the effects of natural hazards, including flooding, inundation, erosion, subsidence or slippage and earthquake faults.*

*SUB-P16 To avoid where practicable, or otherwise mitigate, potential reverse sensitivity effects of sensitive activities (particularly residential and lifestyle development) establishing near existing primary production activities, including intensive primary production activities, rural industry, industrial activities and/or existing network utilities.*

As has been discussed above, the proposed subdivision does not create any inappropriate changes to the existing environment. Most significantly in regard to the above policies all lots will have appropriate legal and physical road access that does not compromise the existing transportation network and can be provided with onsite services.

The proposal can also provide for suitable water supply, stormwater and wastewater treatment and disposal by onsite means and will not give rise to reverse sensitivity effects.

Further, earthworks associated with constructing the vehicle access and building platforms will be undertaken in accordance with appropriate erosion and sediment control measures as per the recommendations of both RDCL and Strata Group in ensuring that potential natural hazard effects are mitigated, and amenity values are maintained. The landscape planting proposed by Wayfinder will also assist in enhancing character and amenity values and give specific effect to policies SUBP-8 and SUBP-9. While the coastal native revegetation plantings will not be within public open space, they will contribute to the natural character of the coastal environment as experienced from the existing public open spaces at Managakuri Beach.

SUB-P10 is given effect to by the footpaths providing direct walking access from each cluster of lifestyle sites to Okura Road.

Further to this the proposed subdivision will not give rise to reverse sensitivity effects.

#### Assessment Criteria

##### *SUB-AM13 Subdivisions within the General Rural Zone and Rural Production Zone – Lifestyle Sites*

1. *That the location and shape of the **lifestyle site** enables the **balance site** to be farmed efficiently and effectively. The **Council** will also take into account the ability to avoid, mitigate or manage any potential **reverse sensitivity effects** generated from the **lifestyle site**, within the subject **site** itself, the balance area of the property and with **adjoining** properties.*
2. *The ability to avoid or mitigate any actual or potential **reverse sensitivity effects** where specific **site** characteristics and/or the nature of surrounding or existing land uses are likely to generate the potential for complaints about lawfully established activities. The **Council** will take into account the following factors (but is not restricted to these):*
  - a. *Railway lines and whether **access** to a **lifestyle site** or **rural site** is sought via a private level crossing (Note: this requires the formal approval of Kiwirail Holdings Ltd);*
  - b. *Any new **access**, upgraded **access**, or additional **sites** accessing a state highway (Note: this requires the formal approval of Waka Kotahi NZ Transport Agency);*
  - c. *Any **lifestyle site** proposed within 400 metres of an existing **rural industry** or **primary production** activity including **intensive primary production**;*
  - d. *Any **rural airstrip**; and*
  - e. *Any other nearby lawfully established activity, which a residential use of a **lifestyle site** is likely to be sensitive to, or incompatible with.*



3. *Methods to mitigate any potential reverse sensitivity effects. Landowner(s) associated with a lifestyle site subdivision application may offer the use of a 'No-Complaints Covenant' as a condition of consent, to help mitigate potential reverse sensitivity effects. This method is only available if the landowner(s) offers it; such covenants cannot be required by the Council.*

*Note: 'No Complaints Covenants' of themselves will generally not be considered sufficient to deal with reverse sensitivity effects.*

The above assessment has already explained how this subdivision will not give rise to reverse sensitivity effects due to:

- The clustering of the lifestyles sites within the north eastern corner of the site generally within low productivity LUC7 land.
  - Buffering of the lifestyle sites from farming activities with the coastal revegetation and other plantings recommended by Wayfinder.
  - The nature of the low intensity pastoral farming that takes place on the surrounding land which is all farmed by the Applicant as part of Mangakuri Station.
4. *The location and shape of any rural **site** enables it to be farmed efficiently and effectively, with particular regard to **boundary** shape.*

Proposed Lot 12 remains available for farming activities as does two thirds of Lot 11, while the area of LUC7 land adjacent the lifestyles sites is in part retired from farming with slope stabilization and coastal character amenity planting. This will enable efficient farming of the balance land to continue.

5. *That the **subdivision** does not result in any more than one **lifestyle site** being created from the title subject to the **subdivision** application.*
6. *Whether the proposed **lifestyle site** in the General Rural Zone is being created within 3 years of any prior **lifestyle sites** being created from the subject title, or any previous title that has become part of the subject title. If more than one **lifestyle site** is created within the 3-year period, the application may be declined on this basis.*
7. *Where multiple **sites** greater than 20 hectares are being created in one **subdivision** or over successive applications, **site** configuration, shape and timing will be given particular consideration with regard to appropriateness for **primary production** activities. Such **subdivisions** should not be undertaken with the intention of 'setting up' future **lifestyle site subdivisions**. If this is found to be the case, the application may be declined on this basis.*

The proposed subdivision is a discretionary activity and does not purport to comply with the General Rural Zone subdivision rules. As a discretionary activity it is considered that the proposed subdivision appropriately avoids, remedies or mitigates any adverse effects

on the environment and achieves general consistency with the objectives and policies of the Proposed Plan.

8. *Whether the design of the **subdivision** and the development it will accommodate, is designed to avoid, remedy, or mitigate any adverse **effects** on any **wāhi tapu**, **wāhi taonga**, archaeological site, or any other area of historic or cultural significance.*

As has been addressed in the assessment of effects on the environment above the subdivision has been designed in accordance with the recommendations of the Heritage Services Hawke's Bay archaeological assessment and the Kirakau Lands Trust cultural impact assessment.

*SUB-AM16 Subdivision of land, including Lifestyle Sites within Outstanding Natural Landscapes and Features, Significant Amenity Features, and the Coastal Environment (including identified areas of High Natural Character)*

1. *The design of the subdivision and the development it will accommodate, to ensure that it will not have adverse visual or landscape effects on the values of the feature, landscape or area (identified in ECO-SCHED5, NFL-SCHED6, and CE-SCHED7 of the District Plan) and will not detract from the natural character of the coastal environment. Reference will be made to the proposed nature and location of building platforms, roads and accessways, earthworks, landscaping, and planting. In particular, the subdivision will be assessed in terms of its ability to achieve the following:*
  - a *Be of a scale, design and location that is sympathetic to the visual form of the coastal environment or the natural character area, landscape, or feature, and will not dominate the landscape.*
  - b. *Avoid large scale earthworks on rural ridgelines, hill faces and spurs.*
  - c. *Be sympathetic to the local character, to the underlying landform and to surrounding visual landscape patterns.*
  - d. *Be designed to minimise cuttings across hill faces and through spurs, and to locate boundaries so the fencing is kept away from visually exposed faces and ridges.*
  - e. *Where planting is proposed, its scale, pattern and location is sympathetic to the underlying landform and the visual and landscape patterns of surrounding activities.*
  - f. *Where necessary, for the avoidance or mitigation of adverse effects, any proposals to ensure the successful establishment of plantings.*
  - g. *Be sympathetic to the natural science, perceptual and associational values (including for tangata whenua) associated with the natural character area, landscape, or feature.*

The subdivision has been designed with specific regard to maintaining and enhancing the natural character of the coastal environment. As concluded in the Wayfinder assessment

(Appendix D1), the subdivision with its associated tree planting will result in an enhancement of the natural coastal character of Mangakuri Beach.

### **Overall Summary**

The proposal is therefore considered to be generally consistent with the most relevant objectives and policies of the Proposed District Plan.

## **6.8 SECTION 106 RMA**

A consent authority may refuse to grant a subdivision consent, or may grant a subdivision consent subject to conditions, if it considers that there is a significant risk from natural hazards. The following matters are to be assessed.

- (a) the likelihood of natural hazards occurring (whether individually or in combination); and*
- (b) the material damage to land in respect of which the consent is sought, other land, or structures that would result from natural hazards; and*
- (c) any likely subsequent use of the land in respect of which the consent is sought that would accelerate, worsen, or result in material damage of the kind referred to in paragraph (b).*

Potential land instability, flooding inundation and tsunami hazard risks apply to the site, all of which are able to be appropriately mitigated as already described above. The proposed subdivision will not create any additional natural hazard risk and any future residential development will be subject to appropriate mitigation measures as recommended by RDCL. These recommendations are proposed to be enforced by way of consent notice conditions in terms of future building development and 224(c) conditions for earthworks in forming the ROW and building platforms to ensure stability and safety.

Section 106(1)(c) requires sufficient legal and physical access to each allotment created by a subdivision. As has been demonstrated above, adequate legal and physical access will be provided to each allotment from a legal road, via ROWs. The design of the proposed access arrangements is supported by the RDCL Geotechnical Engineering and Strata Group Land Development reports.

Accordingly, there is no basis for consent to this subdivision to be refused under section 106 of the RMA.

## **6.9 PART 2 OF THE RMA**

As required by Schedule 4, Clause 2(1)(f) of the Act, the following is an assessment against the matters set out in Part 2. It is noted that case law in the Court of Appeal decision on *RJ Davidson Family Trust v Marlborough District Council CA97/2017 (2018) NZCA 316* determined that:

*“If a plan that has been competently prepared under the Act it may be that in many cases the consent authority will feel assured in taking the view that there is no need to refer to pt 2 because doing so would not add anything to the evaluative exercise. Absent such assurance, or if in doubt, it will be appropriate and necessary to do so. That is the implication of the words “subject to Part 2” in s 104(1), the statement of the Act’s purpose in s 5, and the mandatory, albeit general, language of ss 6, 7 and 8.”*

This decision confirms that it can be appropriate to consider Part 2 when assessing a resource consent. However, in this instance, the proposed subdivision is a discretionary activity under both the Operative District Plan and Proposed District Plan, both of which provide appropriate objectives, policies and assessment criteria for consideration of the application, along with the relevant provisions of the NZCPS, RPS and Proposed District Plan. In this circumstance, it is considered that assessment against Part 2 would ‘not add anything to the evaluative exercise’.

## 7. NOTIFICATION

### 7.1 PUBLIC NOTIFICATION (SECTION 95A)

Whether the application should be notified has been assessed as follows, according to Section 95A of the RMA:

#### *Step 1 – Mandatory Public Notification in Certain Circumstances*

- The applicant does not request public notification of the application (Section 95A(3)(a));
- Public notification is not required under section 95C (Section 95A(3)(b)); and
- The application does not include an exchange of recreation reserve land (Section 95A(3)(c).
- Step 2 – Public Notification Precluded in Certain Circumstances
- Public notification is not precluded by any rule or national environmental standard (Section 95A(5)(a)); and
- The proposal is for a discretionary activity, but not a boundary activity.
- Step 3 – Public Notification Required in Certain Circumstances
- Public notification is not required by any rule or national environmental standard (Section 95A(8)(a)); and
- For the reasons set out in Section 5 of this AEE, the activity is not likely to have adverse effects on the environment that are more than minor in accordance with Section 95A(8)(b).
- Step 4 – Public Notification in Special Circumstances
- In considering whether special circumstances apply to warrant notification of an application, it is noted that special circumstances:
  - Are unusual or exceptional but may be less than extraordinary or unique; and
  - Unlikely to be justified where there is no evidence of adverse effects likely to arise from an activity.
    - The application is not unusual or exceptional. The proposal is for an activity that can be reasonably expected to occur in the rural environment under the Operative District Plan and has been proposed in a manner that avoids or mitigates potential adverse effects on the environment. Accordingly, there are no special circumstances in relation to this application.
    - Therefore, having considered Steps 1 - 4, public notification of the resource consent application is not required.

## 7.2 LIMITED NOTIFICATION (SECTION 95B)

Section 95B(1) of the RMA requires a consent authority to determine whether to give limited notification of a resource consent application if an application is not publicly notified under section 95A of the Act. This has been considered according to Section 95B of the RMA as follows:

*Step 1 – Certain Affected Groups and Affected Persons must be Notified:*

- Limited notification is not required under Step 1 as the activity does not affect customary rights groups or customary marine title groups or a statutory acknowledgement (albeit that the site is located within the wider area of interest of Heretaunga-Tamatea (OTS 110-01).
- Step 2 – If not required by Step 1, Limited Notification Precluded in Certain Circumstances:
  - Limited notification is not precluded by any rule or national environmental standard (Section 95B(6)(a)); and
  - Limited notification is not precluded as the application is not for a controlled activity (Section 95B(6)(b)).
- Step 3 – If not precluded by Step 2, Certain other Affected Persons must be Notified:
  - The activity is not a boundary activity; and
  - The activity, therefore, falls into the ‘any other activity’ category and the effects of the proposal on any persons are assessed in accordance with Section 95E below to determine if limited notification is required.

## 7.3 ASSESSMENT OF EFFECTS ON PERSONS (S95E)

In accordance with section 95E of the RMA, a person is an affected person if the activity’s adverse effects on the person are minor or more than minor (but not less than minor).

The proposal will not have adverse effects on any person that are more than minor given that the proposal will be located within a zone (Rural) which anticipates this type of activity via discretionary activity resource consent and as the potential adverse effects from the location within an area of known instability hazard, coastal environment, and archaeological sites, are able to be appropriately avoided, remedied or mitigated.

Nevertheless, the Applicant understands that the Okura Road residents have an interest in this application as it will give rise to new lifestyle residential development on the slopes behind them. If the Council determines that potential adverse effects on the closest of those residents are at least minor, then the Applicant is accepting of limited notification to those people on which adverse effects may be minor.

#### **7.4 NOTIFICATION SUMMARY**

Given the assessment above, it is requested that the resource consent application be processed without public notification, but limited notification to those Okura Road residents on whom the Council considers the effects threshold of 'minor' is reached, is accepted.

## 8. CONCLUSION

The applicant is the owner of approximately 111.9 hectares of rural zoned land in Mangakuri, Hawke's Bay and is seeking to subdivide its existing property to create 8 rural lifestyle lots, 2 farming balance lots and an additional lot to be amalgamated with a neighbouring property for the purposes of a boundary adjustment.

This subdivision proposal is assessed as having the status of a **discretionary activity**.

The actual and potential effects associated with the proposed subdivision have been considered in accordance with section 104(1)(a) of the RMA. Overall, it is concluded that subject to the imposition of conditions, any adverse effects associated with the proposed subdivision will be appropriately avoided, remedied, or mitigated such that they will be no more than minor, and indeed the proposal will positively enhance the natural character of the coastal environment in this area.

The proposed subdivision has been assessed to be generally consistent with the relevant objectives and policies of the NZCPS, RPS, Operative District Plan and Proposed District Plan, in accordance with section 104(1)(b) of the RMA.

Accordingly, it is considered that the proposal is consistent with the purpose of the RMA and that there are no reasons why resource consent should not be granted.