



SR & BJ WILLIAMS CHARITABLE
TRUST BOARD

**RURAL SUBDIVISION -
CREATING 2 LOTS AT
MANGAKURI ROAD,
MANGAKURI.**

SUBDIVISION CONSENT
APPLICATION AND ASSESSMENT OF
EFFECTS ON THE ENVIRONMENT

13 December 2022

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REPORT INFORMATION

Report Status Final

Our Reference MDL001996

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Subdivision / 03 Application

Author Moana Schoffa

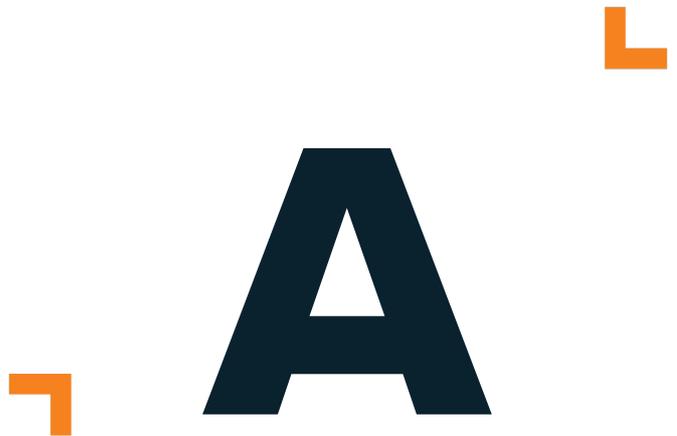
Review By Philip McKay

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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 two rural lots.

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.*

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.

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

- includes the information required by clause 6 of Schedule 4 of the Resource Management Act 1991; and
- addresses the matters specified in clause 7 of Schedule 4 of the Resource Management Act 1991; and
- 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...¹
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 A – Subdivision Scheme Plan

Appendix B – Record of Title

Appendix C – Geotechnical Reports

Appendix D – Archaeological Assessment



Signature: Philip McKay

(person authorised to sign on behalf of applicant)

Date: 13 December 2022

Electronic address for Service: Philip.McKay@mitchelldaysh.co.nz

Telephone: +64 27 495 5442

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



Postal address (or alternative method of service under section 352 of the Act):

Mitchell Daysh Limited
PO Box 149,
Napier 4140

Contact person: Philip McKay

Applicants address for Service: email: lawrence@yulealexander.com

Contact person: Lawrence Yule

Telephone: 0272496206





B



PART B

Assessment of Environmental Effects

1. INTRODUCTION

1.1 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 two new lots from one existing Record of Title being:

- Proposed Lot 1 of 54.277 ha all of which lies outside of the Coastal Margin as identified by both the Operative Central Hawke’s Bay District Plan (“**Operative District Plan**”) and the Proposed Central Hawke’s Bay District Plan (“**Proposed District Plan**”); and
- Proposed Lot 2 of 57.633 ha which is predominantly located inside the Coastal Margin as identified by both the Operative and Proposed District Plans.

The purpose of this subdivision is to enable the Applicant to future proof this land holding and enable the option of Rural lifestyle site subdivision from Lot 1, being outside of the Coastal Margin, as a controlled activity in the future. Both Lots 1 and 2 will continue to be farmed by the Applicant.

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

1.2 APPENDICES

This application includes several attached appendices as listed below:

Appendix A – Scheme Plan

Appendix B – Records of Title

Appendix C – Geotechnical Reports

Appendix D – Archaeological Assessment²

Appendix E – Traffic Impact Assessment³

² Prepared for a future 10 lot subdivision, rather than this application, however the relevant portions of the report are referenced and explained in this AEE.

³ Ibid.



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. The land immediately to the west is currently pastoral land.

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 (120 to 70 m elevation) sloping down to the east (30 to 20 m elevation).

The Site includes one 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 proposed building platforms on both lots are to be accessed from Williams Road on the outside of a bend as is explained below.

The Site does not contain any existing dwellings and forms part of the Applicant's pastoral grazing farm. It contains several blocks of trees including a cluster of poplars in the north eastern portion of proposed Lot 2 and a mixed tree block in the northern portion of Lot 1. There are also several stock drinking water ponds spread over the Site.

The Proposed District Plan maps (see Figure 5 below) identify two archaeological sites on the north eastern portion of the Site. An Archaeological Assessment of Effects has therefore been prepared for the Site and is appended as **Appendix D** to this AEE. It is noted that the Archaeological Assessment was prepared specifically for a 10 lot rural lifestyle subdivision currently being prepared by the Applicant.⁴

2.2 GEOTECHNICAL AND GROUND CONDITIONS

Due to the hilly nature of the site geotechnical reporting has been commissioned from RDCL who have prepared a separate report for the building platforms on and future development of both Lot 1 and Lot 2, and are attached as Appendix C. The respective

⁴ That being a replacement subdivision for

RDCL reports confirm that the identified building platforms can support future building development subject to the recommendations in the report.

The Right of Way vehicle access and the building platforms for each lot are proposed to be formed as part of the subdivision, accordingly the recommendations in the geotechnical reports pertaining to those aspects of the development are offered as conditions of consent as set out in Table 3 below. The recommendations in the RDCL reports for the future building development of each building platform are offered as consent notice conditions, also set out in Table 3 below.

2.3 TRANSPORT AND ROADING

Mangakuri Road and Williams Road are both classified as Access Roads under the NZTA One Network Road Classification. Mangakuri Road has an estimated AADT of 35 – 60 vehicles with 1-7 – 2.9% being heavy vehicles. Williams Road has an estimated AADT of 65 vehicles with 1.5% being heavy vehicles.

Full details of the surrounding road network and the suitability of the proposed access are provided in the Traffic Impact Assessment (“TIA”) prepared by East Cape Consulting Limited, which is attached as **Appendix E**. For clarification and to avoid confusion, it should be noted that this assessment was prepared for the forthcoming 10 lot subdivision and the relevant access to this proposed 2 Lot subdivision is referenced in the TIA as the ‘Southern Access’. The TIA refers to the Southern Access as providing access to five lots. For the purposes of this 2 Lot subdivision application the Southern Access will serve both the proposed lots and the building platforms proposed for those Lots (which are referenced in the TIA as Lots 10 (being the Lot 1 building platform for this application) and Lot 7 (being the Lot 2 building platform for this application).

2.4 ARCHAEOLOGICAL SITES

Heritage Services Hawke’s Bay have prepared an archaeological assessment which is attached as **Appendix D** to this AEE. For clarification and to avoid confusion, it should be noted that this assessment was prepared for the forthcoming 10 lot subdivision. The information on the archaeological sites that are closest to the proposed building platforms for Lots 1 and 2 has been summarised below.

V23/88 and V23/89 are two recorded archaeological sites located to the south east of the proposed building platforms for Lots 1 and 2. These are two medium sized flat terraces adjacent to an existing fence on the site.

V23/71 is an archaeological site located to the south of the proposed building platforms for Lots 1 and 2. However, while it was visible on Google Earth satellite imagery taken in March 2018, it was not visible during the site survey undertaken in June 2022.

As identified on the subdivision scheme plans (see Figure 2 below and Appendix A) other archaeological sites located within the Site include:

- V23/72 – comprises 2 pits and 3 terraces descending 60m down a ridge.
- V23/86 – midden, exposed by erosion slump.
- V23/87 – terraces.
- V23/90 – pits, modified by agricultural activities.
- V23/92 – midden comprised of shell scatter.

2.5 RECORD OF TITLE

The Site comprises of one Record of Title as follows:

Legal Description	Area	Owners
Lot 2 DP 481291	111.9 ha	SR & BJ Williams Charitable Trust Board

A copy of the Record of Title is included as **Appendix B** 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 B. 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 with recommendations on how building platforms can be formed well away from the coastal hazard risk and with the risk of subsidence and general ground instability mitigated. Further to this a specific accesspoint is proposed and supported by an assessment from an expert traffic engineer. Accordingly, the two matters that are the subject of the consent notice are being specifically addressed in this application.



3. PROPOSED SUBDIVISION

3.1.1 Overview

The Applicant is applying for resource consent approval to subdivide their existing property (an area of approximately 111.9 ha) to create two rural lifestyle lots. Lot 1 will be approximately 54.277 ha in size and Lot 2 will be approximately 57.633 ha in size.

These lots will be the subject to future subdivision and land use applications, for the purposes of this application however the anticipated development extent is one dwelling on the nominated building platform for each lot. The balance of the land will continue to be used for farming purposes.

A copy of the Scheme Plans for the proposed subdivision (including an enlargement of the area of the Site proposed for the building platforms) is included in **Appendix A** to this AEE and the scheme plan of the subdivision is shown as Figure 2 below.

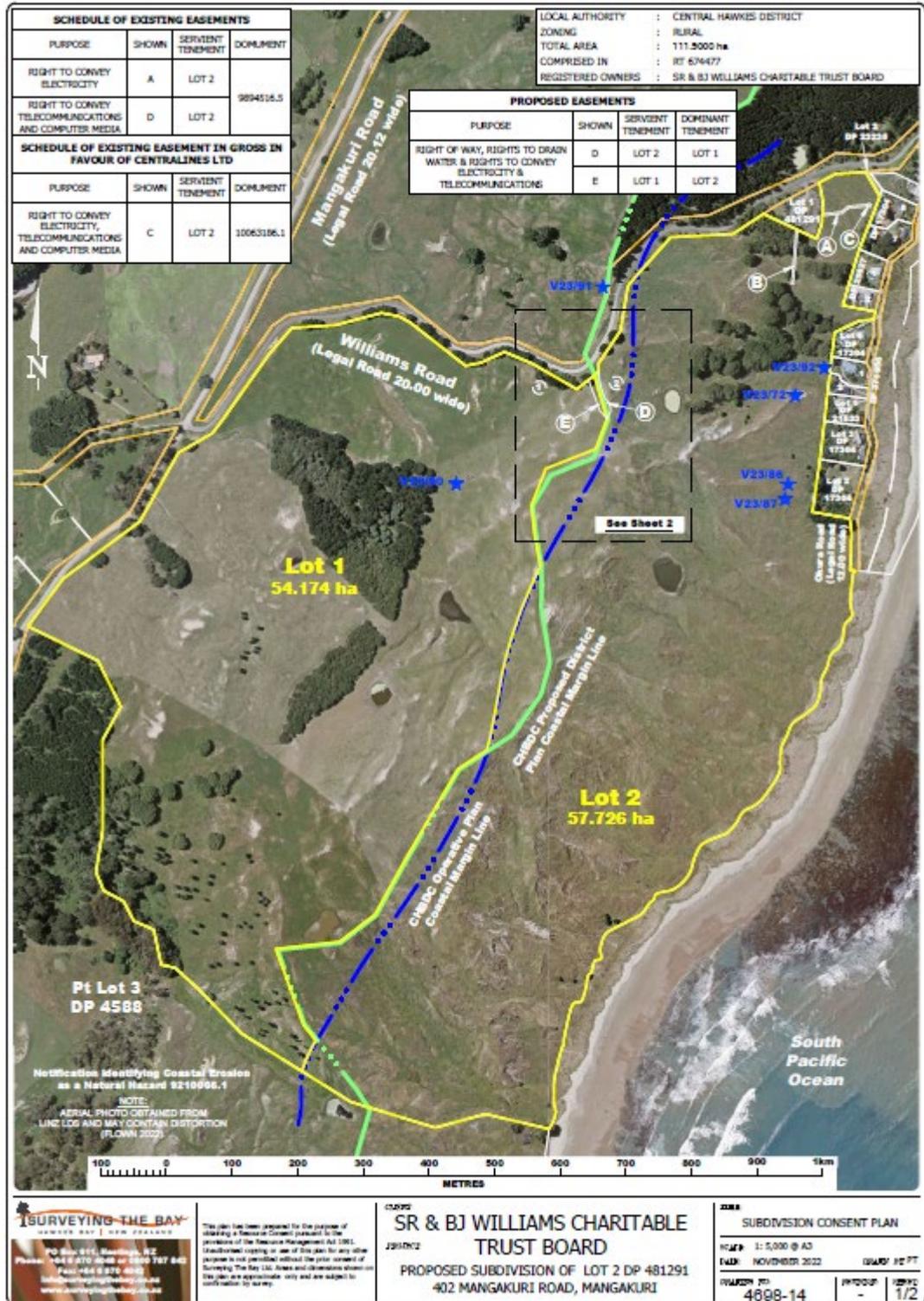


Figure 2: Proposed Scheme Plan



3.1.2 Access

There are several existing farm gates providing access into the Site from the road. On the outside of a bend on the unsealed Williams Road adjacent to the boundary between Lots 1 and 2 a new access is proposed to the nominated building platforms for the respective Lots, with a reciprocal Right of Way easement over this driveway access. The TIA attached as Appendix E, confirms the safety and appropriateness of this proposed 'Southern Access'.

The section of Williams Road from where the access is proposed is shown in Figure 2 below, with the existing gate being to the left of the image. The existing gate is shown in Figure 3 below, with the view over Lot 2 towards the coast.



Figure 3 : Williams Road and subject site beyond the road. Source: Site Visit 16/09/22



Figure 4: Existing farm access gate looking across Lot 2 to coast. Source: Site Visit 16/09/22

The ridge to the left of the pine tree in Figure 2 above roughly correlates with the District Plan Coastal Margin line and the boundary between proposed Lot 1 and proposed Lot 2.

3.1.3 Parking

Sufficient parking is proposed to be provided on both of the lots given the farming scale lot size.

3.1.4 Infrastructure Servicing

On-site services will be sufficiently provided on both lots. Further, there is adequate site area to provide both stormwater and wastewater disposal systems to service future dwellings within each lot. Water supply will be provided via rainwater tanks.

3.1.5 Site Suitability

Separate geotechnical reports are provided in Appendix C for each of Lots 1 and 2. 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. The separate RDCL reporting for both Lot 1 and Lot 2 confirms the building platforms as suitable for residential development:

Based on the proposed concept and the results of the subsequent investigations and assessments we consider the proposed building platform to be suitable for residential development considering the recommendations in this report.⁵

A number of recommendations are set out in the respective geotechnical reports for Lots 1 and 2 resulting in a series of conditions being offered, including conditions to be met in forming the building platforms prior to 224(c) certification and consent notice conditions to be applied at the time of developing dwellings on each lot. These conditions are set out below.

3.1.6 Electricity and Telecommunications

It is anticipated that electricity reticulation and a telecommunications connection is able to be supplied to both lots.

⁵ Lot 1 RDCL Geotechnical Report, page 17; and Lot 2 Report, page 25.

4. ACTIVITY STATUS OF APPLICATION

4.1 OPERATIVE CENTRAL HAWKE'S BAY DISTRICT PLAN

As set out above, the site is located 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 requirements of Section 9.10 of the Operative District Plan as well as the performance standards within that section. Notwithstanding this, the proposal does not comply with the relevant standards for the proposed vehicle crossing as the required minimum sight distances for a 100km/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). Further, the majority of Lot 2 is located within the coastal margin area of the Rural Zone. Accordingly, the proposed subdivision will require resource consent for a **Discretionary Activity** under Rule 9.9.4(ii).

Figure 4 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 black outline with the Coastal Margin Area identified by the red line.



Figure 5: 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 proposed Lot 2 is subject to the Coastal Margin Area overlay.

4.2 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 decisions on submissions relating to the Proposed District Plan are made.

Under section 86B(3) 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*
- (d) protects historic heritage; or*
- (e) provides for or relates to aquaculture activities.*

Figure 5 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.

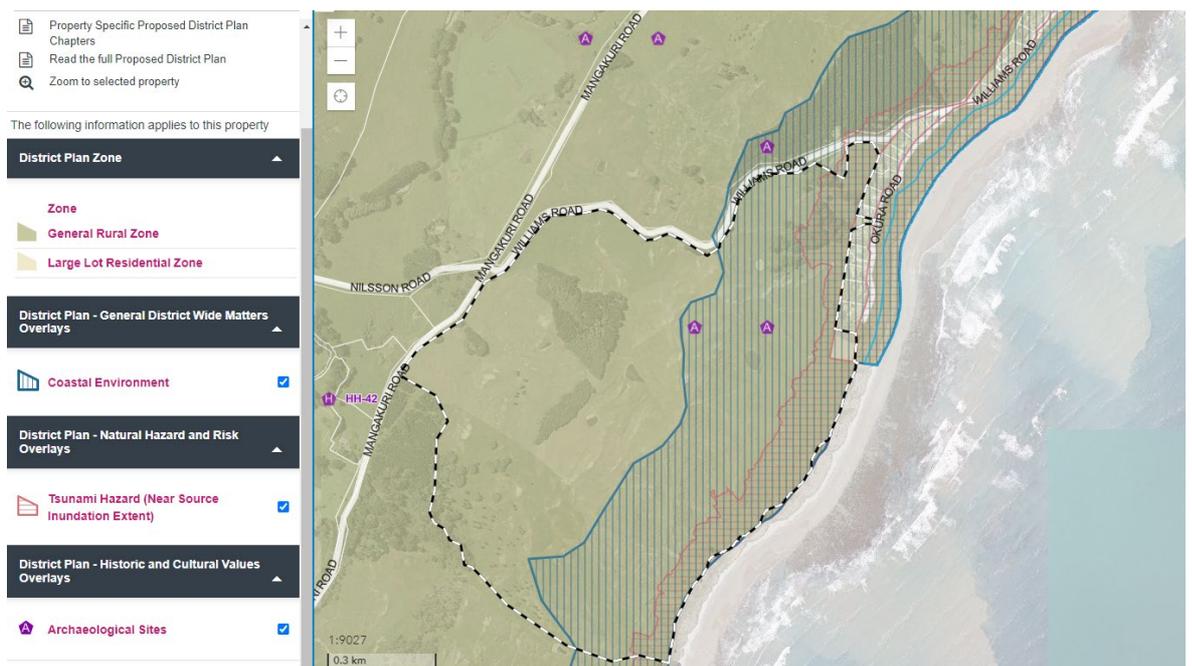


Figure 6: Proposed District Plan Map of Site

In reviewing the Proposed District Plan maps, the land subject to this application is located in the General Rural Zone and the majority of proposed Lot 2 is subject to the Coastal Environment overlay. Further, the eastern portion of proposed Lot 2 is also subject to the Tsunami Hazard overlay.

In addition, there are also two archaeological sites located within proposed Lot 2 identified by the Proposed District Plan maps. As discussed above however there are more than two archaeological sites within the area of the 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 affect the activity status of the proposed subdivision.

4.3 OPERATIVE DISTRICT PLAN PERFORMANCE STANDARD ASSESSMENTS

Table 1: 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 4000m²</i></p>	The smallest proposed lot as part of this subdivision is Lot 12 at 54.174 ha.	Complies
<p><i>Rule 9.10(b) Road widening</i></p>	The site is not subject to a road widening designation.	Does not apply
<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 (where available) and shall be laid to the boundary of the net area of the lot.</i></p>	There is no reticulated water supply in this location, so this rule does not apply.	Does not apply
<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>	The proposal is in the Rural Zone so this rule does not apply	Does not apply



Performance Standard	Assessment	Compliance
<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 proposal 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>Both lots 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 access provisions set out in Chapter 8:Transport Rules, as they apply.</i></p> <p>...</p> <p><i>v. If the subdivision is creating more than one lot, the following shall apply:</i></p> <p>...</p> <p><i>c) If the subdivision is in the Rural Zone and if the subdivision is for residential activities then:</i></p>	<p>Both lots have frontage to an existing road and will be accessed from that road via the proposed shared vehicle crossing.</p> <p>Access for both lots will be made to the road via a shared reciprocal rights of way.</p> <p>Please refer to the Chapter 8 Transport rule assessment in Table 3 below.</p> <p>Lot 1 will share access with Lot 2 via a ROW easement. The proposed ROW will have a legal width of 10m and</p>	<p>Will comply</p> <p>Will comply</p> <p>Site access will not comply (see Table 2 below) with sight line distance requirements.</p>



Performance Standard	Assessment	Compliance
<p>1. <i>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.</i></p>	<p>therefore meet the width requirements.</p>	<p>Will comply</p>
<p><i>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).</i></p>	<p>Williams Road is not an unformed road so this rule does not apply.</p>	<p>Does not apply.</p>
<hr/> <p><i>(h) Construction Standards For Private Vehicular Access</i></p> <p><i>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:</i></p>		
<p><i>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]</i></p> <p>...</p>	<p>An appropriate condition is offered to ensure that this standard will be achieved.</p>	<p>Will comply</p>
<p><i>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 carriageway shall be formed with an all weather standard, and shall be drained to the satisfaction of the Council</i></p>	<p>An appropriate condition is offered to ensure this standard will be achieved.</p>	<p>Will comply</p>



Table 2: 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>	Both of the proposed lots will be able to provide space for parking to meet this standard within the proposed building platform areas.	Will comply
<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 parks 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 parks 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. ... 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>	The proposal will provide a shared right of way (access lot) for both lots. The vehicle crossing intended for residential activities on both lots will be compliant.	Will comply
<i>Rule 8.5.2 (b) Formation and Sealing of Vehicle Crossings i All vehicle crossings shall be formed with an all weather surface and shall be drained to the satisfaction of the Council.</i>	The proposed vehicle crossing will be formed to an all-weather surface and a condition is offered to require this prior to 224(c)	Will comply



Performance Standard	Assessment	Compliance
<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>certification. There are no height clearance issues in this rural location.</p> <p>The proposal can comply with all aspects of this standard.</p>	
<p><i>Rule 8.5.2 (d) Location of vehicle crossings with frontage in relation to intersections</i></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 is greater than 80 m in length and the proposed vehicle access will be located approximately 571.9 m from the intersection of Williams Road and Mangakuri Road and approximately 790m from the Williams Road intersection with Okura Road.</p>	Will comply
<p><i>Rule 8.5.2 (e) Widths of Vehicle Crossings</i></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 this standard, which is anticipated to be required as a condition of consent.</p>	Will comply
<p><i>Rule 8.5.2 (f) Sight Distances from Vehicle Crossings and Road Intersections</i></p> <p><i>Unobstructed sight distances, in accordance with the minimum sight distances specified in Table 3, shall be available from all vehicle crossings and road intersections.</i></p> <p><i>100km/hr: 170m sight distance</i></p> <p><i>All sight distance measurements shall be undertaken in accordance with the relevant diagram in Appendix E.</i></p>	<p>Williams Road has a legal speed limit of 100km/hr (noting that the operating speeds will be significantly lower)⁶ and is not state highway so requires a minimum sight distance of 170 metres.</p> <p>The sight distances for the vehicle crossing proposed are over 100m in each direction⁷ but less than 170m.⁸</p>	Will not comply

⁶ 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).

⁷ East Cape Consulting TIA, page 9.

⁸ 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.



4.4 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 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.

4.5 OVERALL STATUS

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

5. STATUTORY CONSIDERATIONS

In regard to the consideration of this resource consent application, sections 106, 104 and 104B of the RMA apply and are set out as follows:

106 Consent authority may refuse subdivision consent in certain circumstances

- (1) *A consent authority may refuse to grant a subdivision consent, or may grant a subdivision consent subject to conditions, if it considers that—*
- (a) *there is a significant risk from natural hazards; or*
 - ...
 - (c) *sufficient provision has not been made for legal and physical access to each allotment to be created by the subdivision.*
- (1A) *For the purpose of subsection (1)(a), an assessment of the risk from natural hazards requires a combined assessment of—*
- (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).*
- (2) *Conditions under subsection (1) must be—*
- (a) *for the purposes of avoiding, remedying, or mitigating the effects referred to in subsection (1); and*
 - (b) *of a type that could be imposed under section 108.*

104 Consideration of applications

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...

104B Determination of applications for discretionary or non-complying activities

After considering an application for a resource consent for a discretionary activity or non-complying activity, a consent authority—

(a) may grant or refuse the application; and

(b) if it grants the application, may impose conditions under section 108.

6. ASSESSMENT

As required by Schedule 4, Clause 2(1)(g) of the RMA, the following is an assessment against any relevant provisions of a document referred to in section 104(1)(b) (set out under Section 5 of this AEE above).

6.1 NATIONAL POLICY STATEMENTS (SECTION 104(1)(b)(ii))

6.1.1 New Zealand Coastal Policy Statement

The New Zealand Coastal Policy Statement 2011 (“**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 policies of relevance to the portion of the site within Lot 2.

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;⁹
- Maintain and enhance coastal water quality;¹⁰
- Preserve the natural character of the coastal environment and to protect it from inappropriate subdivision, use and development;¹¹
- Enable people and communities to provide for their social, economic, and cultural wellbeing and their health and safety, through subdivision, use and development;¹²
- 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;¹³
- Require development to not result in a significant increase in sedimentation in the CMA;¹⁴
- Manage discharges of stormwater by reducing contaminant and sediment loadings in stormwater at source, through contaminant treatment, and by controls on land use activities; and¹⁵

⁹ Objective 1 of the NZCPS.

¹⁰ Objective 1 of the NZCPS.

¹¹ Objective 2 and Policy 13 of the NZCPS.

¹² Objective 6 and Policy 6 of the NZCPS.

¹³ Objective 4 and Policy 18 of the NZCPS.

¹⁴ Policy 22 of the NZCPS.

¹⁵ Policy 23 of the NZCPS.

- 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.¹⁶

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, with the building platform proposed for Lot 2 being some 450m from the beach front.

The utilisation of a site located partially within and adjacent to the coastal environment for the subdivision of land is considered to be an appropriate activity that aligns with both the Operative and Proposed District Plan's rural zoning. Further to this, there are several dwellings located in the surrounding environment, 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, with natural character values therefore compromised.

The proposal will provide for social, economic and cultural wellbeing as only one new lot is being created and the natural character of the coastal environment will be maintained. Further to this, building platforms are located an appropriate distance from the coastline (being as far as possible in the case of Lot 2), and are not restricting public access to the foreshore so that open space and / or recreation opportunities adjacent to the coastal environment can continue to be provided for. It is also noted that cultural well being 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 Heritage Services Hawke's Bay Archaeological Assessment and the location of the building platforms away from the identified sites.

With respect to managing coastal hazard risks, as noted previously, a small part of the eastern portion of the site is covered by the Tsunami Hazard overlay in the Proposed District Plan. Despite this, the subdivision of the site will not interfere with any natural coastal processes or natural defences. Further, the building platforms for both lots have been located appropriately to avoid natural hazards including the Tsunami Hazard, while adherence to the recommendations of the RDCL Geotechnical Reports as proposed, will appropriately mitigate land instability hazards.

6.2 REGIONAL POLICY STATEMENT (SECTION 104(1)(b)(v))

The Hawke's Bay Regional Resource Management Plan 2006 ("RRMP") includes the regional policy statement ("RPS") for the Hawke's Bay Region. It sets out a wide range of

¹⁶ Objective 5 and Policy 25 of the NZCPS.

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 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 extensive farming and forestry which are considered less intensive than horticulture and dairy farming for example. Furthermore, there is existing residential development located within close proximity to the site (to the east);¹⁷
- The subdivision has been designed in a manner which will preserve the natural character of the coastal environment;¹⁸
- The proposed subdivision will not restrict public access to and along the coast;¹⁹
- Earthworks activities and stormwater and wastewater discharges will be appropriately managed on site so that there are no adverse effects on coastal water quality; and²⁰
- The subdivision of the site will not exacerbate the adverse effects of natural hazards. Natural hazards are adequately provided for via the recommendations in the Geotechnical Reports (see **Appendix C**) so that the potential for adverse effects from these matters as a result of the proposal are adequately mitigated.²¹

Overall, the proposed subdivision is considered to be generally consistent with the most relevant objectives of the RPS component of the RRMP.

6.3 OPERATIVE CENTRAL HAWKE’S BAY DISTRICT PLAN

It is considered that the subdivision performance standards in Section 9 ‘Subdivision’ (with cross references to Section 8 ‘Transport’) are relevant to the assessment of this application. Accordingly, the provisions in these sections are assessed in Section 4.1 above.

As required by Schedule 4, Clause 2(2) of the RMA the following assessment is against the relevant performance standards (not already assessed above), assessment criteria, and objectives and policies of the Operative District Plan. The relevant Operative District Plan provisions are listed in italic font. An assessment of the proposal against these follows in plain font below.

¹⁷ Objective 16 of the RPS.

¹⁸ Objective 4 of the RPS.

¹⁹ Objective 5 of the RPS.

²⁰ Objective 6 of the RPS.

²¹ Objective 31 of the RPS.

An assessment against the general performance standards for subdivision is set out under section 6.3.1.1 below.

6.3.1 Subdivision (Section 9)

6.3.1.1 Performance Standards – General Provisions

Assessment of the proposed activity against the relevant general provisions (Section 9.9.1) of the Subdivision Section is provided below:

a. Relevant Sections of the Act

All applications are subject to Part VI and X of the Act, with reference to Sections 104, 105, 106, 108, 219, and 220 of the Act

This subdivision application is applied for in accordance with the relevant parts and sections of the Act (RMA) at the time of preparing this application.

a. Code of Practice for Subdivisions

The Council uses the Code of Practice for Urban Land Subdivision (NZS 4404 1981 and any future amendment) to assess detailed engineering requirements. The Code of Practice is therefore referred to in the assessment matters for resource consents; although the Code of Practice itself is not part of the District Plan.

The Council recommends that developers produce and present a concept plan of the subdivision to Council staff as early as possible so that engineering requirements can be discussed.

The detailed engineering aspects of this application are mainly concerned with the provision of safe, effective and legal access from each lot to the adjoining road carriageway. This information is provided in the TIA report in **Appendix E** (as it pertains to the ‘Southern Access’) for council assessment against the relevant land subdivision standard engineering requirements.

a. Legal Road Frontage

Section 321 of the Local Government Act 1974 or any subsequent legislation shall apply to all subdivisions.

This section of this Act was repealed and the subsequent legislation in the Local Government Act 2002 now applies regarding legal road frontage. Regardless of this, each proposed Lot has adequate frontage to a legal road.

a. Consents Heard Together

Any land use consent application arising from non-compliance with rules in this Plan as a result of a proposed subdivision shall be considered jointly with the subdivision consent application.

The proposal does not include any land use consent. Future dwellings will be able to be established on the proposed building platforms as a permitted activity.

e. Esplanade Provision

- i. The Council may require an esplanade strip or esplanade reserve of up to 20 metres to be created or vested when an allotment is created along the bank of any river or lake identified in Planning Maps 45-48, or created along the coast. In considering such a strip or reserve the Council shall take into account the purposes of esplanade strips and reserves in section 229 of the Act, Part II of the Act, Objective 3.3.2.1 and associated policies in the Plan.*
- ii. Any esplanade reserve shall meet the requirements of Section 231 of the Act. The creation of any esplanade strip shall be in accordance with section 232 of the Act.*
- iii. Section 230 of the Act shall not apply to rivers or lakes not identified in Planning Maps 45-48.*

.....

The south eastern portion of Lot 2 of the proposed subdivision is located on land along the coast (south of Okura Road). As Lot 2 is greater than 4ha, compensation would be payable under section 237E of the RMA for the taking of an esplanade reserve or strip. For this, and the following reasons it is assumed that Council will not require an esplanade reserve or strip in this instance:

- In regard to the purposes of esplanade reserves under section 229 of the RMA:
- Due to the Rural Zone and agricultural nature of the coastal environment in this area comprises of sloping pastoral land with little existing natural value in terms of indigenous vegetation or habitat; and there is no property protect above this coastal strip in terms of mitigating natural hazards.
- Public access is already available to the coast and sea from Okura Road.
- Recreational use of the adjacent sea is already available with access from Okura Road.
- In regard to Objective 3.3.2.1 there is no need for additional esplanade reserve land in this area in meeting the needs of residents and visitors as the coastal margin is accessible from Okura Road including the coastline adjacent to the south-eastern extent of Proposed Lot 2.

6.3.1.2 Assessment Matters

As the subdivision is a discretionary activity it is appropriate to be assessed against any matter that the consent authority considers relevant. An appropriate assessment for this proposal is guided by the assessment matters outlined in Section 14 of the Operative District Plan. This assessment is provided as follows and where matters are not relevant, these are excluded:

14.2.14 Zone Performance Standards – Coastal Marine Area – Rural Zone

- a. *Degree to which the exotic tree planting or buildings will adversely affect the natural character of the coastline, including;*
 - i. *The loss of key views or viewpoints; and the loss of accessibility to key views or viewpoints;*
 - ii. *Any obscuring of landforms or natural features;*
 - iii. *The loss or modification of the natural landscape pattern; including the loss of underlying landform pattern;*
 - iv. *The loss or obscuring of present vegetation patterns;*
 - v. *The loss of openness and spaciousness of the coastline, and the apparent naturalness of the coastline.*

- b. *The need for tree planting for soil conservation purposes.*

The building platforms on both lots have been located a significant distance from the coastline which will ensure that the natural character of the coastline is maintained. As a result, the development of future dwellings on the proposed lots will not result in the loss of key views or viewpoints.

As the subdivision is of one large parcel of land being split in two, the proposed lots are appropriately sized and will therefore not result in the loss or modification of the natural landscape pattern or adversely affect the openness and spaciousness of the coastline.

Given the above, there will be no adverse effects on the natural character of the coastline from this proposal.

14.6.1 Lot size and dimensions

- a) *Whether the lot is of sufficient area and dimensions to effectively fulfil the intended purpose or land use, having regard to the rules for the relevant zone.*
- b) *Whether the proposed lot sizes and dimensions are sufficient for operational and maintenance requirements and in particular the disposal of effluent on the site, where necessary.*

The proposed lots sizes are compliant with the minimum 4,000m² lot size standard applying in Rural Zones, with the lots being 54.174 ha and 57.726 ha in size. The intended land use will be the establishment of rural dwellings and the remainder of the lots will likely continue to be used for pastoral grazing purposes. The lot sizes and dimensions are of an ample size to allow for these intended land uses, and for the treatment and disposal of effluent on site.

- c) *The relationship of the proposed lots and their compatibility with the pattern of the adjoining subdivision and land use activities, and access arrangements.*
- d) *The effects of the subdivision on the amenity of the area, in particular the cumulative increase in the density of residential dwellings, the loss of rural outlook and the increase of traffic.*

The adjoining land uses comprise extensive pastoral farming to the north west and south. The adjoining coastal residential land uses to the east will be well separated by the



proposed building platforms, with the proposed Lot 2 building platform being separated by some 320m from the closest boundary of these properties.

The shared access to the new lots is well separated from these coastal residential properties. The intended continued farming of the new lots will be compatible with the adjoining low intensity farming land uses.

The proposal will cause little change to the amenity of the wider area with the proposed lots being large in size, similar to the surrounding rural properties. The hilly nature of the topography will generally restrict views of any new development to the immediately surrounding area. The existing traffic levels are very low (as identified in the TIA) and would still remain comparatively low at the completion of the subdivision and the development of any subsequent dwellings.

14.6.2 Subdivision Design

- a) The relationship and size of the lots in terms of their solar advantage including the alignment and layout of the lot, the location of building platform, relationship to adjoining lots.*
- b) The provision for and practicality of walkways and cycleways, and the relationship of these to reserves (existing or proposed), access to the waterways, etc.*
- c) The provision for and practicality of using natural stormwater channels and wetland areas.*

The general relationship and orientation of the lots proposed is considered to be appropriate with the proposed layout of the subdivision ensuring that each lot has a practicable point of vehicle access and a stable building platform. The large size of the lots reduces the relevance of alignment and layout.

The provision and use of roads, walkways, or cycleways within the subdivision are not proposed nor considered relevant for this rural subdivision application except in that the local existing public roads will be used to access the lots by motor vehicle. There are no Areas of Significant Natural Conservation Values within the subject properties that will be affected by the subdivision.

Stormwater disposal will be to ground soakage, with the low density of development maintaining natural overland flows.

14.6.3 Property Access

- a) Whether the frontage road is of sufficient width to cater for the expected traffic generated by the possible land uses that will be established on the lots being created, and whether there is any need to widen and/or upgrade the frontage road.*

The East Cape Consulting TIA confirms that the 'Southern Access' will provide appropriate and safe access without the need to widen or upgrade the road frontage.



b) Where any proposed subdivision in any zone has frontage to any existing road(s) that is/are not constructed to the standards set out in Rule 9.10 (h) and/or where road widening is required; whether the land uses that will be established on the proposed lots will increase the use of that road(s) to the degree that forming or upgrading the existing road(s) is required and, therefore, whether there is any need for the applicant to pay to the Council a financial contribution towards the forming or upgrading of the road(s). Such financial contribution shall not exceed the degree to which the road(s) serves or is intended to serve the subdivision. The financial contribution payable will be determined by the Roading Manager, Central Hawke's Bay District Council based on the percentage of public good versus private good each upgrading generates.

As assessed above for 14.6.3.a), it is not considered that the Williams Road frontage adjacent the proposed access will require widening or upgrading.

c) The costs of providing carriageway formation and widening, berm formation, footpaths, kerb and channel, as the case may be, shall be negotiated by the developer and the Council. The applicant shall provide to the Council engineered drawings and an estimate of the likely cost of the work proposed.

The roads are not in need of widening or of upgrade for this Rural Zone subdivision, so a) – c) above do not apply to the proposal.

d) Any impact of roading and access on waterways, ecosystems, drainage patterns or the amenities of adjoining properties; and the need for tree planting in the open space of the road to enhance the character and identity of the neighbourhood.

The proposed vehicle access location from the road to the proposed building platforms within each lot is relatively short and crosses areas of pasture and does not therefore affect any of the matters in d) above.

e) The effect of any new intersections or accesses created by the subdivision on traffic safety and efficiency, including the availability of adequate, unobstructed sight distances from intersections and adequate spacing between intersections.

The proposed shared vehicle crossing location does not meet the requirements of the District Plan for unobstructed sight distances for a 100km/hr road. The expert traffic advice in the East Cape Consulting TIA however is that the actual operating speed of the road adjacent to the proposed access is less than 50km/hr and that the greater than 100m sightline available in both directions is appropriate for maintaining traffic safety and efficiency.

f) The provisions of the Code of Practice for Urban Land (NZS 4404 1981).

The proposal involves unserviced rural land so this NZ Standard is not applicable.

g) The application of the requirements of Section 321, Local Government Act, 1974, to any subdivided lot.

This section of the LGA 1974 relating to road access was repealed in by the 2003 Resource Management Amendment Act.



h) The need for and practicality of providing vehicular access to all lots, and the practicality of providing access elsewhere for vehicles.

Both proposed Lots have practicable vehicle access from a public road as identified on the scheme plan and verified by the East Cape Consulting TIA. The proposed lots will both require some form of earthworks to establish access to the proposed building platforms. The formation of the access and the building platforms are proposed as part of this subdivision and will be subject to the recommendations of the RDCL geotechnical reports, with those recommendations being offered as conditions of consent.

i) The account taken of pedestrian movement.

Pedestrian movements are not considered relevant to this application given that the proposal is in a remote rural area involving rural sized lots.

j) The degree to which proposed new roads make adequate provision for vehicle movements, car-parking, property access and cyclists.

The proposal does not include any new roads.

k) The need to provide alternative access for car-parking and vehicle loading in Business Zones by way of vested service lanes at the rear of properties having regard to alternative means of access and performance standards for activities within such zones.

Not applicable to this proposal.

l) Where in the course of a subdivision a new road is to be constructed and vested that will, or could, provide frontage to other land, the need for the Council to enter into an agreement with the subdivider that permits the creation of a point strip

Not applicable to this proposal.

m) Any need to require provision be made in a subdivision for the vesting of road reserves for the purpose of facilitating connections to future roading extensions to serve surrounding land, or planned road links that may need to pass through the subdivision and the practicality of creating such easements at the time of subdivision application in order to facilitate later development.

Not applicable to this proposal.

n) Any need to require subdividers to enter into agreements that will enable the Council to require the future owners to form and vest roads when other land becomes available.

Not applicable to this proposal.

o) The need for construction standards and on-going maintenance for private vehicular access, including access to individual lots, whilst ensuring that access is practical, convenient and safe.

It is proposed that both lots will be subject to a condition requiring the vehicle crossing and Right of Way be formed to Council's standards. Future maintenance will be taken care of by the easement instruments on the new records of title for the right of way.



p) The need to provide for appropriate standards of street lighting or private vehicular access lighting.

The proposal is in a rural area and street lighting, or private vehicular access lighting is not considered to be required or practicable.

q) The need to provide distinctive names for private vehicular accesses. The name to be agreed to by the Council.

The proposal does not include any private roads or new roads to be vested.

r) The need for and degree of any financial contribution to achieve the above matters.

It is understood that financial contributions have now been replaced by Central Hawke's Bay District Council's Development Contributions policy.

14.1.4. Natural Hazards

a) Any information held on the Council's Natural Hazard registers.

b) Information obtained by suitably qualified experts, whose investigations are supplied for subdivision applications.

c) The applicant's or their Consultant's report, detailing the measures that have been or will be taken to avoid, remedy, or mitigate any hazard that may occur on the property.

d) Potential adverse effects on other land that may be caused by the subdivision or anticipated land use activities.

e) In relation to inundation from any source, the:

i) effects of any proposed filling being undertaken to avoid inundation and the consequential effects on the natural drainage pattern and adjoining land;

ii) erection of stopbanks and their environmental effects;

iii) need for boundary drainage to protect surrounding properties;

iv) adequacy of existing outfalls and any need for upgrading;

v) need for retention basins to regulate the rate and volume of surface runoff.

f) In relation to erosion, falling debris or slippage, the need for ongoing conditions aimed at avoiding, remedying or mitigating future potential adverse effects, and any need for registration of consent notices on the lot's Certificate of Title.

g) In relation to subsidence, the provision of suitability certificates, such as NZS 4431, or if not appropriate, the setting of ongoing conditions, with consent notices registered on the Certificates of Title.

h) In relation to contaminated site, any soil tests, establishing suitability, and methods to avoid mitigate or remedy the effects, including removal to approved disposal points.

i) In relation to land filling and excavation operations, the following factors:

i) effects on surrounding properties;

ii) natural pattern of surface drainage;

iii) type of and placement of fill material;

iv) mitigation, or avoidance, of adverse effects caused by dust or siltation affecting neighbouring properties;

v) remedies necessary during emergencies.

j) The likelihood of the proposed subdivision, including the establishment of potential assets such as residential units, being threatened by inundation or coastal erosion.

k) The ability of any buildings on the land being subdivided to be relocated, the estimated cost of the relocation, and the possible destination of a relocated building.

The Operative District Plan maps do not identify the site as being subject to any natural hazard overlays, however the Proposed District Plan maps identify the eastern portion of Lot 2 as being within the Tsunami Inundation Hazard extent. The building platform for proposed Lot 2 is however located well above that hazard area.

Due to the topography of the Site and the potential for land instability to affect future buildings, geotechnical reporting has been provided by RDCL. As set out in section 3.1.5 above the geotechnical reports conclude that the respective building platforms on Lots 1 and 2 are suitable for residential development subject to the recommendations in those reports. Those recommendations are offered as consent conditions as set out in section 6.7, Table 3 below.

Given the above, this 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.

14.1.5. Water Supply

a) The suitability of the proposed water supply for fire fighting purposes; (The Council may obtain a report from the Chief Fire Officer).

b) The provisions of the Code of Practice in respect to installation of all necessary water supply pipe lines, and ancillary equipment necessary for the subdivision, including extensions to existing supply systems, and including mains, sub-mains, service mains and fire hydrants and water storage tanks.

The new lots will be supplied with water supply from rainwater storage tanks, which in turn will be required to comply with the relevant CHBDC water supply bylaws at the time of building consent.

c) – i)

Assessment criteria 14.1.5c) – i) are all only applicable to reticulated water supplies and are not therefore relevant to the assessment of this application.



14.6.6. Stormwater Disposal

..

b) The adequacy of any proposed means of disposing of collected stormwater from the roofs of all buildings and impermeable surfaces.

c) The adequacy of any proposed means for screening out litter, the capture of chemical spillages, the containment of contamination from roads and paved areas and of siltation.

d) The ability to retain open natural waterway systems for stormwater disposal in preference to piped or canal systems and any adverse impacts on existing waterways.

...

i) Any adverse effects of the proposed subdivision on drainage on, or from, adjoining properties and mitigation measures proposed to control any adverse affects.

..

n) The need for and degree of any financial contribution to achieve the above matters.

All the proposed sites have adequate and suitable land areas available to appropriately dispose of stormwater resulting from impervious surfaces as is expected in a rural area. Stormwater from impervious areas on each lot will be disposed of via appropriate on-site mechanisms such as soakage pits. The Geotechnical Reports for both Lots 1 and 2 recommend that stormwater from impermeable surfaces should be discharged to a suitable point away from the proposed building platform and engineered or cut or fill slopes.²² It is proposed that compliance with the recommendations of the Geotechnical Reports be carried across as consent notice conditions on this subdivision consent as set out in Table 3 below.

14.6.7. Sanitary Sewage Disposal

a) - d) [Only relevant where reticulation is available].

e) Where a reticulated system is not available, or a connection is impractical, provision of on-site effluent disposal systems in accordance with either District Plan Rules or by a discharge permit issued by the Hawke's Bay Regional Council.

f) Where a reticulated system is not immediately available but is likely to be in the near future, the appropriateness of temporary systems.

g) Provision made by the applicant for monitoring mechanisms to ensure contaminants are not discharged into the environment from on-site effluent disposal systems, together with any consent notices to ensure compliance.

h) The need for a local purpose reserve to be set aside and vested in the Council as a site for a public utility for sanitary sewage disposal purposes.

²² RDCL Lot 1 Report, page 22; and RDCL Lot 2 Report, page 30.

i) The need for and degree of any financial contribution to achieve the above matters.

The proposal is not located in an area where reticulated sewage is available so onsite treatment and disposal is proposed. The proposed lots both have very large land areas available to treat and dispose of domestic sewage using septic tanks and land disposal fields with minimal or no effects on the surrounding environment. The systems for effluent disposal will in accordance with the recommendations of the Geotechnical Reports, need to be designed with appropriate expert input for land application onto medium to heavy clays at the time of building consent.²³ Consent notice conditions are recommended in Table 3 below to address that recommendation.

14.6.8 Trade Waste Disposal

Trade waste disposal is not a relevant matter for this application as the subdivision proposal is to create rural lifestyle lots.

14.6.9 Vegetation Protection

a) Whether any significant landscape or natural features, indigenous vegetation, or habitat on the site have been identified in the Plan as having conservation value or amenity value that they should be retained.

b) Whether any means of protecting significant natural features, indigenous vegetation, or habitat in perpetuity such as a QEII National Trust covenant or other similar instruments are proposed.

c) Whether a local purpose reserve should be set aside and vested in the Council to preserve any natural feature, vegetation or conservation value on the site.

There are no areas of significant indigenous vegetation, habitat, and landscape identified in the subject Site according to both the Operative and Proposed District Plans.

14.6.10. Easements

a) Whether there is a need for easements:

i) where a service or access is required by the Council;

ii) for stormwater passing through esplanade reserves where drainage will be to the river;

...

iv) in respect of other parties in favour of nominated lots or adjoining Certificates of Title;

v) for private ways;

vi) for stormwater, sanitary sewer, water supply, electric power, gas reticulation, telecommunications;

²³ RDCL Lot 1 Report, page 23; and RDCL Lot 2 Report, page 31.



...

A proposed easement for ROW access serving Lot 1 and Lot 2 from Williams Road is illustrated on the subdivision scheme plan. While both lots have frontage with this road, the use of a shared access ROW will avoid the need for additional earthworks to establish two separate accesses.

In addition, a proposed easement for the right to drain water and an easement for the right to convey electricity and communications is also proposed within the ROW.

14.6.11 Building Location

- a) *The local ground conditions or the situation applying to the lot and the suitability of the site of the building.*
- b) *Whether or not a lot should be restricted from development on parts of the site.*
- c) *The minimum floor height for buildings in situations where inundation is likely and damage to structures could occur, but the land may not necessarily be filled.*

The RDCL Geotechnical Reports considers that the proposed building platform locations are suitable subject to adherence to the recommendations of that report. Those recommendations include specific building design restrictions which are offered as consent notice conditions as set out in Table 3 below.²⁴ The same applies to the recommendations of the Geotechnical Report quoted above.

The lots are not subject to flooding hazards so minimum floor levels are not required.

6.3.1.3 Objectives and Policies

The most relevant objectives and policies of the Subdivision Section (9.2) relate to transport and access. The policies are generally reflective of the Operative District Plan subdivision assessment criteria considered above.

The relevant high-level objectives of the Heritage Values, Rural and Subdivision Chapters are however set out as follows.

Heritage Values

3.2.2.1 Objective

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

²⁴ RDCL Lot 1 Report, pages 17 & 18; and RDCL Lot 2 Report, pages 25 & 26.



scheme plan and the location of the proposed building platforms away from those archaeological sites.

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 2 new lots exceeding 50ha each. As a dwelling could currently be erected on the Site as a permitted activity, the net result of the subdivision is that an additional dwelling could be anticipated on the new lot created. Other than that the two lots will remain available for the range of agricultural land uses expected within the Rural Zone with little effect on rural amenity.

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 and 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.

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, these matters have already been addressed in detail above in relation to the analysis of objectives and policies within the NZCPS and RPS. That analysis is also considered applicable in relation to the above provisions, with the conclusion being that the proposed subdivision will have little effect on natural character values given the large size of the two lots and the placement of both building platforms being beyond the coastal margin boundary.

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. Both lots will have water, sewer, and stormwater services appropriately provided through onsite servicing within their respective boundaries.

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 location.

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 to both proposed lots in accordance with this policy. Further to this it is noted that the development of the respective lots will be subject 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 the building platforms for both lots are situated away from archaeological sites and outside of the coastal margin. No land use change is proposed as a result of this subdivision within the coastal margin or in the vicinity of the identified archaeological sites. Further to this, the proposal will maintain

the amenity value 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 under the natural hazards assessment above, the Operative District Plan maps do not indicate that the site is subject to any natural hazard overlays and both proposed building platforms are well above the Tsunami Hazard extent mapped in the proposed District Plan. Due to the relatively steep topography of the site, the recommendations of the RDCL Geotechnical Reports are offered as a conditions of subdivision consent to ensure that land instability hazards are mitigated. 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. Accordingly, the proposal is consistent with this objective.

Accordingly, the proposal is consistent with the relevant objectives and policies of the ODP.

6.4 PROPOSED CENTRAL HAWKE'S BAY DISTRICT PLAN

As set out above the Proposed District 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. Given that decisions on submissions have yet to be made on the Proposed District Plan it can be given little weight in the assessment of this application. For completeness the most relevant objectives and policies of the General Rural Zone, Subdivision, Natural Hazards, Historic Heritage and Coastal Environment Chapters are referenced and assessed below.

General Rural Zone

GRUZ-O1 The General Rural Zone is predominantly used for primary production activities and ancillary activities.

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

- 1. Low-density built form, with open space and few structures;*
- 2. A predominance of rural and land-based primary production activities and associated buildings, such as barns and sheds;*
- 3. Sounds and smells associated with legitimate primary production activities;*
- 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 Adverse effects of activities are managed to maintain rural character and amenity and, where applicable, the natural character and amenity values present within the coastal environment.

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-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.

As discussed above, the proposed subdivision will not create any inappropriate changes to the existing environment, most significantly in regard to the above objectives and policies each lot will be of a sufficient size so that rural and land-based primary production activities can continue to occur on the balance of the lots. Therefore, while a building platform is proposed on each lot, the Site will remain rural in nature with both lots proposed to continue to be farmed. As such, rural character and amenity will be maintained.

The natural character and amenity of the coastal environment will also be maintained by the proposal as discussed in the analysis of the objectives and policies within the NZCPS and RPS. That analysis is also considered applicable in relation to the above provisions.

There is a significant change in policy direction from the Operative District Plan, the rules of which still apply, with the direction to limit rural lifestyle lot subdivision. The proposed subdivision would however comply with the 20ha minimum site size for the General Rural Zone set by the Proposed District Plan.

Subdivision

SUB-O2 Lots created by subdivision are physically suitable for a range of land use activities allowed by the relevant rules of the District Plan.

SUB-O3 The provision of appropriate services to subdivided lots, in anticipation of the likely effects of land use activities on those lots, so as to ensure the health and safety of people and communities, and the maintenance or enhancement of amenity values.

SUB-O4 Reverse sensitivity effects of subdivision on existing lawfully established activities (including network utilities) are avoided where practicable, or mitigated where avoidance is not practicable.

SUB-P7 To ensure that where sites are not connected to a public water supply, wastewater disposal or stormwater disposal system, suitable provision can be made

on each lot for an alternative water supply or method of wastewater disposal or stormwater disposal, which can protect the health and safety of residents and avoid or mitigate adverse effects on the environment.

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-P15 To ensure that earthworks associated with constructing vehicle access, building platforms or services on land being subdivided will not detract from the visual amenities of the area, or have significant adverse environmental effects, such as dust, or result in the modification, damage or destruction of heritage items, archaeological sites or sites and areas of significance to Māori, cause natural hazards, or increase the risk of natural hazards occurring,

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 objectives and policies both lots will have appropriate legal and physical road access 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.

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 the RDC geotechnical reporting.

Natural Hazards

NH-O2 The effects of natural hazards and the long-term effects of climate change on the community and built environment are minimised.

NH-O3 Any increase in risk to people, property, infrastructure and the environment from the effects of natural hazards is avoided.

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 RDCL geotechnical reports in Appendix C, the recommendations of which are offered as conditions of consent to ensure that the land instability hazard is appropriately mitigated.

Historic Heritage

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

HH-P2 To identify archaeological sites to assist the continued protection of these sites.



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 D has positively contributed to the achievement of this objective and policies by identifying additional archaeological sites and protection measures for those sites, albeit that the report was prepared for a forthcoming 10 lot subdivision and that the proposed building platforms in this two lot subdivision do not threaten those identified sites.

Coastal Environment

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.

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

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; and*
7. *The extent to which any adverse effects are avoided, remedied or mitigated.*

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 of 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.*

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 objectives and policies within the NZCPS and RPS. That analysis is also considered applicable in relation to the above provisions. In summary, the natural character of the coastal environment will be maintained by the subdivision of 2 lots exceeding 50ha in area with the associated building platforms set back as far as possible from the coast.

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



6.5 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).*

The proposed subdivision will not create any additional natural hazard risk and the proposed building will be subject to appropriate geotechnical 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 physical access will be provided to each allotment from a legal road, with both lots having long road frontages providing legal access.

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

6.6 PART 2 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 the Operative District Plan, which provides 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'.

6.7 ASSESSMENT OF EFFECTS ON THE ENVIRONMENT

As required by Schedule 4, Clause 2(3) the following is an assessment of the effects on the environment of the proposed activity. Firstly Clause 2(3)(a) requires that this assessment includes the information required by Clause 6, which is responded to under the following subheading.

6.7.1 Information Required in Assessment of Environmental Effects

The following section of this AEE addresses those additional matters required to be addressed in a resource consent application under Schedule 4 of the RMA.

6.7.1.1 RMA Schedule 4 Clause 6

Clause 6(1)(a) is:

"if it is likely that the activity will result in any significant adverse effects on the environment, a description of possible alternative locations or methods for undertaking the activity."

As this assessment demonstrates, the proposed subdivision will not result in any significant adverse effects on the environment of the Rural Zone. As there are no significant adverse effects on the environment, it is not necessary to consider alternative locations or methods.

Clause 6(1)(b) is:

"an assessment of the actual or potential effects on the environment of the activity."

To the extent that an assessment of actual or potential effects has not already been covered by the District Plan assessment above, it is provided under the Clause 7 subheading below which covers 'matters that must be addressed by an assessment of environmental effects'.

Clause 6(1)(c) is:

"if the activity includes the use of hazardous substances and installations, an assessment of any risks to the environment that are likely to arise from such use:"

The proposed subdivision does not involve the use of hazardous substances or installations.

Clause 6(1)(d) is:

'if the activity includes the discharge of any contaminant, a description of—



- i. *the nature of the discharge and the sensitivity of the receiving environment to adverse effects; and*
- ii. *any possible alternative methods of discharge, including discharge into any other receiving environment:’*

There will be no discharge of contaminants as a result of this subdivision, aside from onsite wastewater and stormwater disposal which will be authorised for each future dwelling through the building consent process.

Clause 6(1)(e) requires:

“a description of the mitigation measures (including safeguards and contingency plans where relevant) to be undertaken to help prevent or reduce the actual or potential effect.”

A summary of these measures is provided as follows:

Table 3: Summary of Potential Effects and Mitigation Measures

Potential Effect	Mitigation Measure	Comment
Land Instability – Access and Building Platform Development	<p>That all earthworks for the subdivision, including preparing the access, shared right of way and building platforms shall be undertaken in accordance with the recommendations of the Geotechnical Assessment Reports prepared by RDCL for SR & BJ Williams Charitable Trust, dated December 2022 and Titled: “Lot 1, Mangahuri Beach Subdivision” and “Lot 2, Mangahuri Beach Subdivision”, including:</p> <ul style="list-style-type: none"> ➤ that such earthworks be undertaken in accordance with NZS4431:2022; ➤ that as built records be recorded and submitted to Council covering the matters in section 8 of the RDCL Reports; and ➤ that a completion report confirm the location of the building setbacks identified in Figure 3 of the respective Geotechnical Assessment Reports prepared by RDCL (with any adjustments following earthworks) for SR & BJ Williams Charitable Trust, dated December 2022 and Titled: “Lot 1, Mangahuri Beach Subdivision” and “Lot 2, Mangahuri Beach Subdivision”; ➤ that a completion certificate, Form 6, be provided for the earthworks. 	<p>Comprehensive Geotechnical Assessments Reports have been prepared by RDCL for both Lots 1 and 2, that confirm the lots to be suitable for residential development provided the recommendations in the report are undertaken. Accordingly, requiring those recommendations to be complied with as a condition of consent will ensure mitigation of the instability hazard.</p>
Land Instability – Future Building Development	<p>That consent notice conditions be applied requiring any residential building development and associated works, including stormwater and wastewater disposal shall be undertaken in accordance with the recommendations of the Geotechnical Assessment Reports prepared by RDCL for SR & BJ Williams Charitable Trust, dated December 2022 and Titled: “Lot 1, Mangahuri Beach Subdivision” and “Lot 2, Mangahuri Beach Subdivision”, including recommendations for:</p> <ul style="list-style-type: none"> ➤ foundation design; 	<p>These consent notice requirements will ensure that the geotechnical recommendations for future building development will be carried out. Any potential adverse effects of land instability will therefore be appropriately managed and any geotechnical instability hazards appropriately mitigated.</p>



Potential Effect	Mitigation Measure	Comment
	<ul style="list-style-type: none"> ➤ building setback restrictions; ➤ building design restrictions; ➤ Stormwater disposal; ➤ Wastewater disposal; and ➤ Planting. <p>that a completion certificate, Form 6, be provided for the earthworks.</p>	
Legal access	A condition requiring the memorandum of easements as set out on the scheme plan to be endorsed on the survey plan for the subdivision to ensure that legal vehicular access is established and maintained via reciprocal rights of way over easements 'D' and 'E' for Lot 1 and Lot 2.	Such a condition will achieve the certainty of a safe legal and physical vehicular access is available for Lot 1 and Lot 2 and also enable a single vehicle crossing to be shared by both lots.
Formation of vehicle crossing and Right of Way	A condition requiring the construction of a vehicle crossing and the formation of the access right of way to Council's specifications in the locations shown on the subdivision scheme plan.	This condition will ensure safe and efficient vehicle access to both Lots 1 and 2 from Williams Road.
Sedimentation from earthworks	That the earthworks be undertaken in accordance with best practice methods to avoid sediment discharges to waterways or beyond the boundary of the site.	Such conditions will ensure that adverse effects from earthworks are avoided.
Archaeological Effects	<p>That a condition require the removal of topsoil, and the excavation involved in the proposed earthworks to be monitored by an archaeologist and that if any archaeological material is uncovered that the recommendations of the Heritage Services Hawke's Bay Report titled 'Archaeological Assessment of Effects: Proposed Subdivision; Mangakjuri Station, 42 Okura Road, Mangakuri Beach, Central Hawke's Bay' be complied with.</p> <p>That an advice note be added to the decision that the Site and future subdivision is subject to Archaeological Authority No: 2023/218.</p>	The protection of archaeology is provided for by the Heritage New Zealand Pouhere Taonga Act 2014 and an archaeological authority has been applied for and granted (on 18/11/22) under that Act (Authority No: 2023/218) for the future proposed 10 lot subdivision. The conditions of that authority must be met prior to the 10 lot subdivision being exercised. The proposed building platforms for this subdivision are located away



Potential Effect	Mitigation Measure	Comment
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from the recorded archaeological sites but there is still risk of sub-surface archaeological material being uncovered during earthworks, hence the proposed condition.

Clause 6(1)(f) requires:

Identification of the persons affected by the activity, any consultation undertaken, and any response to the views of any person consulted.

As is discussed further under the section 95B heading below, no other persons are considered affected by the proposed subdivision and therefore no further consultation has been undertaken.

Section 95A RMA Public Notification

With regard to section 95A of the RMA, public notification is not required by Step 1, nor precluded by Step 2. Under Step 3 consideration is required under section 95D as to whether the activity will have, or is likely to have, adverse effects on the environment that are more than minor. Given the above assessment and the proposed mitigation measures set out in Table 3 above, it is considered that any potential adverse effects on the environment will be no more than minor. In regard to Step 4, it is not considered that there are any special circumstances associated with this application that would necessitate public notification (section 95A(9)). Accordingly, the application should not be publicly notified.

Section 95B RMA Limited Notification

The application is not precluded from limited notification under section 95B; accordingly, assessment is required as to whether there are any affected persons in accordance with section 95E.

The proposal is for a subdivision to create two large rural lots from one existing Record of Title in the General Rural Zone. The subdivision consent would have the status of a controlled activity if the vehicle sightline requirements for the accessways could be met and if the site wasn't partially located within the coastal margin area. Given the low volumes and low speeds of traffic in this area, these breaches of the Operative District Plan standards are not considered to adversely affect the safety or efficiency of the road network or any users of that road network. Further to this the proposed access is



confirmed as providing appropriate site lines for the operational speed environment by Cape Coast Consulting traffic engineers (see Appendix E).

There are several dwellings located in the surrounding environment, 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, the natural character of the coastal environment has already been compromised by building and development in this area. Further, the subdivision creates two lots that exceed the minimum area requirements of both the Operative (4,000m²) and Proposed (20ha) District Plans.

The value and importance of the surrounding rural and coastal environment has been recognised and provided for in the design of the subdivision and location of the two building platforms, ensuring that they are set back by over 300m from both the coastal residential properties to the east and from the lifestyle site at 124 Williams Road. It is also noted that the building platforms are located uphill and inland from these other properties, which are all orientated in the opposite direction to maximise their coastal views.

The land on the opposite side of Williams Road to the building platforms is also owned by the Applicant.

Accordingly, with regard to section 95E of the RMA it is considered that the effects of the subdivision on any persons will be less than minor.

6.7.1.2 RMA Schedule 4 Clause 7

Clause 7(1) of Schedule 4 sets out that the following matters must be addressed in the assessment of the activities effects on the environment:

- a) any effect on those in the neighbourhood and, where relevant, the wider community, including any social, economic, or cultural effects:*
- b) any physical effect on the locality, including any landscape and visual effects:*
- c) any effect on ecosystems, including effects on plants or animals and any physical disturbance of habitats in the vicinity:*
- d) any effect on natural and physical resources having aesthetic, recreational, scientific, historical, spiritual, or cultural value, or other special value, for present or future generations:*
- e) any discharge of contaminants into the environment, including any unreasonable emission of noise, and options for the treatment and disposal of contaminants:*
- f) any risk to the neighbourhood, the wider community, or the environment through natural hazards or the use of hazardous substances or hazardous installations.*

With regards to (a) above, as set out in the preceding assessment there are no such effects generated by the activity, other than the positive economic, and social effects for the Applicant and the future owners of the new lots created by the subdivision. This is a relatively remote coastal rural area and the ability for additional people to reside in this area will have positive social effects for the community.



Given the permissive expectations of the Operative District Plan regarding Rural Zone subdivision, and the location of both building platforms outside of the Coastal Margin, there will not be any significant landscape or visual effects resulting from this application.

As the subject Site comprises of pasture grazing land, it is not considered that there are any ecosystem effects in terms of (c) above, or effects on resources with special values in terms of (d), from the proposed activity. As note above the proposed building platforms and associated accessway earthworks are well clear of the identified archaeological sites.

In terms of e) there will be no discharges of contaminants into the environment (beyond complying on-site wastewater and stormwater systems). The potential discharges of sediment from earthworks will need to be appropriately managed at the time of construction to ensure compliance with the RRMP, and conditions of consent are offered in this regard in Table 3 above.

The use of hazardous substances, (f) is not considered relevant to this assessment.

As set out in Table 3 above the recommendations of the Geotechnical Report enable the the land instability natural hazard to be adequately avoided or mitigated by the proposal.

The proposed activity will not give rise to any other effects on the environment that have not already been discussed and assessed above.

7. CONCLUSION

The proposed subdivision is generally consistent with the relevant objectives, policies and assessment criteria of the Operative District Plan, Proposed District Plan and the relevant provisions of the NZCPS and RPS.

Further to this, subject to conditions offered in Table 3 above, any adverse effects of the proposed subdivision will be appropriately avoided, remedied or mitigated.

Accordingly, it is considered that the proposal is consistent with sustainable management in terms of Part 2 of the RMA and that consent can be granted on a non-notified basis subject to the conditions discussed above.



APPENDIX A

Scheme Plan



APPENDIX B

Record of Title



APPENDIX C

Geotechnical Report



APPENDIX D

Archaeological Assessment



APPENDIX E

Traffic Impact Assessment