

HASTINGS DISTRICT COUNCIL NON-NOTIFIED APPLICATION
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Application Received: 16/10/2014		PID: 58828	RMA20140325
Applicant:	<i>Hastings District Council</i>		
Address of Site:	122 and 160 Arataki Road, Havelock North		
Legal Description:	Section 8 Survey Office Plan 1837 (HBM2/264), being 2.8201 hectares Section 28 Survey Office Plan 6878 (HBM2/264), being 3.0330 hectares		
Zoning:	Plains		
Proposal:	To subdivide to Create a site for Special Purposes (Reserves).		
District Plan Provisions:	Rule 15.1.7.1 of the Hastings District Plan		
Assessment of Status:	Controlled		

1.0 THE PROPOSAL

The applicant seeks to subdivide the subject sites in order to create a public reserve (Proposed Lot 3 and 4). The public reserve is to be 10 metres wide.

The proposal is illustrated on the Cardno Scheme Plan ref: NZ0413121-S012, below:



2.0 THE SITE

The sites are located on the north eastern side of Arataki Road.

160 Arataki Road contains established dwelling, surrounded via mature landscaping. The corner site is accessed off Arataki Road. 122 Arataki Road is an empty paddock used for light grazing.

The sites located across the other side of Arataki Road are zoned for residential purposes. The site opposite 122 Arataki Road is used as a camp ground, but is designated for a future school.

The adjoining site to the north east is used as a mushroom production operation, and is separated from the subject site by land owned by the Hastings District Council. The Council owned land is subject to a subdivision consent which transfers some of the land to the Mushroom farm site and retains in the ownership of the HDC a strip (approximately 13m wide) adjoining the land to which this application relates,

Below is an aerial photo (2009) of the subject sites:



3.0 THE HASTINGS DISTRICT PLAN

Operative Plan

The site and adjacent sites is zoned Plains.

Rule 15.1.7.1(a) bullet 2 provides that subdivision to create sites for Special purposes (public works, network utility operations, reserves, and access) is a Controlled activity within the District, subject to fulfilling site performance standards and terms.

Lots 3 and 4 are to vest as Local Purpose Reserve (recreation) on deposit of the land transfer plan. As a special purpose subdivision to create a LPR, the subdivision is not subject to the minimum net site area standards in 15.8.

Proposed balance Lots 1 and 2, to remain as balance lots with reduced areas. These sites were already undersized as Plains zone sites, however as a special purpose subdivision is exempt the minimum lot sizes this is not an aspect that can be considered under this application.

Based on the above considerations and accordance with Rule 15.1.7.1 this application is therefore a **Controlled Activity** in terms of the Hastings District Plan.

Proposed Plan

The Hastings District Council publicly notified a Proposed District Plan on November 2013. Submissions on this Proposed Plan closed on 14 February 2014. At the date of assessing the proposal the relevant Rules have no legal weight and therefore no regard has been given to these provisions.

4.0 NATIONAL ENVIRONMENTAL STANDARD FOR ASSESSING AND MANAGING CONTAMINANTS IN SOIL TO PROTECT HUMAN HEALTH (NES)

The application provides evidence that proposed Lots 3 and 4 have only ever planted in mature specimen trees and has not likely to ever contain a HAIL activity.

The application provided evidence that proposed Lots 1 and 2 once contained a HAIL activity (an orchard (A10)). However, Section 5(8) of the National Standard states:

- If a piece of land described in subclause (7) is production land, these regulations apply if the person wants to—
 - (a) remove a fuel storage system from the piece of land or replace a fuel storage system in or on the piece of land:
 - (b) sample or disturb—
 - (i) soil under existing residential buildings on the piece of land:
 - (ii) soil used for the farmhouse garden or other residential purposes in the immediate vicinity of existing residential buildings:
 - (iii) soil that would be under proposed residential buildings on the piece of land:
 - (iv) soil that would be used for the farmhouse garden or other residential purposes in the immediate vicinity of proposed residential buildings:
 - (c) subdivide land in a way that causes the piece of land to stop being production land:
 - (d) change the use of the piece of land in a way that causes the piece of land to stop being production land

As Lots 1 and 2 are to remain as production land, Lots 1 and 2 are not affected by the National Standard.

In summary, no consents are required under the relevant NES.

5.0 PLANNING ASSESSMENT

5.1 Notification

Rule 15.1.7.1(b) of the Hastings District Plan states that applications for Controlled Activities will be considered without notification or without the requirement to serve notice. Therefore, this application will be assessed as **non-notified**.

5.2 Resource Management Act 1991

As a Controlled Activity, subject to Part II of the Resource Management Act, Section 104 sets out those matters that Council must have regard to. These are:

- (a) Any actual and potential effects on the environment of allowing the activity; and
- (b) Any relevant provisions of:
 - (iv) a plan or proposed plan; and
- (c) Any other matters the consent authority considers relevant and reasonably necessary to determine the application.

As a Controlled Activity, in accordance with Section 104A of the Resource Management Act 1991, the Council must grant consent, but may impose conditions on the consent for matters over which it has reserved control in the Hastings District Plan.

5.3 Assessment Criteria for Controlled Activities

The application will be assessed against the generic Assessment Criteria from Section 15.1.10 of the Hastings District Plan:

15.1.10.1(1) Structure plans

There are no Structure Plans relevant to this site.

15.1.10.1(2) Subdivision design - Connectivity, Street, Block and Site Orientation, Site or Lot Design, Public Open Space Design, Stormwater Management, Road/Street Design

The above matters are not relevant to consideration of a special purposes site subdivision. Further, the proposal additional sites are not being created to facilitate new development on them.

15.1.10.1(3) Property access

Given the proposed use and that no commercial, industrial or residential activities are proposed for Lots 3 and 4, no vehicle access is required for these sites.

Lots 1 and 2 have plenty of road frontages and will continue to be accessed via existing arrangements.

15.1.10.1(4) Water supply, wastewater disposal and stormwater disposal

Given that Lots 3 and 4 are to be vested as a public reserve, no servicing requirements are required.

Lots 1 and 2 are large enough to be serviced by onsite methods.

15.1.10.1(5) Natural hazards

The sites are not subject to any known natural hazards

15.1.10.1(6) Building platforms

Lots 3 and 4 are to be created with the purpose as a reserve, therefore there is no need to identify a comply building platform.

Lot 1 is already developed.

Lot 2 is of a sufficient size and shape to containing a complying building platform

15.1.10.1(7) Access strips

No access strips are required as part of the proposed subdivision.

15.1.10.1(8) General matters

None of the matters identified under Section 15.1.10.1(8) are considered to be relevant to the application. Specifically, no earthworks, high voltage transmission lines, landscaping, easements, fencing or roads are proposed.

15.1.10.1(9) Historic persistent chemical residues or other potential hazardous soil residues

As stated in Section 4.0 of this report, although part of the site has been used for a HAIL the proposal not trigger the requirements for resource consent under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health.

Assessment Criteria for Special Purpose Subdivisions

Standard 15.1.10.2 requires Council to have regard to the following matters:

- (i) ***Whether the site is of sufficient area and dimensions to facilitate the intended use of the site.***

- (ii) ***A Consent Notice may be registered on the Certificate of Title to any special purpose site, pursuant to Section 221 of the Resource Management Act, requiring enforcement of a condition that, in the event that the site is no longer required for a special purpose, the site be amalgamated with an adjoining site, unless it is a fully complying site for the respective zone.***

In terms of (i) above, in progressing this application, the Council has already determined that the proposed size, shape and use is appropriate.

In terms of (ii), given that Lots 3 and 4 are to be vested as a public reserve, no consent notice is required to protect the proposed future use.

6.0 NATURAL HAZARDS

Section 106(1)(a) - (b) of the Resource Management Act 1991 advises circumstances when the Council may decline an application for subdivision consent in relation to natural hazards.

No natural hazards have been identified and no new additional development rights are created, accordingly there appears to be no circumstances in Section 106 that would require Council to decline the application.

7.0 OBJECTIVES AND POLICIES

As a controlled activity the proposal can be considered to be consistent with the Objectives and Policies of the Operative Plan. However, it is worth noting the following specific policy:

SDP4 ***Allow the creation of sites of various sizes and dimensions for special purpose allotments.***

Explanation

Subdivision to create sites for special purposes, including public works or network utility operations, should be undertaken in a manner which is flexible and reflects the likely public needs associated with them. It is therefore impractical to specify what size or dimension these sites should be because of the highly variable nature of circumstances associated with the purpose of their creation. Applications for subdivisions to create sites for special purposes will therefore be assessed to determine whether the sites will be of sufficient area and dimensions to facilitate their intended use.

As stated above, in progressing this application, the Council has already determined that the proposed size, shape and use is appropriate.

8.0 PART II OF THE RESOURCE MANAGEMENT ACT

The purpose of the Act (Section 5) is in short to promote the sustainable management of natural and physical resources, which enable people and communities to provide for their social, economic, and cultural well-being. There are however a number of provisos linked to this concept.

In particular this Section identifies sustaining the potential for resources to meet the reasonably foreseeable needs of future generations, and safeguarding the life-supporting capacity of the environment.

The proposal will not remove productive land and will provide a buffer between future residential uses and the adjoining mushroom operation. It will also provide a pedestrian link for future generations.

Nothing in Section 6 of the Act is considered relevant to this consent.

Section 7 of the Act sets out matters that Council shall have particular regard to in administering the Act. Of particular relevance are:

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

Given that no crops will be removed from production and that no immediate change of use is proposed, it is considered that the proposal is consistent with Section 7 matters.

Nothing in Section 8 of the Act is considered relevant to this consent.

After considering that with no new development rights created and the others matter raised in this report, it is considered that this application is generally consistent with Part II of the Resource Management Act 1991.

9.0 CONCLUSION

The proposed subdivision is consistent with the special purpose relevant provisions of the Hastings District Plan. It is recommended that consent to this application be **granted**, subject to conditions.

Decision:

Pursuant to Rule 15.1.7.1 of the Hastings District Plan (Operative June 2003) and Section 104A of the Resource Management Act 1991, consent is Granted by Hastings District Council to Hastings District Council to subdivide Section 8 Survey Office Plan 1837 (HBM2/264) and Section 28 Survey Office Plan 6878 (HBM2/264), being 122 and 160 Arataki Road, Havelock North.

Subject to the Following Conditions:

1. That the Land Transfer Plan to give effect to this subdivision consent shall be consistent with the approved plan prepared by Cardno, dated: 10/10/2014 (PID: 58828#0013) Surveyors Reference: NZ0413121-S012, submitted with application RMA20140325. A copy of the approved plan is attached.



2. That lots 3 and 4 hereon be held in the same computer Freehold Register (LINZ reference: 1255130)

With the Reasons for this Decision Being:

1. Conditions 1 and 2 ensure that the subdivision proceeds in accordance with the application
2. The proposed subdivision is consistent with the Objectives, Policies and other 'special purpose' provisions of the Hastings District Plan in that:
 - the Council has already determined that the proposed size, shape and use is appropriate.

- The site has been identified for future rezoning and the proposed vesting will provide a buffer to the adjoining landuses to the northeast
 - Lots 3 and 4 will act as both a buffer and pedestrian access for the future residential land
 - No crops will be removed from production
- 3.All relevant access and natural hazard requirements of Section 106 have been achieved.
- 4.The proposal is consistent with the principals and purposes of the Resource Management Act 1991.



Decision issued under Delegated
Authority by:

Murray Arnold
ACTING ENVIRONMENTAL CONSENTS MANAGER
PLANNING AND REGULATORY SERVICES

Date:

12th of November 2014

Advisory Notes for Information Purposes:

1. At the time of applying for Certification under Sections 223 and 224(c) of the Resource Management Act 1991, the fees shall be payable under Council's Schedule of Resource Management Fees and Charges