

Response ID ANON-URZ4-5F8Y-1

Submitted to Fast-track approval applications
Submitted on 2024-05-02 16:21:10

Submitter details

Is this application for section 2a or 2b?

2A

1 Submitter name

Individual or organisation name:
CDL Land New Zealand Limited

2 Contact person

Contact person name:
Phil Stickney - Consultant to CDL Land New Zealand Limited

3 What is your job title

Job title:
Technical Director - Principal Planner

4 What is your contact email address?

Email:
s 9(2)(a)

5 What is your phone number?

Phone number:
s 9(2)(a)

6 What is your postal address?

Postal address:

Development Nous Limited
502 Karamu Road North
Hastings
NZ

7 Is your address for service different from your postal address?

No

Organisation:

Contact person:

Phone number:

Email address:

Job title:

Please enter your service address:

Section 1: Project location

Site address or location

Add the address or describe the location:

No's. 86, 108 & 122 Arataki Road, Havelock North, Hastings, Hawkes Bay.

File upload:

H20210084 - Arataki Extension - Lot Concept_CDL Version_J 2024 05 02-Context.pdf was uploaded

Upload file here:

Arataki_Havelock North_High Level Development Programme_Fast Track Timeline-RMA Plan Change_2405_V2.pdf was uploaded

Do you have a current copy of the relevant Record(s) of Title?

Yes

upload file:

Record of Title_Combined.pdf was uploaded

Who are the registered legal land owner(s)?

Please write your answer here:

CDL Land New Zealand Limited

Detail the nature of the applicant's legal interest (if any) in the land on which the project will occur

Please write your answer here:

The Applicant owns the land. The Applicant is a nationwide residential and commercial property developer who has been operating in NZ for 29+ years with a demonstrable track record of delivering large scale residential and commercial projects on time and budget. The Applicant acquired the Land for the purpose of developing the property/s into a residential subdivision to increase the supply of housing and address housing needs within the region, thus contributing positively to a well-functioning urban environment of Havelock North, Hawkes Bay

Section 2: Project details

What is the project name?

Please write your answer here:

Arataki (the Project)

What is the project summary?

Please write your answer here:

Development and delivery of a residential subdivision capable of yielding between approximately 157 – 202 residential units of varying densities and typologies, with associated parks/walkways, roading and 3 waters infrastructure on approximately 11 hectares of land at Arataki (Havelock North).

What are the project details?

Please write your answer here:

The Project comprises design, obtaining the necessary subdivision and land use consents, bulk earthworks, constructing infrastructure services (i.e. wastewater, stormwater, water supply, roading, parks and walkways, and utility services) and titling of residential lots for sale to local building companies/ and individual owners to build residential housing. The project makes provision for the development of medium density housing down to a density of 1 unit/250sqm as well as single stand-alone homes on larger sites.

The Project represents an opportunity to complete the majority of the eastern extent of the urban area of Havelock North (which has been envisaged for at least 20 years) and will provide dwellings of varying typologies and varying price-points. The project has been designed to accommodate changes in market demands for higher density homes as may be required to meet future demand.

Describe the staging of the project, including the nature and timing of the staging

Please write your answer here:

Earthworks will be completed over the whole site in one stage during the first earthworks season following to the grant of consents, with a focus on completing the earthworks over the Stage 1 area to allow the Stage 1 Civil Works to proceed. The Civil Works will be undertaken in three (3) stages, each stage comprising circa 50-60 Lots, commencing with Stage 1, rolling into Stages 2 & 3. Each stage may include the creation of some "parent titles" for future Medium Density Development.

A High-Level Development Programme is attached under the Project Summary on the basis of a Fast Track process being followed.

What are the details of the regime under which approval is being sought?

Please write your answer here:

RMA Subdivision and Land Use Consents (earthworks & stormwater diversions and discharges) along with any other consents required to enable the development.

Associated NES consent required for the remediation of contaminated soil given the historical productive uses of the site.

If you seeking approval under the Resource Management Act, who are the relevant local authorities?

Please write your answer here:

Hastings District Council (HDC) and Hawkes Bay Regional Council (HBRC).

What applications have you already made for approvals on the same or a similar project?

Please write your answer here:

An RMA Non-complying Resource Consent Application for subdivision and associated land use consents was lodged with Hasting District Council for the Project in 2023. (the Arataki RC Application). The Arataki RC Application was accepted for processing but has been placed on hold at the request of The Applicant, in late 2023 (see engagement section below)

The Applicant will withdraw the Arataki RC Application to comply with Schedule 4 clause 31(3) of the Bill.

Is approval required for the project by someone other than the applicant?

No

Please explain your answer here:

No other landowner approvals are required.

If the approval(s) are granted, when do you anticipate construction activities will begin, and be completed?

Please write your answer here:

If Fast-Track approval is granted the construction activities associated with the development of the Project is anticipated to follow in one overall stage for the bulk earthworks, followed by 3 stages of construction and subdivision title release to ensure timely and consistent delivery of residential sections to the market, as outlined in the attached development programme. This would be commenced as soon as Engineering Plan Approvals were issued.

The attached programme under the Project Summary Section includes the Engineering Approvals Process with HDC, procurement and site works staging. Funding for the project is already available and secured.

Section 3: Consultation

Who are the persons affected by the project?

Please write your answer here:

- a) Hastings District Council.
- b) Hawkes Bay Regional Council.
- c) Heretaunga Tamatea Settlement Trust (now named Tamatea Pokai Whenua) as a Treaty Settlement Entity.
- d) Adjoining owners and occupiers.

There are no persons with a registered interest in land which may need to be acquired under the Public Works Act 1981.

Detail all consultation undertaken with the persons referred to above. Include a statement explaining how engagement has informed the project.

Please write your answer here:

On the basis that there is an expectation that the land will be urbanised, discussions and engagement on the project have been contained to date, to those parties where there were specific matters that would potentially have a material bearing on the design and form of the Project. These parties are:

- a) The owners of 104 Arataki Road, commonly known as "Shaggy Range"; and
- b) The owners of Te Mata Mushrooms; and
- c) Various HDC politicians, management, and staff.

The owners of 104 Arataki Road (which includes a dwelling and an on-site dog kennel business) currently access their site via a driveway which bisects the

Land. Discussions were held between the Applicant and the owners of Shaggy Range to explore options for the relocation of their driveway access to the eastern-most extent of the lands, essentially as a land exchange. That adjustment would also potentially serve as an amenity buffer between the subject lands and the rural holding adjoining to the immediate south (70 Arataki Road). Concept Plans were drawn up, but these were not finalised. The opportunity exists to complete this engagement and design change as may be agreed during the approvals process and the nature of such an amendment does not inhibit the delivery of the Project. Conversely, the Project can proceed without relocating the driveway access for the Shaggy Range property, as is detailed by the attached Scheme Plan.

Te Mata Mushrooms is situated to the immediate north-east of the lands, accessed via Brookvale Road. In 2023, the business ceased trading at this location and has shut down the composting operation on the site. The Applicant had been involved in various discussions with Te Mata Mushrooms previously as to the ability for the planned residential landuse activities to co-exist next to the mushroom farm, on the basis that an Environment Court decision had placed conditions upon Te Mata mushrooms to mitigate the effects of their operations on residential areas given complaints arising from odour (the geographic extent of the complaints being well beyond the Lands and involving existing urban areas of Havelock North). To comply with the Court conditions required an upgrade to infrastructure on the mushroom farm site, and which was not undertaken presumably given the capital expenditure involved. Discussions between the parties have not been reactivated given that the mushroom operation has now ceased on the site.

Engagement with HDC staff and management was undertaken progressively during 2023 as a result of an initial application for resource consent being rejected for consideration by HDC. Subsequent discussions involved further assessment of technical reports and additional information provided, which formed the basis of a second application being lodged, and which was accepted for consideration.

However, after lodgement, a meeting was called between HDC and The Applicant (including senior management of HDC, legal advisors and the Mayor) at which time a clear preference for a Plan Change process to be followed was articulated by HDC and that in their opinion a resource consent process would be problematic given the underlying zoning of Plains Production and the recent introduction of the National Policy Statement on Highly Productive Lands in 2022 (while acknowledging the suitability of the lands for residential use). After that time, the resource consent application was put on hold at the request of the Applicant while the logistics of a Plan Change vs resource consent option was considered.

Upload file here:

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Describe any processes already undertaken under the Public Works Act 1981 in relation to the land or any part of the land on which the project will occur:

Please write your answer here:

Not Applicable.

Section 4: Iwi authorities and Treaty settlements

What treaty settlements apply to the geographical location of the project?

Please write your answer here:

The Heretaunga Tamatea Claims Settlement Act 2018 is the only settlement of Treaty claims relating to the project area. Tamatea Pokai Whenua Trust (formerly Heretaunga Tamatea Settlement Trust) are the relevant iwi authority and post-settlement governance entity for the area of the project, as identified by the Te Puni Kōkiri Te Kāhui Māngai online directory.

The rohe of Heretaunga Tamatea is bound by the coast to the east and the foothills and eastern slopes of the Ruahine Range to the west. The northern limit is generally defined by the Tutaekuri River and the southern extent reaches the headwaters of the Manawatu River meeting the coast at Poroporo (to the north of Cape Turnagain).

Through the Heretaunga Tamatea Treaty settlement, the Crown offered acknowledgement and apology for repeated breaches of the Crown's obligations under the Treaty of Waitangi and for the resultant pain and damage the Crown actions caused to generations of Heretaunga Tamatea. In addition to an agreed historical account, acknowledgements and apology, the settlement provides cultural redress and financial and commercial redress.

Cultural redress provides recognition of the historical, cultural or traditional association with Crown owned places and sites within the Heretaunga Tamatea area of interest. This recognition enables Heretaunga Tamatea and the Crown to protect and enhance the conservation values associated with these sites. The Deed of Settlement provides for 27 statutory acknowledgements, most of which are also subject to deeds of recognition. The statutory acknowledgements cover:

- a) Clive River and its tributaries
- b) Elsthorpe Scenic Reserve
- c) Hiranui Scenic Reserve
- d) Inglis Bush Scenic Reserve
- e) Kāhika Conservation Area
- f) Karamū Stream (with official name Karamu Stream) and its tributaries
- g) Part of Kāweka State Forest Park (with official name Kaweka State Forest Park)
- h) Māharakeke Stream (with recorded name Maharakeke Stream) and its tributaries
- i) Mākāretu River (with recorded name Makaretu River) and its tributaries within the Heretaunga Tamatea area of interest
- j) Maraetōtara River and its tributaries (with recorded name Maraetotara River)
- k) Maraetōtara Scenic Reserve (with official name Maraetotara Scenic Reserve)
- l) Maraetōtara Gorge Scenic Reserve (with official name Maraetotara Gorge Scenic Reserve)

- m) Mātai Moana Scenic Reserve (with official name Matai Moana Scenic Reserve)
- n) McLeans Bush Scenic Reserve
- o) Mohi Bush Scenic Reserve
- p) Monckton Scenic Reserve
- q) Ngaruroro River and its tributaries within the Heretaunga Tamatea area of interest
- r) Parkers Bush Scenic Reserve
- s) Pōrangahau/Tāurekaitai River (with recorded name Porangahau River) and its tributaries
- t) Ruahine Forest (East) Conservation Area
- u) Part of Ruahine Forest Park
- v) Springhill Scenic Reserve
- w) Te Aute Conservation Area
- x) Tukipō River (with recorded name Tukipo River) and its tributaries
- y) Tukituki River and its tributaries within the Heretaunga Tamatea area of interest
- z) Tūtaekurī River (with official name Tutaekuri River) and its tributaries within the Heretaunga Tamatea area of interest
- aa) Waipawa River and its tributaries within the Heretaunga Tamatea area of interest

None of the identified sites or places are within the project area.

The site also is located outside the Karanema Reserve Area which is of significance to the Hapu of Te Heipora.

Are there any Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019 principles or provisions that are relevant to the project?

No

If yes, what are they?:

None

Are there any identified parcels of Māori land within the project area, marae, and identified wāhi tapu?

No

If yes, what are they?:

None

Is the project proposed on any land returned under a Treaty settlement or any identified Māori land described in the ineligibility criteria?

No

Has the applicant has secured the relevant landowners' consent?

No

Is the project proposed in any customary marine title area, protected customary rights area, or aquaculture settlement area declared under s 12 of the Māori Commercial Aquaculture Claims Settlement Act 2004 or identified within an individual iwi settlement?

No

If yes, what are they?:

Not applicable

Has there been an assessment of any effects of the activity on the exercise of a protected customary right?

No

If yes, please explain:

The exercise of customary rights is not relevant to the subject sites.

Upload your assessment if necessary:

No file uploaded

Section 5: Adverse effects

What are the anticipated and known adverse effects of the project on the environment?

Please describe:

The Applicant has previously prepared a detailed Assessment of Environmental Effects (AEE) as part of a resource consent application previously prepared for this development and which has drawn on specialist reports from civil and geotechnical engineers, traffic engineers, landscape architects,

soil scientists, odour experts and acoustic engineers. The potential adverse effects are:

- Effect on the Soil Resource
- Reverse Sensitivity effects- Odour;
- Amenity and Visual effects;
- Natural Hazard effects;
- Infrastructure effects - Water, Wastewater and Stormwater;
- Traffic / Access effects;
- Effects arising from earthworks
- Other matters

Investigations have shown that these are all capable of mitigation through the imposition of standard conditions; ones that would be expected to be imposed on a resource consent application of this nature. A summary of the AEE is included.

Upload file:

H20210084_RC2_AEE_Summary.pdf was uploaded

Section 6: National policy statements and national environmental standards

What is the general assessment of the project in relation to any relevant national policy statement (including the New Zealand Coastal Policy Statement) and national environmental standard?

Please write your answer here:

NPS-HPL 2022

It is noted that the Government has committed to reduce consenting barriers for infrastructure, housing, and primary production as part of their 100-day plan. This work includes the Ministry for the Environment (MfE) exploring options around the definition of highly productive land (HPL) to enable more flexibility. Urban expansion onto HPL can already occur in certain circumstances, but officials are reviewing the NPS-HPL to consider how it could enable more 'greenfield' housing development. The outcomes of this review are not yet finalised and so the summary assessment below is in respect of the current NPS-HPL 2022.

At a Regional level, the importance of the land values associated with the Heretaunga Plains is one of the primary locational constraints for advancing growth options. Ideally, avoiding development on the versatile land for urban use would be an appropriate response and that future growth would be managed within existing boundaries (including identified greenfield growth areas) or located off the Plains. There are, however, counterbalancing considerations and consequences associated with adopting such a direction too rigidly. These include the increased costs to the community associated with intensification as a result of upgrading existing infrastructure, increased travel distances with growth areas off the Plains and increased development costs on the hills.

The challenge in the context of Hawkes Bay (and Hastings in particular) is that the urbanisation of land, of any meaningful scale is significant constrained, given that the vast majority of land surrounding the existing urban extent of Hastings is either LUC 1 or 2.

In this case, the Land is earmarked for urban development and has been since the late 1990s. It is recognized as an urban growth area within the HPUDS strategy; hence the underlying zoning of Plains Production and the LUC classification is considered to be overridden by the inclusion in a spatial strategy document, and one which is given effect to under the Regional Policy Statement. After 2 assessments of soils and productivity have been completed, those reports note that given the Land has no water allocation rendering primary production activities severely constrained, and further noting that the undertaking of horticultural/primary production activities on the site would generate the potential for reverse sensitivity effects in what is an urban fringe location.

Based upon the summary of matters above, the proposal is not considered to adversely impact upon the relevant matters set out in the Objectives and Policies of the NPS-HPL 2022.

NPS-UD 2020

The proposal aligns with the intent of the NPS-UD 2020 and will make a significant contribution to the creation of a well-functioning urban environment. In this respect, alignment with the Objectives and Policies of the NPS-UD 2020 is achieved given that:

It provides a substantial housing boost and housing choice within Havelock North, that settlement being a regionally Significant urban area in terms of scale and economic activity.

The proposal completes the eastern extent of Havelock and being located on an elevated terrace above the adjoining rural land, will achieve a logical and defensible urban boundary for Havelock North.

The proposal makes provision for the development of a range of housing typologies, including smaller townhouses and duplex development, providing additional choice in an area which has traditionally been associated with lower density suburban typologies.

The Land is well connected to key infrastructure including roading, near to adjacent recreational areas and can be serviced efficiently in respect of 3-Waters and roading infrastructure.

The development of the Land provides additional supply and competition in the Havelock (and wider Hastings District) residential market and at a

different price-point than the only other residential development area currently under construction on the western side of Havelock North.

File upload:
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Section 7: Eligibility

Will access to the fast-track process enable the project to be processed in a more timely and cost-efficient way than under normal processes?

Yes

Please explain your answer here:

The previous resource consent was to be a fully notified consent application, driven primarily by the underlying Plains Production Zoning, even though it was in an identified Future Growth Area within HPUDS. Potentially, that would give rise to submissions, a public hearing and the potential for appeals to the Environment Court, from either The Applicant or from submitters to the consenting process. This could take up to 9 - 12 months for the consent and an additional 6 - 12 months to resolve any appeals with the Court.

A subsequent Plan Change would also be required to be initiated, either by The Applicant or the Council, which is also an automatically full public notification process. Council expressed a strong preference for a Plan Change to be promulgated prior to a consent for subdivision to enable development. Indicative timeframes. Typically, a Plan Change can take between 18 months to 2 years.

The programmes uploaded above denote the variance in timeframes under both processes and the time savings expected to be achieved utilising the Fast Track process, and which is estimated to be approximately 18 months.

What is the impact referring this project will have on the efficient operation of the fast-track process?

Please write your answer here:

The nature of the proposal and the extensive assessment already undertaken is such that there will be no impact on the efficient operation of the Fast Track process.

Has the project been identified as a priority project in a:

Not Answered

Please explain your answer here:

While not identified as a "Priority Project" per say, the Land is expressly identified (and mapped) within the Hastings District Plan as an area that "may meet green fields needs within the life of The Plan". Given that the Arataki Extension will provide only an estimated 3.19% of the current estimated 10-year Housing Bottom Line assessment in the District Plan, it is considered that this is more of a certainty than a probability.

The Land is further identified (and mapped) within HPUDS as a "Reserve Growth Area", that being primarily as a result of the adjoining industrial land use (Te Mata Mushrooms) and the effects of odour arising from the composting operation of that facility and the need to have that reverse sensitivity issue resolved.

That issue has now been resolved with an Environment Court decision which imposed restrictions and mitigatory works on the operators of this business, and now further resolved given the mushroom operation has ceased and the business has relocated, however no changes have been made to the "Reserve Growth Area" status over the Lands.

Will the project deliver regionally or nationally significant infrastructure?

Not Answered

Please explain your answer here:

Not applicable

Will the project:

increase the supply of housing, address housing needs, contribute to a well-functioning urban environment

Please explain your answer here:

The scale of the project will add housing stock at a scale which is considered to be Regionally Significant given the current rate and pace at which other land areas in Hawkes Bay are capable of being consented and developed.

The proposal addresses housing need through providing a different market proposition and price-point than other developments in both Havelock North and Hastings as well as providing additional housing choice through the potential for townhouse and duplex developments, which are increasingly attractive to an area which has an ageing population.

The assessment of the NPS-UD 2020 concludes that the proposal will contribute to a well-functioning urban environment and on Lands that have been identified for a significant number of years as being suitable for urban growth and will complete the currently planned easternmost extent of Havelock North.

Will the project deliver significant economic benefits?

Yes

Please explain your answer here:

The Applicant has a track record of utilising Regionally based providers for a range of services in the planning, design and implementation of such projects including local consultants, contractors, construction companies and other service providers in the land development sector.

The scale of the proposal, at a Regional level, will generate economic benefits through the planning design and delivery of the project as well as ongoing economic benefits once the residential units are inhabited through additional demand for local goods and services.

Will the project support primary industries, including aquaculture?

No

Please explain your answer here:

Not applicable

Will the project support development of natural resources, including minerals and petroleum?

No

Please explain your answer here:

Not applicable

Will the project support climate change mitigation, including the reduction or removal of greenhouse gas emissions?

No

Please explain your answer here:

Not applicable

Will the project support adaptation, resilience, and recovery from natural hazards?

Yes

Please explain your answer here:

In the context of Hawkes Bay, the Lands have a low level of natural hazard risk, being outside the Tsunami Risk Zones, outside the 2120 Coastal inundation/erosion areas and not being subject to flooding or inundation given their elevation and contour. It is noted that the sites were unaffected by the effects of Cyclone Gabrielle in 2023. In this respect, the development of the land for residential uses will assist in creating a residential community that has a high level of resilience to the effects of natural hazards.

Will the project address significant environmental issues?

No

Please explain your answer here:

Not applicable

Is the project consistent with local or regional planning documents, including spatial strategies?

Yes

Please explain your answer here:

The proposal is considered to be consistent with the intent (and the mapped future settlement pattern) of the Heretaunga Plains Urban Development Strategy (HPUDS) as it is contained within land identified as a "Reserve Growth Area" within that Strategy. That "reserve" status is for additional lands that may be required to meet demand for housing and growth over the life of the Strategy. Given the accelerated rate of population growth in Hawkes Bay and allied with the additional loss of dwellings as a result of the effects of Cyclone Gabrielle, it is considered that the level of growth is such that the land can now be developed as envisaged. The density of development proposed exceeds that set out within the Strategy (and the RPS), with a target net density of approximately 19 houses per hectare as opposed to the 15 units per hectare set out in HPUDS. HPUDS is given effect to by the RPS, which District Plans must in turn give effect to, so the proposal is considered to also be consistent with the intent of those documents.

The Future Development Strategy (FDS) is currently being refined however an initial draft of Issues and Options was released in August 2023. That document broadly identifies the Lands as being ones that represent “potential growth on higher ground away from significant natural hazards”, although the existing Reserve Growth Area from HUPDS is excluded in the mapping. This document is still in a draft and not due for release until late 2024 as an adopted strategy. Until then, the current HPUDS mapping prevails.

Anything else?

Please write your answer here:

The challenge for The Applicant has been the continual overlapping and slow progression of Regional Planning Strategies, including the 2010 HPUDS strategy which was only “refreshed” in 2017 and one which despite having Arataki as a growth area, has not been advanced through Council initiated Plan Changes in that time.

The strategy was reviewed in 2017 and since then the status quo of a pattern of growth within that strategy has prevailed while HDC and Napier City Council (NCC) have focussed on the development of the FDS which is to be adopted in late 2024. The HPUDS strategy was predicated on a lower level of population growth than has actually transpired, rendering the extent of development areas inadequate to support the population growth and demand for housing. No comprehensive rezoning/upzoning of all future growth areas has been promulgated by Council to facilitate further development.

It is noted that even once the new FDS is adopted, a series of Plan Changes are still required to change the zoning to residential, which adds significantly more time between land being identified for growth and available for the construction of residential dwellings. There is currently no visibility as to the timing for the subsequent plan changes once the FDS is adopted.

The burden therefore falls onto the Applicant to undertake first the Plan Change process and then a subsequent set of consents to enable the subdivision and development of sites for residential construction to be enabled.

Does the project includes an activity which would make it ineligible?

No

If yes, please explain:

The Plan Change mechanism is a planning tool to render the attainment of a zoning framework which can in turn provide certainty of development rights, speed up the subdivision and consenting process and thus accelerate the delivery of the project. This is an activity which while not expressly provided for in the Fast Track Bill, is conversely not rendered ineligible for referral. The Applicant is aware that submissions have been made on this aspect of the Bill to the Select Committee, seeking that Plan Changes be expressly listed as a planning tool available to be utilised in the legislation. The proposal is not however, fully dependent on this matter being addressed up front.

Section 8: Climate change and natural hazards

Will the project be affected by climate change and natural hazards?

No

If yes, please explain:

In the context of Hawkes Bay, the Lands have a low level of natural hazard risk, being outside the Tsunami Risk Zones, outside the 2120 Coastal inundation/erosion areas and not being subject to flooding or inundation given their elevation and contour. It is noted that the sites were unaffected by the effects of Cyclone Gabrielle in 2023. In this respect, the development of the land for residential uses will assist in creating a residential community that has a high level of resilience to the effects of natural hazards.

Section 9: Track record

Please add a summary of all compliance and/or enforcement actions taken against the applicant by any entity with enforcement powers under the Acts referred to in the Bill, and the outcome of those actions.

Please write your answer here:

None

Load your file here:

No file uploaded

Declaration

Do you acknowledge your submission will be published on environment.govt.nz if required

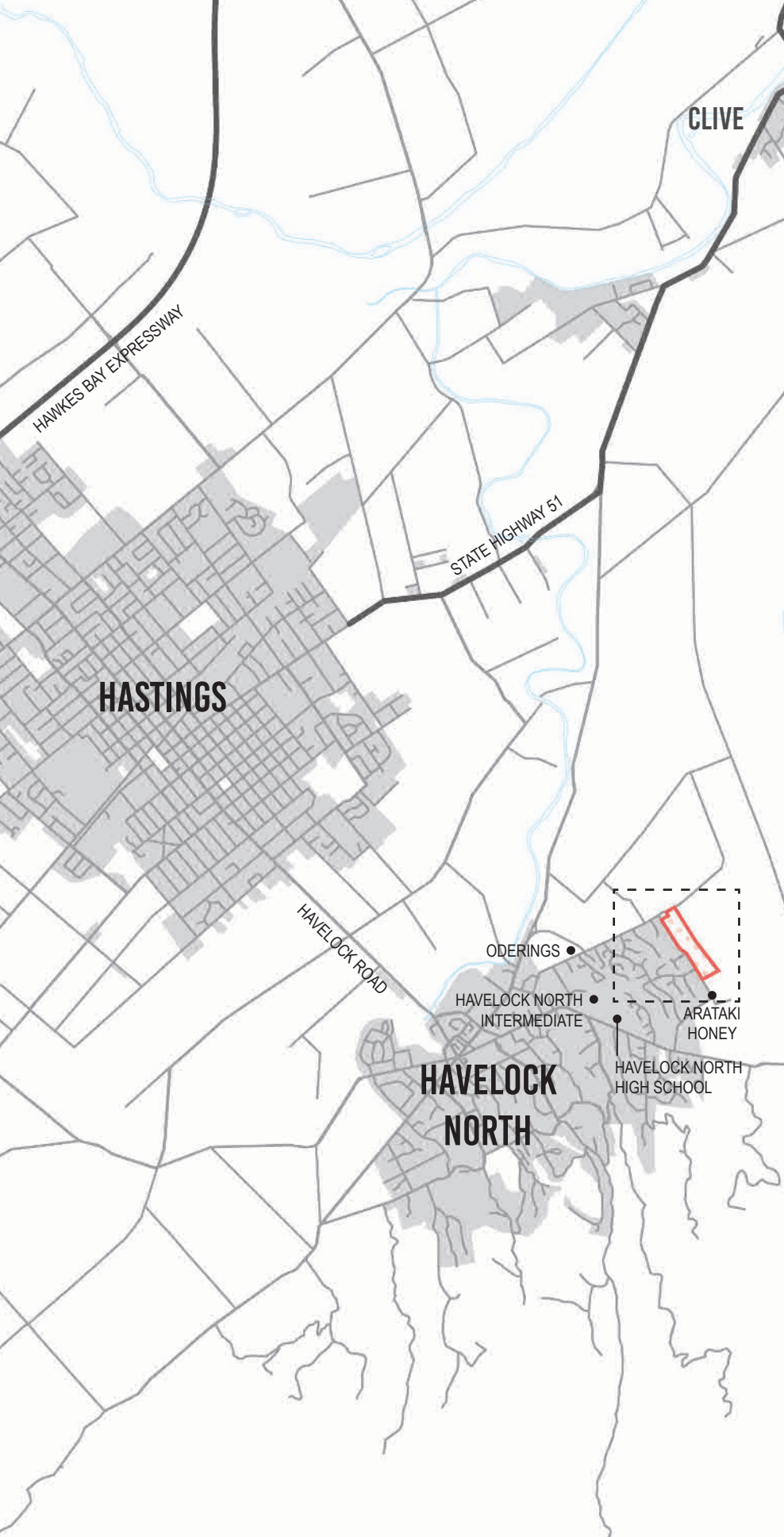
Yes

By typing your name in the field below you are electronically signing this application form and certifying the information given in this application is true and correct.

Please write your name here:

phil stickney

Important notes



NOTES:

- This plan has been produced for discussion purposes only and subject to changes based on title searches and further investigations.
- Final boundaries are subject to resource consent approval and final land transfer survey.
- Easements may be necessary for cross boundary services.

ARATAKI EXTENSION - SITE CONTEXT

30/04/2024 Revision A [H20220177]



SUBDIVISION DETAILS

TOTAL LOTS: 157

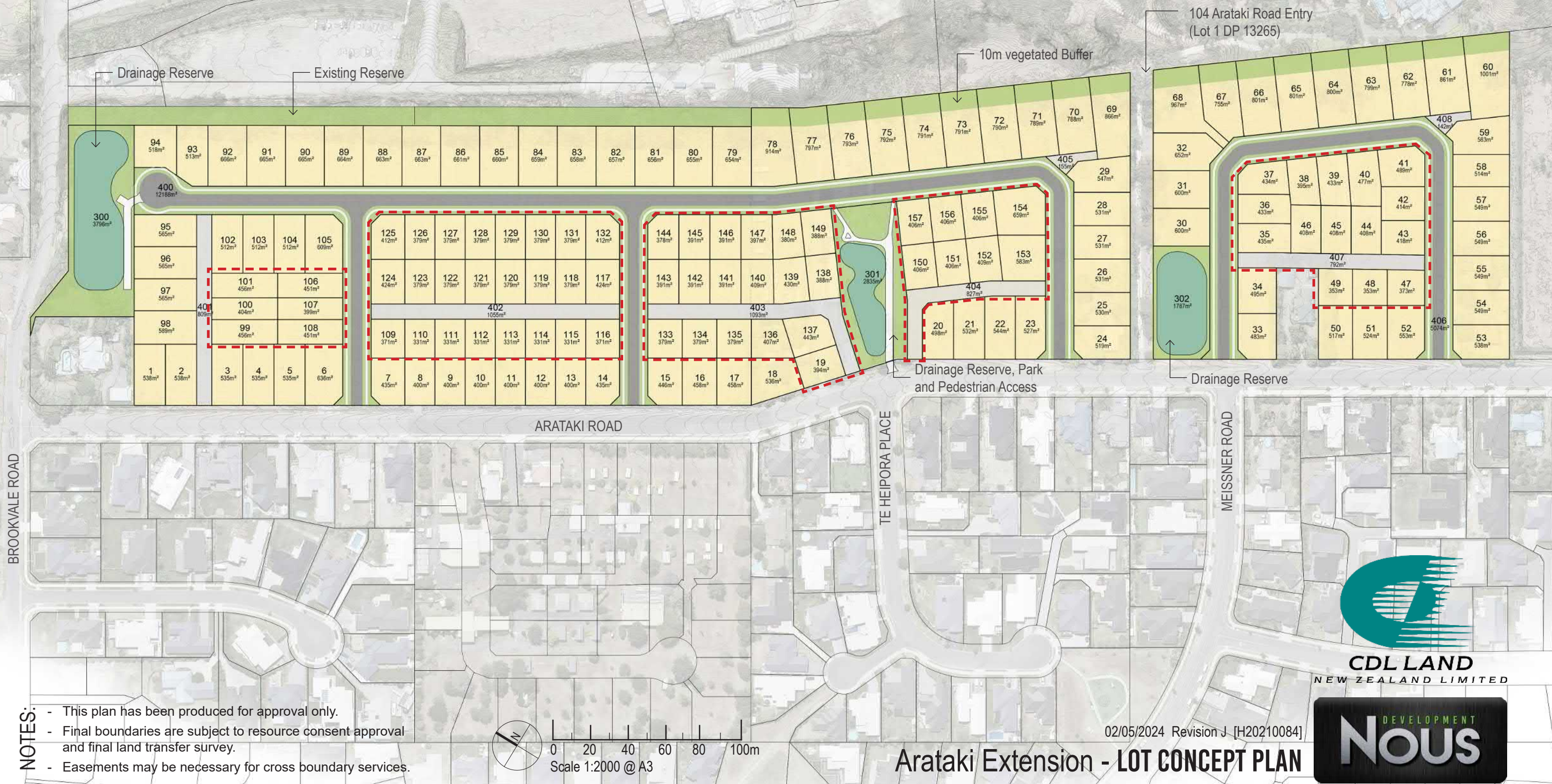
LOT AVERAGE: 516m²

LOTS PER HECTARE (GROSS): 14.1

LOTS PER HECTARE (NET): 19.4

POTENTIAL MEDIUM DENSITY
DEVELOPMENT: 2.9ha

POTENTIAL INDICATIVE YIELD:
157 to 202 DWELLINGS



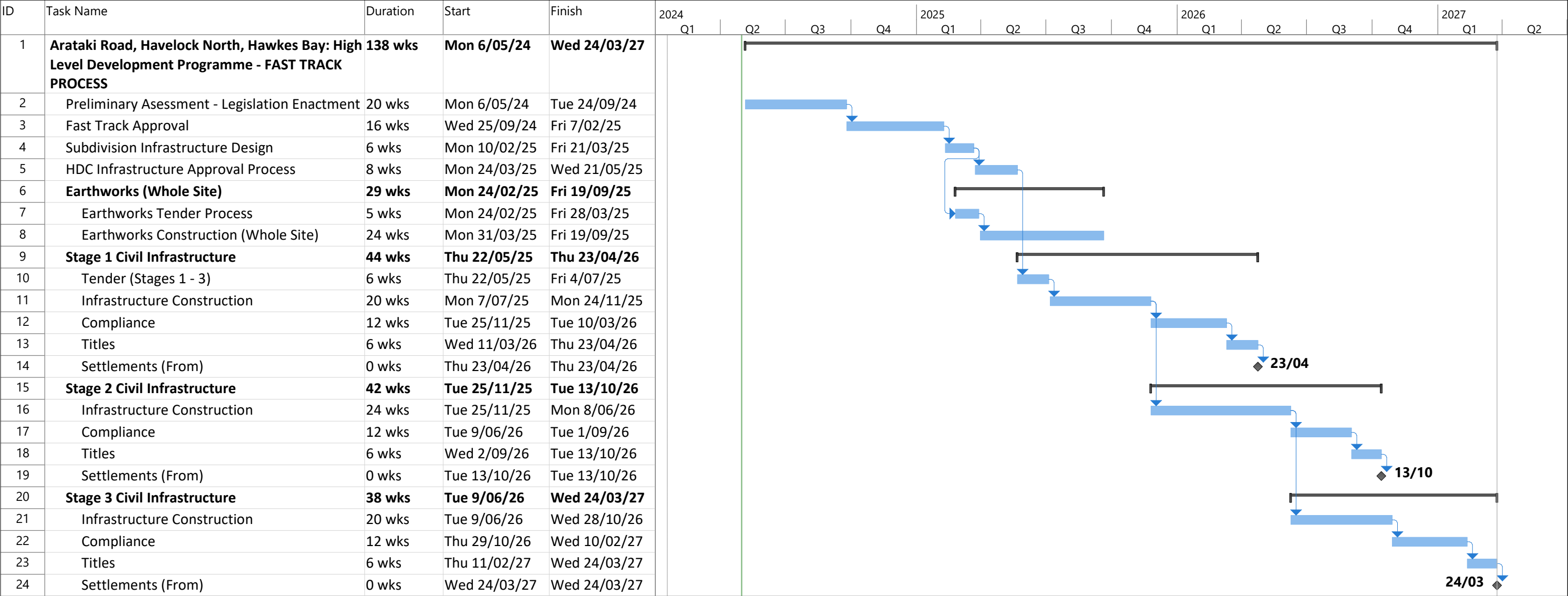
- NOTES:
- This plan has been produced for approval only.
 - Final boundaries are subject to resource consent approval and final land transfer survey.
 - Easements may be necessary for cross boundary services.

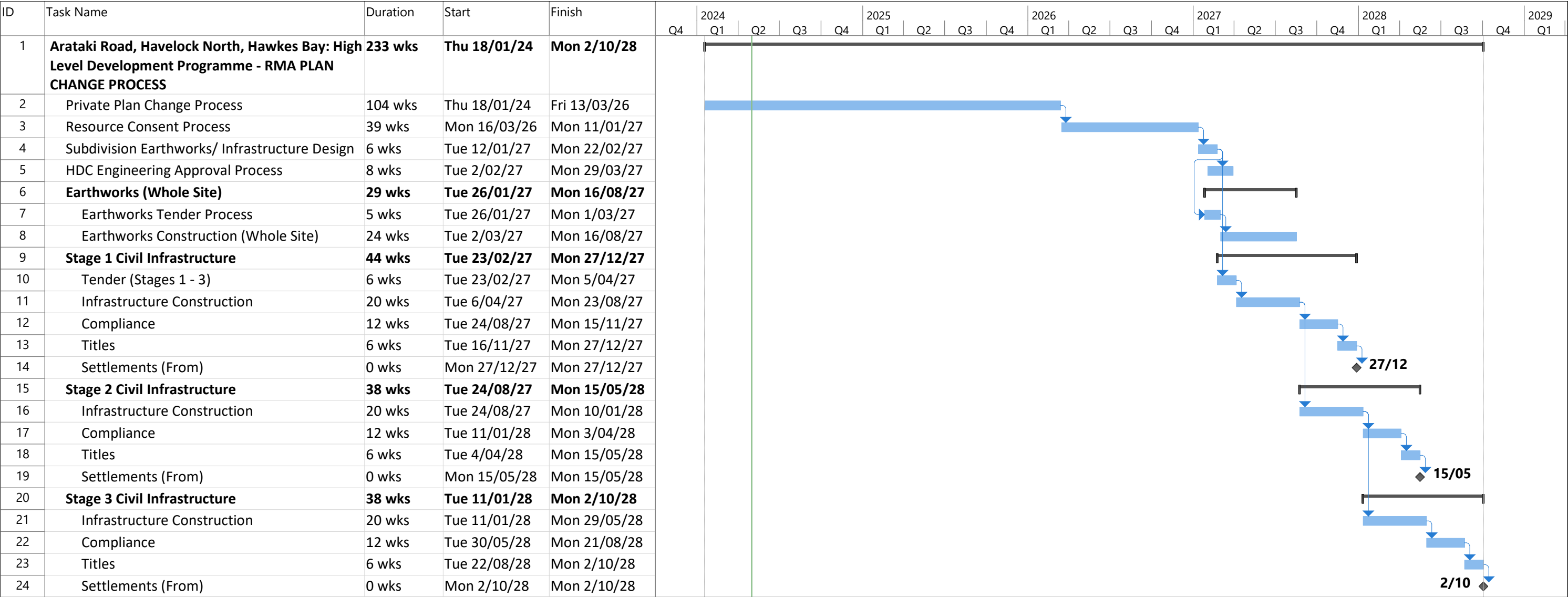


Arataki Extension - LOT CONCEPT PLAN

02/05/2024 Revision J [H20210084]









**RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD
Search Copy**




R.W. Muir
Registrar-General
of Land

Identifier **908215**
Land Registration District **Hawkes Bay**
Date Issued 29 October 2019

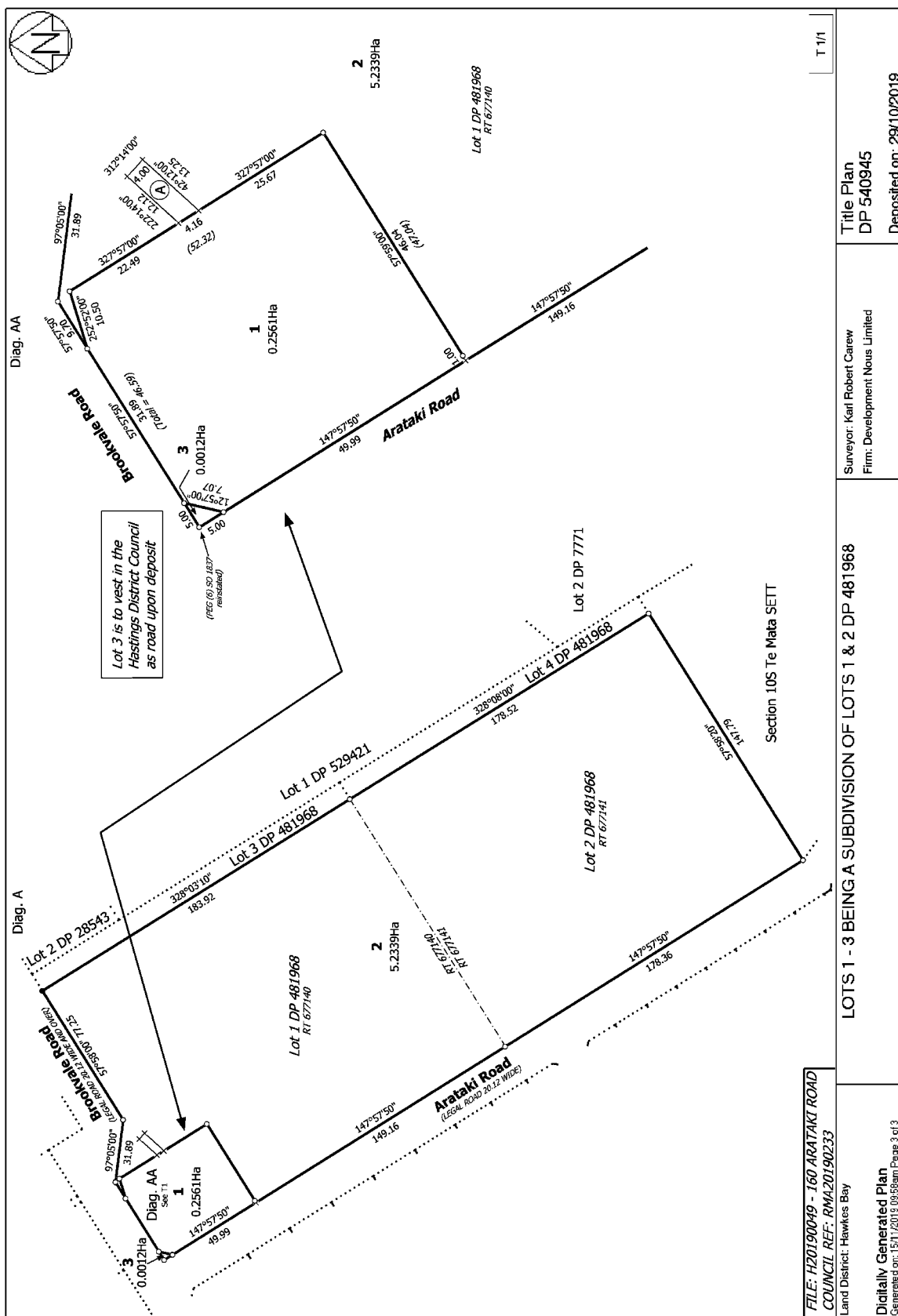
Prior References

677140 677141

Estate Fee Simple
Area 5.2339 hectares more or less
Legal Description Lot 2 Deposited Plan 540945
Registered Owners
CDL Land New Zealand Limited

Interests

Subject to Section 8 Mining Act 1971
Subject to Section 168A Coal Mines Act 1925
Land Covenant in Easement Instrument 9218697.5 - 1.11.2012 at 5:00 pm (Affects part formerly Lot 2 DP 481968)
Land Covenant in Easement Instrument 9218697.6 - 1.11.2012 at 5:00 pm (Affects part formerly Lot 1 DP 481968)
9871274.1 Compensation Certificate pursuant to Section 19 Public Works Act 1981 by Hastings District Council -
20.10.2014 at 10:47 am (Affects part formerly Lot 1 DP 481968)
Fencing Covenant in Transfer 11544178.2 - 29.10.2019 at 3:48 pm (Affects part formerly Lot 1 DP 481968)
11544178.5 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 29.10.2019 at 3:48 pm
Subject to a right to drain sewage over part marked A on DP 540945 created by Easement Instrument 11544178.6 -
29.10.2019 at 3:48 pm
The easements created by Easement Instrument 11544178.6 are subject to Section 243 (a) Resource Management Act 1991





RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD
Search Copy




R.W. Muir
Registrar-General
of Land

Identifier **930676**
Land Registration District **Hawkes Bay**
Date Issued 19 August 2020

Prior References

HBG3/230 HBG3/231

Estate Fee Simple
Area 2.9838 hectares more or less
Legal Description Lot 2 Deposited Plan 546439
Registered Owners
CDL Land New Zealand Limited

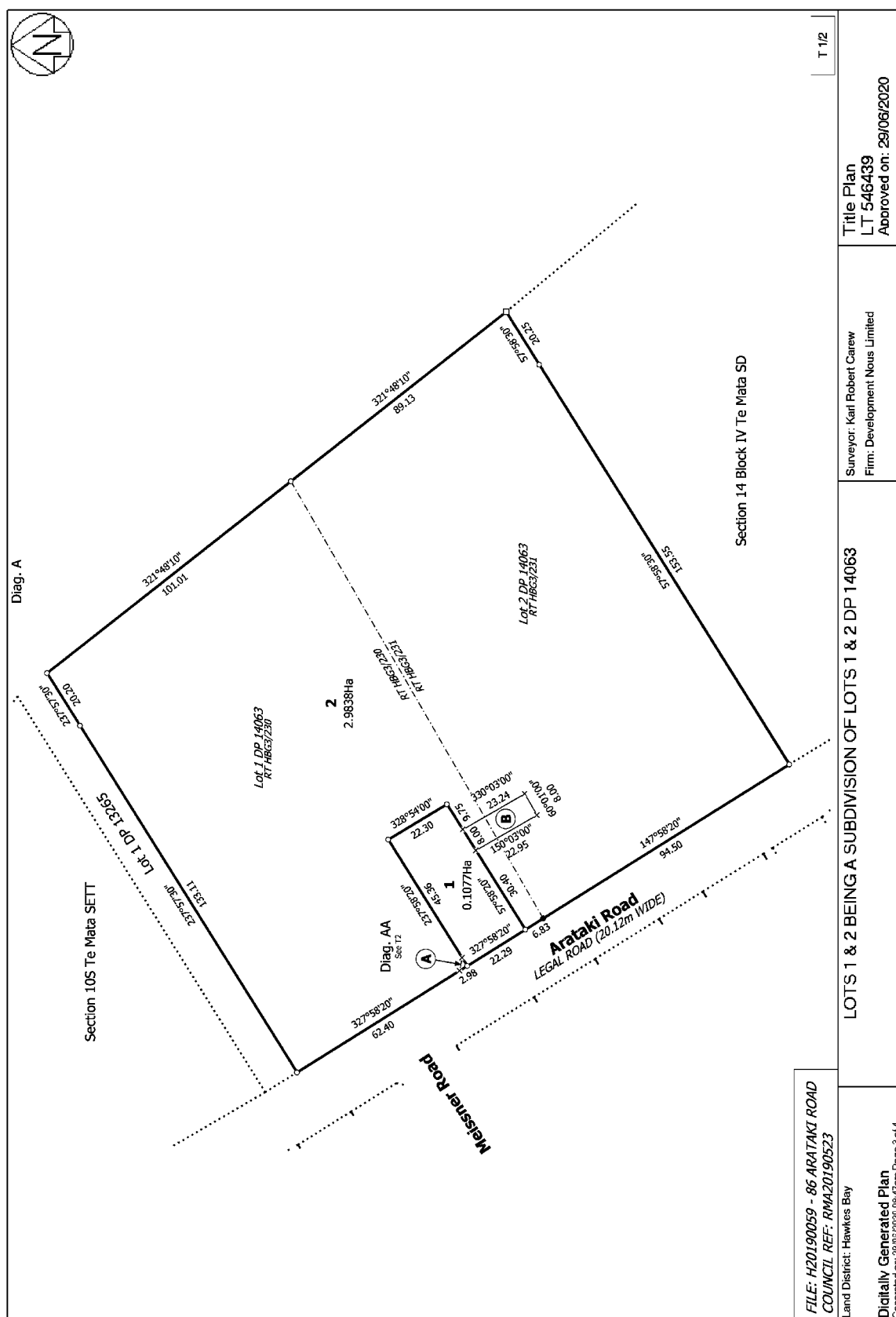
Interests

Subject to Section 206 Land Act 1924

11791202.5 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 19.8.2020 at 12:13 pm

Subject to a right to drain sewage over part marked B and rights to convey electricity and telecommunications over part marked A, all on DP 546439 created by Easement Instrument 11791202.6 - 19.8.2020 at 12:13 pm

The easements created by Easement Instrument 11791202.6 are subject to Section 243 (a) Resource Management Act 1991





RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD
Search Copy



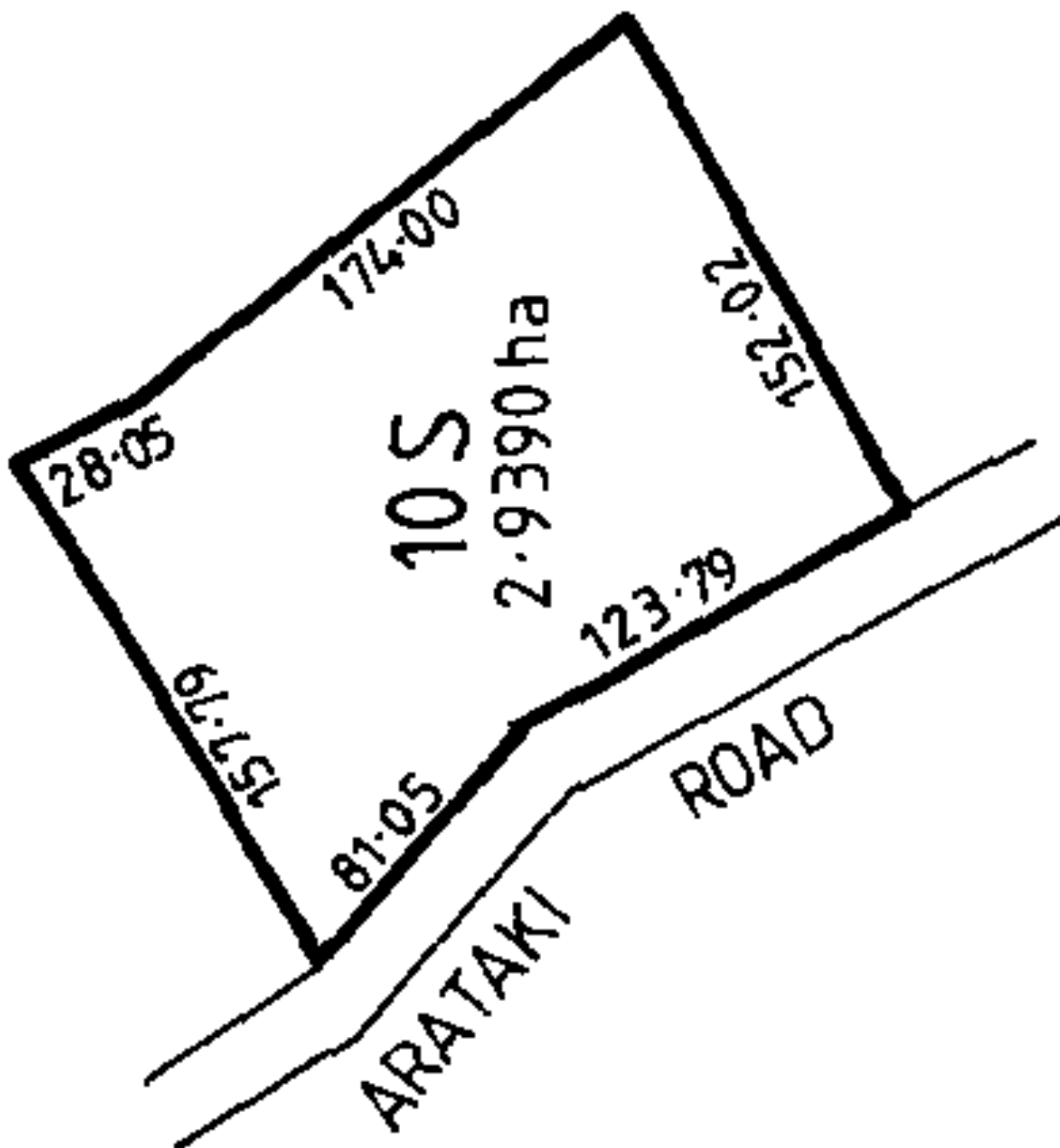

R.W. Muir
Registrar-General
of Land

Identifier **HBM2/265**
Land Registration District **Hawkes Bay**
Date Issued 26 August 1988

Prior References
HB201/90

Estate Fee Simple
Area 2.9390 hectares more or less
Legal Description Section 10S Survey Office Plan 1781
Registered Owners
CDL Land New Zealand Limited

Interests
Subject to Section 59 Land Act 1948



1.0 SUMMARY - Assessment of Environmental Effects

1.1 Actual or Potential Effects

Section 88 and the Fourth Schedule of the Act sets out the matters to be considered when preparing an Assessment of Effects on the environment. The actual and potential effects associated with the proposed activities are broadly considered to include those related to:

- *Positive Effects*
- *Effect on the Soil Resource*
- *Reverse Sensitivity effects- Odour;*
- *Amenity and Visual effects;*
- *Natural Hazard effects;*
- *Infrastructure effects - Water, Wastewater and Stormwater;*
- *Traffic / Access effects;*
- *Effects arising from earthworks*
- *Other matters*

Section 3 of the Resource Management Act 1991 provides the meaning of “effect”. This includes any positive or adverse effect, whether temporary or permanent and can include past, present or future effects including cumulative effects.

1.1.2 Visual and Amenity Effects

Amenity values are defined in Section 2 of the Resource Management Act 1991 as “*those natural or physical qualities and characteristics of an area that contribute to people’s appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes*”.

In considering visual and amenity effects it is recognised that the transformation from a site exhibiting essentially a rural character to one that is of an urban (or suburban environment) will represent a significant change to the environment. That does not necessarily mean that such a change is by default considered to be one that is material adverse. This consideration is afforded statutory weight by Policy 6B of the National Policy Statement on Urban Development 2020 (“NPS-UD 2020”) which expressly states [emphasis added]:

- **Policy 6:** *When making planning decisions that affect urban environments, decision makers have particular regard to the following matters:*
 - (a) *the planned urban built form anticipated by those RMA planning documents that have given effect to this National Policy Statement.*
 - (b) *that the planned urban built form in those RMA planning documents may involve significant changes to an area, and those changes:*
 - (i) *may detract from amenity values appreciated by some people but improve amenity values appreciated by other people, communities, and future generations, including by providing increased and varied housing densities and types; and*
 - (ii) *are not, of themselves, an adverse effect*
 - (c) *the benefits of urban development that are consistent with well-functioning urban environments (as described in Policy 1)*
 - (d) *any relevant contribution that will be made to meeting the requirements of this National Policy Statement to provide or realise development capacity.*

(e) the likely current and future effects of climate change.

The consideration of visual and amenity effects should also appropriately be viewed in the context of the identification of the land as a residential growth area in HPUDS 2010; some 12 years ago as well as those matters considered within the Urban Design Assessment included in *Appendix J* of this application. In considering the issue of visual effects (noting that the effects of earthworks are assessed under *Part 6.1.8* below), the following matters of assessment are relevant.

In respect of the Brookvale Road frontage and environs (including No. 160 Arataki Road), the development has a limited frontage and there are no new dwellings fronting onto or backing directly onto Brookvale Road. The subject site frontage is to be utilised for a landscaped stormwater attenuation and treatment reserve over its length, presenting an open and landscaped appearance to that primary access into the Havelock North urban environment.

This area of the site is currently used for grazing with an existing strip of “informal” mixed quality shrub and smaller tree planting along the road reserve corridor. The development of the stormwater reserve in this area will have the visual effect of “opening up” this frontage visually to passing traffic as well as those properties situated at 159-161A Brookvale Road. It is noted that these properties all have their primary outdoor living areas oriented to the north apart from the property at 160 Arataki Road which has the main outdoor living area (with pool and courtyard areas), situated in the yard adjoining the future reserve. However, there are several established trees within this yard area and with appropriate fencing treatments, it is not considered that the effects of this property are any greater than minor along this boundary.

Two future dwellings will be positioned along the southern boundary of No. 160 however these are positioned well away from the primary outdoor living areas of No. 160 and while considered to be a change, the effect of such development is not considered to be adverse.

In summary, visually, when viewed from Brookvale Road and the nearby properties, the visual effects of the development are considered on balance to represent a minor level of visual effect.

In respect of the Arataki Road frontage and environs, the level of change from a rural environment to a suburban environment is greater given the extent of development along this frontage albeit the level of visual effect is not considered to be any greater than minor. The intensity of and form of future residential development is comparable with that which already exists along Arataki Road, and it is expected that most of the development will consist of single storey single home typologies. The planting of street trees and the berm treatments will assist in softening this frontage and present a level of amenity that is expected for a residential development of this nature.

The position of potential CRD lots may lead to some limited views of future CRD development with a likely 2 storey typology being visible from those existing dwellings on Arataki Road however it is considered that this form of development in a central location within the site does not represent an adverse visual effect and that the extent of the CRD typologies envisaged is not such that an adverse visual effect will be generated.

In respect of the southern frontage and No. 96 Arataki Road, A large shelterbelt runs slightly offset to the common boundary visually partially separating 70 Arataki Road from the subject site. Another shelterbelt/hedge extends from the Arataki Road frontage partially along the length of the subject site. The former currently provides a significant element of visual screening between the subject site and No. 70 Arataki Road which is currently used as a small arable block with what appear to be old olive trees. While that hedge is not within the ownership of The Applicant, it does provide a degree of visual separation between the 2 sites. Correspondingly, the visual effects relative to No. 70 Arataki Road and the subject site are less than minor.

In respect of the eastern frontage and No. 104 Arataki Road, there is a significant visual screen provided by the existing planting in the Local Purpose Reserve and the intended 10m wide planting strip running along the rear of proposed lots 74-81 and 92-100. There is also a defined change in elevation between the subject site and the existing Te Mata Mushroom facility which combined with the existing vegetated bank creates a strong visual screen for future residential development. No. 104 Arataki Road is abutting future Lots 97-100 however the main dwelling is oriented to the north and with the vegetated strip proposed of 10 metres in depth, means that there will be no direct visual contact with the existing dwelling and the visual effects are therefore considered to be less than minor. The Applicant has been in discussions with the owners of "Shaggy Range" regarding enhancements to their existing driveway to provide some visual mitigation from the residential development each side of that existing driveway. Discussions are currently ongoing regarding this property and access to it.

Overall, while visually the character of the site will *change* from a rural character to one that is predominantly urban, the *visual effects* of the development are, on balance considered to be minor. This conclusion is reached on the basis that suitable controls are imposed over key areas of the site regarding landscape mitigation (and ongoing maintenance) as well as the managed application of the Havelock North General Residential zone rules, with resulting development around the fringes of the site being of a similar size and scale to established residential properties. Conditions and associated Consent Notices can be imposed to regulate such matters in perpetuity.

1.1.3 Effects on the Life-Supporting Capacity of the Soil Resource

At approximately 10 hectares in area, whilst of a reasonable size, given its proximity to housing the site is not considered to be of a commercially viable size for a productive use. The Plains Production Zone has a minimum site area required for subdivision of 12 hectares which it is presumed the District Plan considers is the size required to be an economic unit viable for cropping. A significant limiting factor is the site does not have any water consents allocated to it.

An assessment of the effects on the life-supporting capacity of the soil resource has been undertaken as part of this proposal. A Soils Report has been obtained from Fruition Consultants dated March 2022. This report identifies that the shallow topsoil limits the versatility of the land for horticultural production however would be suited to some uses such as grapes and arable cropping. Importantly Fruition have stated "*there are no water consents allocated to the properties and supplementary irrigation is essential for successful commercial horticultural production. Without water these properties are **not suitable** for horticultural production*"

In the wider context, expansion of residential development onto the subject land and the effects of this on the soil resource has also been considered as part of the HPUDS submissions and hearing process, resulting in an acknowledgement that use of the land for residential purposes would be appropriate from a strategic land use perspective. Therefore, from a strategic point of view, combined with the opinion of Fruition urbanisation of the land will generate less than minor adverse effects on the life-supporting capacity of the district's soils resources particularly given its lack of water allocation and the surrounding residential environment to the west. Simply put there appears to be better land available for land based primary production.

As the above permitted baseline assessment shows the Hastings District Plan allows a portion of the site to accommodate non-productive uses i.e. uses that do not utilise the life producing capacity of the soil resource. Accordingly, the soil resource is not precluded from non-productive use and in the context of a broader assessment of relevant matters it is not considered that an urban use results in effects that are less than minor in this instance.

1.1.4 Reverse Sensitivity Effects

Reverse sensitivity is a matter often arising from the introduction of residential or 'sensitive' activities into a previously rural or productive environment, and where a new boundary is essentially created at this interface. The interface with existing residential activity can also be a potential source of concern for those landowners who had an expectation of adjoining land use which will not change, although this is less about the commonly discussed effects arising from odour, noises, spray drift, farm machinery, and bird scarers.

In terms of the subject sites receiving environment there is an intensive rural production activity occurring immediately to the east, rural grazing, dog boarding kennels and bee keeping activities to the south. Notwithstanding the specific need that these uses must comply with the District Plan, the Hawkes Bay Regional Resource Management Plan ("HBRRMP") and their associated resource consent conditions, the applicant is also accepting of a no complaints covenant¹ (to apply to each newly created title) in respect of these activities, secured by way of a Consent Notice.

The imposition of Consent Notices serves as one part of a mechanism to manage the potential for reverse sensitivity effects.

The second element in the management of such effects are the conditions of consent that are attached to the Shaggy Range facility and particularly the Te Mata Mushroom Facility which while well established, has been the subject to a number of complaints and Environment Court decisions in respect of the offsite effects of its operations; that decision however had the intent of creating a clear pathway for the resolution of the odour issues experienced over the years.

By way of background, concurrent with the progressive expansion of the mushroom farm, Havelock North also grew by converting what were once rural uses to the east of the existing settlement into residential housing. As the infrastructure was provided to service the area a transition of land uses from rural to urban occurred with significant acceleration of development over the last 10 -15 years. The land to the west of Arataki Road is now developed and established as a settled residential community.

The encroaching residential development resulted however, in an increasing number of odour complaints about the company's operations from around 2013 onwards. Things came to a head in 2015 when the company was prosecuted by HBRC, and again in 2018. The issue of odour complaints and the increasing likelihood of reverse sensitivity effects impacting on the mushroom farm meant the Hastings Council deferred its plans to develop the Arataki Extension for residential housing in the short term.

The mushroom farm applied for new resource consents for its existing facilities at Brookvale Road to provide for an increase in mushroom production to help offset the costs associated with providing upgraded facilities to control odour emissions associated with mushroom production. In response to concerns from air quality experts about the original application the mushroom farm revised their proposal so that composting operations would occur within an almost completely enclosed structure.

The issue of increasing production from the site prior to full completion of upgrading work to capture odour discharges was debated at the hearing and the commissioners decided a conservative approach was necessary to minimise any likely offensive and objectionable odours beyond the boundary of the subject site.

¹ The existing Record of Title has a no complaints covenant already in place, these will need updating/replacing

A condition was imposed not permitting any production increases until the implementation of the proposed mitigation. This condition gave the commissioners confidence to conclude that any odour effects could be adequately managed, avoided or mitigated. A consent condition was also imposed that there be no offensive or objectionable odour beyond the boundary of the site from the time of granting consent rather than waiting the approximately 30 months before all the upgrade work was planned to be completed.

The expectation from the hearings commissioners was that the mushroom farm would and should take all practical steps to avoid odour discharges. Compliance with an approved Odour Management Plan that provides for interim measures to be implemented prior to the upgrades being completed would provide reasonable certainty for everyone while placing an obligation on the consent holder to exercise the consent diligently.

Appeals were subsequently lodged on the resource consent issued by HBRC for a discharge permit and HDC for a land use consent as recommended by the hearing commissioners. The appeals did not challenge the merits of the resource consents issued or points of law, rather the appeals challenged the workability of the conditions attached to the consent. The Environment Court in November 2020 issued a consent order based on a joint memorandum by the parties to the appeal amending the wording of the conditions of consent to ensure they were clear, practicable and workable for all parties. The appeals are now otherwise dismissed, signalling an end to legal proceedings associated with the expansion of the mushroom farm and its authorisation to discharge odour.

The consents to expand operations on the mushroom farm site combined with building and operating the enclosed composting operations in accordance with the amended proposal and the conditions of consent, mean that the *“the odour and reverse sensitivity issues due to proximity of the mushroom farming operations, (to residential dwellings have now been) overcome”*. The issue encumbering the residential development of the Arataki Extension in the 2017 version of HPUDES have therefore been addressed freeing up the land to be developed and used as a preferred greenfield growth area.

Due to the lead in time between obtaining subdivision and land uses consents for new dwellings and constructing houses on the Arataki Extension, all upgrades on the Te Mata mushroom site will have been completed and odour effects mitigated long before any new residents take occupation of their houses. The concern of new dwellings on the Arataki Extension greenfield site causing reverse sensitivity effects on the mushroom farm are redundant and the proposed development of Arataki Extension can now be seen as having due regard to the Hawkes Bay Regional Resource Management Plan- RPS.

After discussion with Council planning staff, The Applicant has commissioned a further Odour Assessment report prepared by Terry Brady Consulting. The conclusions within that report are that the obligation for the avoidance of odours that are objectionable or offensive (as opposed to odours typical of what would be expected living adjoining a rural environment) are the responsibility of the mushroom facility to manage. The report concludes that:

- a) The Resource Management Act and the TMM consent places the duty to prevent offensive odours on the discharger and it is not the responsibility of those exposed to mitigate them; and
- b) Mitigating odours at the individual residences is not considered to be viable nor reasonable; and
- c) That setbacks and distance controls are not appropriate in this instance and that if the composting operation was contained indoors as is required under the current consents, or moved off site then the previous issues with odour cease to be a problem; and
- d) That despite these findings, the recommendation is to still utilise no complaints covenants provided they are worded carefully to protect both landowners and mushroom facility operations.

The development of residential activities on the subject site is not considered to generate any additional requirements on the operation of the mushroom facility over and above what they are already required to undertake to mitigate the offensive and objectionable odour issues experienced in the past.

In respect of acoustic effects, it is acknowledged that there are activities within the proximity of the site that have the potential to generate noise. The Applicant has commissioned an acoustic assessment prepared by Dcibel Limited to provide a professional opinion on the potential for reverse sensitivity effects arising from surrounding intensive rural activities which includes the existing Shaggy Range dog boarding facility. The report considers the Te Mata Mushroom Facility, the Shaggy Range Dog Kennels, the Arataki Honey Centre and the general agricultural and horticultural activities in the surrounding environment.

The acoustic assessment has considered the noise emanating from all these activities and also reconciled these against relevant consents held by those activities. In the case of the Shaggy Range facility at 104 Arataki Road, the assessment also references an acoustic report prepared by Malcom Hunt and Associates forming part of RMA20170139 which confirms that it is unlikely that this operation will create the potential for a reverse sensitivity effect to manifest itself on new residential activities on the subject site.

Accordingly, the nature of the activities adjoining, combined with the reliance on their compliance with relevant conditions of the respective consents held, and combined with the recommended use of covenants (by both the odour and acoustic consultants) leads to the conclusion that the potential for reverse sensitivity effects is low and that such effects are less than minor.

A corresponding potential positive effect is also identified in as much as the development of the Arataki Extension for residential housing will also remove a potential for what the application states as the 'lingering threat of further reverse sensitivities impacting on land uses in this locality'. The current zoning of Plains Production on an extended strip of land with multiple dwellings directly facing it across Arataki Road could result in a perverse and unworkable outcome of intensive rural production occurring as a permitted activity directly opposite established residential dwellings. Developing houses on the Arataki Extension may assist in resolving any potential issues associated with reverse sensitivity of residential activities and adjacent productive land uses reliant on versatile soils immediately adjacent to the Arataki area. In that regard it is also noted that No. 70 Arataki Road is also denoted as part of the residential growth area in HPUDS, that growth area extending to just north of the existing development in Albany Lane.

1.1.5 Effects in relation to Natural Hazards

The site is not subject to any significant identified hazards that would unnecessarily constrain or completely preclude development of the land.

Initial geotechnical consultants have confirmed that the land is able to be developed for the residential activities proposed. A series of recommendations are included within that report but none of the recommendations are such that are not commonly employed elsewhere in the District.

Based on the above, in terms of Section 106 of the Resource Management Act the site can be developed to ensure that—

- *The land, or any structure on the land, is unlikely to be subject to damage by erosion, falling debris, subsidence, slippage or inundation from any source, or*
- *Any subsequent use that is likely to be made of that land is unlikely to accelerate, worsen or result in material damage to the land by erosion, falling debris, subsidence, slippage or inundation; or*

- *Sufficient provision will be made for legal and physical access to each allotment to be created by the subdivision.*

1.1.6 Effects on Infrastructure

The development is able to be serviced with 3-waters infrastructure and from the assessment and engineering design completed it is concluded that the effects on infrastructure are less than minor and there are positive effects arising in respect of the proposed wastewater system and the additional capacity that the proposed infrastructure will unlock, including other growth areas in Havelock North as well as an improved level of service for some of the existing sites in Arataki itself.

Wastewater

The site can be serviced via the existing reticulated 3 water services in Arataki Road. Of note is that the provision of a new pump station which is situated in the north-eastern corner of the Brookvale Structure Plan, and which when completed, the proposed new network delivered by the development of the Arataki Extension will have benefits in that it will be able to accept and convey wastewater from the following areas:

- a) The subject site; and*
- b) 96 additional existing dwellings connecting to the infrastructure in Arataki Road, including Grooby Place and Whittaker Place; and*
- c) Area C denoted on the Brookvale Structure Plan; and*
- d) The HPUDS area of the Brookvale Structure Plan.*

The proposed network will effectively service the proposed development, the future HPUDs area and divert 96 existing and Area C of the BSP away from the existing infrastructure in Romanes Drive. Considering development progression, and land ownership in the area, it is anticipated that the development of Area A (Stage 2) may not occur for some time. Therefore, providing an alternate connection location for Area C will mitigate any significant delay for developing this area. Diverting Area C of the BSP also has the added benefit of increasing the capacity of the wastewater pump station currently under construction in Area A of the BSP. The proposed works will see a significant improvement in the capacity constraints within Romanes Drive while providing opportunities for connections to the network for future developments in the area. It is noted that a new lot will be created over the pumpstation "site" with earthworks and structural solutions to be prepared at the time of detailed design.

Stormwater

The main feature is the use of 2 large, shallow combined bio-retention and attenuation basins providing adequate storage for 80% of the pre-development 100-year event stormwater flows. As mentioned above, stormwater flows will be designed and controlled to ensure no increased stormwater runoff onto adjoining sites. These will rely on the use of planting material and engineered filter media to treat stormwater prior to the discharge into the existing municipal network. The development incorporates onsite detention areas to vest in Council.

The development's road network has been designed to ensure that runoff generated from the road will be discharged to one of the two basins to be attenuated. The site has been designed so that no residential lot will be affected by floods in a major storm event. The proposed grading of the roads and lots is such that the existing pre-development overland flow direction from South to North has been maintained in the proposed design. The attenuation ponds will limit SW discharge of the site to 80% of the pre-development 100-year event flows and then release these volumes slowly via a series of pipes and culvert outlets.

1.1.7 Effects on the Safety and Performance of the Roding Network

The internal roading design for the development factors in the addition of the traffic flows from the CRD development sites.

The analysis completed by East Cape Consulting concludes that existing transport network and the proposed subdivision road network have adequate capacity to accommodate the subdivision. The addendum notes that the original recommendations of the original TAR remain valid; namely:

- a) *To provide a path (of a width to be confirmed with HDC) along the eastern side of Arataki Road for the full frontage of the site; and*
- b) *Address the issue of substandard sight distance at the intersection of Arataki Road/Brookvale Road; and*
- c) *Develop an appropriate four-leg intersection treatment (refer to figure 3.29 of MOTSAM2), in consultation with Hastings District Council, where the new subdivision road meets Meissner Road.*

Subject to these recommendations, the updated subdivision it can be appropriately integrated with the surrounding transport network. It is considered that the matters set out a)-c) immediately above can be implemented through conditions of consent and in more detail through the Engineering Approvals stage.

1.1.8 Effects Arising from Earthworks

In respect of *Soil erosion and stability*, the earthworks on the site will be managed to ensure that replacement fill is appropriately compacted and surfaced to prevent erosion potential, and the site will be re-grassed as soon as possible following completion of the works. Several measures to limit erosion and scouring have been identified and will be implemented as part of the earthworks methodology for the site and will form part of the contractor documentation.

In respect of *Soil Runoff and Sedimentation*, there will be a need to ensure that on a staged basis that the appropriate sediment control mechanisms are installed and approved prior to each stage of work commencing. The measure proposed include the creation of sedimentation ponds for subsequent adaption into the bio-retention basins in some instances, cut-off drains with bunding and the installation of silt fencing including around existing dwellings where necessary to protect them from silt run-off. These measures are considered appropriate to manage the effects of works from sediment runoff.

Regarding *Natural Landforms and Contours*, there will inevitably be changed and recontouring to the existing landform and that is unavoidable in the context of land that has been earmarked for future urban development. The site is notably devoid of natural landform features with a relatively uniform contour and grade. The earthworks design aims to achieve a blending of contours where possible, however some retaining terraces are required in several areas, primarily internalised within the development site. One external boundary will have a single level retaining terrace erected on the boundary (160 Arataki Road) and the effects of this have been considered in part in the visual assessment above and have been considered to represent only a minor effect.

In respect of *Significant cultural, ecological and historic heritage sites* (including archaeological sites), an archaeological assessment has been commissioned. It is confirmed that there are no sites of significance recorded for the Arataki site or the immediate area. At this point, a General or Site Archaeological Authority has not been obtained and given the findings in the Archaeological Assessment, it is considered appropriate to adopt Accidental Discovery Protocols and controls set out in the Heritage New Zealand Pouhere Taonga Act 2014. These provisions will be included in contractor documentation as per the "on-call procedures" meaning the effects of the works on any archaeological sites can effectively be mitigated.

Regarding *Composition and characteristics of any fill used*, the geotechnical assessment of the suitability of fill material to be utilised is specified and backfilling and compaction will be overseen by a suitably qualified engineer to ensure that future residential development will have appropriate bearing capacity.

Overall, on the basis that the engineering measures are adopted during the construction period, the effects arising from these elements of the proposed works are less than minor.

1.1.9 NES – Contamination and Soil Remediation

A soil volume of approximately 201.5m³ has been identified onsite that will require remediation or management. Areas of possible soil contamination include the Northern dwelling and packhouse located at 108 Arataki Road and the dwelling and shed located at 86 Arataki Road. To address the contamination issues highlighted in the DSI, remediation is recommended including:

- a) An area onsite will be designated for the stockpiling of contaminated soil on-site until it can be repurposed.
- b) Soil within the demarcated areas is to be excavated to specified depths.
- c) Excavations will be undertaken mechanically and transported directly to the designated stockpiling area.
- d) Adequate validation inspections and sampling will be completed post remedial works. Management of the contaminated soil once removed is to be undertaken in accordance with technical recommendations.

6.1.10 Cultural Effects

These are no registered archaeological sites, recorded heritage items or known sites of Waahi tapu within the subject area. The Applicant will adopt an accidental discovery protocol which will be embedded into the contractor documents governing physical works.

While the subject sits outside the Karanema Reserve area boundaries, which is of great significance to Nga Uri o Te Heipora, it is noted that there has been significant cultural input into a recent Hastings District Council publication which are draft Reserve Management Plans (2022-2032) for 5 reserves situated between Havelock North Village and Te Mata Peak (Tainui, Tanner, Tauroa, Hikanui and Keith Sands Grove Reserves). This draft document provides guidance and direction covering a wide range of ecological, cultural and recreational aspects for open spaces. Although the opportunities for the Arataki extension development are somewhat limited in comparison, there are opportunities to embed the design and planting approaches into the development and The Applicant is desirous of pursuing this aspect further during the detailed design phase.

Although no formal dialogue has yet been undertaken with Mana whenua, it is presumed that the Council will provide the resource consent documentation for initial review through the Council Mana Whenua team and then wider distribution will follow as part of the notification process.

Based upon current known information, the proposed subdivision will not have any adverse effects on natural or physical resources having aesthetic, recreational, scientific, historical, spiritual or cultural or other special value for present or future generations. Additionally, the proposed subdivision will have no significant adverse environmental effects on flora or fauna or animals and any physical disturbance of habitats.

It has been observed during field visits that Tui and Piwakawaka are a commonly occurring species amongst the existing gum trees along the embankment. The enhancement of this area through the removal of the gum trees and the appropriate palette of planting to enhance the ecological values of this small habitat area is an aspect which will be developed further during the detailed design phase of the development.

1.1.12 S104G – Resource Management Act - Drinking Water Supply

S104G of The Act requires the Consent Authority to have regard to

When considering an application for a resource consent, the consent authority must have regard to—

(a) the actual or potential effect of the proposed activity on the source of a drinking water supply that is registered under [section 55](#) of the Water Services Act 2021; and

(b) any risks that the proposed activity may pose to the source of a drinking water supply that are identified in a source water risk management plan prepared in accordance with the requirements of the [Water Services Act 2021](#).

The subject site is situated within approximately 270m from a registered drinking water supply bore. That is the Havelock North (Brookvale) well which is subject to Consent Ref WP070080tb, issued by HBRC and is registered nos. as well 1329, 2106 and 4151. These are distributed along Brookvale Road. It is noted that this consent has an expiry date of 2018. It is recognised that the key intent of S.14G is to manage the actual and potential effects relating to any ingress of contaminants or substances/organisms which may lead to a lowering of water quality or contamination. In this instance, it is not considered that the development of this land for residential activities has the potential to adversely impact upon the security or safety of these registered wells:

- a) The activities proposed are such that stormwater from the site will be directed to the reticulated system with the bio retention basins proposed providing sufficient low impact design treatment prior to the discharge of stormwater.
- b) The residential activities on the site will all be required to connect to a reticulated wastewater network so there is no risk of groundwater contamination or the discharge of waste into the ground.
- c) During construction, silt and runoff if generated will be captured by the sediment and erosion control measures.
- d) More significantly however, it is noted from the Council's Water Supply Strategy 2018 that the objectives for the enhancement of water supply resilience are to move the Brookvale wells to either an augmentation supply role as opposed to a primary supply role and to eventually decommission them entirely and reliance upon a Hastings to Havelock North pipeline to provide potable water.
- e) Stage 1B of the Strategy will see the upgrading of the Eastbourne bore field in Hastings and that will enable the full decommissioning of the Brookfield bore fields. Currently the one operating augmenting Brookfield bore is subject to a high degree of water treatment including UV as well as chlorine and can be used to supplement the primary supply if needed.

Based on the matters above, it is considered that the effects to be considered by the Consent Authority in relation to the actual or potential effects on the safety and resilience of a registered water supply are less than minor.

6.1.13 Environmental Effects Assessment Summary of Conclusions

The Assessment of Environmental Effects leads to the overarching conclusion that the effects arising from the proposal are considered to range through positive, de-minimis to minor. There are several mitigatory measures recommended that are considered appropriate to be addressed via specific consent conditions and ongoing maintenance and management regimes. Overall, having regard to the

level of effects, it is considered that the *adverse* effects of the development on the environment (as expressly limited by S104D (1)) are considered to be minor.

From: Phil Stickney s 9(2)(a)
Sent: Monday, 8 July 2024 4:24 pm
To: Listed Projects
Cc: Karl Carew
Subject: RE: Query for listed project Arataki (the Project)

MFE CYBER SECURITY WARNING

This email originated from outside our organisation. Please take extra care when clicking on any links or opening any attachments.

Kia ora,

Thank you for the email received on Friday. To answer your query on this application, no individual consultation was undertaken directly with Tamatea Pokai Whenua in respect of this current proposal, noting however that CDL land NZ are fully committed to engaging with Iwi on projects and have previously entered into Memorandums of Understanding with Iwi and Council together to advance cultural engagement.

We note that the provisions of the Heretaunga Tamatea Settlement Claims Act 2018 require that this Iwi group will automatically be informed of any application for this area, with Heretaunga Tamatea's area of interest extending from the Tūtaekurī River in the north following the ridge of the Ruahine Range south to Takapau and turns seawards to Pōrangahau in the south. The legislative requirements are detailed below.

The Applicant has made provision for cultural design elements to be drawn into the proposal arising from the indirect input from Ngā Uri o Te Heipora, who have assisted HDC with the development of the implementation of cultural planting and landscapes within Havelock North reserves, that management plan approach can be woven into the landscape framework for this particular development. The provisions of this management plan were provided to The Applicant to assist in another project they are undertaking in Havelock North, by a cultural advisor contracted by CDL Land NZ, who was in turn liaising with Iwi.

28 Provision of summary or notice to trustees

- (1) Each relevant consent authority must, for a period of 20 years on and from the effective date, provide the following to the trustees for each resource consent application for an activity within, adjacent to, or directly affecting a statutory area:
 - (a) if the application is received by the consent authority, a summary of the application; or
 - (b) if notice of the application is served on the consent authority under [section 145\(10\)](#) of the Resource Management Act 1991, a copy of the notice.
- (2) A summary provided under subsection (1)(a) must be the same as would be given to an affected person by limited notification under [section 95B](#) of the Resource Management Act 1991 or as may be agreed between the trustees and the relevant consent authority.
- (3) The summary must be provided—
 - (a) as soon as is reasonably practicable after the relevant consent authority receives the application; but
 - (b) before the relevant consent authority decides under [section 95](#) of the Resource Management Act 1991 whether to notify the application.
- (4) A copy of a notice must be provided under subsection (1)(b) not later than 10 working days after the day on which the consent authority receives the notice.
- (5) The trustees may, by written notice to a relevant consent authority,—
 - (a) waive the right to be provided with a summary or copy of a notice under this section; and
 - (b) state the scope of that waiver and the period it applies for.
- (6) This section does not affect the obligation of a relevant consent authority to decide,—
 - (a) under [section 95](#) of the Resource Management Act 1991, whether to notify an application;
 - (b) under [section 95E](#) of that Act, whether the trustees are affected persons in relation to an activity.

In respect of Tamatea Pokai Whenua, we would assume that the same, or similar requirements for mandatory circulation would apply in respect of the Fast Track process.

We trust this provides you with some additional context and clarity over the engagement to date. Please do not hesitate to contact me if you require further clarification.

Kind regards | Ngā mihi

Phil Stickney

Technical Director – Planning and Land Development
Development Nous Limited



s 9(2)(a)

s 9(2)(a)

Physical 502 Karamu Road North, Hastings 4122, New Zealand

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Email s 9(2)(a)



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Please consider the environment before printing this email.

From: Listed Projects <ListedProjects@mfe.govt.nz>
Sent: Friday, July 5, 2024 11:31 AM
To: Phil Stickney s 9(2)(a)
Subject: Query for listed project Arataki (the Project)

Kia ora Phil,

Thank you for your application for Arataki (the Project) for listing in the Fast-track Approvals Bill.

Under clause 16 of the Fast-track Approvals Bill, applicants must undertake engagement with specific groups before lodging a referral application, and include a record of the engagement and statement explaining how it has informed the project. In this application, a number of groups are identified as potentially affected by the project, including Heretaunga Tamatea Settlement Trust (now named Tamatea Pokai Whenua) as the relevant iwi authority. However the application does not record any details whether any consultation took place with them, or state how that informed the project.

Can you please provide details about any engagement undertaken (if any) with Tamatea Pokai Whenua, and how that engagement has informed the project?

Could you please provide your response by **Monday 8 July 2024** at the latest.

Kind regards,

MFE Listed Projects Team

Ministry staff work flexibly by default. For me, this means I work 100% remotely. Also, you may receive an email from me outside of usual working hours. Please respond at a time that is convenient for you.



FTA#109: Application for listed project under the Fast-track Approvals Bill – Arataki Project for Schedule 2A

Date submitted to secretariat:	9 July 2024
Security level:	In-Confidence
To:	David TAPSELL, Chair – Fast-track Projects Advisory Group

Number of attachments: #	Attachments: 1. Application documents for Arataki Project
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Applicant	Sector	Region	Identified in a priority/strategy?
CDL Land New Zealand Limited	Residential	Hawkes Bay	No

Ministry for the Environment contacts

Position	Name	Mobile	1 st contact
Principal Authors	Marlene Youl, Anna Galvin		
Manager	Stephanie Frame	s 9(2)(a)	✓
Director	Ilana Miller	s 9(2)(a)	

1. The Arataki project is to develop and deliver a residential subdivision capable of yielding between approximately 157 – 202 residential units of varying densities and typologies, with associated parks/walkways, roading and three waters infrastructure, on approximately 11 hectares of land at Arataki (Havelock North).
2. The project will require resource consents under the Resource Management Act 1991 (RMA), including approval under the National Policy Statement on Highly Productive Lands in 2022.
3. The applicant CDL Land New Zealand Limited is the registered owner of the freehold land project site.
4. Engagement with HDC was undertaken during 2023 as a result of the initial application for resource consent being rejected for consideration by HDC. Subsequent discussions involved further assessment of technical reports and additional information provided, which formed the basis of a second application being lodged, and which was accepted for consideration. However later discussions resulted in HDC preferring a Plan Change process to be followed and the resource consent application was put on hold to consider options.
5. We have undertaken an initial (Stage 1) analysis of the application, and this is provided in Table A.
6. We consider the applicant **has** provided sufficient information to consider the project for inclusion on Schedule 2A (although we note it could still be included on Schedule 2B based on the information provided).
7. The project does not trigger the ineligibility criteria in clause 18 of the Fast-track Approvals Bill (the Bill).

8. Advice on PSGE development priorities and Māori development is provided in Table A. Table A also includes the relevant PSGEs or Māori groups and the settlement mechanisms, that will/may be impacted by the project and whether the project is low, medium or high impact on Treaty settlement/s and other relevant arrangements. Appendix 1 provides further detail on how this advice should be considered and our approach to analysis.

Signature

A handwritten signature in black ink, appearing to read 'S. Frame', is positioned above the printed name.

Stephanie Frame
Manager – Listed Projects

Table A: Stage 1 initial assessment of project eligibility and Treaty settlement assessment and advice¹

Project details	Project description	Approvals sought	Consultation undertaken	Does the project trigger the ineligibility criteria [clause 18]?				Discretionary ground to decline [clause 21(2)]	Eligibility [clause 17]	
				Treaty settlement land, Māori customary land, customary marine title, customary rights, aquaculture settlement area, or prevented by RMA clauses [clauses 18(a-e, g)]	Access arrangement under CMA where a permit can't be granted, or is listed in items 1-11, 14 [clauses 18(f,h)]	Activity on a national reserve under Reserves Act which requires approval under that Act [clause 18(i)]	Prohibited activity under EEZA or regulations under that Act, decommissioning-related activities, offshore renewable energy progressing ahead of permitting legislation [clause 18(j-l)]		Is the project eligible [clause 17(2)]	Would the project have significant regional or national benefits [clause 17(3)]
High level summary			Y	N	N	N	N			
Schedule requested 2A Project Name Arataki (the Project) Applicant CDL Land New Zealand Limited Company director/s Jason Craig Adams Takeshi Ito Joo Boon Pua Location 86, 108 & 122 Arataki Road, Havelock North, Hastings, Hawkes Bay Land Status The applicant CDL Land New Zealand Limited is the registered owner of the freehold land project site.	The Arataki project is to develop and deliver a residential subdivision capable of yielding between approximately 157 – 202 residential units of varying densities and typologies, with associated parks/walkways, roading and 3 waters infrastructure on approximately 11 hectares of land at Arataki (Havelock North).	The applicant seeks approval under the: Resource Management Act 1991 (including approval under the National Policy Statement on Highly Productive Lands in 2022)	Consultation with adjacent landowners and Hastings District Council has occurred. The council had expressed preference for a Plan Change process over a resource consent given the underlying zoning which is Plains Production and the recent introduction of the National Policy Statement for Highly Productive Land in 2022. No individual consultation was undertaken directly with Tamatea Pokai Whenua in respect of this current proposal.	No	No	No	No	The project, or any part of it, is inconsistent with a relevant Treaty settlement, the NHNP Act, the Marine and Coastal Area (Takutai Moana) Act 2011, a Mana Whakahono ā Rohe, or a joint management agreement. No It is more appropriate to deal with the application under another Act. Potentially – This project is not enabled by the underlying Plains Production zoning. It may be that the project would be more appropriately considered following a plan change under the RMA, to ensure sustainable urban form and servicing. We note that if a plan change does not occur the project may be able to be consented more easily under the fast-track regime than the RMA. The project may have significant adverse effects on the environment. No - Assessment of Environmental Effects notes minor potential effects on soil runoff and sedimentation etc. but also notes mitigatory measures recommended. The applicant notes the site includes contaminated land from	Whether access to the fast-track process will enable the project to be processed in a more timely and cost-efficient way than under normal processes. Potentially - This project would otherwise require a Plan Change to enable it. The impact referring this project will have on the efficient operation of the fast-track process. No Whether the application contains sufficient information to inform the referral decision. Yes	The project has been identified as a priority project in a central government, local government, or sector plan or strategy (for example, in a general policy statement or spatial strategy) or central government infrastructure priority list. No The project will deliver regionally or nationally significant infrastructure. No – Not answered. Housing is not considered infrastructure under the RMA, however 3 waters infrastructure is regionally significant. The project will increase the supply of housing, address housing needs, or contribute to a well-functioning urban environment. Yes - 157–202 residential units The project will deliver significant economic benefits. Yes – Applicant notes economic benefits from construction phases from inhabitants spending on local goods and services. The project will support primary industries, including aquaculture. No The project will support development of natural resources, including minerals and petroleum. No The project will support climate change mitigation, including the reduction or removal of greenhouse gas emissions.

¹ **Disclaimer:** Given time and scope constraints, the initial assessment is solely based on information provided by applicants. There may be additional relevant information which has not been provided to MfE.

								previous activities that requires remediation and notes mitigations. The applicant has a poor compliance history under the relevant legislation. No The project involves an activity that would occur on land that the Minister for Treaty of Waitangi Negotiations considers necessary for Treaty settlement purposes. No The project includes an activity that is a prohibited activity under the RMA. No		No The project will support adaptation, resilience, and recovery from natural hazards. No The project will address significant environmental issues. No – Although the applicant notes the site includes contaminated land from previous activities that requires remediation and notes mitigations. The project is consistent with local or regional planning documents, including spatial strategies. Yes – The applicant states the proposal is consistent with the intent (and the mapped future settlement pattern) of the Heretaunga Plans Urban Development Strategy as it is contained within land identified as a “Reserve Growth Area” within that Strategy. The applicant also notes the land is identified within the Hastings District Plan as an area that “may meet green fields needs within the life of The Plan”.
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PSGE Settlement Priorities and Māori Development assessment –

This table provides an overview. In the time available, it has not been possible to undertake a detailed review of all Treaty settlement and related matters, or to engage with the relevant PSGE, iwi or Māori groups in relation to the potential impacts of the project. If the project does progress through the fast-track process, it will be important this more detailed and comprehensive analysis and engagement is undertaken (there are some mechanisms in the proposed legislation, such as the clause 13 report (which will apply to Schedule 2 Part B (but not Part A) applications) and the requirements to invite comment from these groups, which are intended to address these matters).

Advice on Māori development and PSGE settlement priorities includes information relating to:

- where projects align explicitly with PSGE or iwi strategic objectives/vision/other strategic documents.
- where projects contribute towards addressing historical or systemic inequities faced by Māori. This would be undertaken through an equity assessment; and/or are being led by or in partnership with a Māori entity or business;
- to relevant provisions in Treaty settlements, Joint Management Agreements outside of settlement; Mana Whakahono ā Rohe; Iwi Environment Management plans; implications for groups yet to settle their historical Treaty of Waitangi claims; and implications arising under the Marine and Coastal Area (Takutai Moana) Act 2011 and Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019.

Ineligible projects - based on the considerations at cl18(a–e) of the Fast Track Approvals Bill (version as at introduction)	The project does not appear to be ineligible according to the information provided in the application.
Affected Māori group/s	The applicant has identified the following group with interests in the project area: Heretaunga Tamatea Settlement Trust (Tamatea Pokai Whanua) <u>Heretaunga Tamatea</u> Heretaunga Tamatea Settlement Trust is the representative entity for Heretaunga Tamatea. Heretaunga Tamatea is a group of Kahungunu iwi/hapū whose area of interest includes the proposed project site, based on the area of interest agreed between Heretaunga Tamatea and the Crown in a Deed of Settlement signed on 26 September 2015.¹ In addition to the group identified by the applicant, we have also identified the following additional group as potentially having interests in the proposed project location: Ngāti Kahungunu <u>Ngāti Kahungunu</u> Information from Te Kāhui Māngai shows the proposed project location as being within the area of interest for Ngāti Kahungunu.² As mentioned above, Heretaunga Tamatea is a group of Kahungunu iwi/hapū. However, we include reference to the wider iwi of Ngāti Kahungunu for completeness.
Has the applicant consulted with those Māori groups?	No - the applicant states that no consultation has occurred with these groups to date.

Impact/s of the project on Māori development and PSGE settlement priorities and related matters	<u>Impacts on PSGE settlement priorities and Māori development</u> There is no information in the application to suggest that this application is made by or on behalf of a Māori organisation, or that the project will have a direct benefit in terms of Māori development. In the time available, we have identified the following relevant plans and documents: Management Plan Mana Ake Nga Hapu o Heretaunga 2015 published by Te Taiwhenua o Heretaunga Kahungunu ki Uta Kahungunu ki Tai Marine and Freshwater Strategic Plan It is not possible to confirm from those documents that the project does or does not align with the strategic priorities of those iwi or Māori groups. A full analysis of the plan would need to be undertaken in conjunction with the relevant iwi before any firm conclusions can be reached. That is a matter to be considered in more detail in subsequent stages if this progresses through the fast-track processes. <u>Impact on Treaty settlements and other relevant arrangements</u> <u>Heretaunga Tamatea Claims Settlement Act 2018</u> <i>Statutory acknowledgements</i> This Treaty settlement contains a number of statutory acknowledgements. It is not clear from the application whether a statutory acknowledgement covers or is adjacent to the project site or is directly impacted by the proposed project. However, we note that the settlement includes statutory acknowledgements for waterways in the vicinity of the project, such as the Tukituki River and its tributaries; and the Karamu Stream and tributaries. If the project activity is within or adjacent to, or directly affects, the area of the statutory acknowledgement, the following text applies. Generally, a statutory acknowledgement by the Crown of a 'statement of association' between the iwi and an identified area. A council must have regard to the statutory acknowledgement when deciding whether the iwi is an 'affected person' for the purposes of notification decisions under the Resource Management Act 1991 (the RMA). The same applies to the Environment Court when considering participation in hearings under s274 of the RMA. A council must send summaries of applications for resource consents to the iwi. The PSGE (or any member of the iwi) may, as evidence of the association with a statutory area, cite the statutory acknowledgement in submissions that are made to a consent authority, the Environment Court or the Environmental Protection Authority. An impact of listing this project under Schedule 2 Part A is that the Ministers will not have to exercise their 'referral discretion' including considering the Treaty settlement impacts through that process, nor will they have the benefit of the clause 13 report. There is a requirement on the expert panel to invite comment from the PSGE on the application (noting this is an automatic right to participate, which is currently discretionary under the statutory acknowledgement). For a Schedule 2 Part B listing (which is not proposed for this project), Ministers will have to exercise their 'referral discretion' including considering the Treaty settlement impacts through that process, and they will have the benefit of the clause 13 report. The expert panel will also be required to invite comment from the PSGE on the application (again, noting this is an automatic right to participate, which is currently discretionary under the statutory acknowledgement). Listing this project, and the fast-track process generally, will not provide equivalent weight to the statutory acknowledgement, which may limit the influence of the iwi compared to the usual consenting regime. For example, under the RMA process, if a PSGE is notified due to the statutory acknowledgement, the PSGE has the right to make a submission, attend a hearing, appeal to the Environment Court, and appeal to the High Court and higher courts. The fast-track process does not provide exactly the same rights to the PSGE (particularly the potential right to make a submission and then participate in a hearing and de novo appeal), but as noted above there are some other enhanced rights of participation. <u>Hawke's Bay Regional Planning Committee Act 2015</u> The Hawke's Bay Regional Planning Committee is a joint committee consisting of equal numbers of iwi and council appointed members established under the Hawke's Bay Regional Planning Committee Act 2015. The purpose of the Hawke's Bay Regional Planning Committee is to oversee the development and review of RMA documents prepared in accordance with the RMA for the Regional Planning Committee region. The functions of the entity include: Overseeing the development and review of RMA regional planning documents (regional policy statements and regional plans) and recommending to the Council for public notification the content of any such document. If a recommendation is not accepted, the matter must be referred back to the Committee. Monitoring the efficiency and effectiveness of the RMA documents in accordance with section 35 of the RMA. Under the terms of reference, there are also powers to recommend appointment to hearing commissioner panel. This is a significant mechanism which has its origins in the Ngāti Pāhauwera Treaty settlement. If this project is progressed through the fast-track process, there is a risk that regional policy statements and plans will have a lesser effect than they would under the RMA, and hence the impact of this arrangement will be diminished. <u>Iwi Environment Management plans</u> Note the comments above in relation to iwi management plans. <u>Implications for groups yet to settle their historical Treaty of Waitangi claims</u> While we have not identified any other groups with interests in the area, there may be other groups that are still working through their Treaty settlement processes. If so, it will be important that these interests are considered in more detail if the project progresses through the fast-track process, but in the time available there are no further impacts noted. <u>Other matters</u> In the time available, officials have not identified any other impacts for the Marine and Coastal Area (Takutai Moana) Act 2011 (noting the project area is not in the common marine and coastal area), Joint Management Agreements outside of settlement or Mana Whakahono ā Rohe.
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Is the project considered low, medium or high impact (based on assessment criteria above)	From the information available we consider this project is likely to be of medium impact. This is due to the nature and range of interests present in the project area. An impact of listing this project under Schedule 2 Part A is that the Ministers will not have to exercise their 'referral discretion' including considering the Treaty settlement impacts through that process, nor will they have the benefit of the clause 13 report. For Part A projects, there is a requirement on the expert panel to invite comment from the PSGE on the application.
Has the Ministry for the Environment undertaken engagement?	Officials consider engagement would be beneficial given the nature and range of interests present in the project area but were unable to undertake this in the time available.
Additional comments/context	N/A

Appendix One: Approach and considerations for Treaty settlement advice on listed project applications advice in Table A

1. Ministers have advised the Advisory Group should receive advice from officials on “Māori development and PSGE settlement priorities” relevant to each application. Note this differs from section 13 requirements of the current Fast Track Consenting Bill that ‘Ministers must consider Treaty settlements and other obligations report’ as these reports will not be in existence at the time, although matters identified in section 13 (2)(a)-(j) will be considered as part of official's analysis.
2. We have interpreted “Māori development” and “PSGE priorities” to mean primarily projects that:
 - a. align explicitly with PSGE or iwi strategic objectives/vision/other strategic documents; and/or
 - b. contribute towards addressing historical or systemic inequities faced by Māori. This would be undertaken through an equity assessment; and/or
 - c. the project is being led by or in partnership with a Māori entity or business.
3. Given the time constraints and limited engagement this advice cannot be considered as comprehensive and does not intend to reflect their views and should not be read as such.
4. Engagement with PSGEs and other relevant groups has been considered based on potential high-risk factors including, but not limited to, if:
 - a. a project will take place on or effect any taonga or areas of significance that are protected by Treaty settlement arrangements.
 - b. a project will have a substantive and/or ongoing environment impact on any taonga or areas of significance.
 - c. a project will include a consenting arrangement that will require a significant take, or be ongoing for an extended period, in relation to a taonga or area of significance, or in regions where PSGEs have specific planning mechanisms in place.
 - d. PSGEs or other Māori entities have previously strongly contested the project or a similar type of project, particularly where court action has been taken.
 - e. The project is clearly in conflict with or undermines PSGE priorities.
 - f. Engagement would be required to maintain and uphold the Te Tiriti Crown relationship.
5. In limited circumstances where engagement occurs, it has been brief. Where engagement has been undertaken it is reflected in our analysis but should not be taken to mean that our Treaty Partners endorse our advice.