

**ASSESSMENT OF EFFECTS ON THE
ENVIRONMENT**

**Application For Subdivision Consent
PUNAWAITAI RD, POURERERE
(STAGE 3)**

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SUMMARY OF APPLICATION

APPLICANT	James Bridge
PROPOSED ACTIVITY	To subdivide part of a 382.048 hectare parcel of land in the Rural Zone to create 48 residential allotments, 3 shared open space allotments, 1 utility lot, and a balance area (as shown in the plans contained in Appendix 3)
SITE LOCATION	Punawaitai Road, Pourerere
LEGAL DESCRIPTION	Lot 2 of the subdivision of Lot 1 DP 27067 (RT: HBW3/400)
OWNER	Jacqueline Bridge and John William Bridge
OTHER RESOURCE CONSENTS	No additional resource consents are needed for the proposed subdivision
ZONING	Rural
POLICY AREAS / OVERLAYS	None
ACTIVITY CATEGORY	Discretionary Activity
ASSESSMENT OF ENVIRONMENTAL EFFECT	This assessment of environmental effects is prepared in accordance with the Schedule 4 of the Resource Management Act 1991 in the detail that corresponds with the scale and significance of the effects the proposed subdivision will have on the environment.
ATTACHED INFORMATION	<p>This assessment of environmental effects contains all of the information required by the District Plan and the RMA, including information that is sufficient to adequately define:</p> <ul style="list-style-type: none"> (a) The position of all proposed new boundaries; (b) The area of each proposed new allotment; (c) The location of land to be used for access. <p>No reserves, esplanade reserves, esplanade strips, public access strips or public roads are proposed to be created.</p>

TABLE OF CONTENTS

1.	INTRODUCTION	1
2.	THE LAND	1
2.1	LEGAL DESCRIPTION	1
2.2	SUBDIVISION STAGING	2
2.3	REGISTERED INTERESTS	2
3.	SITE DESCRIPTION	3
3.1	LOCATION & ZONING.....	3
3.2	TOPOGRAPHY & NATURAL FEATURES.....	3
3.3	BUILT DEVELOPMENT.....	4
3.4	UTILITY SERVICES	4
4.	PROPOSAL	5
4.1	PROPOSED SUBDIVISION LAYOUT AND STAGING	5
5.	SERVICES & INFRASTRUCTURE.....	6
5.1	VEHICLE ACCESS	6
5.2	WATER	7
5.3	WASTE WATER.....	7
5.4	STORMWATER	8
5.5	ELECTRICITY	8
6.	ASSESSMENT OF EFFECTS	8
6.1	EFFECTS PERMITTED BY THE DISTRICT PLAN.....	8
6.2	POTENTIAL EFFECTS.....	10
6.3	VISUAL EFFECTS.....	10
6.4	INFRASTRUCTURE SERVICES.....	11
6.5	TRAFFIC	11
6.6	NATURAL HAZARDS	12
6.7	REVERSE SENSITIVITY	12
6.8	PRECEDENT.....	14
7.	CONSULTATION	14
8.	DISTRICT PLAN ASSESSMENT	14

8.1	OPERATIVE CENTRAL HAWKE’S BAY DISTRICT PLAN	14
8.2	NON-COMPLIANCE – MINIMUM LOT SIZE	15
8.3	NON-COMPLIANCES – VEHICLE ACCESS	15
8.4	OBJECTIVES AND POLICIES.....	16
8.5	ASSESSMENT CRITERIA	21
8.6	PROPOSED CENTRAL HAWKE’S BAY DISTRICT PLAN	21
9.	REGIONAL POLICY STATEMENT.....	22
10.	NATIONAL ENVIRONMENTAL STANDARDS	23
10.1	NES FOR ASSESSING AND MANAGING CONTAMINANTS IN SOIL TO PROTECT HUMAN HEALTH	23
10.2	NES FOR FRESHWATER	23
11.	OTHER MATTERS	24
11.1	HERETAUNGA PLAINS URBAN DEVELOPMENT STRATEGY.....	24
12.	RESOURCE MANAGEMENT ACT 1991.....	25
12.1	PART II – PURPOSE AND PRINCIPLES	25
12.2	SECTION 95 – NOTIFICATION	27
12.3	SECTION 104 CONSIDERATIONS.....	28
13.	CONCLUSION	29
APPENDIX 1	PLANNING MAP	
APPENDIX 2	RECORD OF TITLE	
APPENDIX 3	APPLICATION PLANS	
APPENDIX 4	DISTRICT PLAN ASSESSMENT	
APPENDIX 5	LANDSCAPE ASSESSMENT	
APPENDIX 6	TRANSPORT IMPACT ASSESSMENT	
APPENDIX 7	INFRASTRUCTURE REPORT INCLUDING GEOTECHNICAL REPORT	
APPENDIX 8	HAZARD REPORT	
APPENDIX 9	WRITTEN APPROVAL	
APPENDIX 10	PROPOSED DISTRICT PLAN: OBJECTIVES & POLICIES ASSESSMENT	

1. INTRODUCTION

- 1.0.1 This application for subdivision consent is made pursuant to Section 88 of the Resource Management Act 1991 (the Act). This report and supporting information provides an assessment of effects on the environment, prepared in accordance with Schedule 4 of the Act and provides all of the information required by Section 2.1.3 of the District Plan.
- 1.0.2 The property is located within the Rural Zone of the Central Hawkes Bay District Plan. The proposal involves undertaking subdivision for the purpose of creating 48 additional lots for residential use, and associated shared open space from one existing Record of Title. The proposed subdivision is detailed on the Application Plans attached as Appendix 3 of this report.
- 1.0.3 Under District Plan Rule 9.9.3, subdivision for the purpose of creating additional allotments within the Rural Zone is provided for as a Controlled Activity, provided that the relevant standards and terms for subdivision and land development within the zone are met.
- 1.0.4 The proposed subdivision is unable to comply with all relevant performance standards. Specifically, the proposed lots do not comply with the minimum lot area of 4000m², and private vehicle access is proposed to serve the new lots. The subdivision is therefore required to be considered as a Discretionary Activity under Rule 9.9.4.
- 1.0.5 Overall, any actual or potential adverse environmental effects that may result from Council granting consent to this application will be no more than minor.

2. THE LAND

2.1 Legal Description

- 2.1.1 The land proposed to be subdivided is currently recognised as Lot 1 DP 27067, held in record of title RT HBW3/400, and is 382.2048 ha in size. A copy of RT HBW3/400 is attached as Appendix 2.
- 2.1.2 Subdivision RM180160 and RM180160A authorised the subdivision of Lot 1 DP27067 to create 20 allotments for residential development and a 377 hectare balance area. The subdivision shown in Appendix 3 proposes to subdivide part of that 377 hectare balance area.

2.2 Subdivision Staging

2.2.1 The overall subdivision is being undertaken in stages. An application for s223/s224 certification for the first stage of RM180160 is expected to be lodged with Council within the next month.

2.2.2 It is intended that the subdivision approved under resource consent RM180160A will be completed before the subdivision proposed under the current application. The proposed staging is as follows:

Stage A (authorised by RM180160A):

- Lot 1 – 5.87 ha
- A balance area

Stage 1 (authorised by RM180160 & RM180160A):

- Lots 1 to 6 (various areas suitable for residential development)
- Lot 7 – 4952 m² (communal open space)
- Lot 100 – approximately 380.3737 ha (balance area)

Stage 2 (authorised by RM180160 & RM180160A):

- Lots 8 to 21 (14 allotments of various areas suitable for residential development)
- Lot 200 – approximately 377.0233 ha (balance area)

Stage 3 (this current application – shown in Appendix 3):

- 47 allotments (Lots 1 to 14, 16, 17, 19 to 21 and 23 to 50 having areas between 1800m² and 2400m² suitable for residential development)
- Lot 22 – 2 ha, part of which contains a house site and part of which is intended to be divided into paddocks to be available for lease by owners of the 47 other residential lots for the grazing of horses.
- Lot 15 – 2711m² (which will contain the stormwater detention and treatment area serving Stage 3)
- Lot 18 - 5352m² (shared open space)
- Lot 51 - 1.33 ha (shared open space)
- Lot 52 - 1.74 ha (shared open space)
- Lots 53 and 54 (shared access)
- Lot 60 – approximately 358 ha (balance area)

2.3 Registered Interests

2.3.1 The following interests are registered on RT HBW3/400:

- Rights of way or other rights created by Deed of Covenant 35631: This relates to rights of way over land in the vicinity of the Huatokitoki Stream and Waiwhero Creek, neither of which is located in the vicinity of the subject site.

- A right to construct and maintain a telephone line and other rights created by Transfer 16822: As the rights relate to rights over another property in favour of the applicants, the current application will not be affected by this interest.
- Transfer 36467 - relating to water rights (if any): It is not clear from the transfer document whether these relate to the subject site. If required, these will be provided for on the new title to issue for the balance lot. This will be determined by the applicant's solicitor prior to s.223 application.
- Transfer 699838.1: This provides for a right of way over part of Lot 1 DP 27064, and a right of way over part of the subject site in favour of Lot 1 DP 27064. This easement is continued in the current proposal (shown as Easement B on the application plans).
- 8337764.5 Easement Instrument creating a Forestry Right under the Forestry Rights Registration Act 1983 to Pourerere Station Limited for a term of 30 years from 25.11.2009: This relates to an area of forest located in the northern part of the subject site that is unaffected by this proposed subdivision.

2.3.2 There are no interests registered on the subject titles which would affect, or be affected by, the proposed subdivision.

3. SITE DESCRIPTION

3.1 Location & Zoning

3.1.1 The subject site is located to the east of Punawaitai Road, and abuts the Pourerere Stream and the coast (South Pacific Ocean). On completion of RM180160, the site will have an estimated total area of 377.02 ha (actual area to be confirmed by survey).

3.1.2 The site and surrounding land is zoned Rural under the Operative Central Hawke's Bay District Plan and General Rural under the proposed District Plan.

3.1.3 Punawaitai Road is currently an unformed Council road (currently formed to right of way standard), and will be upgraded to sealed road standard in accordance with the conditions of resource consent RM180160 prior to the proposed subdivision being completed.

3.1.4 Part of the site, outside the proposed subdivision area, is located within the Coastal Margin Area shown on the planning maps of the Operative District Plan. Part of the site, including the proposed subdivision, area is located within the Coastal Environment shown on the planning maps of the proposed District Plan.

3.2 Topography & Natural Features

3.2.1 The ground level in the vicinity of the proposed new lots is generally flat. The development area is located adjacent to the Makurapata Stream, as illustrated in Figure 1:



Figure 1: Proposed Development Area

3.3 Built Development

3.3.1 The wider landholding contains several existing farm sheds, all located outside the area proposed to be subdivided for residential development.

3.4 Utility Services

3.4.1 There are no existing Council services in the vicinity of the site.

4. PROPOSAL

4.1 Proposed Subdivision Layout and Staging

4.1.1 The proposal is to subdivide the land to create 48 fee simple titles for residential development, 3 allotments for use as communal open space, two access allotments, one utility allotment (for stormwater disposal) and a balance farm allotment. The subdivision is proposed to be undertaken in three stages. The proposed subdivision layout is illustrated on the Application Plans (attached as Appendix 3).

4.1.2 The proposed lots will have the following land areas, subject to final field survey:

Stage 3A

- Lot 100 – 18.25 ha
- Lot 60 – 358.77 ha²

Stage 3B

- | | | |
|------------------------------|-------------------------------|-------------------------------|
| ▪ Lot 1 – 2122m ² | ▪ Lot 10 – 2084m ² | ▪ Lot 18 – 5352m ² |
| ▪ Lot 2 – 1886m ² | ▪ Lot 11 – 2232m ² | (shared open space) |
| ▪ Lot 3 – 1849m ² | ▪ Lot 12 – 2122m ² | ▪ Lot 53 – 6545m ² |
| ▪ Lot 4 – 1850m ² | ▪ Lot 13 – 1976m ² | (shared access) |
| ▪ Lot 5 – 2294m ² | ▪ Lot 14 – 2060m ² | ▪ Lot 200 – 13.50 ha |
| ▪ Lot 6 – 2314m ² | ▪ Lot 15 – 2711m ² | |
| ▪ Lot 7 – 2016m ² | (Utility lot – SW) | |
| ▪ Lot 8 – 1957m ² | ▪ Lot 16 – 1945m ² | |
| ▪ Lot 9 – 2071m ² | ▪ Lot 17 – 2021m ² | |

Stage 3C

- | | | |
|-------------------------------|-------------------------------|-------------------------------|
| ▪ Lot 19 – 5839m ² | ▪ Lot 32 – 2390m ² | ▪ Lot 45 - 1809m ² |
| ▪ Lot 20 – 5684m ² | ▪ Lot 33 – 2092m ² | ▪ Lot 46 - 1875m ² |
| ▪ Lot 21 – 3530m ² | ▪ Lot 34 – 1808m ² | ▪ Lot 47 - 1835m ² |
| ▪ Lot 22 – 2.00 ha | ▪ Lot 35 – 1910m ² | ▪ Lot 48 – 1808m ² |
| ▪ Lot 23 – 2163m ² | ▪ Lot 36 – 1947m ² | ▪ Lot 49 – 1861m ² |
| ▪ Lot 24 – 1908m ² | ▪ Lot 37 – 2054m ² | ▪ Lot 50 – 1965m ² |
| ▪ Lot 25 – 2135m ² | ▪ Lot 38 – 2011m ² | ▪ Lot 51 – 1.33 ha |
| ▪ Lot 26 – 2029m ² | ▪ Lot 39 – 1874m ² | (shared open space) |
| ▪ Lot 27 – 2160m ² | ▪ Lot 40 – 2106m ² | ▪ Lot 52 – 1.74 ha |
| ▪ Lot 28 – 1940m ² | ▪ Lot 41 – 1955m ² | (shared open space) |
| ▪ Lot 29 – 1940m ² | ▪ Lot 42 – 1839m ² | ▪ Lot 54 – 1.37 ha |
| ▪ Lot 30 – 2429m ² | ▪ Lot 43 – 1815m ² | (shared access) |
| ▪ Lot 31 – 2233m ² | ▪ Lot 44 - 1802m ² | |

- 4.1.4 All proposed residential lots are located outside the Coastal Margin Area shown on the Operative District Plan map.
- 4.1.5 Lots 1-14, 16, 17, 19-21 and 23 - 50 are intended for future residential development. Lot 22 is intended to be divided into paddocks to be available for lease by the owners of Lots 1-14, 16, 17, 19-21 and 23 – 50. In the event that there is a lack of demand for leased paddocks, Lot 22 will be capable of being developed for residential use, and therefore has been considered a residential lot for the purposes of the assessment of the potential effects associated with the proposed subdivision. Lots 18, 51 and 52 are intended to be used as communal open space. Lot 15 is intended to be used for stormwater detention and treatment to serve this Stage 3 subdivision. It is anticipated that these lots will be held in separate titles, to be owned by an Incorporated Society to be established. It is proposed that each of the owners of the new lots will be required to be a member of the society, and that the society will control and manage the communal facilities, including the open space areas and rights of way.
- 4.1.6 It is intended that the communal open space areas will be developed by the Incorporated Society for recreational activities in the future in accordance with the permitted activity standards of the District Plan.

5. SERVICES & INFRASTRUCTURE

5.1 Vehicle Access

- 5.1.1 Access to all lots will be obtained via Punawaitai Road and the new right of way access to be constructed in association with subdivision consent RM180160. New shared private vehicle access will be provided within the development area (Lots 53 and 54 shown on the Application Plans attached as Appendix 3). As with the approved subdivision, the land over which vehicle access is to be provided to the new lots will remain with the balance farm title, with rights of way to be created to provide legal and physical access to each of the proposed residential sites and shared communal open spaces.
- 5.1.2 Works are proposed to be undertaken at each stage of the subdivision to ensure appropriate access is provided to accommodate anticipated development, as detailed below. The vehicle access to the proposed lots will also provide for farm access through the development primarily for the purpose of access to the shared open spaces, with separate farm access also available to the northwest of the development area (adjacent to proposed Lots 19-22).

Stage 3A

- 5.1.3 Access to Stage 3A will be provided via a new right of way easement over the rights of way to be created on completion of subdivision consent RM180160 (Easements B, C, D and E). An additional right of way easement (A) will also be required to

provide access from the end of the right of way required to be formed at Stage 2 of subdivision RM180160 & RM180160A through to the boundary of the new lot (Lot 100). All rights of way will have a legal width of at least 15m (with the exception of the area in the vicinity of the stream crossing), and will be formed with a minimum width of 6.2m (noting that at this stage the minimum required formation will be 3.5m). A turning area will be available at the end of ROW E.

- 5.1.4 There is an existing bridge within ROW B over a small stream which feeds into the Pourerere Stream. This bridge is currently being upgraded as part of the work required under subdivision consent RM180160. The crossing is being constructed as a one-way bridge, with dedicated pedestrian access to ensure that safe and efficient vehicle and pedestrian access is provided to the site.

Stage 3B

- 5.1.5 To provide access to the additional lots to be created at Stage 3B, a right of way (Easement E) will be created with a legal width of at least 15m and formed width of 6.2m. A turning area will be available within this ROW between Lots 4 and 5.

Stage 3C

- 5.1.6 To provide access to the additional lots to be created at Stage 3C, an additional right of way (Easement F) will be created with a legal width of at least 15m and formed width of 6.2m. ROW F will provide a 'ring road' within the development area, avoiding the need for a dedicated turning area. Turning will however also be available where the two arms of the right of way meet beside Lots 33, 45 & 46.

5.2 Water

- 5.2.1 Each of the lots is proposed to be provided with an independent on-site water supply (anticipated to be via roof collection to rain tanks) at the time of development by future owners. Easements are also proposed with the rights of way to provide for future communal water supply services to each of the lots if required.

5.3 Waste Water

- 5.3.1 All lots are of sufficient size to accommodate on-site effluent disposal as a permitted activity under the provisions of the Hawke's Bay Regional Council's Coastal Environment Plan. Specifically, all lots exceed 1800m² in area, being the minimum area generally required for on-site effluent disposal from a three-bedroom dwelling as a permitted activity. Lots 19, 20 and 22 have areas greater than 4000m², being the minimum lot size required for controlled activity subdivision within the Rural Zone. The proposed lots are therefore suitable to accommodate a range of housing options as a permitted activity.

5.4 Stormwater

5.4.1 Surface water from the proposed new rights of way will be managed in accordance with the stormwater system outlined in the Infrastructure Report prepared by Fraser Thomas Limited (attached as Appendix 7), and will consist of the following elements:

- Stormwater dry detention basin sized to attenuate the 2, 10 and 100 year with CC rainfall event to below pre-development levels and provide 24 hours of attenuation for the extended detention volume and therefore to provide for stream erosion mitigation.
- Roadside planted swales to provide water quality treatment and conveyance of the 10 and 100 year with climate change rainfall event to the proposed detention basin.

5.4.2 It is anticipated that stormwater from future buildings will be collected to rain tanks for water supply, with stormwater from additional hard surfaces managed on site via conventional dispersal devices onto lawns and gardens.

5.4.3 All stormwater from the site will be capable of being disposed of as a permitted activity in accordance with Rule 23 of the Hawke's Bay Regional Coastal Environment Plan.

5.5 Electricity

5.5.1 Underground electricity services are being provided to the site in association with the construction works currently being undertaken to give effect to subdivision consent RM180160. These services will be extended within the new rights of way to be created to provide services to the proposed additional sites.

6. ASSESSMENT OF EFFECTS

6.1 Effects Permitted by the District Plan

6.1.1 While there is no permitted baseline for subdivision in the Central Hawke's Bay District Plan, it is relevant to consider the types of land use change permitted by the Plan, and the effects of land use activities permitted by the Plan. Sections 95E and 104 (2) provide that, when forming an opinion as to the effects of a proposal, a consent authority may disregard an adverse effect of the proposed activity if the Plan permits an activity with that effect.

6.1.2 Under the Central Hawke's Bay District Plan the following activities are listed permitted activities on this site:

- Community activities
- Service activities
- Commercial activities

- Residential activities
- Visitor accommodation
- Gravel extraction
- Factory farming

6.1.3 The above activities would be subject to the following bulk and location requirements:

- Maximum site coverage – 7% of the site area;
- Maximum building height – 10m;
- Road setback – 5m residential; 20m other buildings;
- Internal boundary setback – 5m residential; 10m other buildings.

6.1.4 The available balance area of the site is approximately 377 ha, and this could be developed with additional farm buildings or buildings associated with the above permitted activities (or a combination of these activities) covering up to approximately 26 ha. It is accepted that it is unlikely that the steeper hill parts of the property would be considered for development of large buildings. However, the relevant point is that the Plan permits built development, with very few limitations, on the flat land shown in Appendix 3 that is proposed to be subdivided.

6.1.5 The site therefore has potential to be more intensively developed as a permitted activity under the operative District Plan, including for residential development involving multiple residential dwellings. The permitted activity rules do not limit the number of dwellings that may be built on a site. 48 dwellings (or more) could comfortably fit within the land area of the proposed Stage 3 subdivision in compliance with the relevant bulk and location requirements. A certificate of compliance could be obtained to establish 48 dwellings on the subject site. The relevant point is that the Plan permits the effects of multiple dwellings on the Stage 3 land parcel, at a similar density to that proposed by this application.

6.1.6 It is also relevant to consider the level of subdivision that can be undertaken as a Controlled Activity on the subject site. The proposed Stage 3 development area has a total area of 18.25 ha and 16.23 ha net of shared access allotments. The Plan provides for the subdivision of 40 residential sites (i.e. 40 future dwellings) as a controlled activity (which cannot be declined). The proposal will create only eight more (48 lots for residential development). The overall density of the proposed subdivision is therefore broadly equivalent to the density provided for (anticipated) by the Operative District Plan. Although the effects of a subdivision creating 48 residential allotments is not strictly 'permitted' by the Plan, it is interesting to note that the Plan expressly provides for, and does not retain a discretion to decline consent for, a subdivision that would enable the development of 40 dwellings within the Stage 3 land parcel. In this respect it is relevant, when considering the effects of future buildings on the proposed 48-lot subdivision, that the Plan provides for a similar density of subdivision (40 sites) and would permit dwellings (and the visual

and landscape effects of future dwellings) on potentially 40 sites within the Stage 3 land parcel.

6.2 Potential Effects

6.2.1 The following potential adverse effects have been identified in relation to the proposed subdivision, and are discussed below:

- Visual effects on rural landscape character, natural character and visual amenity values of nearby properties and the Pourerere settlement
- Infrastructure services
- Traffic
- Natural Hazards
- Reverse Sensitivity
- Potential precedent
- Stormwater

6.3 Visual Effects

6.3.1 Visual effects are assessed in the report prepared by Hudson Associates (contained in Appendix 5). The Hudson Associates report concludes that, overall, the proposed subdivision is appropriate in its landscape setting. In particular, the report finds¹ that:

Landscape Character: The existing landscape character of the broader context (including Pourerere settlement) has moderate-high values and the proposed subdivision will have low effects on broader landscape character. The existing character of the immediate locality has moderate values and the proposed subdivision will have low-moderate adverse effects on these localised landscape character values.

Natural Character: The existing broader context has moderate-high natural character values and the proposed subdivision will have very low effects on broader natural character. The immediate vicinity of the proposed subdivision has low-

¹ Tables 6 to 9 on page 37 of the Hudson Associates Landscape Assessment

moderate natural character values and the proposal will have very low effects on localised natural character values.

Visual Amenity Values: The existing environment, including Pourerere and nearby properties, has low or low-moderate visual amenity values and the proposed subdivision will have low-moderate adverse effects on visual amenity values and low cumulative effects for visual amenity².

- 6.3.1 The report includes an explanation of the assessment methodology and the seven-point scale used to measure landscape effects. Table 2 of the report explains that the landscape assessment scale uses slightly different terminology compared with RMA terminology. The finding of 'low-moderate' effect, referred to above, translates as minor adverse effects. The finding of 'low' effect translates as less than minor adverse effects and the finding of 'very low' effect translates as less than minor adverse effects. In these terms, the Hudson Associates assessment is that the proposal will have no more than minor adverse effects on landscape character and on visual amenity values and will have less than minor effects on natural character.

6.4 Infrastructure Services

- 6.4.1 The site is located in a Rural area. Each lot is proposed to be serviced by an on-site effluent disposal system and water supply to be established at the time of development. The vehicle access within the subject site is proposed to remain private access, with the formation of the existing Council Road providing access to the site to be upgraded by the applicants in association with a previously approved development. Accordingly, no adverse effects on Council infrastructure are anticipated in association with the proposed subdivision. Each allotment intended for residential development is of a size sufficient to accommodate on-site domestic wastewater disposal, in terms of the relevant minimum area standard specified by Rule 28 of the Hawke's Bay Regional Coastal Environment Plan.

6.5 Traffic

- 6.5.1 The proposed subdivision will result in the creation of 48 lots intended for residential development. While the site is of sufficient size to accommodate 48

² Page 37 of the Hudson Associates Landscape and Visual Assessment

dwellings as a permitted activity, the existing access leg to the site is of insufficient width to accommodate the required 15m legal access and 6.2m formation where more than 10 lots are being provided with access. To ensure safe and practical access is provided to the new lots, the applicants are establishing a one-way bridge (similar to those located along Pourerere Road between the site and Waipawa township) between Punawaitai Road and the proposed new lots, with a dedicated pedestrian walkway providing separate vehicle and pedestrian access to the site. A Transport Impact Assessment (TIA) has been prepared by Urban Connection and is attached as Appendix 6.

- 6.5.2 The TIA concludes that any effects of the proposed subdivision associated with traffic will be no more than minor, and recommends that the designer ensures that the internal layout and design of the new vehicle access within the proposed development area should be in accordance with NZS4404:2010 and Section 8.5.2 and 9.10 of the CHBDC District Plan.

6.6 Natural Hazards

- 6.6.1 The Hawke's Bay Natural Hazard Property Report for the site is attached as Appendix 8.
- 6.6.2 The hazard report indicates that the risk of liquefaction damage is uncertain, and therefore should be treated as high risk until assessed otherwise. The Engineering Assessment attached as Appendix 7 includes an assessment of the liquefaction risk in the vicinity of the proposed lots, and concludes that the risk is very low to low.
- 6.6.3 Part of the larger landholding is affected by the Regional Council's Coastal Hazard Zones. The proposed lots are located well clear of these identified areas.
- 6.6.4 The proposed lots may be at risk of inundation from a 'near source' tsunami associated with a large local earthquake off the coast (with an estimated recurrence interval of 2,500 years), similar to the existing lowland areas within the Pourerere coastal community. Given the length of the recurrence interval, the risk to future owners / occupiers is considered low. Further, HBRC manage risks associated with Coastal Hazards through the use of Hazard Zones, and associated development restrictions, in areas of high risk. The area containing the proposed new lots is not identified as being subject to any such restrictions.
- 6.6.5 The risk to future owners/occupiers of the site associated with potential natural hazards is assessed as less than minor.

6.7 Reverse Sensitivity

- 6.7.1 The potential for reverse sensitivity effects on neighbouring properties will be mitigated by the separation of the proposed new lots from the surrounding rural

properties. The closest existing neighbouring property boundary (with 23 Punawaitai Road and Lot 3 DP 338769) will be approximately 15m from the rear boundaries of Lots 19 -22. Rule 4.9.5 permits residential dwellings to be located as close as 5m from site boundaries. In this respect, the Plan does not impose any particular restrictions to limit the potential for reverse sensitivity effects that could be created by locating residential dwellings close to boundaries with farming (and other) activities. The proposed residential sites are separated from adjoining (farm) properties by the 15m-wide access lane or the wider width of the Lot 18 and Lot 52 shared open spaces. The required boundary setback distances applied to the proposed allotments mean that all new residential buildings on the proposed allotments will be a minimum of 5m + the 15m = 20m from the external boundary with adjoining farm properties (and many will be much further distant). It is also notable that the three of the four proposed allotments that will be closest to nearby properties to the west (Lots 19, 20 and 22) are all larger than 4000m² in area. Also, Lot 22 is intended to be developed as a residential section but with space available to be leased to other allotment owners for the grazing of horses. As such, Lot 22 will provide an effective buffer of rural activities. These allotments comply with the minimum area requirement and could proceed as a controlled activity (subject to meeting other standards). Accordingly, the risk of reverse sensitivity effects in relation to these proposed allotments is considered to be neutral in terms of the effects permitted by the Plan. Also, the size of these allotments allows considerable flexibility for future owners to provide increased separation or screening from adjoining rural activities.

- 6.7.2 However, as an added measure, the applicant suggests that a ‘no complaints’ covenant is registered on the new titles. The suggesting wording of the covenant is as follows:

The property is located in a productive rural area where agricultural management practices such as agrochemical spraying, use of farm machinery, the operation of bird scarers, stock crossing Punawaitai Road/bridge and other similar activities occur. The owners/occupiers of the property will not bring any proceedings for damages, negligence, nuisance, trespass or interference arising from the agricultural management practices of land in the general vicinity nor:

- (i) make nor lodge; nor*
- (ii) be party to; nor*
- (iii) finance nor contribute to the cost of any application, proceeding or appeal (either pursuant to the Resource Management Act or otherwise) designed or intended to limit, prohibit or restrict the continuation of operations or any rural activity on land in the general vicinity, including without limitation any action to require the registered owner or occupier of the land to modify the rural operations carried out on the land.*

- 6.7.3 The applicant suggests that the above covenant be imposed as a consent notice on the titles issued for the proposed allotments. Council has previously indicated a

preference to not impose such conditions. However, the applicant volunteers the above condition on an 'augier' basis and will (anyway) impose it as a private covenant on the titles to the allotments, in relation to potential reverse sensitivity in relation to the applicant's own farming activities.

6.7.4 The applicant also acknowledges concerns raised previously by neighbouring landowners regarding potential conflict associated with the use of Punawaitai Road for stock movements. The covenant suggested above specifically refers to permitted stock movements to ensure that future owners of the sites are aware of this activity.

6.7.5 With future owners of the sites being fully informed about the range of permitted activities that can be undertaken on the surrounding farmland, the potential reverse sensitivity effects associated with the proposed subdivision are considered to be less than minor.

6.8 Precedent

6.8.1 The proposed subdivision is a discretionary activity under the District Plan. The Plan provides for (i.e. contemplates the possibility of) applications for subdivision that do not meet the controlled activity standards. In this context, there can be no issue of 'precedent' as the proposal does not challenge the integrity of framework of the Plan.

7. CONSULTATION

7.1.1 The draft application plan has been provided to the trustees of the Pouterere Hapu. Their written approval has been obtained and is attached as Appendix 9.

8. DISTRICT PLAN ASSESSMENT

8.1 Operative Central Hawke's Bay District Plan

8.1.1 The Central Hawke's Bay District Plan provides for subdivision for the purpose of creating additional allotments in the Rural Zone as a Controlled Activity, provided the relevant standards and terms are met.

8.1.2 An assessment of the proposed activity against the provisions of the District Plan is contained in Appendix 4. The proposed activity does not comply with the following standards for subdivision and development within the Rural Zone:

- *Rule 9.10(a) – requiring a minimum lot size of 4000m²;*
- *Rule 9.10(g)(v) – requiring that vehicle access to a road serving more than 10 properties be directly to a road.*

- *Rule 9.10(i) – requiring that new roads serving greater than 10 lots be vested in Council, and that private roads have a minimum legal width of 15m, and formed width of 6.2m.*

As a result of the above non-compliances, the application must be considered as a Discretionary Activity under Rule 9.9.4.

8.2 Non-compliance – Minimum lot size

- 8.2.1 The size of the proposed lots has been reduced to allow for the creation of large areas of communal open space (3.61 ha in total) to provide open space for recreational use while minimising the impact on the ongoing productive farming activities on the balance land.
- 8.2.2 The proposed subdivision layout will further minimise the impact of the subdivision on the ongoing productive use of the balance farm by minimising the total area to be converted from rural to residential use.
- 8.2.3 The average size of lots created within the development area will be 3802m². As earlier explained, this assessment finds that the intensity of the proposed subdivision remains broadly similar to the density provided for by the controlled activity subdivision provisions for this site.
- 8.2.4 The effects of the proposed subdivision on the character and amenity of the surrounding area have been considered under Section 6.2 above. This assessment concludes that the effects of the reduced lot sizes will be minor or less than minor in absolute terms. Bearing in mind the effects of subdivision and built development that are permitted by the Plan, these effects can be considered to be less than minor.

8.3 Non-compliances – Vehicle Access

- 8.3.1 The applicant proposes to provide private vehicle access to the new lots from the end of the existing legal road (Punawaitai Road). The minimum width requirements are unable to be achieved in the vicinity of a stream passing through the existing access leg to the site. A one-lane bridge is being established in this location in accordance with the conditions of subdivision consent RM180160. The use of a one-lane bridge is consistent with the established road environment between Waipawa and Pouterere, with several existing one-way bridges located and safely operating within Pouterere Road. The effects of the proposed vehicle access to the site have been fully considered in Section 6.2 above. The Transport Impact Assessment attached as Appendix 6 confirms that the transport effects of the proposed subdivision will be minor.

8.4 Objectives and Policies

8.4.1 An assessment of the proposed subdivision against a number of the relevant objectives and policies is as below:

Infrastructure Services

9.2.1 Objective 1

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

9.2.2 Policies

1. *To integrate subdivision roading with the existing roading network in an efficient manner which reflects expected traffic levels and the safe and convenient management of vehicles and pedestrians.*
2. *To ensure safe and effective vehicle access (including lighting) to properties in subdivisional developments.*
4. *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 fire fighting requirements.*
5. *To ensure that the provision of any necessary infrastructure for water supply, stormwater control or sewage treatment disposal infrastructure and the upgrading of existing infrastructure is undertaken by subdividers, in recognition of the scale and nature of the anticipated land uses.*
6. *To encourage the retention of natural open waterbodies for stormwater disposal, where safe and practical, and to ensure disposal in a manner which maintains or enhances the quality of surface and ground water, and avoids unplanned inundation of land within the subdivision, adjoining land, or downstream properties.*
7. *To ensure, upon subdivision or development, that anticipated land uses are provided with a means of disposing of sanitary sewage in a manner which is consistent with maintaining public health and which avoids, or mitigates contamination of surface, or groundwater and avoids land instability.*
8. *To ensure upon subdivision or development, that all new lots or buildings are provided with a connection to a reticulated water supply, reticulated public sewerage system, and a reticulated stormwater system, where such adequate reticulated systems are available.*

Comment: The proposed subdivision will achieve Objective 1 and give effect to the relevant policies because:

- Access to the proposed lots will be provided by a private road being an extension of a private road to be created from the end of Punawaitai Road to provide access to the subdivision approved under consents RM180160 and RM180160A. The extension of the private road will therefore integrate with the existing roading network in an efficient manner. The transportation assessment prepared in support of this application confirms that safe and effective vehicle access can be provided to all proposed lots.
- All lots are of sufficient size to accommodate on-site management of water supply, and wastewater and stormwater disposal services in a manner that will not generate any adverse effects on surrounding properties, and in accordance with the permitted activity standards contained within the Hawke’s Bay Regional Council Coastal Environment Plan.

9.3.1 Objective

The costs of the provision of new services or the upgrading of existing services within subdivisions is to be met by the subdividers.

9.3.2 Policies

1. *To require subdividers to meet the costs of upgrading services (including head works), which are attributable to the impacts of the subdivision, including where applicable:*
 - *Roading and access (vehicular, cyclist, pedestrian);*
 - *Water supply;*
 - *Sewage collection, treatment and disposal;*
 - *Stormwater collection, treatment and disposal;*
 - *Trade waste disposal.*
2. *That any contributions be in accordance with the methods or determination specified in the rules.*

Comment: The proposed subdivision is consistent with the above objective and policies because:

- All costs associated with developing the land and providing services will be met by the subdivider and future owners of the allotments. No upgrading of public services will be necessitated.

- Upgrade works along Punawaitai Road to a sealed public road standard are required in association with the subdivision approved under RM180160 and RM180160A, with the full cost of those upgrades to be borne by the consent holder.

Amenity, Cultural and Conservation Values

9.4.1 Objective

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

9.4.2 Policies

- 1. To take the opportunity to protect significant natural features or trees and indigenous vegetation and habitat through the subdivision process.*
- 2. To ensure that works associated with the land subdivision and development avoid or mitigate the adverse impacts on the natural qualities of the environment and on areas of significant nature conservation values.*
- 3. To encourage innovative subdivision design consistent with the maintenance of amenity values.*
- 4. To provide pedestrian and amenity linkages where useful linkages can be achieved or further developed.*
- 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.*
- 6. To promote the protection of waahi tapu and waahi taonga during the subdivision process.*

Comment: The proposal meets the objective and raises no issues in terms of the relevant policies. The landscape assessment report contained in Appendix 5 concludes that the proposed subdivision will have minor adverse effects on existing amenity values. The proposal does not affect any areas of conservation value or waahi tapu and will have a less than minor effect on natural character. The proposed layout includes substantial areas of shared open space that, together with the riparian planting along the stream, will enhance the natural and amenity values of the environment.

Natural Hazards

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.

9.5.2 Policies

1. *To ensure that subdivision is either restricted, subject to mitigation measures, or avoided in areas subject to risk from flooding, subsidence or slippage, earthquake liquefaction and Faultline movement.*
2. *To ensure that mitigation measures do not give rise to unnecessary adverse impacts on the environment.*

Comment: No significant natural hazards have been identified in the vicinity of the site. The proposed subdivision therefore raises no issues in terms of the relevant objective and policies.

Rural Zone Amenity and Quality

4.2.1 Objective – Rural Amenity and Quality of the Environment

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 Policies

1. *To encourage a wide range of land uses and land management practices in the Rural Zone while maintaining rural amenity.*
2. *To require some activities to be setback from property boundaries so as to reduce the probability of neighbouring dwellings being exposed to adverse effects.*
3. *To maintain clear distinctions between the urban and rural areas through zoning and the provision of performance standards specific to the rural zone, to assist in protecting the character and quality of the surrounding rural areas.*

Comment: The effects of the proposed subdivision on the character of the surrounding rural area and on the visual amenity values of nearby properties are examined in the Hudson Associates report in Appendix 5. The report finds that any potential adverse effects will be minor or less than minor. The proposed subdivision will provide a density of development consistent with that anticipated to result from compliant subdivision involving 4000m² sites. Accordingly, the proposal will not compromise the rural character and quality of the surrounding area. All lots are capable of accommodating future residential development in a complying location with respect to all proposed boundaries (as demonstrated by the plans contained in Appendix 3).

The following District Plan explanatory text accompanying the above objectives and policies is of particular relevance to the current application:

“Subdivision controls are necessary, but only to ensure that all lots can be adequately serviced and to ensure the setback for residential dwellings is compatible with the rural environment.”

Comment: The relevant policies acknowledge that a range of land uses is appropriate within rural areas, including residential land uses. The Operative District Plan provides a minimum site area of 4,000m² within Rural areas as a generally accepted standard where complying development can readily be accommodated. The relevant objectives and policies, and supporting explanation, provide clear guidance that smaller lot sizes may be appropriate where the lots can be adequately serviced and building setbacks complied with. The expert reports provided in support of the application confirm that the proposed lots are capable of being adequately serviced, and as noted previously, the lots are capable of accommodating future development in a complying location. The proposed subdivision will achieve the relevant objectives and is consistent with the above objectives and policies.

4.4.1 Objectives

2. *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 Policies

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

Comment: The proposed lots intended for residential use are located at least 20m from all streams and the coast to ensure that the effects of future development on the natural character and water quality in these areas are minimised. Areas of communal open space are proposed to be created adjacent to the Makurapata Stream to further protect and enhance the natural character of the stream margins. The landscape assessment contained in Appendix 5 concludes that the proposal will have a less than minor effect on natural character (including natural character of the coastal environment).

Transport

8.2.1 Objective – Efficient use of the District’s existing and future transport system through the maintenance and improvement of access, ease and safety of pedestrian movement.

8.2.2 Policies

- 1. To require off-street parking and loading for most activities in order to limit congestion and loss of safety and efficiency of adjacent roads and to promote the maintenance and amenity of those roads.*
- 3. To ensure the construction of parking and access is of a standard that promotes both the safe and efficient use of vehicles.*
- 4. To ensure adequate sight distances for vehicles from access crossings so as to mitigate the potential for accidents.*

Comment: The Transport Impact Assessment attached within Appendix 6 confirms that the proposed method of vehicle access to the site will ensure that safe and efficient access is provided to all proposed lots. The proposed subdivision will achieve the relevant objective and is consistent with the relevant policies.

8.5 Assessment Criteria

8.5.1 In determining an application for resource consent for subdivision (as a Discretionary Activity) Council shall have regard to matters of discretion and assessment as provided in Part 14.6 (Subdivision Assessment Matters) of the District Plan.

8.5.2 An assessment of the proposal against these criteria is provided in the District Plan Assessment in Appendix 4. The conclusion reached is that the proposal achieves the outcomes anticipated for the Rural Zone.

8.6 Proposed Central Hawke’s Bay District Plan

8.6.1 The Proposed Central Hawke’s Bay District Plan was notified on 28 May 2021. None of the proposed District Plan rules has immediate legal effect, so these cannot be considered to be ‘relevant’ to the current application. Accordingly, no commentary is provided on rules. The objectives and policies of the proposed Plan will be relevant, and are considered within the assessment attached as Appendix 10.

8.6.2 Given that submissions on the proposed Plan have recently closed and further submissions have not yet been sought, the proposed Plan provisions must be considered far from settled. The weight that should be given to the proposed Plan’s objectives and policies will have to be determined in light of whether those provisions are supported or opposed by submissions at the time the application is

considered. At the present time, the only settled district plan provisions are the operative Plan's provisions.

9. REGIONAL POLICY STATEMENT

9.0.1 The Regional Policy Statement contains the following objectives relevant to the proposed subdivision:

3.2 The Sustainable Management of Coastal Resources	
OBJ 4 Promotion of the preservation of the natural character of the coastal environment and its protection from inappropriate subdivision, use and development.	The landscape assessment contained in Appendix 5 has considered the potential for adverse effects on the natural character of the coastal environment and concludes that, given the hill that separates the site from the coastline, any effects on coastal natural character will be less than minor.
OBJ 5 The maintenance and where practicable and the public interest, the enhancement of public access to and along the coast.	CHBDC have determined that an esplanade strip or reserve is not appropriate for this purpose in this location.
OBJ 6 The management of coastal water quality to achieve appropriate standards, taking into account spatial variations in existing water quality, actual and potential public uses, and the sensitivity of the receiving environment.	Appropriate stormwater management can be provided at the time of right of way design and development of the new lots to ensure that there are no adverse effects on water quality, in compliance with usual standards.
OBJ 7 The promotion of the protection of coastal characteristics of special significance to iwi, including waahi tapu, tauranga waka, taonga raranga, mahinga kai and mahinga mataitai.	There are no known coastal characteristics of special significance in the area of the proposed new lots.
OBJ 8 The avoidance of further permanent development in areas prone to coastal erosion or inundation, taking into account the risk associated with global sea level rise and any protection afforded by natural	This land is not identified as being subject to these hazards.

coastal features.	
3.12 Natural Hazards	
OBJ 31 The avoidance or mitigation of the adverse effects of natural hazards on people’s safety, property and economic livelihood.	The risks associated with natural hazards have been considered within the Geotechnical Investigation Report and the conclusion is that the site is generally suitable for residential development.

10. NATIONAL ENVIRONMENTAL STANDARDS

10.1 National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health

10.1.1 The National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NESCS) must be considered in association with any application for subdivision consent. The NESCS applies to land where an activity or industry described in the HAIL is being, or has been, undertaken on the land, or it is more likely than not that an activity or industry described in the HAIL is being or has been undertaken on it.

10.1.2 In order to determine if the NESCS applies to land, a review of the most up-to-date information about the area where the piece of land is located that the territorial authority holds or has available to it from the regional council has been undertaken, in accordance with Section 6(2) of the NESCS. There are no records to indicate that the land within Proposed Lots 1-48 is or has been used for a HAIL activity.

10.1.3 The provisions of the NESCS do not apply where a piece of land is production land, and the land is not being subdivided in a way that causes the piece of land to stop being production land. The balance farm lot will continue to be used as production land following completion of the subdivision. The provisions of the NESCS therefore do not apply to this part of the site.

10.2 National Environmental Standard for Freshwater

10.2.1 The National Environmental Standard For Freshwater (NES-FW) includes requirements for new river crossings and the management of wetlands.

10.2.2 HBRC have confirmed that there are not wetlands in the vicinity of the proposed development area. A new stream crossing to provide access to the subject site is being constructed in accordance with subdivision consent RM180160. Resource

consent has been obtained from HBRC to allow the new culvert construction to be completed. Regardless, the new culvert will be in place prior to the commencement of the proposed subdivision, and accordingly the NES-FW is not relevant to the current application.

10.2.3 None of the remaining National Environmental Standards are considered relevant to the proposal.

11. OTHER MATTERS

11.1 Heretaunga Plains Urban Development Strategy

11.1.1 In assessing the previous application for subdivision consent (RM180160) the ability of the proposal to achieve the outcomes promoted within the Heretaunga Plains Urban Development Strategy (HPUDS) was raised by submitters.

11.1.2 HPUDS is a non-statutory document prepared through collaboration between Hastings District Council, Napier City Council and Hawke’s Bay Regional Council to manage urban growth on the Heretaunga Plains. The strategy covers growth and development within the Heretaunga Plains Sub Region as illustrated in Figure 2.



Figure 2: Heretaunga Plains Sub Region Map

11.1.3 The application site is not located within the area of interest of the HPUDS. Accordingly, the HPUDS is not a relevant matter for the purposes of section 104 (1).

12. RESOURCE MANAGEMENT ACT 1991

12.1 Part II – Purpose and Principles

12.1.1 Part II of the RMA sets out the purpose (Section 5) and principles (Sections 6-8).

12.1.2 Section 5 states that the purpose of the RMA is:

...to promote the sustainable management of natural and physical resources.

12.1.3 Section 5 explains that:

(2) *In this Act, ‘sustainable management’ means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while-*

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

12.1.4 Section 6 (Matters of National Importance) states:

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance:

- (a) *the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:*
- (b) *the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:*
- (c) *the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:*
- (d) *the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:*

- (e) *the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga:*
- (f) *the protection of historic heritage from inappropriate subdivision, use, and development:*
- (g) *the protection of protected customary rights:*
- (h) *the management of significant risks from natural hazards.*

12.1.5 Section 7 (Other Matters) states:

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to-

12.1.6 For this proposal, the relevant 'Other Matters' to which particular regard must be given are:

- (b) *The efficient use and development of natural and physical resources:*
- (c) *The maintenance and enhancement of amenity values:*
- (f) *Maintenance and enhancement of the quality of the environment.*

12.1.7 Section 8 of the RMA states:

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).

12.1.8 The following points are relevant:

- (a) The potential for adverse effects on the natural character of the coastal environment and on the natural character of the stream have been explicitly considered and the conclusion is that any potential effects will be less than minor;
- (b) The relevant hapu has provided written approval to the proposal. There are no residual issues in terms of section 6 (e) or section 8 of the RMA;
- (c) There are no significant risks from natural hazards;
- (d) The proposed subdivision layout represents an efficient use of available land, achieving a similar allotment yield on a subdivision footprint less than might otherwise be associated with a complying subdivision, and incorporates shared open spaces that will enhance the quality of the proposed subdivision;
- (e) The proposed subdivision, and future buildings on the proposed allotments will maintain existing amenity values and will have adverse effects on amenity values

that are minor and no greater than those that are permitted anyway by the Plan rules.

- (f) The actual and potential adverse effects of the proposal are assessed as minor and, when compared with the effects of activities that are permitted by the Plan, can be considered to be less than minor. The Plan anticipates change, including change resulting from subdivision for residential development. The effects of the proposed subdivision are not different in scale or intensity from those that are anticipated by the Plan. The environmental outcomes anticipated by the Plan can be achieved by a grant of consent subject only to the standard conditions usually imposed on subdivision consents.

12.1.9 In these respects, the proposed subdivision will achieve the outcomes intended by Part 2 of the RMA.

12.2 Section 95 – Notification

Public Notification

12.2.1 Pursuant to Section 95A of the RMA, Council has discretion whether to publicly notify an application for resource consent. An application is required to be notified if:

- (a) the applicant has requested that the application be publicly notified (s95A(3)(a));
- (b) the application involves a conjoint application to exchange recreation reserve land under section 15AA of the Reserves Act 1977 (s95A(3)(c));
- (c) the application includes infringement of rules within an NES which requires notification (s95A(8)(a));
- (d) the activity will have, or is likely to have, adverse effects on the environment that are more than minor (s95A(8)(b));
- (e) if special circumstances exist (s95A(9)(a));

12.2.2 For this application:

- the applicant has not requested public notification;
- the application does not involve a conjoint application to exchange recreation reserve land;
- the application does not infringe any rules within an NES which require notification;
- this assessment concludes that the actual and potential adverse effects of the proposed subdivision on the environment will be minor and, bearing in

mind the effects of development permitted by the Plan, those effects can be considered to be less than minor;

- there are no special circumstances that warrant notification.

12.2.3 Public notification is therefore not considered to be required.

Limited Notification

12.2.4 Section 95B sets out steps to determine whether to limited notify an application (or not). An application must be limited notified if:

- (a) there are affected protected customary rights groups or affected customary marine title groups (s95B(2)(a) and (b));
- (b) in the case of a boundary activity, an owner of an allotment with an infringed boundary (s95B(7)(a));
- (c) a prescribed person in respect of the proposed activity (s95B(7)(b));
- (d) if a person is an affected person in accordance with section 95E (s95B(8));
- (e) if special circumstances exist (s95B(10)).

12.2.5 For this application:

- there are no affected protected customary rights groups or affected customary marine title groups affected by the proposal;
- the application does not involve a boundary activity;
- no prescribed persons have been identified;
- this assessment concludes that the actual and potential adverse effects of the proposed subdivision will be minor or less than minor. Accordingly, there are no potential adverse effects on any persons that could be considered to be more than minor, or warrant the identification of any potentially affected persons.
- there are no special circumstances that warrant limit notification.

12.2.6 Limited notification is therefore not considered to be required.

12.3 Section 104 Considerations

12.3.1 Section 104 (1) directs that, in considering an application for resource consent, a consent authority must (subject to Part 2) have regard to:

- Any actual or potential effects on the environment of allowing the activity;

- 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;
- Any relevant provisions of a national policy statement, New Zealand coastal policy statement, a regional policy statement, a plan or proposed plan; and
- Any other matter Council considers relevant and reasonably necessary to determine the application (there are none relevant for this application).

12.3.2 In considering an application for resource consent, Council, pursuant to Section 104B of the RMA may grant or refuse the application and, where granted, may impose conditions pursuant to Section 108. With one exception, the applicant proposes that the Council's standard conditions for subdivision are all that is required to secure the outcomes intended by the proposed subdivision. The exception is that the applicant proposes a condition addressing reverse sensitivity as suggested in paragraph 6.7.2 of this assessment.

12.3.3 This assessment has demonstrated that the actual and potential effects of the proposal on the environment will be no more than minor.

12.3.4 An assessment of the proposal against the relevant objectives and policies of the ODP concludes the proposed subdivision is, in all respects, consistent with or gives effect to the relevant objectives and policies of the District Plan and the relevant higher-order RMA instruments.

13. CONCLUSION

13.0.1 The application proposes the subdivision of Rural zone land to create 48 fee simple allotments intended for residential use, three shared open space allotments, two shared access allotments and a stormwater detention utility allotment.

13.0.2 The proposal will achieve the outcomes anticipated by the relevant District Plan objectives and policies. Accordingly, in strict terms, the application can also be considered to be consistent with Part 2 of the Resource Management Act 1991. Notwithstanding that conclusion, the proposal is also considered in terms of the relevant provisions of Part 2 (in Section 12 of this assessment) and is found to achieve the outcomes intended by Part 2.

13.0.3 This assessment concludes that a grant of consent to the proposed subdivision will promote the sustainable management purpose of the RMA. The proposal is an appropriate subdivision in an appropriate location and will contribute positively to the settlement of Pouterere.

APPENDIX 1

Planning Map

APPENDIX 2

Record of Title

APPENDIX 3

Application Plans

APPENDIX 4

District Plan Assessment

APPENDIX 5

Landscape Assessment

APPENDIX 6

Transport Impact Assessment

APPENDIX 7

Infrastructure Report (including Geotechnical Report)

APPENDIX 8

Hazard Report

APPENDIX 9

Written Approval

APPENDIX 10

Proposed District Plan:

Objectives and Policies Assessment