
MINUTE 3 OF THE EXPERT PANEL
Request for Information – Reverse sensitivity
Arataki [FTAA-2506-1083
(25 November 2025)

[1] After reviewing the Applicant's response to the comments received on the application, the Expert Panel requests the following information be provided from the Hastings District Council (**HDC**), the Hawkes Bay Regional Council (**HBRC**) and the Applicant. This information is requested pursuant to section 67 of the Fast-track Approvals Act 2024 (**FTAA**).

[2] This Request for Information addresses reverse sensitivity issues. A further Request for Information will be issued shortly in relation to other matters arising from comments and the Applicant's response to those comments.

Reverse sensitivity

[3] The Expert Panel has questions regarding potential reverse sensitivity effects and the provision of an appropriate buffer between the residential activities on the project site and the neighbouring rural production land uses.

[4] The Applicant has proposed planted buffers of 5-10m in width along the eastern and southern boundaries of the site. Several commenters have raised concerns with the adequacy of this buffer proposal, including its width, the planting proposed and the mechanisms proposed to ensure compliance.

[5] HDC has not provided a comprehensive comment report to the Expert Panel, electing instead to respond specifically to the five questions attached to Minute 2 of the Expert Panel – Invitation to Comment, identifying any information gaps and highlighting a handful of proposed amendments to the condition set.

[6] The HDC comment is completely silent on the issue of reverse sensitivity or

the appropriateness of a 10m buffer to avoid or manage reverse sensitivity effects between the residential development on the Application site and adjacent rural production activities. This is surprising in light of email correspondence dated 24 June 2025 (included in Appendix 7a) from the Team Leader Environmental Policy to the Applicant's consultant recording that:

... we continue to have concerns around the developments ability to address reverse sensitivity concerns to the East and the South. Reverse sensitivity from adjoining plains production is and continues to be a significant issue when managing urban growth in our District ...

In summary, and [sic] preferred method for dealing with conflict between the urban/ rural interface is to provide appropriate buffers through greater distance, preferrable [sic] 30m, rather than relying on no complaint covenants and planting which in some circumstances have limited effect, and may put at risk future rural uses for neighbouring sites.

[7] This correspondence has been referred to in a comment from Bay Planning on behalf of C&M McKenzie, 70 Arataki Road (Olive Grove owners), which discusses reverse sensitivity concerns in some detail and seeks a 30m buffer along the Olive Grove boundary. That comment includes reference to planning approaches taken in the Proposed Napier City District Plan and the Tasman Resource Management Plan; New Zealand industry guidelines; and NSW and Western Australia government guidelines.

[8] Conversely, in its response to comments, the Applicant only relies on the existing assessment provided with the Application.

[9] The Expert Panel therefore directs HDC to provide the following information:

- (a) Identify all objectives, policies, rules and development standards in the District Plan that are directly relevant to the potential for reverse sensitivity effects to arise between rural production activities (including on rural zoned land and special rural production zoned land) and adjacent residential activities, (whether or not located on residential-zoned land);
- (b) Provide particular comment on the relevance of General Rule 7.2.5G(b);

- (c) Comment on the extent to which the Application is consistent with or has had regard to the relevant District Plan provisions, including commentary on the specific conclusions reached in section 13.3 of the Applicant's Planning Report dated 18 July 2025;
- (d) Whether HDC has required or imposed a 30m reverse sensitivity buffer on any resource consents for residential development adjacent to rural production activities granted in Hastings District within the last 2 years;
- (e) Provide a detailed response to the comments made by Bay Planning on behalf of C&M McKenzie, including:
 - (i) detail of any subsequent discussions between HDC and the Applicant following the email of 24 June 2025;
 - (ii) Whether the concerns expressed by the Team Leader Environmental Policy were addressed to the satisfaction of HDC and;
 - (iii) What aspects of the Application provided sufficient reassurance to HDC to enable it to dismiss its concerns.

[10] The Expert Panel further directs HBRC to provide similar commentary in response to section 5.3 of the Bay Planning report filed on behalf of C&M McKenzie, which identifies a range of Regional Plan objectives and policies that it considers are relevant to reverse sensitivity issues.

[11] Following the Applicant's response to comments, the Expert Panel seeks the following further information from the Applicant (or its legal adviser):

- (a) In relation to the "either/or" condition 14A approach to potential relocation of the Shaggy Range driveway, please comment on the extent to which the driveway relocation option would enhance the provision of a reverse sensitivity buffer (ie operate to reduce the potential for reverse sensitivity effects to arise); and
- (b) Comment on how the Expert Panel should assess the potential reverse sensitivity effects of the project if two alternative approaches to the management of those effects have been offered;
- (c) Provide further commentary on the following response provided to the Bay Planning comment lodged on behalf of C&M McKenzie:

"CDL considers that the buffer proposed is adequate to avoid unreasonable reverse sensitivity constraints while balancing the

requirement for efficient land use outcomes."

In particular, comment on whether this is the correct legal test to be applied to the Expert Panel's assessment of the reverse sensitivity issue in the context of FTAA decision making criteria;

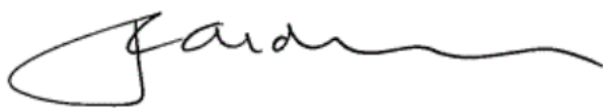
- (d) Confirm the range of other rural production activities that could occur as permitted or controlled activities on both the Shaggy Range and Olive Grove sites.

[12] Finally, the Expert Panel is seeking further comment from the following commenters:

- (a) Shaggy Range (JW & SL Johnson Partnership Shaggy Range Ltd, 104 Arataki Road) on the Applicant's response proposals for relocation of the access driveway to the Shaggy Range site, and in particular the appropriateness of the "either/or" condition now proposed;
- (b) C & M McKenzie, 70 Arataki Road (or Bay Planning on their behalf) on the Applicant's changes to the buffer planting proposals along the Olive Grove boundary, the use of consent notices instead of covenants to protect and maintain the planting, and the impact that the potential future relocation of the Shaggy Range access driveway along their boundary may have on the Olive Grove.

[13] The Expert Panel is open to scheduling a short conference with the Applicant, Shaggy Range and the Olive Grove parties to discuss the issues identified in this Request for Information, and the access driveway relocation issues in particular, but will await provision of the requested information before doing so.

[14] The further information requested by the Expert Panel is required to be provided to the EPA by 4pm Monday 1 December 2025.



Jennifer Caldwell
Arataki Expert Panel Chair