



Attachment 1

CDL Table Response to Comments

Table 1 provides a response to the relevant matters raised by local authorities and invited parties to the draft conditions issued by the Panel on 23 January 2026.

Table 1: CDL Response to Comments

| Invited Party / Condition # | Summary of Invited Party Comments | CDL Response to Comments | Recommended Amendments |
|-----------------------------|---|--|------------------------|
| 1_Hayden Senior | | | |
| All | The submitter considers that the draft conditions do not adequately address adverse effects of the approved development, particularly in relation to site intensity, parking and access, and traffic and pedestrian safety along Arataki Road, and seeks stronger and more prescriptive conditions. | CDL notes these concerns but considers that the draft conditions appropriately address potential adverse effects and does not agree that further changes to conditions are necessary to address these matters. | n/a |
| 2_Susan Doughty | | | |
| All | The submitter opposes the development proceeding at the proposed density, raising concerns about small section sizes, insufficient local infrastructure and services (including schools and medical facilities), inadequate road design for emergency and service vehicle access, cumulative effects from nearby developments, and a perception | CDL notes these concerns but considers that the draft conditions appropriately address potential adverse effects and does not agree that further changes to conditions are necessary to address these matters. | n/a |



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| | that community views have not been adequately considered. | | |
| 3_Clive & Christina Brown | | | |
| <i>All</i> | The submitters consider that Arataki Road is already heavily trafficked and will not be able to accommodate additional traffic generated by the development, noting existing commuter, freight, tourism, bus and heavy vehicle use. They seek road widening and on-street parking provision to manage increased traffic demand and raise concerns regarding emergency service access. | CDL notes these concerns but considers that the draft conditions appropriately address potential adverse effects and does not agree that further changes to conditions are necessary to address these matters. | n/a |
| 4_Hastings District Council (HDC) | | | |
| Condition 19 <i>Assets</i> | HDC assets team and development engineer have confirmed satisfaction with conditions and wording. | Noted. | n/a |
| Condition 21 <i>Amalgamation conditions</i> | Condition 21 requires that JOALs 2000 to 2009 be subject to section 220(1)(b)(iv) of the Resource Management Act 1991, by way of amalgamation conditions recorded on the Land Transfer Plan. As this condition relies on the statutory mechanism under s220, formal approval from Land Information New Zealand (LINZ) is required (this should really be confirmed prior to the decision being issued). Has the panel or the applicant had | Noted. CDL commenced engagement with LINZ on 12/02/2025 to confirm amalgamation condition approach. Woods are confident that the condition wording will be accepted by LINZ. | Adopt Condition 21 amendments proposed by CDL in their Panel Response dated 09/02/2026. |



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| Condition 27 <i>Land Covenant</i> | <p>correspondence with LINZ regarding these conditions?</p> <p>HDC consider it preferable that this is a consent notice. Which is more time and cost effective to impose. If not a consent notice, then please amend to clearly state it will be a section 108 covenant. It also needs a timeframe to ensure this covenant/condition is completed prior to habitable buildings being established on the relevant lots.</p> <p>Suggested wording:</p> <p><u>Pursuant to Sections 108(2)(d) and 108(7) of the Resource Management Act 1991, a covenant shall be entered into, in favour of the consent authority (Hastings District Council), in respect of the performance of Condition 27. The wording for the covenant shall be approved by the Environmental Consents Manager, Hastings District Council (or nominee) prior to registration. The covenant shall be registered on the certificate of title for proposed lots 140 to 171 at the sole cost of the applicant and confirmation of registration shall be provided to the Environmental Consents Manager, (or nominee), Hastings District Council prior to the issue of building consent for any dwelling on lots 140 to 171. This Covenant shall remain in place for the duration of this consent.</u></p> | <p>CDL supports the proposed change from a land covenant to a consent notice as requested by HDC.</p> <p>A new consent notice condition 65F has been proposed to replace the covenant and secure the requirement on the relevant titles.</p> | <p>Delete Condition 27 Land Covenant.</p> <p>Insert new Condition 65F to reflect the proposed changes put forward by HDC.</p> <p>Refer to updated Conditions Suite at Attachment 2.</p> |



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| | <p>2. The wording itself appears to be standard council wording but should be layout as such:</p> <p><u>This property is located in a productive rural area where agricultural management practices such as agrochemical spraying, use of farm machinery, the operation of bird scarers and other similar activities may occur.</u></p> <p><u>Where landuse activities in the surrounding area are carried out in accordance with the relevant District Plan requirements, the property owner, or their successor in title shall not:</u></p> <ul style="list-style-type: none"><u>• Bring any proceedings for damages, negligence, nuisance, trespass or interference arising from the use of that land; or</u><u>• Make nor lodge; nor</u><u>• Be party to; nor</u><u>• Finance nor contribute to the cost of;</u> <p><u>Any application, proceeding or appeal (either pursuant to the Resource Management Act 1991 or otherwise) designed or intended to limit, prohibit or restrict the continuation of the operations of any rural activity on surrounding land, including without limitation any action to require the surrounding landowners/occupiers to modify the rural operations carried out on their land.</u></p> | | |



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| Condition 49A <i>Driveway sealing</i> | HDC's development engineer has confirmed there is no prescribed engineering standard for private driveways. We note that should be undertaken in accordance with best practice construction methods to ensure the surface is durable, well-drained, and designed to provide safe and efficient passage for vehicles and pedestrians accessing the site. | Noted. CDL consider that the revised Condition 49A wording proposed by CDL in their Panel Response dated 09/02/2026 adequately reflects the HDC's position on this matter and will ensure that suitable sealing of the driveway will be undertaken. | Adopt Condition 49A amendments proposed by CDL in their Panel Response dated 09/02/2026. |
| Condition 65B <i>Site-wide Fencing</i> | HDC are comfortable with the proposed wording. | Noted. | n/a |
| Condition 66 <i>Reserve boundary fencing</i> | HDC reserves team has requested the following amended wording: <u>Fencing adjoining a Reserve or Reserve Link</u> <u>That a Consent Notice pursuant to Section 221 of the Resource Management Act 1991 shall be registered against the record of title to be issued for Lot xx (Stage xxx) hereon. The notice shall be registered at the consent holder's expense and shall read as follows:</u> <u>Fencing next to any Reserve or Reserve Link</u> <u>If a fence is built on or within 5 metres of the boundary of the reserve it shall be either a 1.2m high picket fence, in accordance with Figure 8.1 NZS4404:2004, or a 1.2m-1.8m high open style steel pool fence, galvanised and powder coated, or any alternative design if agreed to by the Environmental Consents</u> | CDL does not support adoption of the amended wording proposed by HDC. The key difference between the CDL and HDC fencing condition is that HDC's wording prescribes specific fence types (1.2m picket or 1.2–1.8m open steel pool fencing within 5 m of a reserve boundary), whereas CDL's condition establishes performance standards (maximum 1.8m height and minimum 50% visual permeability) tailored to the reserve adjoining boundaries within the development and in conjunction with the internal fencing plan proposed on individual properties. CDL has prepared a comprehensive fencing strategy for the site to achieve an appropriate balance between passive surveillance of public open space, HDC | Adopt Condition 66 amendments proposed by CDL in their Panel Response dated 09/02/2026. |



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| | <p><u>Manager and the Public Spaces Manager, Hastings District Council (or nominee).</u></p> <p><u>In addition the following requirements also apply:</u></p> <p><u>(a) That a mowing strip shall be constructed with any fence.</u></p> <p><u>(b) The Hastings District Council is not liable for any costs associated with erecting, replacing or maintaining any fence bounding the reserve.</u></p> <p><u>(c) Gates between the residential site and the reserve can be installed at the owner's discretion, and in a style matching the fence.</u></p> | <p>maintenance requirements (including mowing strips and liability provisions), and reasonable privacy and security for future residents. The proposed condition reflects that integrated design response whilst adequately providing for passive surveillance.</p> <p>For these reasons, CDL considers the existing wording appropriately achieves the intended outcomes and should be retained.</p> | |
| <p>Condition 68B <i>Application of Residential Zone rules</i></p> | <p>HDC support Panel amendments to remove bespoke design variation consent notices and rely solely on the underlying zone provisions.</p> | <p>Noted. CDL agree with Council's position and have adopted the underlying zoning approach in their Panel response dated 09/02/2026 without further bespoke design consent notices.</p> | <p>No change required to conditions.</p> |
| 5_Hawkes Bay Regional Council (HBRC) | | | |
| <p>Draft Decision Para 69 <i>Regional Planning Committee</i></p> | <p>HBRC confirms that they do not expect applicants to consult with the Regional Planning Committee on individual consent applications or projects.</p> | <p>Noted.</p> | <p>n/a</p> |



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| Draft Decision Paragraph 210 <i>Flocculants</i> | HBRC agree that additional consent may be required for the discharge of flocculants. | Noted. | n/a |
| Draft Decision Paragraph 124 <i>Network Discharge Consent update</i> | HBRC note that HDC's district-wide stormwater network discharge consent is now valid until 31 December 2031 following recent legislative changes, and that a replacement consent application lodged with HBRC includes the Arataki Project site. As a result, there is potential for the Arataki Project's stormwater discharges to be covered by the district-wide consent in the future, in which case the stormwater discharge consents granted through the Fast-track process would no longer be required. | Noted. | No change required to conditions. |
| Schedule 1 | HBRC requests that the schedule 1 documents are compiled and issued by the applicant. | Noted. | CDL will compile the file of final documents and this will be issued to the Panel and Councils in due course. |
| Condition 140 <i>ChTMP</i> | For completeness, we do recommend that the ChTMP requirements be added to condition 140 so that it is provided to HBRC for certification with the ESCP. Condition 140 could be amended as follows: At least 20 days prior to the commencement of any earthworks or construction activity for the stream works, the Consent Holder must submit to HBRC (Manager Compliance) for certification a finalized copy of the ESCP <u>and</u> | CDL accept the proposed changes put forward by HBRC. | Amend Condition 140 to reflect the proposed changes put forward by HBRC. Refer to updated Conditions Suite at Attachment 2 . |



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ChTMP (if chemical treatment is intended to be used) in general accordance with the approved preliminary ESCP and ChTMP provided in the Infrastructure Report prepared by Woods and referenced in Schedule 1, and taking into account in accordance with the “Hawkes Bay Waterway Guidelines – Erosion and Sediment Control” (April 2009). Alternatively, the ESCP and (where applicable) the ChTMP, may be submitted for certification in stages, based on the staged construction of the project.

The ESCP and ChTMP can be amended to suit the appointed Contractor’s methodology subject to written approval from HBRC’s Manager Compliance (or nominee). Approval must be obtained prior to works commencing under the amended methodology.

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| <p>Condition 140 <i>ChTMP Advice Note</i></p> | <p>HBRC continue to hold the view that it is likely that an additional consent will be required for the discharge of flocculants should they be used because they are to be discharged from the sediment pond to the receiving environment. HBRC agree with the Panel’s comment that this consent could be obtained at a later date if required and that it is not of critical importance for this current process. We recommend an advice note capture this potential requirement as follows:</p> | <p>CDL accept the proposed changes put forward by HBRC.</p> | <p>Amend Condition 140 to reflect the proposed changes put forward by HBRC.</p> <p>Refer to updated Conditions Suite at Attachment 2.</p> |
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| Conditions 118 and 137 <i>Certification wording</i> | <p><u>Advice note: Additional resource consents may be required for the discharge of chemical treatments, where Rule 47 of the RRMP cannot be met. The consent holder should confirm and obtain consent if required prior to the discharge of chemical treatments.</u></p> <p>Condition 118 is in relation to the detailed design plans for the works adjacent to the stream. Condition 137 is for detailed design plans in relation to the stormwater system.</p> <p>In both cases, it would be useful if the consent holder was required to identify any changes from the preliminary designs submitted with the application documentation. This will aid council in the certification process. An addition to each condition as follows is recommended (i.e. add as 118(e) and 137(h)):</p> <p><u>outline any changes from the report and plans referenced in Schedule 1, including comment on the reasons for the changes and how the plans remain in general accordance with these plans.</u></p> | CDL accept the proposed changes put forward by HBRC. | Amend Conditions 118 and 137 to reflect the proposed changes put forward by HBRC. Refer to updated Conditions Suite at Attachment 2. |
| Conditions 120, 140 (ESCP), 141 (SMP), 142 (WQMS) and 143 (SMMP) <i>Certification wording</i> | We note that other consent conditions also involve certification by HBRC, including conditions 120 and 140 for the ESCP, condition 141 for the Spill Management Plan, condition 142 for the water quality monitoring strategy and condition 143 for | CDL accept the proposed changes put forward by HBRC. | Insert new Certification Conditions 121A and 141A to reflect the proposed changes put forward by HBRC. Refer to updated Conditions Suite at Attachment 2. |



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| | <p>Stormwater Management and maintenance plan, but these do not include the 15 working day certification requirement. We recommend that a condition is added to generally cover certification by HBRC:</p> <p><u>Unless otherwise specified, where a condition requires that a plan or document is to be certified by HBRC, certification shall be obtained from HBRC (Manager Compliance) prior to the works to which they relate being undertaken (noting that works may be undertaken in stages, within stages, or across stages).</u></p> <p><u>The plans shall be considered certified by HBRC unless, within 15 working days of having been supplied with the plans, the HBRC advises that certification is withheld and provides written reasons why certification is withheld.</u></p> | | |
| 6_Sarah & Jason Johnston | | | |
| Condition 27 <i>Reverse Sensitivity</i> | Support the inclusion of no-complaint covenants for rural practices (e.g. spraying) | Noted. | n/a |
| Condition 86 <i>Temporary acoustic fencing</i> | Support temporary acoustic screening being in place during construction. | Noted. | n/a |



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| Condition 65E <i>Acoustic fencing</i> | <p>Support 2m high wooden fencing along Olive Grove boundary.</p> <p>Request that 2m high wooden fencing be erected along eastern boundary of Lots 152 – 162 adjacent to their house to mitigate noise from dogs / reverse sensitivity.</p> | <p>CDL is happy to accept this amendment. The acoustic fencing condition will be amended to require 2.0 m high timber acoustic fencing along the shared boundary of Lots 152–162 with 104 Arataki Road.</p> <p>The Boffa Miskell Landscape Concept Report <i>Fencing Plan L200</i> and <i>Boundary Interface Plan L501</i> will be updated to show the new acoustic fencing type on this boundary.</p> | <p>Amend Condition 65E to provide for acoustic fencing to reflect the proposed changes put forward by S&J Johnston.</p> <p>Refer to updated Conditions Suite at Attachment 2.</p> <p>Refer to updated Boffa Miskell Landscape Concept Report Rev 3 at Attachment 3.</p> |
| Condition 65E <i>Stock fencing</i> | <p>Support 1.8m high stock fencing along eastern boundary of Lots 146 – 151.</p> <p>Recommend mesh sizing small enough to prevent small dogs passing through (e.g. X-fence 50 x 100 mm).</p> | <p>CDL considers the retention of stock fencing to Lots 146 – 151 is appropriate, with remaining eastern boundary Lots 152 – 162 to be changed to Acoustic Fencing as per this request.</p> <p>The Boffa Miskell Landscape Concept Report <i>Fencing Plan L200</i> already specifies 50 x 100 mm mesh sizing for the relevant fencing. As this requirement is secured through the approved landscape documentation on this consent notice, no further amendment to the condition wording is necessary.</p> | <p>Amend Condition 65E to apply stock fencing only to Lots 140 - 151 to reflect the proposed changes put forward by S&J Johnston. Lots 152 – 162 will be changed to acoustic fencing to match that proposed for Lots 163 - 171.</p> <p>No change to Condition 65E is required regarding mesh sizing as this is already specified on the Landscape Concept Report fencing plan L200.</p> <p>Refer to updated Conditions Suite at Attachment 2.</p> <p>Refer to updated Boffa Miskell Landscape Concept Report Rev 3 at Attachment 3.</p> |
| Condition 49A <i>Driveway sealing</i> | <p>Support condition to seal driveway.</p> | <p>Noted. CDL considers that the Condition 49A amendments proposed as part of their Panel response dated 09/02/2026 provides a clearer and enforceable condition regarding timing and party obligations / expectations</p> | <p>Adopt Condition 49A amendments proposed by CDL in their Panel Response dated 09/02/2026.</p> |



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| Condition 49A <i>Driveway buffer</i> | Request that driveway should be treated like the rest of the rural boundaries since it is wide enough to farm and in future they may want to plant crops or graze it. A buffer interface, fencing, no build zone and planting should be a condition applied to all our boundaries including our driveway. | <p>whilst still achieving the outcome of a sealed driveway.</p> <p>CDL does not support extending the rural interface buffer requirements to the 104 Arataki Road driveway boundary.</p> <p>The driveway is approximately 12m wide and functions as the sole legal access to a dwelling and the existing dog day-care activity. Its primary purpose is access, with intermittent vehicle movements. It is not an intensive rural production area. A 1.8m high close-boarded fence is proposed along the driveway boundaries, which will provide appropriate screening and separation.</p> <p>The Panel's draft decision does not require any additional buffer, planting or no build treatment along the driveway, other than the conditional sealing of the driveway surface (subject to the owner's agreement). In this context, and having regard to the potential scale and nature of any future activity in this location, CDL considers no further interface treatment is necessary or justified.</p> | Adopt Condition 49A amendments proposed by CDL in their Panel Response dated 09/02/2026. |
| Condition 27 <i>No complaints covenant</i> | The submitters seek the inclusion of a no complaints covenant to protect their dog daycare from future noise complaints, noting that the activity was consented when neighbouring dwellings were significantly further away, that barking noise may | CDL supports the inclusion of a no-complaints consent notice for lots adjoining 104 Arataki Road (Lots 83 to 97 and Lots 140 to 171). | New Condition 65G proposed to introduce a dog day care activity no complaints consent notice to reflect proposed changes sought by S&J Johnston. |



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| | <p>increase with closer residential development, that noise was not captured during the acoustic assessment due to business closure at the time of site visits, and that a Noise Management Plan alone is insufficient to manage reverse sensitivity effects or protect their ongoing operation.</p> | <p>The consent notice will record that 104 Arataki Road operates a dog day care facility authorised under resource consent RMA20170139, and that barking noise and associated operational effects may occur in accordance with that consent.</p> <p>The notice will require that future owners and occupiers of the adjoining lots acknowledge the lawful operation of the activity and not bring proceedings or seek to curtail the continuation of the dog day-care activity where it is undertaken in accordance with its consent.</p> <p>CDL considers this approach appropriately manages potential reverse sensitivity effects and provides certainty for both the existing activity and future residents.</p> | <p>Refer to updated Conditions Suite at Attachment 2.</p> |
| <p>New Condition <i>Buffer interface</i></p> | <p>The submitters oppose the proposed 10 m interface treatment and seek a 30 m buffer along their boundary including the driveway boundary, as this is necessary to adequately manage reverse sensitivity effects and to avoid setting an adverse precedent for rural urban interfaces.</p> | <p>CDL does not support the request for a 30m buffer along the Shaggy Range boundary, including the driveway boundary.</p> <p>The Panel’s draft decision considers this issue and concludes that a 30m buffer is not justified in this context (Draft Decision Part E – Reverse Sensitivity Effects). The Panel finds that, having regard to the site context, proposed mitigation measures (including planting, fencing, setbacks and consent notices), and the lack of specific setback requirements in the Hastings District Plan, a</p> | <p>No change required to conditions.</p> |



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| <i>New Condition</i> <i>Building Height</i> | Concern is raised about potential multi-storey housing close to the boundary and effects of noise travelling upwards. The submitters seek a condition limiting dwellings adjacent to their property (Lots 152 -162) to single storey to manage noise. | <p>10m interface is appropriate and proportionate.</p> <p>The draft decision confirms that, subject to the imposed conditions, reverse sensitivity effects can be appropriately managed.</p> <p>For these reasons, CDL maintains that the proposed 10m interface treatment is sufficient along the eastern boundary and that a 30m buffer is unnecessary.</p> <p>Commentary regarding CDL’s position on the driveway interface is provided above.</p> | No change required to conditions. |



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| | <p>finding that undue acoustic effects would otherwise arise.</p> <p>In this context, a single-storey restriction would be inconsistent with the conclusions reached in the acoustic reporting and draft decision findings and to that extent is considered to be unnecessary and contrary to the section 83 FTAA requirement that conditions must be no more onerous than necessary.</p> | |