WOODS

PLANNING REPORT

Arataki Project
CDL Land New Zealand Limited
86, 108 & 122 Arataki Road, Havelock North

Substantive Application
Fast-Track Approvals Act 2024
18 July 2025

Document Control

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Reviewer	Jo Sunde – Senior Associate Planner
Approval	Emma Howie – General Manager, Planning & Urban Design
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Table of Contents

List of Appendices

Acronyms & Terms

The Acronyms & Terms included in the **Table** below apply to all acronyms and terms used in this application.

Acronyms & Terms Table

Acronym / Term	Definition
AEE	Assessment of Environmental Effects contained in Planning Report
Application	Substantive Application under Section 42 of the Fast-Track Approvals Act 2024
Arataki Honey	Arataki Honey Visitor Centre, 66-68 Arataki Road, Havelock North
Arataki Project	The subdivision and development of the land at 86, 108, 122 Arataki Road, Havelock North, Hawkes Bay
Arataki Site | Site	86, 108, 122 Arataki Road, Havelock North, Hawkes Bay
BEP	Bulk Earthworks Plan
Boffa Miskell	Boffa Miskell Limited
Brookvale Business Park	Brookvale Land Limited Business Hub, Property located at 174 Brookvale Road
Brookvale Stormwater Adjacent Sites	Properties located at 163 and 185 Brookvale Road
CDL	CDL Land New Zealand Limited
CEMP	Construction Environmental Management Plan
CFG Heritage	CFG Heritage Limited
ChTMP	Chemical Treatment Management Plan
CMW	CMW Geosciences
CNVMP	Construction Noise and Vibration Management Plan
CTMP	Construction Traffic Management Plan
Dcibel	Dcibel Limited
District Council | HDC	Heretaunga Hastings District Council
District Plan | HDP	Hastings District Plan Operative 2024
DMP	Dust Management Plan
DSI	Detailed Site Investigation
EA	Engineering Approval
ECoP	Engineering Code of Practice
Ellis Gould	Ellis Gould Lawyers
EPA	Environmental Protection Authority

ESCP	Erosion and Sediment Control Plan
FDS	Hastings & Napier Future Development Strategy 2024 – 2054
Flow	Flow Transportation Consultants
FMP	Fauna Management Plan
Fruition	Fruition Limited
FTAA	Fast-track Approvals Act 2024
GCR	Geotechnical Completion Report
GIR	Geotechnical Investigation Report
HNZPT	Heritage New Zealand Pouhere Taonga
HPUDS	Heretaunga Plains Urban Development Strategy 2017
ITA	Integrated Transport Assessment
JOAL	Jointly Owned Access Lot
LMP	Landscape Maintenance / Management Plan
LVA	Landscape Visual Assessment
MDRS	Medium Density Residential Standards
MfE	Ministry for the Environment
MoE	Ministry of Education
NES	National Environmental Standards
NESCS	National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health
Ngāti Kahungunu iwi	Ngāti Kahungunu iwi
NPS	National Policy Statements
NPS-FM	National Policy Statement on Freshwater Management 2020
NPS-HPL	National Policy Statement on Highly Productive Land 2022
NPS-IB	National Policy Statement on Indigenous Biodiversity 2022
NPS-UD	National Policy Statement on Urban Development 2020
NZCPS	New Zealand Coastal Policy Statement 2010
OIO	Overseas Investment Office
Olive Grove Site	Olive grove orchard, 70 Arataki Road, Havelock North
Panel	EPA Expert Consenting Panel

Part 2	Part 2 of the RMA
Planning Report	Planning Report prepared to support the Application including Assessment of Environmental Effects
Property Economics	Property Economics Limited
RAP	Remediation Action Plan
RDF	Residential Design Framework
Regional Council | HBRC	Hawkes Bay Regional Council
Regional Plan | RRMP	Hawkes Bay Regional Resource Management Plan
RMA	Resource Management Act 1991
ROT	Record of Title
RPS	Regional Policy Statement
Shaggy Range	Shaggy Range Ltd, Doggy Daycare, 104 Arataki Road, Havelock North
SMMP	Stormwater Maintenance and Management Plan
SMP	Site Management Plan
SPMP	Spill Management Plan
SQN Geosciences	SQN Geosciences Limited
SVR	Site Validation Report
SWMP	Stormwater Management Plan
TANK Plan Change | TANK	HBRC Tūtaekurī, Ahuriri, Ngaruroro and Karamū Plan Change 9 Decision Version 2022
Te Taiwhenua o Tamatea	Te Taiwhenua o Tamatea hapu
The Corner Site	The residential site on the corner of Arataki and Brookvale Roads, 160 Arataki Road, Havelock North
The Sawtooth Site	Property located at 96 Arataki Road, Havelock North
TPW	Tamatea Pōkai Whenua
Urban Acumen	Urban Acumen Limited
Woods	Wood & Partners Consultants Limited
WQMS	Water Quality Monitoring Strategy

1.0 Applicant & Property Details

To:	Environmental Protection Authority (**EPA**)
Site Address:	86, 108, 122 Arataki Road, Havelock North, Hawke's Bay
Applicant Name:	CDL Land New Zealand Limited (**CDL**) PO Box 3248 Auckland 1140 Attention: Jackson Bull
Address for Service:	Wood & Partners Consultants Limited (**Woods**) PO Box 6752 Auckland 1142 Attention: Joanne Sunde
Legal Description:	Lot 2 DP 546439, Section 10S Te Mata SETT, Lot 2 DP 540945 (RoT attached in **Appendix 2**)
Site Area:	11 ha
Site Owner:	CDL Land New Zealand Limited (**CDL**)
District Council	Heretaunga Hastings District Council (**HDC |District Council**)
District Plan:	Hastings District Plan (**HDP | District Plan**)
Regional Council:	Hawke's Bay Regional Council (**HBRC |Regional Council**)
Regional Plan:	Hawke's Bay Regional Resource Management Plan (**RRMP | Regional Plan**)

2.0 Statement of Qualifications and Experience

The following is a statement of the qualifications and experience of the Planners involved in preparing this Substantive Application. The qualifications and experience of the specialists involved are set out in their respective individual reports.

Emma Howie – General Manager, Wood & Partners Consultants Limited

I am a Planner & General Manager of Planning & Urban Design at Wood & Partners Consultants Limited (**Woods**). Woods is a multi-disciplinary consultancy specialising in planning, urban design, engineering, water infrastructure, and surveying. I have been employed at Woods in two periods: first, from 2013 to 2016, and again from 2023 to the present.

I hold a Bachelor of Planning (Hons) from the University of Auckland, Waipapa Taumata Rau, which I completed in 2010. I am a Full Member of the New Zealand Planning Institute, Te Kōkiringa Taumata.

I have over 14 years of professional experience in resource management planning, spanning both the public and private sectors. My expertise includes land development and subdivision projects, with a focus on delivering master planned communities in Pōkeno, Long Bay, Hingaia, Paerata Rise, and Milldale in Auckland. I have also led planning for large-scale infrastructure projects, including the Notice of Requirement for Auckland Airport's second runway and the planning of new schools and kura across Aotearoa. My expertise covers the preparation and management of a broad range of planning applications, including district and regional resource consents for bulk earthworks, subdivisions, discharges, and comprehensive residential developments, as well as the preparation of Notices of Requirement and Outline Plans. I have been involved in submissions on planning documents and the preparation and presentation of planning evidence at Council hearings and have participated in Environment Court mediation.

I confirm that, in my capacity as an author of this Substantive Application, I have read and abide by the Environment Court of New Zealand's Code of Conduct for Expert Witnesses Practice Note 2023.

Karin Lepoutre – Planning Consultant to Wood & Partners Consultants Limited

I am a self-employed Planning Consultant at KPL Planning Limited. For the purposes of this project, I have been engaged as a contractor to support the wider project team led by Woods in the preparation of the planning application.

I hold a Master of Planning (2007) and a Bachelor of Arts (Economics and Geography - 2005) both from the University of Otago | Ōtākou Whakaihu Waka. I am a full member of the New Zealand Planning Institute. I have over 16 years of professional planning experience in both the public and private sectors across New Zealand and Australia.

My planning experience predominantly relates to urban development and infrastructure projects, including the preparation of resource consent applications and Notices of Requirements, private plan changes and plan/policy development. I have acted on behalf of government agencies, developers, network utility services providers and councils and have experience navigating planning matters in a range of contexts.

I confirm that, in my capacity as author of this Substantive Application, I have read and abide by the Environment Court of New Zealand's Code of Conduct for Expert Witnesses Practice Note 2023.

Joanne Sunde – Senior Associate Planner – Woods & Partners Consultants Limited

I am a Senior Associate Planning Consultant at Woods. Woods is a multi-disciplinary consultancy specialising in planning, urban design, engineering, water infrastructure and planning, and surveying. I have been employed at Woods since March 2024.

I hold the qualifications of Bachelor of Planning (Hons) from the University of Auckland | Waipapa Taumata Rau, which I completed in 2006. I am an intermediate member of the New Zealand Planning Institute. I have 14 years experience in the planning and property industry including a planning consultant at a specialist planning firm, a development manager at Bunnings Limited, and an independent planning consultant.

I have broad experience in the resource management field working on behalf of a range of clients including land developers, commercial entities, Councils, iwi authorities and individual landowners. This has involved preparation of resource consent applications, private plan changes, designations, policy and plan review submissions, and preparation / presentation of planning evidence at Council hearings.

I confirm that, in my capacity as author and reviewer of this Substantive Application, I have read and abide by the Environment Court of New Zealand's Code of Conduct for Expert Witnesses Practice Note 2023.

3.0 Executive Summary

This report supports CDL Land New Zealand Limited's (**CDL**) Substantive Application (**Application**) to the Environmental Protection Authority (**EPA**) for the subdivision and development of the Arataki site at 86, 108, and 122 Arataki Road, Havelock North, Hawke's Bay (**site**).

The proposal, also referred to as the **Arataki Project**, will enable the construction of 171 detached dwellings, contributing to the housing supply in Havelock North and the wider Hawke's Bay region. A local road network, pedestrian and cycling connections, and the necessary infrastructure will support the development. **Figure 1** illustrates the proposed development layout.

The Arataki Project represents a logical extension of the Havelock North urban area. It will establish a clear rural–urban edge to the adjoining rural land to the east and south. This interface will be reinforced by the existing landform and elevation change to the east, as well as a planted buffer and building setbacks along the eastern and southern site boundaries.

Development will occur in two phases:

- **Phase 1**: Led by CDL, subdivision and bulk earthworks to create 171 residential lots (average size 450 m²), a drainage reserve, four roads, two accessways, ten jointly owned access lots (**JOALs**), site shaping, infrastructure provision, buffer planting, and boundary fencing.
- **Phase 2:** Led by CDL's build partners/homeowners, construction of dwellings in line with a proposed planning and design framework. This phase includes house construction, driveways, parking, landscaping, and fencing on each residential lot.

This report has been prepared in accordance with the requirements of the Fast-track Approvals Act 2024 (**FTAA**). The FTAA establishes an Expert Consenting Panel (**Panel**) to determine applications for resource consent. This replaces the role of local authorities as consenting authorities under the Resource Management Act 1991 (**RMA**). Two categories of projects can utilise the FTAA and be considered by a panel: Listed Projects and Referred Projects.

The Arataki Project is a Listed Project in Schedule 2 of the FTAA and, as such, has been identified as a development project with significant regional or national benefits. The preparation of this Substantive Application seeks to ensure the delivery of these benefits in accordance with the purpose of the FTAA. This application is being made in accordance with section 40 of the FTAA.

During the preparation of this proposal, the Applicant and its representatives undertook consultation with adjoining landowners, Heretaunga Hastings District Council (**District Council**), Hawke's Bay Regional Council (**Regional Council**), and relevant Administering Agencies. Consultation was also undertaken with the relevant Iwi Authorities who expressed an interest in being involved. The purpose of this consultation was to discuss the proposal and proposed infrastructure, identify any issues relating to the site, locality, or development, and clarify the information requirements for the Application. Responses were considered and have informed the project where appropriate. This consultation meets the requirements of Sections 29 and 11 of the FTAA.

In accordance with Section 42(4)(a), this Application seeks approval for a resource consent that would otherwise be applied for under the RMA. The Arataki Project requires the following approvals under the RMA:

- **Hastings District Plan** – Land use and subdivision consent
- **Hawke's Bay Regional Resource Management Plan** – Stormwater discharge consent, stream works consent, temporary take and use of surface water
- **NES-CS**[1] – Contamination remediation consent

This Application has been prepared in accordance with Sections 42, 43 and 44 of the FTAA and provides a description of the proposal and the site and explains how the project is consistent with the purpose of the FTAA. Additionally, information relating to proposed management plans, along with a suite of conditions of consent, has been included with this Application. We also provide an assessment of actual and potential effects on the environment (**AEE**) consistent with the requirements of Schedule 5 of the FTAA.

Overall, the proposal achieves the purpose of the FTAA to facilitate the delivery of infrastructure and development projects with significant regional and national benefits.

Furthermore, the proposal is considered to achieve the purpose and principles of the RMA, particularly as it relates to the efficient use and development of natural and physical resources, the maintenance and enhancement of amenity values, the protection of historic heritage and the relationship of Māori with their taonga. The proposal is also considered to be consistent with the relevant provisions of the National Policy Statements, Environmental Standards and the District and Regional Plans.

A comprehensive AEE has been prepared with supporting technical assessments, which concludes that any adverse effects on the environment will be less than minor, and that the proposal will result in several positive effects, including economic, social and ecological net gain.

[1] National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health

Figure 1: Arataki Project Concept Plan (Source: Urban Acumen, Appendix 13)

4.0 Introduction

This Application has been made by CDL to the EPA for approvals relating to the Arataki Project. It has been prepared in accordance with the requirements of the FTAA.

The Arataki Project will enable the development of 171 detached dwellings, providing additional housing capacity in Havelock North and the wider Hawke's Bay region. The development will be supported by a local road network, pedestrian and cycling connections, and necessary infrastructure.

The Arataki Project will be delivered in two phases:

- **Phase 1:** Delivered by CDL and will include subdivision and site works to create 171 residential lots (average size 450 m²), a drainage reserve, four roads, two accessways, ten JOALs, earthworks, infrastructure provision, buffer planting, and boundary fencing.
- **Phase 2**: Delivered by CDL's build partners/homeowners and will include the construction of dwellings in line with a proposed residential development framework and associated residential activities. This phase includes dwelling construction, driveways, parking, landscaping, and fencing on each lot.

Approval is sought through this Application to cover activities under both Phase 1 and Phase 2 of the proposed development.

As a Listed Project in Schedule 2, this Application has been made in accordance with section 42 of the FTAA. Approval is sought for:

- Resource Consents that would otherwise be sought under the RMA.

4.1. Introduction to the Applicant

CDL is a wholly owned and directly operated subsidiary of CDL Investments New Zealand Limited. This arm of the business is focused on land-based investment and development with extensive land holdings in areas throughout New Zealand.

CDL strives to produce high-quality residential sections that create an excellent quality of life with minimal impact on the environment and community. They believe in innovative design and sustainable development[2].

As an overseas investment company, CDL Investments New Zealand Limited is subject to the requirements of the Overseas Investment Act 2005 and associated requirements managed by the Overseas Investment Office (**OIO**). The development of the Arataki Site is being progressed in accordance with CDL's OIO conditions, which include obligations around timely and active development of the land. These requirements highlight CDL's commitment to delivering high-quality residential outcomes that contribute positively to regional housing supply and local economic activity.

In addition to the Arataki Site, CDL has significant land interests in the Hawke's Bay region. This includes completed residential subdivisions such as Northwood in Hastings, Brookfields in Havelock North, the Iona residential subdivision currently under construction in Havelock North, and several other greenfield landholdings undergoing active planning work.

[2] https://cdlinvestments.co.nz/

4.2. Structure of the Application

This Application has been structured to accord with the requirements of Sections 42, 43, and 44 of the FTAA.

A detailed description of how the FTAA requirements have been met through this Application is provided in **Section 5**, and subsequent sections of the report have been structured as follows:

- Section 6 – Description of the Application Site & Surrounding Environment
- Section 7 – Description of Proposed Activity
- Section 8 – Consents Required
- Section 9 – Assessment Against the Purpose of the FTAA
- Section 10 – Assessment Against Sections 5, 6 and 7 of the RMA
- Section 11 – Assessment of Relevant Statutory Documents
- Section 12 – Statutory Requirements Relating to Iwi Authorities
- Section 13 – Assessment of Effects on the Environment
- Section 14 – Assessment Against Parts 3, 6, 8 – 10 of the RMA
- Section 15 – FTAA Decision Making Framework

4.3. Supporting Technical Reports

Technical reports have been prepared by relevant experts to support this Application. The technical reports provide detailed site assessments as relevant to their area of expertise, an assessment of the proposal, and, where relevant, the provision of management plans and recommendations on matters to be addressed through conditions of consent.

The technical reports are included as Appendices to this report and are referenced throughout this report, and include:

- Legal Memorandum – Ellis Gould
- Engineering Plans - Woods
- Infrastructure Report – Woods
- Scheme Plan – Woods
- Stormwater Report – Woods
- Urban Design Assessment – Urban Acumen
- Ecological Assessment – Boffa Miskell
- Economics Assessment – Property Economics
- Geotechnical Report – CMW Geosciences
- Landscaping & Planting – Boffa Miskell
- Landscape Visual Assessment – Boffa Miskell
- Traffic Assessment – Flow Transportation Ltd
- Acoustic Assessment – Dcibel Ltd

- Archaeology & Heritage – CFG Heritage
- Contamination Assessment – SQN Geosciences
- Soils / Land Capability Assessment – Fruition

Statements of experience for the authors and reviewers of the supporting technical reports and drawings are provided within each of the appended documents.

5.0 Requirements for Substantive Applications under the FTAA

The FTAA sets out the requirements for Substantive Applications. This section provides an overview of those requirements and confirms how the Application has addressed these information requirements relating to:

- Referral Applications
- Section 30 – Preliminary Steps for Substantive Applications
- Section 42 – Authorised person may lodge substantive application for approval
- Section 43 – Requirements for substantive applications
- Section 44 – Information specified in sufficient detail

5.1. Referral Application

The Arataki Project is a Listed Project in Schedule 2 of the FTAA and specifies the following details:

- **Authorised Person:** CDL Land New Zealand Limited
- **Project Name:** Arataki
- **Project Description:** Subdivide land and develop approximately 150 to 200 residential allotments
- **Approximate Geographical Location:** 11 hectares at 86, 108, and 122 Arataki Road, Havelock North, Hastings, Hawke's Bay

For completeness, a copy of the Referral Application is included in **Appendix 3**

Section 43(2) of the FTAA requires that a Substantive Application for a Listed Project contain the information required by Section 13(4). These matters are largely similar to the information required under Section 43 of the FTAA. With the exception of the consultation summary, the information requirements have been addressed within the referral application and are not duplicated here as this is covered in **Section 5.4.5** below . The consultation summary is addressed at **Section 5.4.4** below.

5.2. Preliminary Steps for Substantive Applications

5.2.1. Section 30 - Existing Resource Consents for the Same Activity

Section 30 of the FTAA sets out the preliminary steps for substantive applications. This requires the Councils to advise the Applicant in writing whether there are any existing resource consents to which Section 124C(1)(c) or 165ZI of the RMA would apply if the approval were to be applied for as a resource consent under that Act. Or alternatively, that there are no existing resource consents of that kind.

CDL confirms that to the best of their knowledge there are no other resource consents of the kind referred to in Section 30(3)(a) that are relevant to the Arataki Site.

The written notice from the District and Regional Councils are included in **Appendix 4**. These confirm that they have reviewed their records and do not hold any existing resource consents of that kind.

The letters satisfy the requirements of Section 47 of the FTAA relating to the obligations of the EPA following the lodgement of this Application.

5.3. Section 42 – Authorised Person May Lodge Substantive Application for Approvals

As a Listed Project in Schedule 2, this Application has been made by CDL in accordance with Section 42 of the FTAA. In accordance with Section 42, this Application has:

- Sought one substantive application for the whole Arataki Project (s42(1)(a));
- Complies with Section 43 (s42(2)(a)) as detailed in **Section 5.4** below;
- For the approvals sought under the RMA, CDL is eligible to apply for the relevant approvals (s42(3)(a)); and
- This Application is seeking approval for a resource consent that would otherwise be applied for under the RMA (s42(4)(a)) and is not seeking approval for an activity that is prohibited under the RMA (s42(5)(a)).

5.4. Section 43 – Requirements for Substantive Applications

Section 43 of the FTAA sets out the information to be included in substantive applications. The information provided in this Application satisfies the relevant requirements of Section 43:

- The Application has been lodged with the EPA in the prescribed form and manner;
- The Application relates solely to a Listed Project in Schedule 2 of the FTAA; and
- All fees, charges or levies payable under the Fast-track Approvals (Cost Recovery) Regulations 2025 in respect of the Application have been paid.

With regard to specific provisions of Section 43, the following sub-sections make comments on these.

5.4.1. Consistency with the Purpose of the FTAA

Section 43(1)(b)(i) requires that a substantive application explain how the project to which the application relates is consistent with the purpose of the FTAA.

Section 9 of this Report explains how the proposal is consistent with the purpose of the FTAA.

5.4.2. Ineligible activities

Section 43(1)(c) of the FTAA states that a substantive application must demonstrate that the project does not involve any ineligible activities.

Section 5 of the FTAA sets out the meaning of ineligible activity. We make the following comments to confirm that the proposal does not involve any ineligible activities:

- None of the sites subject to the Application would occur on:
    - Identified Māori land;
    - A customary marine title area;
    - Māori customary land;
    - Land set apart as a Māori reservation as defined in Section 4 of the Te Ture Whenua Māori Act 1993.

- The proposal is not for an aquaculture activity;
- The proposal is not for an activity that would require an access arrangement under Section 61 or 61B of the Crown Minerals Act 1991;
- The proposal is not for an activity that would be prevented under Sections 165J, 165M, 165Q, 165ZC, or 165ZDB of the RMA as the proposal does not involve a coastal permit or relate to the common marine and coastal area;
- The proposal does not involve land that is listed in Schedule 4 and is unrelated to Section 24 of the FTAA;
- The proposal does not involve land on a national reserve held under the Reserves Act 1977 or a reserve held under the Reserves Act 1977 that is vested to someone other than the Crown, the local authority or Department of Conservation;
- The proposal does not involve a prohibited activity under the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012 or regulations made under that Act;
- The proposal does not involve an activity that is described in Section 15B of the RMA and is a prohibited activity under that Act or regulations made under it;
- The proposal does not involve an activity that is prohibited by Section 15C of the RMA;
- The proposal does not involve a decommissioning-related activity (which is an activity described in section 38(3) of the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012); and
- The proposal is not for an offshore renewable energy project.

5.4.3. Compliance & Enforcement

With reference to Section 13(4) of the FTAA, Section 43(2) requires a substantive application to provide a summary of compliance or enforcement actions (if any) and the outcome of those actions taken against the applicant under a specified Act.

CDL has advised that across all their projects currently and historically in New Zealand, they have not been subject to any compliance or enforcement actions.

5.4.4. Consultation Undertaken

Section 43(2)(a) of the FTAA requires information relating to consultation undertaken in relation to the Application with reference to Section 13(4)(k) to Section 11 as if it were a reference to Section 29.

Section 29 of the FTAA requires that the applicant consult with the persons and groups referred to in s11 of the FTAA prior to lodging the substantive application. Section 11 requires the applicant to consult with:

(a) the relevant local authorities; and

(b) any relevant iwi authorities, hapū, and Treaty settlement entities, including—

i. iwi authorities and groups that represent hapū that are parties to relevant Mana Whakahono ā Rohe or joint management agreements; and

ii. the tangata whenua of any area within the project area that is a taiāpure-local fishery, a mātaitai reserve, or an area that is subject to bylaws made under Part 9 of the Fisheries Act 1996; and

(c) any relevant applicant groups with applications for customary marine title under the Marine and Coastal Area (Takutai Moana Act) 2011; and

(d) ngā hapū o Ngāti Porou, if the project area is within or adjacent to, or the project would directly affect, ngā rohe moana o ngā hapū o Ngāti Porou; and

(e) the relevant administering agencies; and

(f) if the proposed approvals for the project are to include an approval described in section 42(4)(f) (land exchange), the holder of an interest in the land that is to be exchanged by the Crown

Details of consultation undertaken with the relevant local authorities, mana whenua and the relevant administering agencies are provided in the Consultation Report included in **Appendix 6**. The requirements of Section 11(c), (d) and (f) do not apply in this case.

The Applicant has also undertaken pre-lodgement consultation with potentially affected parties. Under clause 6(1)(e) of Schedule 5 of the FTAA, persons who may be affected by the proposal must be identified, and any response to the views of any such person must be provided. The Consultation Report in **Appendix 6** sets out the persons identified as potentially affected and outlines the Applicant's response to the views received during the pre-lodgement consultation period.

5.4.5. Schedule 5 – Approvals Relating to RMA

In accordance with Section 43(1)(e)(ii), this Application is for a resource consent that would otherwise be applied for under the RMA (s42(4)(a)). The consent holder will be CDL, and **Section 8.0** below provides a detailed list of the resource consents the Application has sought.

For the purposes of Section 43(3)(a) of the FTAA, Schedule 5, clauses 5 to 8 set out the information required to be included in an application. The Application has included:

- A description of the proposed activity (refer to **Section 7.0** of this Report);
- A description and map of the site to which the activity is to occur (refer to **Section 6** of this Report and **Appendix 10**);
- Confirmation that the consent complies with Section 46(2)(a),(b), and (d) of the FTAA (refer to **Section 5.3** of this Report);
- The full name and addresses of each owner and occupier of the site and land adjacent to the site (refer to **Appendix 5**);
- A description of any other activities that are part of the proposal to which the application relates (refer to **Section 7.12** of this Report);
- Any other approvals required for the Arataki Project (refer to **Section 7.13** of this Report);
- An assessment of the Application against Sections 5, 6, and 7 of the RMA (refer to **Section 10** of this Report);
- An assessment of the relevant statutory documents listed in subclause (2) of clause 5 of the FTAA (refer to **Section 11** of this Report);
- Information about any Treaty settlements that apply in the area (refer to **Section 12.1** of this Report);

- A list of any relevant customary marine title groups (refer to **Section 12.1.7** of this Report);
- The conditions that the applicant proposes of the resource consent (refer to **Section 7.14** and **Appendix 9**);
- Information relating to the Section 30 notice (refer to **Section 5.2.1** of this report);
- An assessment of the activity's effects on the environment (including the information required by clause 6 and matters in clause 7, including:
    - The actual and potential effects on the environment, including those matters outlined in clause 7(a) to (g);
    - Identification of any persons who may be affected by the activity;
    - Description of proposed monitoring

  (refer to **Section 13** of this Report); and
- Information relating to associated permitted activities (refer to **Section 8.4** of this Report).

For subdivision applications, clause 8 of Schedule 5 sets out the additional information requirements to be provided. The information required under clause 8(1)(a) to (g) has been provided within **Section 7.4** of this report and the supporting application Civil Drawings in **Appendix 10** including:

- The position of all new lot boundaries;
- The areas of all new allotments;
- The locations and areas of new reserves to be created; and
- The locations and areas of land to be set aside as new roads.

5.5. Section 44 – Information Specified in Sufficient Detail

Section 44 of the FTAA states that the information required by Section 43 must be specified in sufficient detail to satisfy the purpose for which it is required.

The information provided in this Application is considered sufficient to meet the test of Section 43, and sufficient detail has been provided through this Planning Report and Appendices to enable the EPA to confirm that the Application is complete and within scope.

A completed Application Form has been submitted to the EPA as required.

The Legal Memorandum prepared by Ellis Gould and included in **Appendix 1** has also confirmed that the Application meets the information requirements of the FTAA.

6.0 Description of Application Site

This section of the Application is provided in accordance with clause 5(1)(b) of Schedule 5 of the FTAA.

The site subject to this Application is located at 86, 108, 122 Arataki Road, Havelock North, Hawke's Bay. Comprising an area of approximately 11ha, the site is held in three separate Records of Title (**ROT**), all owned by CDL. The site is located at the eastern edge of the existing urban area of Havelock North, approximately 2.5 kilometres from the Havelock North Village Centre.

A new stormwater discharge device is proposed within the road reserve adjacent to 163 Brookvale Road immediately northeast of the site extent. Treated stormwater discharges from the development will be directed to two receiving environments including an unnamed tributary of the Mangateretere Stream adjacent to the discharge point, and the District Council's existing reticulated stormwater network in Arataki and Brookvale Roads.

The following provides a broad description of the site, its receiving environment and its surroundings. This is to be read in conjunction with the detailed site information in the technical reports and plans prepared by the specialists.

6.1. Site Map & Images

A map of the site is included in **Figure 2** below, which is supported by imagery of the site, which is included in **Figures 3 – 7.** Additional site photos are also included in the Landscape Visual Assessment in **Appendix 15b**.

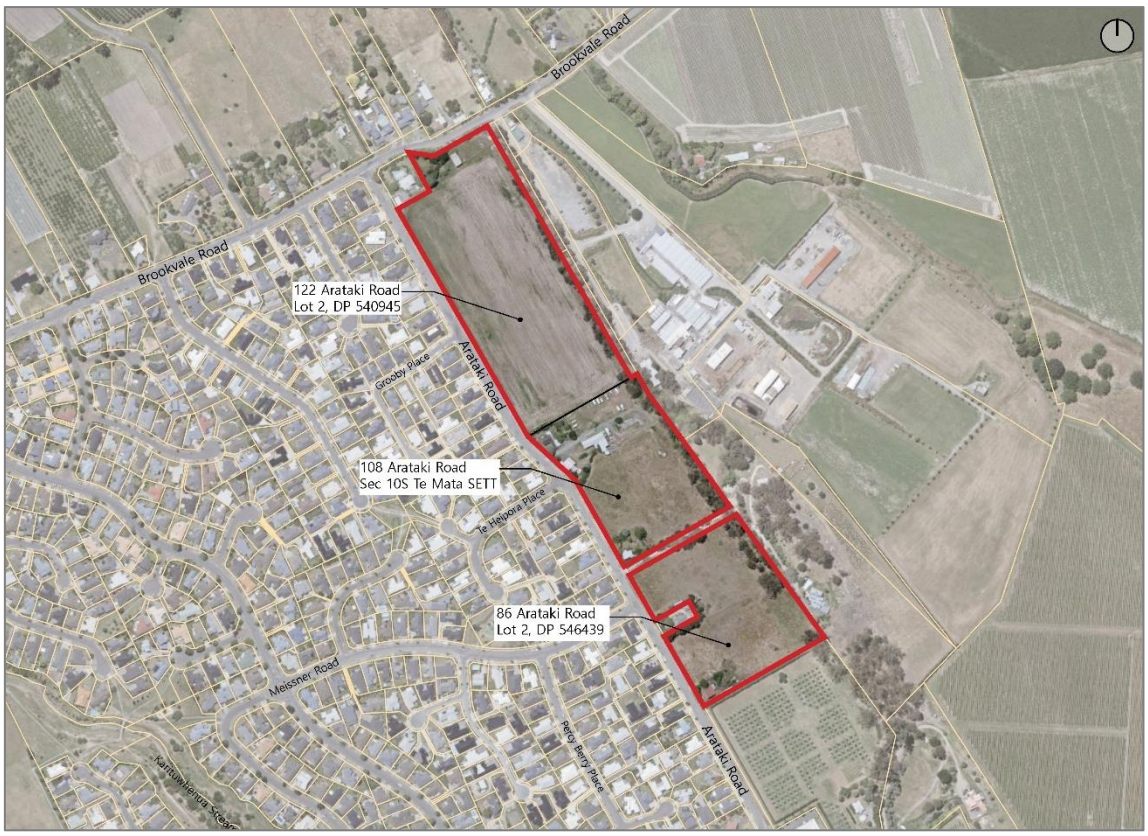

Figure 2 – Map of the Site (Source: Grip Map) – Refer Appendix 10

Figure 3 - Arataki Site – Looking towards Brookvale Road (Source Woods)

Figure 4 - Arataki Road – Arataki Site on the Left, Existing Urban Environment on Right (Source Woods)

Figure 5 - Eastern Elevation Change, Adjacent to Brookvale Business Park

Figure 6 - Arataki Site, viewed from Te Mata Mangateretere Road

Figure 7 - Arataki Site, viewed from Te Mata Peak

6.2. Records of Title and Land Ownership

CDL owns all land subject to this Application.

Table 1 below identifies the site ROTs that are relevant to this Application. Copies of the ROT are included in **Appendix 2.**

A summary of the interests that apply of the titles and how they will be dealt with through the subdivision is included in **Appendix 8**. There are no limitations on the ROTs that restrict the proposed subdivision and development.

Table 1: Application Site Details

Address	Legal Description	Site Area
86 Arataki Road	Lot 2 DP 546439	2.99 Ha
108 Arataki Road	Section 10S SO 1781	2.94 Ha
122 Arataki Road	Lot 2 DP 540945	5.24 Ha

The proposed stormwater discharge device location is located entirely within the legal road reserve of Brookvale Road, which is under the control and management of the District Council as the road controlling authority.

The proposed stormwater discharges will be directed to an unnamed tributary of the Mangateretere Stream, which is under the control and management of the Regional Council as the regional authority responsible for the management of natural waterways.

6.3. Statutory Planning Context

The Site is zoned Plains Production under the District Plan. However, the site has long been signalled for a change in land use to residential under growth strategies for the region. Further detail of the statutory planning context is set out below.

6.3.1. District Plan

Under the Heretaunga Hastings District Plan (**HDP | District Plan**), the site is zoned Plains Production. The following overlays or interests are identified in the District Plan:

- The site is located within 400m of an Intensive Rural Production Activity being the former Te Mata Mushroom production(a scheduled activity within the District Plan) and Shaggy Range doggy daycare
- Arataki Road and Brookvale Road are Access Roads
- Flood Risk Area on the GIS (limited to the stormwater discharge location adjacent to the stream)

There are no other additional limitations on the site under the District Plan.

6.3.2. Regional Plan

Under the Hawke's Bay Regional Resource Management Plan (**RRMP** | **Regional Plan**), the site is within the following mapped areas:

- Aquifer System and Schedule IV Productive Aquifer Systems
- Schedule II Land Cover
- Predominantly within the 'Cropping' land use capability category with a slither of land on the east as 'Pastoral Farming'
- Within the Heretaunga Plains Contaminated Vulnerability category 5-6
- Groundwater management zone
- Catchment sensitive to animal effluent discharges
- Indicative Residential Greenfield Growth Area

6.3.3. HPUDS

The Heretaunga Plains Urban Development Strategy 2017 (**HPUDS**) was adopted by three partner agencies (District Council, Regional Council and Napier City Council) and set out the approach to managing growth in the region from 2015 to 2045[3]. This included the identification of Industrial Growth Areas, Residential Growth Areas and Reserve Residential Growth Areas.

HPUDS identified that the Arataki site would form a natural boundary for the eastern urban edge of Havelock North[4]. The site was identified as a 'Reserve' Greenfield Growth Area with an indicative yield of 220 dwellings. It was not given Residential Growth Area status due to the operation of the former Te Mata Mushrooms operations on the adjoining site to the east.

3 The strategy was first adopted in 2010, then a revised version was re-adopted by the three councils in early 2017.

[4] HPUDS, Section 4.3.4 – Assessment of Growth Option Sites

The operations contributed to a challenging reverse sensitivity environment for the future residential development of the site, despite it being well located for urban expansion. In this regard, the Site was given a Reserve Residential Growth Area status with reverse sensitivity cited as the reason for not applying a Residential Growth Area status immediately. While generally reserve growth areas act as replacements where other greenfield growth areas do not progress (or do not progress in a timely manner), the HPDUS confirms that Arataki may be reintroduced ahead of other growth areas, should the odour and reverse sensitivity issues related to the mushroom farm operations be overcome[5]. The reverse sensitivity issues associated with the mushroom operations have since been resolved with the operations having ceased, and it is unlikely that the property could be used for high odour generating activities in the future due to the more restrictive operating conditions imposed on future operations.

6.3.4. Draft Hastings & Napier FDS

The Draft Hastings & Napier Future Development Strategy (**FDS**) has been prepared by the same partner Councils to replace the HPUDS. Submissions on the draft FDS closed on 23 December 2024, and following a hearings process, the Independent Hearings Panel released its recommendations in May 2025.

CDL submitted on the Draft FDS and appeared at the hearing in support of its submission. The submission sought an increase in dwelling yield to reflect the development plans and a change to the development staging. The Independent Panel's recommendations adopted these changes, and the final FDS is expected to be adopted by the partner councils in mid-2025.

In the Panel Commissioner's Recommendation version of the FDS (May 2025), the Arataki site is identified in the FDS as a "New / Expanded Residential Area" with an indicative capacity of 200 dwellings. The site is included within the short to medium-term development timeframe, recognising its readiness to deliver housing and the absence of infrastructure or hazard constraints.

The inclusion of the Arataki site in the FDS as a short to medium-term residential growth area confirms its strategic suitability for development and aligns with the proposal put forward through this Application.

6.3.5. Existing Consents

The application site has several existing resource consents associated with the site. A summary of these consents is provided **Table 2** below.

In reviewing the previously granted resource consents for the Arataki site, it is confirmed there are no existing approvals that constrain the proposed development. There are also no current applications before the District or Regional Councils awaiting determination.

[5] HPUDS, page 5

Table 2: Site Consent History Summary

Site	Consent History
86 Arataki Road Lot 2 DP 546439	• RMA20150234 - Erect new dwelling waiving yard boundary standards. • RMA20190523 - Subdivide a Plains Production zone to create a non-complying lifestyle site with the balance land amalgamated with the adjoining block land. • RMA20220193 - Proposed 135 lot residential subdivision (withdrawn non-complying RC application lodged by CDL) • RMA20220384 - Proposed subdivision and development in the plans zone (withdrawn non-complying RC application lodged by CDL)
108 Arataki Road Sec 10 S Blk IV Te Mata SD	• RMA20090339 - Relocate a dwelling 8m from the road. • RMA20220193 - Proposed 135 lot residential subdivision (withdrawn non-complying RC application lodged by CDL) • RMA20220384 - Proposed subdivision and development in the plans zone (withdrawn non-complying RC application lodged by CDL)
122 Arataki Road Lot 2 DP540945	• RMA20100045 - Building within 5m of front boundary. • RMA20100409 - Erect dwelling close to road boundary. • RMA 20140325 - Subdivision to create two sites for special purposes (The two 10m wide reserves now vested in the District Council as the buffer reserve strip) • RMA 20190233 - Subdivision to create a lifestyle site with a balance amalgamation with an adjoining block (created 160 Arataki Road corner site with balance block) • RMA20220193 - Proposed 135 lot residential subdivision (withdrawn non-complying RC application lodged by CDL) • RMA20220384 - Proposed subdivision and development in the plans zone (withdrawn non-complying RC application lodged by CDL) • RMA 20240017 - Permitted boundary activity (withdrawn)

6.4. Existing Land Use

Currently land uses across the site include:

- **86 Arataki Road:** Contains one residential dwelling with the remainder of the land leased for livestock grazing. The built form is residential in character and typical of rural lifestyle properties in the Plains Production Zone.

- **108 Arataki Road:** A lifestyle property containing two residential dwellings. Current activities include campervan and caravan parking, livestock grazing (leased), and rental of the two dwellings. The built form is residential in nature, consistent with typical lifestyle uses within the Plains Production Zone.
- **122 Arataki Road:** A vacant paddock used seasonally for leased livestock grazing. It also contains rural structures associated with the activities at 160 Arataki Road, located there by private arrangement with CDL.

The Landscape Visual Assessment (**LVA**) (**Appendix 15a**) describes the site as largely in pasture grasslands used for agricultural purposes with scattered residential development. The three dwellings, and two large sheds scattered across the site along Arataki Road are small scale rural activities contributing to a rural-urban character. This character allows for a transition between the urban development to the west and the open plains to the east. Vegetation on the site is mainly located along the northern and eastern perimeter boundaries, with occasional plantings along internal fence lines and within gardens, where mature ornamental trees are established close to the dwellings.

6.5. Geology & Topography

A Geotechnical Investigation Report (**GIR**) has been prepared by CMW Geosciences (**Appendix 16**). A description of the geological conditions of the site is contained in the GIR.

The topography of the Site is generally flat with a gentle fall from the southern end of Arataki Road northwards towards Brookvale Road**.** However, there is a notable change in elevation along the eastern boundary where the land drops away steeply. The embankment provides a strong natural boundary to a large portion of the eastern edge of the site. The elevated portion of the site sits approximately 6 metres above the adjoining rural property to the east, effectively creating a natural terrace.

The soils encountered beneath the site generally comprise dense to very dense silty and/sand underlain by dense to very dense gravels, which are not considered to be prone to significant or excessive static settlements under typical residential development loads.

As set out in the GIR, the natural escarpment located along the eastern edge of the site have been assessed as having inadequate slope stability factors of safety. As a result, an appropriate setback from the crest of these escarpments to any future building platform will be required to ensure geotechnical stability. This building line restriction has been addressed through the proposal and recommended consent conditions.

6.6. Groundwater

The GIR for the site (**Appendix 16**) has assessed the potential depth of groundwater across the site. It is noted that groundwater was not encountered in any of the intrusive investigations completed to date and is expected to be at depths greater than 8m below ground level. Based on on-site observations by CMW, and the results of previous drilling, a conservative groundwater level of RL 6.0m has been adopted for the design and assessment of the Arataki Project, to ensure that any potential effects on groundwater are avoided.

6.7. Soils

An Assessment of the Productive Capability of the Land by Fruition (**Appendix 17**) found that most of the site (92%) is classified as 3s 1 land with the main limitations being poor drainage, drought susceptibility, and susceptibility to erosion. The remaining 8% is classified as 3w 2 land with the main limitation being poor drainage.

The site is flat to generally undulating, with loam-textured Waimakariri soils (55a.1 and 55b.2) confirmed through the onsite investigation by Fruition.

6.8. Transport Network & Roading

The surrounding roading network has been progressively developed in accordance with growth in the Havelock North area. The immediate road network is established and provides good connectivity to the wider transport network, comprising the following:

- **Arataki Road** is a two-lane rural-urban access road connecting Te Mata Road and Brookvale Road. It has no footpath along the eastern boundary adjoining the site, and the western side it urbanised with a berm and footpath.
- **Brookvale Road** is a secondary collector road linking to Thompson Road and Napier Road. The road consists of a kerb and channel on the southern side to the west, with a two rural standard layout along the site frontage to the east. A footpath is on the southern side of the road.
- **Meissner Road** is a two-lane urban access road located directly opposite the site, with footpaths on both sides and access from Arataki Road.
- **Grooby Place and Te Heipora Place** are two-lane urban cul-de-sacs located directly opposite the site with access from Arataki Road and footpaths on both sides.
- **Te Mata Road** south of the site is a primary collector/ arterial road with an urban cross-section. It connects the site to the Havelock North town centre and Te Mata Mangateretere Road. The road includes two lanes, a flush median, on road cycle lanes, and footpaths on both sides.

The site is connected to the wider network via this established street and pedestrian network. Further description of the key transport and roading details can be found within the Integrated Transport Assessment by Flow Transportation Specialists Ltd (**Appendix 18**).

6.9. Vegetation

The vegetation on the site reflects its rural and pastoral character, being typical of farming properties in the area. Vegetation on the site is largely exotic species and is limited to garden areas around the existing buildings. A shelter belt, which extends into the District Council reserve strip, runs along the eastern boundary and consists primarily of southern blue gum.

The trees existing on the site are generally mature or fully mature and healthy in appearance. No protected trees or vegetation is present on the site.

Within the extent of works associated with the proposed stormwater outlet device works along Brookvale Road, there are Harakeke Flax bushes located within 10m of the stream. Given this is classed as native vegetation, under the Regional Plan TANK Plan Change 9, approval is required for its removal (refer **Section 6.15** below).

6.10. Existing Infrastructure

The Infrastructure Report prepared by Woods included in **Appendix 11**, confirms the existing infrastructure located within the surrounding area and connecting to the site. This is supported by the Civil Drawings showing existing services plans in **Appendix 10** and summarised in the sections below.

6.10.1. Wastewater

The western side of Arataki Road and Grooby Place are serviced by an existing 150mm diameter wastewater on the western side of Arataki Road which flows to a 375mm diameter gravity trunkline at the Brookvale Road and Arataki Road intersection.

There are additional 150mm diameter wastewater pipelines in the area that flow away from Arataki Road, through the existing residential area, and all connect to the 375mm diameter trunkline on Brookvale Road to the west of the development site. The 375mm diameter gravity trunkline flows west to the Romanes Drive and Napier Road intersection, where it flows into the 600mm and 700mm diameter trunk main system. This trunk main system flows to the East Clive Wastewater Treatment Plant, approximately 9km northeast of Havelock North.

While there is currently insufficient capacity within the downstream wastewater network to fully service the development, planned and funded infrastructure upgrades are in place to address this constraint. Further detail on the proposed resolution is provided in **Section 7** (Description of the Proposed Activity) and Section 13 (Assessment of Effects) of this Report.

6.10.2. Stormwater

The existing stormwater network and catchment plans are shown in the Civil Drawings in **Appendix 10**. The network consists of existing stormwater infrastructure and a watercourse into which it discharges. In summary:

- A swale runs along eastern side of the site and discharges into a reticulated stormwater network at the intersection of Arataki Road and Brookvale Road. The piped network flows west along Brookvale Road and discharges into the Karituwhenua Stream located on the western side of the intersection of Brookvale Road and Romanes Drive.
- Three isolated piped stormwater networks with small catchments drain into the roadside swale. These networks are situated on the urbanised western side of Arataki Road, north of Te Heipora Place.
- An existing public network at and south of Te Heipora Place on the urbanised western side of Arataki Road flows westward, away from the site.
- An unnamed Maungateretere Stream tributary approximately 50m east of the site runs north to south through No's. 163 and 174 Brookvale Road. This stream passes under Brookvale Road via an existing culvert and flows north to the Crombie Drain.

The District Council previously held a global stormwater discharge consent (DP090355Wb / AUTH-118324-03) authorising discharges from the urban reticulated network. This consent has since expired but remains operational under s 124 of the RMA while a replacement application is prepared by the District Council. This is addressed further in **Section 7.8** of this Report.

6.10.3. Water Supply

Existing water supply infrastructure is located on Brookvale Road and the western side of Arataki Road. The water supply infrastructure located on Brookvale Road consists of two water trunk mains, 300mm and 375mm in diameter.

The water supply infrastructure located on the western side of Arataki Road is a 150mm diameter water main. A 50mm diameter rider main is also located on the western side of Arataki Road, two sections of this rider main are abandoned and one section is in service.

The existing infrastructure has sufficient capacity to supply potable water for the water demands on the Site, as is described in detail in the Infrastructure Report in **Appendix 11**.

6.10.4. Source Protection Zone

A Source Protection Zone has been defined for the Hastings urban water supply by the Regional Council. This supply provides drinking water to approximately 65,000 people across the Hasting Urban Area, including Havelock North, Bridge Pā and Pakipaki. Most of the development extent (approx. 80%) is within the Source Protection Zone. As set out in the Regional Council guidelines, measures should be implemented to prevent potential contamination of drinking water sources for development in this zone.

The northern 80% of the site, north of the driveway at 104 Arataki Road, falls within the Hastings Source Protection Zone identified within the TANK Plan Change. Further, the Brookvale Road water bore, a key part of the Havelock North water supply system, is located adjacent (Lot 1 DP 28543) to the site and associated water supply infrastructure is present within the Brookvale Road reserve.

The requirements of the source protection zone have been addressed through the proposal.

6.10.5. Utilities

There is currently electricity and telecommunications along Arataki Road and connecting to the site.

6.11. Flooding

A Stormwater Management Plan (**SWMP**) and related documents has been prepared by Woods and is included in **Appendix 12**. The SWMP is a conservative model, as the parameters assume maximum probable development.

There are no mapped floodplains or overland flow paths identified within the site under the Regional Council or District Council hazard mapping layers. However, localised overland flows are known to enter the site from the south during heavy rainfall events. These flows naturally split across the site's contour, discharging to both the northwest (toward Arataki Road) and northeast (toward the unnamed tributary of the Mangateretere Stream). The catchment is bisected as follows:

- Sub-catchment A (Arataki sub-catchment):
    - Existing catchments from the site that discharge northwest to the intersection of Arataki Road/ Brookvale Road
    - Existing catchment from Arataki Road and adjoining residential development

- Sub-catchment B (Brookvale sub-catchment):
    - Existing catchments from the site that discharge northeast to the unnamed stream located to the east of the development

The existing stormwater drainage network in the area is partially reticulated, with some runoff conveyed via roadside swales and shallow surface flows. The site itself currently lacks formal stormwater management infrastructure and relies on natural topography for drainage.

6.12. Ecology

An Ecology Report has been prepared by Boffa Miskell and is included in **Appendix 19.** The report provides a detailed description of the ecological environment of the Site which can be summarised as follows:

- The ecological features of the site comprise of pasture grassland (covering most of the site), exotic trees (mainly eucalypts) on the eastern boundary and ornamental trees around the existing dwellings and driveways.
- The trees on the site provide ecological functions as habitat, however, have low indigenous biodiversity values.
- There are no wetlands or steams within the Site.
- No lizard species were recorded within or adjacent to the Site. Five species are known to be present within a 15km radius of the of which four are either at risk or threatened. These include the Northern spotted Skink, the Hawke's Bay Skink, the Ngāhere Gecko and the Barking Gecko.
- No short-tailed bats have been recorded within 25km of the Site and the habitat on the Site is unsuitable for short-tail bats who prefer indigenous forest.
- No long-tail bats have been recorded within 19km of the Site. Vegetation within and around the site is mostly open pasture and exotic species, offering low suitability for roosting with the exception of a small number of exotic macrocarpa trees which may have cavities suitable for long-tail bat roosting.

6.13. Contamination

SQN Geosciences Limited (**SQN Geosciences**) conducted a detailed site investigation (refer to **Appendix 20**). SQN Geosciences conducted a detailed site investigation (refer to **Appendix 20**. Based on intrusive investigations, SQN Geosciences concludes that the following HAIL activities are more likely than not to have occurred onsite:

- Burning of building materials and/or refuse (Hail item I); and
- Deterioration and/or improper demolition of historic structures (HAIL item I/E.1).

Specifically, SQN Geosciences found:

- Surface soil beneath a burn pile within the eastern portion of 122 Arataki Road contained heavy metals above the human health and environmental protection criteria.
- Lead and/or asbestos contamination at concentrations exceeding the adopted human health and/or environmental protection criteria was identified in shallow soil around the curtilage of multiple site structures within the 86 and 108 Arataki Road properties.

- Asbestos containing materials in the form of fibre cement debris was found around a dwelling at 108 Arataki Road.
- All other samples contained at least one analyte above the expected background values and/or laboratory reporting limits.

SQN Geosciences estimated that the combined volume of soil that would require remediation across six separate areas of the site is approximately 245.5m^3. For further details regarding the contamination on the Site, please refer to the SQN Geosciences report in **Appendix 20**.

6.14. Heritage & Archaeology

CFG Heritage Limited (**CFG Heritage**) has carried out a heritage and archaeological assessment of the Site (refer **Appendix 22**). From a heritage and archaeological perspective, the following aspects of the Site are noted:

- The District Plan does not identify any heritage or archaeological features on the site.
- Two mid-20th structure types were identified by CFG Heritage including the packing shed and three culverts located at No's. 122 and 108 Arataki Road. CFG Heritage concludes that these structures have insufficient heritage values to warrant retaining or protection.
- Few archaeological excavations have been undertaken in and around the Havelock North area, however, it is generalised by CFG Heritage that the flatter fertile areas would have been used for kūmara growing with storage and occupation on elevated slopes.

6.15. Brookvale Road - Stormwater Discharge Location

A stormwater outlet structure is proposed on Brookvale Road with the legal road reserve. This structure is located outside of the Arataki Project extent identified in Schedule 2 of the FTAA. However, under Section 4 of the FTAA, "Project" is defined as follows:

> ***Project***
>
> *a) Means, –*
>
> *i. in relation to a listed project, the project as described in Schedule 2; …*
>
> *b) includes any activity that is involved in, or that supports and is subsidiary to, a project referred to in paragraph (a)*

The Arataki Project is a referred project under Schedule 2 of the FTAA, and the outlet structure is considered to be within the scope of the project under the FTAA as it is required to support and is subsidiary to the Arataki Project.

The geographic location identified in Schedule 2 of the FTAA is an "approximate" one. The stormwater discharge point associated with the outlet structure is proposed to discharge into an unnamed tributary of the Mangateretere Stream located approximately 50 metres east of the site. The tributary flows in a north-to-south direction through 163 and 174 Brookvale Road before passing under Brookvale Road via an existing culvert and continuing northward into the Taco and Crombie Drains.

The stream is a small, modified agricultural watercourse with incised banks and limited riparian vegetation. It receives runoff from surrounding pastoral and rural-residential land uses and exhibits degraded ecological values, including macroinvertebrate communities below national bottom lines and sensitivity to sediment inputs.

Despite its modified state, the tributary ultimately contributes to the wider Karamū catchment and has downstream connectivity to habitat supporting kōura (freshwater crayfish).

This discharge location is identified on the Civil Drawings (**Appendix 10**), in **Figure 8** below, along with an image of the stream in **Figure 9** below.

Figure 8: Brookvale Road – Stormwater Discharge Location

Figure 9: Brookvale Road – Image of unnamed Stream

6.16. Adjacent Sites

In accordance with clause 5(1)(d) of Schedule 5 of the FTAA, the names and addresses of owners and occupiers of the site and land adjacent to the site (where occupiers were identifiable after reasonable inquiry) are provided within the Consultation Report included in **Appendix 6**. Additionally, these adjacent sites are identified in **Figure 10** below.

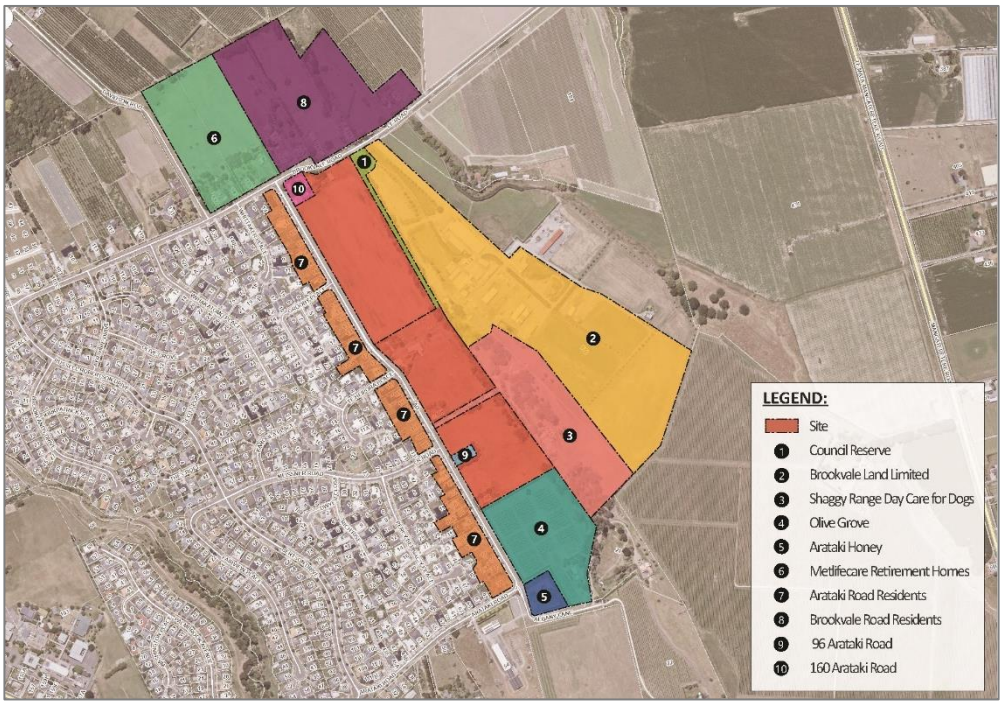

Figure 10: Adjacent Sites (Source Appendix 6)

6.17. Surrounding Environment

The area surrounding the Arataki Site is characterised by low density residential development to the west, rural lifestyle properties to the north, and rural land uses to the east and south. The surrounding environment of the site is illustrated in **Figure 11** below, and can be categorised as follows:

- Internal adjoining sites
- Adjacent rural sites
- Brookvale Business Park – formerly Te Mata Mushrooms
- Intensive Rural Production Areas
- Urban environment
- Council reserve strip

Consultation with the adjoining landowners has been carried out prior to the lodgement of this Application. Feedback received through this process has informed parts of the proposal, and in particular, the interface treatments at the edge of the Site.

Further details of the consultation process and outcomes are provided in the Consultation Report (**Appendix 6**) and addressed in the Assessment of Effects on the Environment in **Section 13** below.

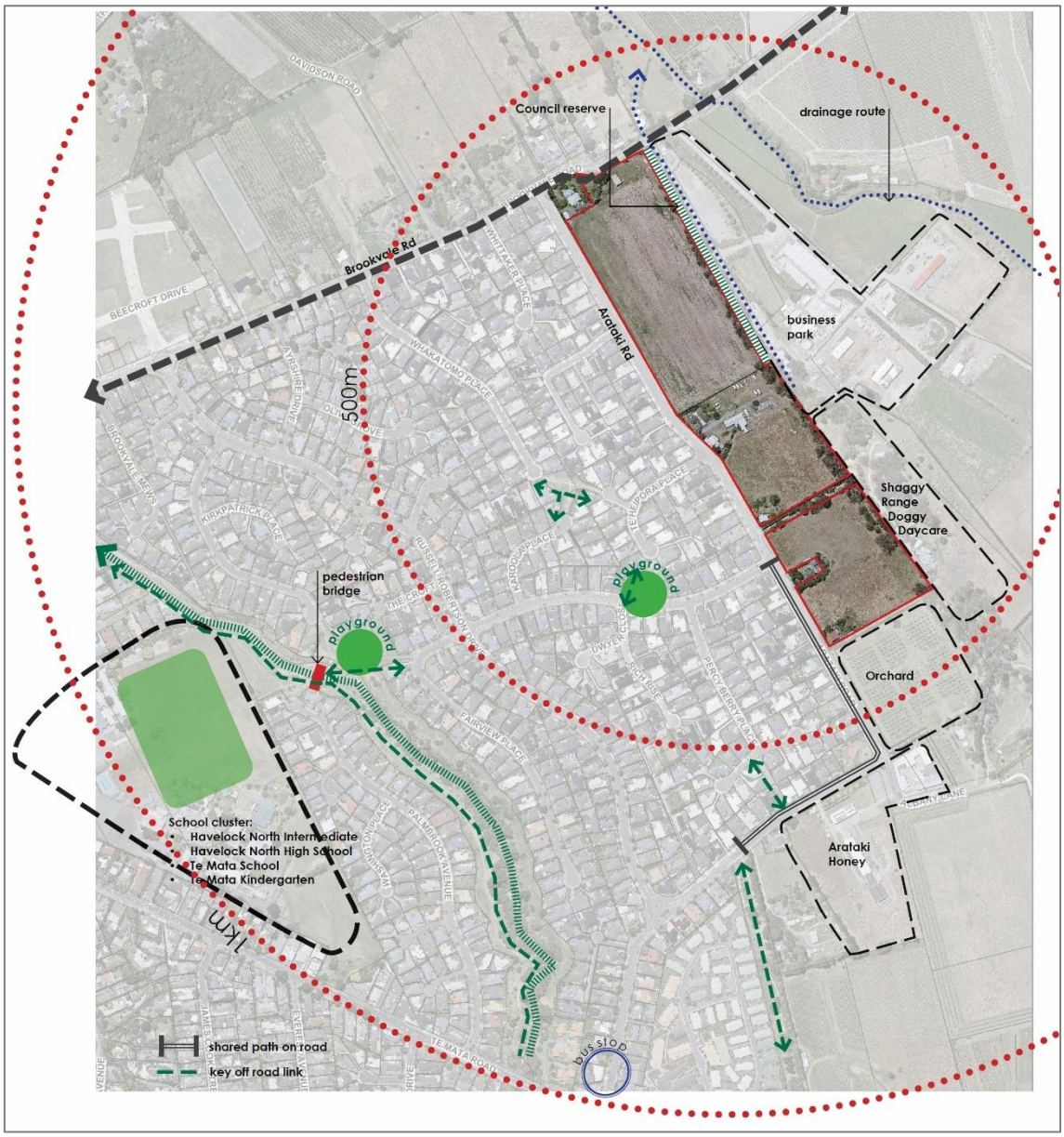

Figure 11: Surrounding Environment (Source Appendix 13)

6.17.1. Internal Adjoining Sites

Two land parcels sit within the wider Arataki block but are excluded from this Application, as they are not owned by CDL. While no development is proposed on these sites as part of this Application, they have been considered in the context of the proposal to ensure integration and appropriate interface. These sites include:

- **The Sawtooth Site (96 Arataki Road)**: Located along Arataki Road at the southern end of the Arataki block, the site has an underlying zoning of Plains Production and an area of 1,077m^2. The site is primarily residential in nature and contains a dwelling, detached garage and is surrounded by gardens and dense vegetation along the site boundaries. Access to the site is via Arataki Road.
- **The Corner Site (160 Arataki Road):** Located at the intersection of Arataki Road and Brookvale Road, the site has an underlying zoning of Plains Production and an area of 2,561m^2. The site is primarily residential in use and contains a large dwelling, detached garage and is surrounded by gardens and dense vegetation along the road boundaries. Access to the site is via Arataki Road.

6.17.2. Adjacent Rural Sites

To the south and east of the site, the land transitions into predominantly rural land.

The rural land is characterised by productive land uses such as horticulture and grazing, with low-density development comprising large land parcels, shelter belts, and scattered rural buildings, consistent with traditional rural patterns. The immediately adjoining properties of note include:

- **Olive Grove Site (70 Arataki Road):** Located on Arataki Road to the south of the Arataki block, the site has an underlying zoning of Te Mata Special Character and an area of 3.9052Ha. The site is currently used as a small-scale production olive grove with the existing trees planted approximately 27m from the common site boundary. Dense shelter belt planting is located adjacent to the common site boundary (set back approximately 5m) and along Arataki Road. The property's dwelling and associated residential activities are located on the southern portion of the property (approximately 200m southeast of the common boundary), adjacent to the Arataki Honey Centre operations at 68 Arataki Road.
- **Shaggy Range Site (104 Arataki Road):** Located on Arataki Road to the east of the Arataki block, the site has an underlying zoning of Plains Production and an area of 4.0497Ha. The site is currently used as a doggy daycare and includes outdoor run spaces and associated kennels with an existing resource consent in place for this activity (RMA20220516). The access to Shaggy Range is via Arataki Road, and an approximately 12m wide gravel driveway bisects the Arataki Block. The substantial residential dwelling associated with the property is located on the upper plateau of the site, approximately 7m from the common boundary. The dwelling has a northeast orientation with main outdoor living areas taking advantage of the rural views. The site also has a small-scale Christmas tree plantation on the lower slopes of the property.
- **Brookvale Stormwater Adjacent Sites (163 and 185 Brookvale Road):** Located on Brookvale Road to the north of the Arataki Project area, the two sites are located adjacent to the proposed stormwater discharge outlet structure within Brookvale Road. These sites are rural in nature and contain residential dwellings, accessory buildings, and are surrounded by pasture (including for livestock grazing) and vegetation. The vehicle crossing to 163 Brookvale Road is located in close proximity to the proposed discharge outlet structure, with the stream traversing through their site.
- **Brookvale Rural Lifestyle Sites (155, 157, 159 and 161 Brookvale Road):** Located on Brookvale Road to the north of the Arataki Project area, these sites are located opposite the proposed stormwater basin area. These sites are typically rural lifestyle blocks and contain residential dwellings, accessory buildings, and are surrounded by pasture and vegetation, including for livestock grazing.

6.17.3. Brookvale Business Park – Formerly Te Mata Mushrooms

To the immediate east of the Arataki site is the Brookvale Business Park, located at 174 Brookvale Road. The site accommodates a range of small-scale industrial and service-based businesses enabled by a temporary resource consent. This area includes the former Te Mata Mushrooms facility, which has a long consenting history and is a scheduled activity in the District Plan. Key matters associated with this site, and of relevance to the Arataki Project are summarised below:

- **Historic Operations - Te Mata Mushrooms**:

  Te Mata Mushrooms was a long-standing intensive rural production operation involving mushroom cultivation and composting. The facility ceased operations due to ongoing environmental and compliance issues. Notwithstanding its closure, the site retains active land use and regional consents, including:

  - Land use consents authorising mushroom production and composting activities;
  - Discharge permits for stormwater, wastewater, and air discharges; and
  - An air discharge permit (DP160229A) granted in 2019, expiring in 2039.

  A 2020 consent order, issued following an Environment Court appeal, confirmed that to recommence operations:

  - All activities must occur indoors; and
  - Significant capital upgrades must be completed to meet consent conditions and reduce odour effects

  The air discharge consent also includes stringent conditions requiring:

  - Phased infrastructure upgrades;
  - Enclosure of raw compost handling and production processes; and
  - Compliance with operational management practices to prevent strong odour effects

  A no-complaints covenant is registered on the title of a portion of the Arataki site (Lot 2 DP 540945) in relation to the former Te Mata Mushrooms activity. This covenant is a private legal matter and will be managed outside of this Application.

- **Current Operations – Brookvale Business Park**:

  Following the closure of Te Mata Mushrooms, the property has been repurposed as the Brookvale Business Park. Existing buildings on the site are now used for a range of small-scale industrial, commercial, and storage activities. These activities are authorised by resource consent RMA20230222, granted in 2024 with a four-year expiry date imposed.

6.17.4. Intensive Rural Production Areas

The District Plan sets out rules relating to the establishment of new residential buildings located within proximity to Intensive Rural Production (**IPR**) Areas. The image in **Figure 12** below identifies the Arataki site in proximity to existing IPR sites.

The IPR areas relate to the Brookvale Business Park and the Shaggy Range properties. The establishment of new residential buildings in proximity to the IPR areas has been addressed through this application.

Figure 12: Intensive Rural Production Areas – identified in green with 150m and 400m extents identified in red circles (Source HDC)

6.17.5. Urban Environment

Immediately to the west of the site is the established urban area of Havelock North, with the site being approximately 2.5 km from the Havelock North Village Centre.

This part of Havelock North can generally be described as a relatively low-density residential area consisting of predominantly single storey detached dwellings on large sections of approximately 600 to 1000m². The area features established landscaping, a variety of building materials, and a suburban character. Along Arataki Road, the western urban streetscape includes well-maintained front yards with a mix of fencing, hedging, and planting treatments. Dwellings typically incorporate internal garages or on-site parking pads, with primary outdoor living areas oriented to the west within private rear yards.

To the northwest of the site is the Brookvale Structure Plan area and MetlifeCare owned land, which is presently going through resource consenting and rezoning processes to enable future urban development.

Havelock North Village Centre provides the majority of commercial amenities to the area. Additionally, there is a Four Square along Te Mata Road.

Approximately 800 metres west of the site is a cluster of schools on Te Mata Road and Nimon Street (Te Mata School, Havelock North Intermediate, and Havelock North High School). The schools are located adjacent to Palmbrook Reserve. There is a strong pedestrian connection to the site that runs from the schools, through Palmbrook Reserve and along Meissner Road.

6.17.6. Council Reserve Strip

A strip of land owned by the District Council adjoins the site along the eastern boundary of 122 Arataki Road. The land is held in Lots 3 & 4 DP 481968 with a total area of 3,624m^2 and has been vested with the District Council as a Local Purpose Reserve. The reserve strip is approximately 10m in width and was created through the subdivision of the underlying parent title that created 122 and 160 Arataki Road and was vested for the purpose of creating a rural/urban buffer along the eastern edge of Havelock North.

The reserve strip sits outside of this Substantive Application. However, it is relevant to the proposal given its location along the eastern edge of the site. The reserve strip contains a large number of mature blue gum trees (and other scrub vegetation).

The applicant and the District Council are currently undergoing discussions in relation to the progressive replacement, staged removal, and replanting of the trees within the Council Reserve Strip. These discussions are ongoing with the view that an agreement will be reached to support a coordinated outcome for this land.

Notwithstanding, any future tree removal works, and subsequent replanting do not form part of this Substantive Application and are not relied upon (or required) as part of any management or mitigation measure for the proposed development.

7.0 Description of Proposed Activity

This section of the Application sets out the key elements of the proposal provided in accordance with clause 5(1)(a) of Schedule 5 of the FTAA. Approval is sought through this Application under Section 42(4) of the FTAA for a resource consent that would otherwise be applied for under the RMA.

7.1. Overview of the Proposal

The Arataki Project will facilitate the development of 171 dwellings, providing additional housing capacity to Havelock North and the Hawke's Bay region. A local road network, pedestrian and cycling connections, and required infrastructure will support the development.

Figure 13 below provides an overview of the proposed development across the site, and the Civil Drawings are included in **Appendix 10**. The proposed Conditions Suite to support the delivery of the Arataki Project are included in **Appendix 9**.

The Arataki Project proposes a suitable extension of the existing urban environment of Havelock North. It will deliver an appropriate rural-urban interface to the rural land east and south of the site. A defensible urban boundary will be delivered through the existing natural landform and height difference between the site and rural land to the east, along with the provision of a planted buffer along the eastern and southern boundaries of the site.

The Arataki Project will comprise two phases of development:

- **Phase 1:** The first phase will realise the residential subdivision of the land and will be delivered by CDL. The residential subdivision and bulk earthworks phase will create 171 residential lots (average lot size 450m^2), a drainage reserve to vest, seven roads to vest, two accessways to vest, 10 JOALs, bulk earthworks landform modification, infrastructure provision, buffer planting and external boundary fencing.
- **Phase 2:** The second phase of development will deliver the residential built form in accordance with a proposed planning development framework established for the site. CDL's build partners/future lot owners will deliver this phase of development, which will involve house construction on individual lots and include vehicle access, parking, landscaping, and fencing.

Figure 13: Scheme Plan for the Arataki Project (Source: Woods, Appendix 3)

7.1.1. Design Objectives & Response to Site Constraints

Delivering a well-functioning urban environment has been a core objective of the Arataki Project. With an underlying rural zoning and the existing land uses on adjacent sites, the proposal has been carefully designed to respond to key site constraints, integrate with the existing urban area, and manage the rural–urban interface.

The opportunities and constraints across the Site were identified at the outset of the Arataki Project (refer **Figure 14**). The proposed site layout and development has been shaped through a collaborative design process across the project team. This process identified clear design objectives to guide the development and informed a set of responses to site-specific constraints and interfaces. The current scheme is considered the most appropriate and balanced response to the site's location, context, and development potential (refer **Figure 1**).

Section 7.1.1.1 sets out the key urban design objectives, and **Section 7.1.1.2** sets out the primary site interface constraints and how these have been addressed through the proposal. These sections should be read in conjunction with the Urban Design Assessment (**Appendix 13**).

Figure 14: Arataki Site Opportunities & Constraints (Source Appendix 13)

7.1.1.1. Urban Design Objectives

The design objectives that have guided the Arataki Project are outlined in the Urban Design Assessment (**Appendix 13**) and summarised in **Table 3** below.

Table 3: Design Objectives

Theme	Design Objectives
Urban Form & Integration with the Surrounding Environment	• Balance yield with national imperatives for higher residential density and the site's surrounds and location at the edge of the urban area. • Provide an appropriate interface to the existing urban area, acknowledging the existing low density and single storey development along Arataki Road. • Acknowledge the site's potential to contribute to an eastern gateway to the urban area of Havelock North. • Maximise outlook, and amenity of adjacent rural environment while providing an appropriate visual transition.
Movement & Connectivity	• Promote connections across all transport modes, prioritising walking and cycling.

	• Encourage walking and cycling to school and adjacent public open spaces through safe and attractive routes/links. • Promote cycling on Arataki Road by accommodating a shared path (to extend the existing one) and adopting boundary/fencing controls to support cyclist safety.
Landform, Function & Open Space	• Undertake necessary earth modification and minimise secondary earthworks needed for housing development. • Efficiently accommodate necessary stormwater management and overland flow paths and promote multi-functional open spaces. • Establish clear ownership, safety and maintenance of open spaces, and enable passive use of stormwater management areas.
Housing Choice & Amenity	• Provide a variety of site sizes, promoting diversity of dwelling type/design as well as a range of price-points. • Adopt block and site dimensions that promote good solar access. • Promote safe and attractive streets by prioritising active frontage, passive surveillance and landscape amenity.

7.1.1.2. Design Responses to Key Site and Interface Constraints

The design responses to key site and interface constraints are summarised in **Table 4** below.

Table 4: Design Response to Site Constraints/Interfaces

Site Constraint/ Interface	Design Response
Defensible urban boundary	• A clear eastern urban edge to Havelock North is established through the natural landform, which steps up from the adjacent rural land to the east.
Eastern rural interface	• Landscaping and permeable fencing will create a soft, visual transition between the rural and urban environments. A 10-meter building setback on the lots. • Interface treatment is protected in perpetuity through consent notices on the lots.
Southern rural interface	• Shelter belt planting and a 1.8m high close boarded fence will provide separation and screening to the Olive Grove to the south. A 10-meter building setback on the lots. • Interface treatment protected in perpetuity through consent notices.
Shaggy Range driveway	• A 1.8m high solid fence will provide separation and screening between the Arataki development and the existing driveway. • Discussions with Shaggy Range have been ongoing, and the layout of Stages 5 and 6 accommodates an alternative access arrangement if agreed between CDL and the landowner. This may require a s127 variation to the approved resource consent.

Integration with existing urban environment	• Although the proposed lots are smaller overall, the section widths along Arataki Road have been deliberately designed to reflect the scale and rhythm of the existing lots on the western side, ensuring a compatible streetscape appearance. Landscape treatments and design controls will assist in softening the transition and ensuring a visually cohesive outcome along this important interface.
Certainty of built form on lots	• Future houses developed by CDL's build partners or individual homeowners and the built form outcomes managed through a proposed Residential Development Framework (**RDF**), secured by consent notices.
Certainty of activities on lots	• Approval for residential activities on residential lots sought through this Application, providing certainty for future lot owners. The RDF identifies these approved activities.

7.2. Subdivision Layout & Design

This section of the Application and the subdivision scheme plans prepared by Woods and included in the Civil Drawings set at **Appendix 10** are provided in accordance with clause 8(1) of Schedule 5 of the FTAA with respect to the proposed subdivision of the site.

7.2.1. Subdivision Overview

The lots to be created through the subdivision are identified on the Scheme Plans in **Appendix 10** and summarised in **Table 5** below.

Table 5: Overview of Lots to be created through subdivision

Lot Type	Lot #s	Lot Sizes	Ownership	Purpose
Residential Freehold	1 - 171	303m^2 – 954m^2	Private	Subdivision to create vacant lots for residential development
Local Purpose (Drainage) Reserve	1000	10,186m^2	Vest with Hastings District Council	Subdivision around the stormwater device
JOAL	2000 – 2009	106m^2 – 1,632m^2	Held in undivided shares by the owners of the respective lots that are accessed via the JOAL	Provide legal, pedestrian and vehicle access to lots that do not front onto a public road
Roads to Vest	3000 - 3005	2,522m^2 – 5,180m^2	Vest with Hastings District Council	Expansion of the existing street network to service the development
Road to Vest	3006	19m^2	Vest with Hastings District Council	Small piece of surplus land to be vest as unformed road.

Public Accessways	1001 – 1002	539m^2 – 610m^2	Vest with Hastings District Council	Provide for public access through the development

7.2.2. Subdivision Staging

The subdivision will be carried out on a staged basis as identified in the Scheme Plan and summarised in **Table 6** below.

The subdivision will be delivered in numerical order, commencing with Stage 1 and concluding with Stage 6.

While the stages may be delivered concurrently, their sequencing has been determined by infrastructure dependencies. In particular, the stormwater network is reliant on the construction of the stormwater dry basin in Stage 1, with subsequent stages dependent on downstream network infrastructure being in place.

Conditions of consent have been included that address the subdivision staging[6].

Table 6: Staging of Subdivision

Stage	Lot Type	Lot Numbers
1	Residential Freehold	Lots 1 – 13, 15-18, 21, 121 - 126
	Local Purpose (Drainage) Reserve	Lot 1000
	JOAL	2000, 2002
	Roads to Vest	Lot 3000
2	Residential Freehold	Lots 14, 19 - 20, 22 – 45, 127 - 134
	JOAL	Lots 2001, 2003, 2008
	Public Accessway	Lot 1001
	Roads to Vest	Lot 3001
3	Residential Freehold	Lots 46 – 59, 135 - 141
	JOAL	Lot 2004
	Roads to Vest	Lot 3002
4	Residential Freehold	Lots 60 – 89, 142 - 151
	JOAL	Lots 2005, 2006
	Public Accessway	Lot 1002
	Roads to Vest	Lot 3003
5	Residential Freehold	Lots 90 – 99, 107 – 108, 110, 112, 114, 116, 152 - 159
	JOAL	Lot 2007

[6] Condition 15

	Roads to Vest	Lot 3004
6	Residential Freehold	Lots 100 – 106, 109, 111, 113, 115, 117 – 120, 160 - 171
	JOAL	Lot 2009
	Roads to Vest	Lot 3005

7.2.3. Title Limitations

Limitations will be included on the ROT for the proposed residential lots to manage the effects of future development and ensure built outcomes are consistent with those anticipated by this proposal.

ROT limitations will be through Consent Notices, Covenants, and Easements, with wording of the restrictions set out in the proposed Conditions Suite[7]. **Table 7** below provides an overview of the limitations to be imposed.

Table 7: Overview of ROT Limitations

Limitation	Mechanism	Purpose	Lots Affected
Geotechnical	Consent Notice	Future buildings are to be in accordance with the Geotechnical Completion Report (GCR)	1 - 171
Landscaping	Consent Notice	Landscaping to be protected and maintained in perpetuity	1 - 171
Fencing	Consent Notice	Fencing to be maintained in perpetuity	1 – 171
Residential Development	Consent Notice	Construction of dwellings to be in accordance with the RDF	1 – 171
No Complaints	Covenant	To manage potential reverse sensitivity effects between the proposed residential use of the site, and existing rural zoned land and associated activities. Future residents cannot complain about the effects of activities undertaken as of right in the Plains Production zone	1 – 171
Conveyance of water and sewage	Easements	Easements that allow the conveyance of water and sewage over privately owned JOALS in favour of Hastings District Council.	1001, 2006, 2008, 2009

[7] Conditions 21 – 27, 64 – 68

7.3. Residential Development Framework

Following the completion of the subdivision, the second phase of development for the Arataki Project will deliver the residential built form in accordance with the proposed planning design framework established for the site within the RDF. This phase of development will involve house construction on individual lots and include minor earthworks, vehicle access, parking, landscaping, and fencing.

The land is currently zoned Plains Production zone in the District Plan. This zoning does not provide for urban residential development. To provide certainty for future owners and developers of the proposed lots, resource consents are sought as part of this Application that apply the development standards outlined in the RDF (**Appendix 14**). The RDF provisions will be imposed as a land use consent condition[8], and secured through a consent notice on the ROT of the residential lots.

The RDF document establishes a set of Design Outcomes and Development Standards to enable urban residential development on the Arataki Project land in lieu of urban zoning. The RDF provides a feasible planning framework for establishing urban residential development and will be used by future house builders and owners to inform their residential development. Compliance with the RDF will be assessed by the District Council at the time of Building Consent, providing a clear and consistent mechanism for implementation. The RDF framework provides certainty as to the range of potential built outcomes. This has enabled the assessment of potential effects of future development undertaken pursuant to the RDF. These effects are assessed below in **Section 13.0**.

Overall, the proposed RDF aims to achieve high-quality urban residential outcomes by managing the built form, streetscape integration, rural interface, and overall neighbourhood character.

7.3.1. RDF Design Outcomes & Development Standards

The RDF sets out the framework for how the lots created through the subdivision will be developed. Two lot types have been proposed through the subdivision, as detailed in the Urban Design Assessment (**Appendix 13**) and the RDF (**Appendix 14**):

- **Lot Type 1:** applies to the majority of sites in the development and those lots that are 400m^2 and above.
- **Lot Type 2:** applies to a small number of sites located internally within the development. These sites are sized below 400m^2 and situated in areas where a more compact built form can be appropriately integrated into the development.

The RDF sets out design outcomes and development standards to guide future built form. Together, they provide a balance between flexibility and certainty, enabling varied building designs while ensuring alignment with the overall neighbourhood vision.

- **Design Outcomes** are intended to inform, rather than prescribe, the exact design, style, or layout of individual lots. They use diagrams and imagery to illustrate design principles and possible solutions, supporting a well-built urban environment. The focus is on enabling flexibility, encouraging design diversity, and achieving a coherent and high-quality streetscape.

[8] Condition 67

- **Development Standards** are mandatory and must be complied with. These are split between Type 1 and Type 2 lots and provide clear, measurable controls to ensure residential development aligns with the intended urban outcomes for the site.

To provide certainty that the RDF can be complied with, lot testing has been carried out on several lots across the development, including representative examples of dwellings. The lot testing is included as an attachment to the Urban Design Assessment in **Appendix 13**.

In developing the RDF, a hybrid of standards have been drawn from the Havelock North General Residential Zone (**HNGRZ**) for Lot Type 1 and the Medium Density Residential Standards (**MDRS**) for Lot Type 2. Several general standards have also been adopted from the District Plan and hybridised to support development of the site. A summary of adopted, modified, or omitted standards is provided in **Appendix 8**.

While it is acknowledged that the District Council's preference through stakeholder engagement was to adopt the existing District Plan provisions (for ease of consenting and known outcomes), a bespoke RDF has been necessary to achieve the design quality and character outcomes sought for the Arataki Project. The RDF has been deliberately structured to provide for housing choice while ensuring a built form that responds appropriately to the surrounding suburban environment and rural-urban transition. This approach is considered to represent the best outcome in terms of both managing effects and achieving a cohesive and quality modern residential neighbourhood.

7.3.2. Activities Provided for on Residential Lots

Alongside the built form outcomes established in the RDF, this Application also seeks approval for residential activities to be enabled on each lot. These activities are outlined in **Table 8** below.

While the activities align with those typically permitted in the HNGRZ zone, consent is required under the current Plains Production zoning to enable them as of right. Including these activities within the scope of this Application now provides greater certainty to future lot owners and avoids the need to obtain additional consents later.

The RDF lists the activities to be approved under this Application, so future lot owners are aware of what can be carried out without requiring future consents.

Table 8: Activities Provided for on Residential Lots

Activity	Rationale for Inclusion
Residential Activities	Enables residential activities to be carried out on the lots.
Residential Building	Enables one residential building to be established per site in accordance with the RDF.
Supplementary Residential Buildings	Enables residential accessory building(s) to be established, such as detached garages or garden sheds
Home Occupations	Enables small-scale professions or services to be carried out by residents within their households, including home-based education and care services.
Show Homes	This will enable CDL or its build partners to establish show homes within the Arataki development. This is likely to occur during the development's early sales period.

Earthworks	Enable earthworks to be undertaken for the establishment of a residential dwelling and ancillary works including retaining walls.
One external advertising device per site associated with a home occupation or showhome	Enables home occupations and showhomes to advertise their services in line with the existing residential zone signage provisions of the HDP.
Network Utility Asset Identification signs and Health and Safety signs.	Enables asset and safety signage to be erected to support maintenance and public safety.

7.3.3. Augier Condition – Plains Production Zone

To ensure alignment with the residential development of the site proposed through this Application, and to avoid future land use conflicts, a condition of consent has been proposed which states that once the s224(c) has been issued in respect of any stage (or combination of stages), the Consent Holder shall not undertake any activities permitted under the Plains Production Zone within the relevant stage in reliance on that zoning if the Plains Production zone is in force at the time[9].

7.3.4. Future Transition to Urban Zoning

It is acknowledged that the Arataki site may be rezoned in the future to align the underlying zoning with its urban land use. Should urban residential zoning be applied, the provisions of the RDF would be superseded by the new zoning rules, and the associated consent notice would no longer apply.

This transition has been clearly recorded in the RDF and the proposed consent notices[10] to ensure clarity for future lot owners.

7.4. Landscaping Design & Implementation

The landscape design for the Arataki Project has been developed to create an attractive, family-friendly neighbourhood with trees, planting and quality materials. The planting, streets and pedestrian connections integrate the new residential area with the existing neighbourhood to the southwest/west and the rural landscape to the north, east and south.

The Boffa Miskell Landscape Concept Report included in **Appendix 24** sets out the landscape strategy for the Arataki Project, along with a Landscape Maintenance Plan (also referred to as a Landscape Management Plan)[11] included in **Appendix 25** to guide the implementation of the landscaping within the development.

7.4.1. Vegetation Removal & Management

The majority of the existing trees and vegetation across the Arataki Site will be removed. A small cluster of trees along Brookvale Road and within the proposed Local Purpose (Drainage) Reserve are proposed to be retained as part of the site works. This will be determined on site prior to the commencement of earthworks in collaboration with the Contractor[12].

[9] Condition 69
[10] Condition 67
[11] Condition 19
[12] Condition 70 and 78

All tree removal across the Arataki Site is a **permitted** activity under the District Plan. Within proximity of the Brookvale Road outlet device there are Harakeke Flax bushes located within the works area which will be removed to facilitate this structure. This requires **restricted discretionary** consent under the Regional Plan TANK Plan Change 9.

In accordance with the proposed Fauna Management Plan (**FMP**)[13], trees will be checked prior to their removal for any nesting native birds. Further, macrocarpa trees will be checked for potential roosting bats prior to their removal.

Whilst it is unlikely that there are any protected lizard species on the Site, a staged clearance process involving the hand removal of debris and gradual vegetation clearance (i.e. mowing fence line vegetation) to encourage lizards to disperse naturally is proposed in the FMP ahead of bulk earthworks commencing.

7.4.2. Rural Interface Landscaping & Fencing

The rural interface on the eastern and southern boundaries of the site has been carefully considered through the landscaping strategy (**Appendix 24**) to ensure a suitable visual and functional transition between the future residential development and the adjoining rural and productive land uses. The landscape design incorporates buffer planting, fencing controls, and setbacks to manage rural amenity, soften the built form, and appropriately mitigate potential reverse sensitivity effects.

CDL will deliver the rural interface landscaping, which will be established alongside the Stage 1 earthworks and subdivision. A condition of consent has been included that addresses this proposed timing[14]. Bringing the planting forward in the development staging will ensure it has sufficient time to be established and maintained prior to the construction and occupation of dwellings in Stages 5 & 6.

A covenant[15] is proposed to secure the ongoing maintenance of landscaping and fencing along the rural interface, ensuring it is retained in perpetuity in accordance with the design intent outlined above.

- **Eastern Boundary Interface**

  As identified in **Figure 16** below, along the eastern boundary of the site, a 10-metre building setback is proposed, along with a planted landscape buffer that follows the top of the escarpment adjacent to the rural zoned land. The buffer planting will be delivered within CDL owned land and also rely on the Council Reserve strip to provide the remainder of the planted buffer[16].

  This buffer planting will be 5m in width and will predominantly feature native shrub and tree species to form intermittent screening around houses.

  Fencing along the eastern boundary will be visually permeable and integrate with the planting design. This treatment creates a strong and defensible rural edge that maintains the character of the broader landscape.

[13] Condition 70 and 78
[14] Condition 59
[15] Condition 26
[16] Refer to **Section 6.17.4** for details on existing planting and long-term plans for this existing 10m wide Hastings District Council Local Purpose Reserve strip (Lots 3 & 4 DP 481968) which was established as a rural interface buffer through the underlying subdivision.

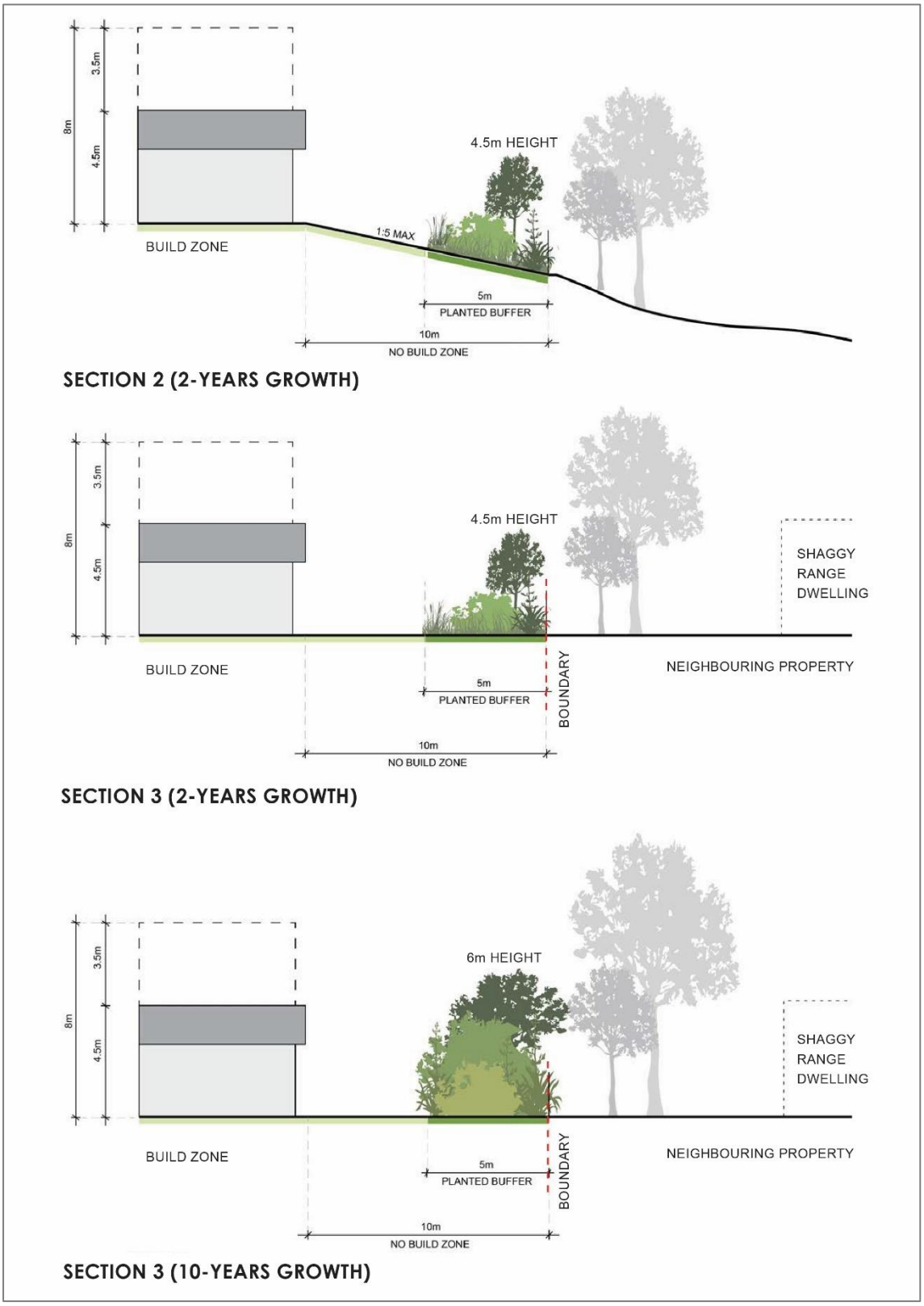

Figure 16: Eastern Boundary Interface Cross-Section (Source Appendix 24)

- **Southern Boundary Interface**

  As identified in **Figure 17** below, along the southern boundary of the site, a 10-metre building setback is proposed, along with a dense landscape buffer and a 2m high close-boarded timber fence to establish a clear and defensible separation from the adjoining olive grove.

  This buffer planting will be 7m in width, comprising native shrubs and exotic evergreen tree planting. Mexican Alder species will be planted to form a dense evergreen shelterbelt hedge along the boundary, growing to a height of 8m over a 10-year period.

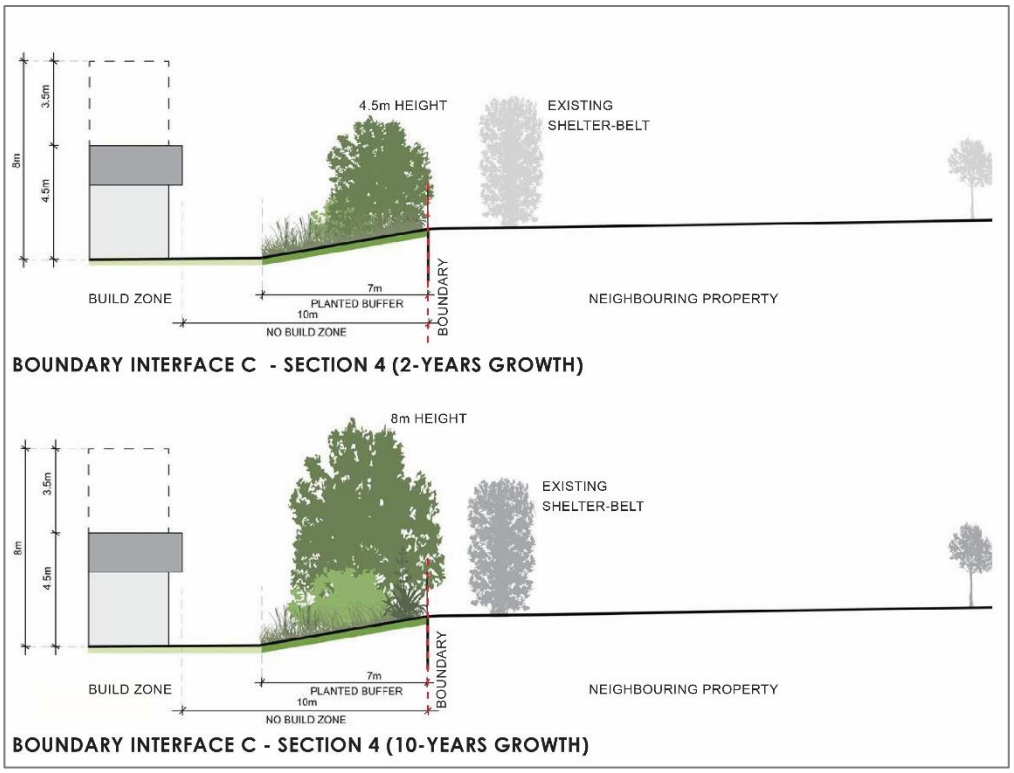

Figure 17: Southern Boundary Interface Cross-Section (Source Appendix 24)

7.4.3. Fencing

Fencing throughout the development is addressed in the Landscape Concept Report (**Appendix 24**), and the RDF, and will be delivered as follows:

- **Phase 1 fencing by CDL:** As part of the staged delivery of the development under Phase 1, CDL will install fencing along boundaries that adjoin rural-zoned land (including the Shaggy Range driveway) and the proposed stormwater reserve to ensure consistent treatment and interface management.
- **Phase 2 fencing by future lot owners:** All other fencing will be delivered through Phase 2 via the RDF standards and will be the responsibility of individual lot owners at the time of residential construction. Fencing types have been selected to integrate with the streetscape, support passive surveillance, and maintain a consistent, high-quality visual character across the neighbourhood.

7.4.4. Landscaping of Streetscape & Reserves

Landscaping is proposed within the streetscape, accessways and the Local Purpose (drainage) Reserve as detailed in the Landscape Concept Report (**Appendix 24**). A typical street cross section is provided in **Figure 18** below.

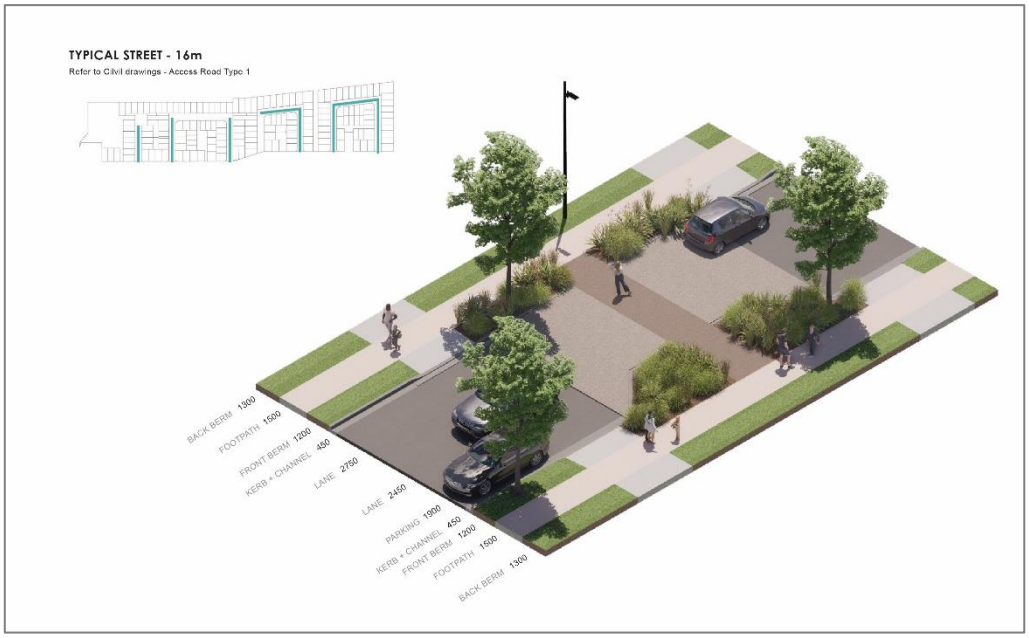

Figure 18: Typical Street Cross Section (Source Appendix 24)

Trees are proposed throughout the development to provide a structure to the network of streets, routes and open spaces. A 'right tree for the right place' approach has been taken that sees a mix of native and exotic species being used in locations that suit the scale, form and environmental preferences of the tree.

The Stormwater Reserve at the northern end of the Arataki site has been designed as a multifunctional open space that integrates stormwater management with recreational and amenity outcomes. It includes a gently sloped grassed basin with a central flat area suitable for informal passive play when not in flood. A looped hoggin path provides walking connections to Arataki Road and the adjoining pedestrian network. A mix of native and exotic planting surrounds the basin, with fruit trees and retained existing trees offering seasonal interest and biodiversity value. The perimeter fencing is visually permeable, encouraging passive surveillance and integration with adjoining lots. The reserve is intentionally left unlit at night to limit light pollution and promote use of the safer, well-lit street network.

A 'green link' is proposed that connects the proposed Stormwater Reserve through to the existing Meissner Reserve via a network of streets and accessways with enhanced landscaping.

The streets and JOALs have predominantly deciduous exotic species, while the stormwater reserve, boundary planting and 'play along the way' route features clusters of native trees local to the area.

Landscaping of the streetscape, accessways and reserve will be completed at each stage of development. Conditions of consent have been included that address the delivery of this landscaping prior to the vesting of lots with the District Council[17].

[17] Conditions 54 – 58 and 61 – 62

7.4.5. Play Along the Way

To deliver additional amenity within the Arataki development, a Play Along the Way route has been identified within the development which extends from Arataki Road, along the spine of the development and into the stormwater dry basin.

The spaces will include elements that have a natural aesthetic, include small sculptures, learning opportunities, playful line marking and alternative routes through planted areas. Examples of these features are identified in **Figure 19** below**.**

Whilst the route has been identified, the final form and function of the spaces will be developed and agreed with the District Council. A condition of consent has been proposed which requires final details of the play along the way spaces to be submitted to Council for approval[18].

Figure 19: Play Along the Way Elements (Source Appendix 24)

7.4.6. Implementation & Maintenance

Landscape implementation and ongoing maintenance will ensure the successful establishment and long-term performance of planting across the development.

Interface landscaping along the southern and eastern boundaries will be delivered as part of Stage 1, establishing early edge treatment. All other landscaping will be implemented progressively with each subdivision stage.

A preliminary Landscape Maintenance Plan (**LMP**) has been prepared (**Appendix 25**), which details the implementation and maintenance frameworks for the proposed landscape areas. Conditions of consent are proposed that require a final LMP be submitted and adhered to[19].

[18] Condition 56
[19] Condition 61 and 62

7.5. Engineering Design for Roading, Infrastructure & Utilities

The Civil Drawings in **Appendix 10** and the Infrastructure Report in **Appendix 11** provide the necessary detail to understand the proposed land use and subdivision activities.

The Infrastructure Report outlines the development's design, covering key aspects such as earthworks and retaining, roading, stormwater, wastewater, and water supply, along with supporting calculations. These documents confirm that the proposed infrastructure and roading network will adequately service the development and have been designed under relevant guidelines and standards.

Overall, the Civil Drawings and Infrastructure Report define the scope of the proposed activities and anticipated development outcomes. Sufficient land has been allocated for vesting in the District Council to accommodate transport and stormwater infrastructure.

Following approval under the FTAA, Engineering Approvals (**EA**) will be prepared and submitted in general accordance with the consent conditions[20] and approved plans. At this stage, detailed engineering design, calculations, and plans will be provided to the Council for review, ensuring compliance with its development engineering standards.

7.6. Roading Layout & Design

Access to the Site will be via new connections off Arataki Road. The proposed roading layout and design are shown on the Civil Drawings in **Appendix 10** and summarised below. This should be read in conjunction with the Integrated Transportation Assessment (**Appendix 18**), Infrastructure Report (**Appendix 11**), and Urban Design Assessment (**Appendix 13**).

7.6.1. Brookvale Road Gateway Treatment

Urbanisation of the Brookvale Road frontage does not form part of this proposal, and no formal vehicle or pedestrian access is proposed from this boundary. A gateway treatment is proposed at the Brookvale Road entrance to the development to provide a clear sense of arrival and reinforce the transition into the residential development. This gateway treatment is anticipated to include signage and surface treatment elements and will be subject to further design detail and confirmation with the District Council as part of the EA process[21].

7.6.2. Unformed Road to Vest

Lot 3006 is to be vested as unformed road with the District Council to provide for potential future upgrades of Brookvale Road. This land has been set aside to enable the District Council to address future visibility and design constraints and to maintain flexibility for any future network improvements. For the avoidance of doubt, upgrades to Brookvale Road are not required nor proposed as part of the Arataki Project.

7.6.3. Internal Roading Network

The Arataki development will be serviced by four new public roads (a total of seven to vest to address staging splits) and ten JOALs, which will provide internal connectivity and integrate with the existing roading network. The proposed roads will vest with the District Council, while the JOALs will be held in shared ownership by the adjoining lot owners. The internal roading network will include:

[20] Condition 29, 31, and 32
[21] Condition 32

- **Access Road – Type 1**: This road has a 16-metre legal width and features a dual crossfall carriageway with 2.75-metre-wide lanes, 2.2 metres of on-street parking on one side, 450mm kerb and channel, a 1.2-metre-wide front berm corridor, 1.5-metre footpaths, and a 1.3-metre back berm on both sides.
- **Access Road – Type 2**: This road has an 18-metre legal width, with a dual crossfall carriageway, 2.75-metre-wide lanes, and 2.2 metres of on-street parking on one side. Berm widths vary: on one side, a 1.2-metre-wide front berm corridor, 1.5-metre footpath, and 1.3-metre back berm; on the other side, a 2.7-metre-wide front berm corridor and a 1.5-metre footpath.
- **JOALs**: Five JOAL typologies have been proposed to provide access to rear lots. The JOAL typologies range in legal width from 3.0m to 25.36m with variations in length and the provision of footpaths, carparking and landscaping.

7.6.4. Urbanisation of Arataki Road

Through the Arataki Project, the eastern side of Arataki Road will be urbanised to provide an appropriate urban edge to the development.

Arataki Road will be upgraded in three sections with a dual crossfall carriageway. Cross-sections vary slightly between sections, but all include 3.0m wide traffic lanes on both sides, on-street parking or shoulders, kerb and channel, and enhanced pedestrian and cycle facilities, including a 2.5m shared path or 1.5m footpath.

7.6.5. Pedestrian & Active Modes Network

Pedestrian connectivity has been a core design priority for the Arataki Project, both within the development and linking to the wider Havelock North network. The existing shared path along Arataki Road will be extended, crossing the road and continuing along its eastern side to connect directly into the development.

Within the site, a series of public accessways are proposed to form a strong pedestrian spine. This spine will contain landscaping and the play along the way spaces (refer to **Section 7.4.5** above) and is designed to enable safe and convenient access through the development connecting into the proposed Stormwater Reserve at its northern end. While the Stormwater Reserve is primarily designed for stormwater management, it will also serve a secondary passive recreational function as a dry basin, with informal walking paths provided around its perimeter.

7.6.6. Car Parking

Kerbside carparking is provided throughout the development, with a target allocation of 0.75 spaces per lot. Final parking layout will be confirmed at the EA stage, accounting for streetscape elements such as vehicle crossings, street trees, lighting, pedestrian safety, and design constraints[22].

Carparking on individual lots will be addressed at the time of dwelling construction. Whilst there is no requirement to have minimum parking standards, the lots have been sized with sufficient space to accommodate at least two off-street parking spaces. The ability to accommodate on-site parking on each lot has been confirmed through the Lot Testing included within the Urban Design Assessment (**Appendix 13**)

[22] Condition 32

7.6.7. Public Transport

The existing public transport (**PT**) network in Havelock North does not currently extend to the Arataki development. Route 21 (Hastings and Havelock North Loop) currently turns around at the intersection of Arataki Road and Russell Robertson Drive, approximately 550 metres southwest of the site. Through consultation with the District Council, it is understood that a future public transport plan for Havelock North is in development, with public consultation anticipated later in 2025. As part of discussions with the District Council, two potential future bus stop locations have been identified along Arataki Road, adjacent to the intersections with Meissner Road and the proposed road AR04.

7.6.8. Vehicle Crossings

Vehicle crossings have been provisioned throughout the development as follows:

- **Phase 1**: Vehicle crossings will be constructed to service the proposed JOALs and a number of specified lots (Lots 10, 21, 123 and 124).
- **Phase 2:** The remaining vehicle crossings will be constructed in conjunction with the construction of individual dwellings. Controls have been included in the RDF that guide the number and location of vehicle crossings on individual lots.

Typical crossing design and details are shown on the Civil Drawings (**Appendix 10**). All vehicle crossings will be constructed to District Council's Engineering Code of Practice standards[23], using the District Council urban concrete driveway specifications in accordance with drawings C19 and C19A.

7.6.9. Lighting Design for Roads

A lighting design has been prepared for the proposed roads throughout the development as detailed in the Civil Drawings (**Appendix 10**), Infrastructure Report (**Appendix 11**) and Landscape Concept Report (**Appendix 24**). Lighting will provide for appropriate levels of lighting within these spaces during the hours of darkness.

Lighting will be used to create a hierarchy of routes as set out below:

- The existing lighting along Arataki Road will be retained;
- Along proposed internal roads, lighting will be provided at appropriate intervals at a 6m mounting height;
- Pedestrian accessways will have lighting at a mounting height of 4m; and
- Private JOALS will have solar bollards to provide low level amenity lighting.

Final details of any street lighting will be submitted to the District Council at EA stage[24].

7.7. Infrastructure & Utilities

The following details the proposed stormwater, wastewater, potable water supply and utilities servicing for the development, which should be read in conjunction with the Civil Drawings attached in **Appendix 10** and the Infrastructure Report attached in **Appendix 11**.

[23] Condition 32 and 37
[24] Condition 32

7.7.1. Stormwater

A new public stormwater network is proposed to service the proposed subdivision as set out in the Stormwater Management Plan (**Appendix 12**). This will be established through an extension of the existing public stormwater lines located within and adjoining the site. The proposed piped networks will be designed to discharge to either the existing reticulated network (Catchment A) or at a new stormwater discharge point (Catchment B) located within an unnamed stream in the Brookvale Road legal road reserve while maintaining the pre-development flow rate of the existing watercourses.

The proposed stormwater design incorporates:

- The construction of a public reticulated stormwater network across three catchments to convey primary flows. Stormwater runoff up to the 10% AEP storm event (inclusive of climate change) will be conveyed through the reticulated network;
- Flows from stormwater events greater than the 10% AEP storm will be conveyed via roadways and secondary flow paths to the permanent streams/watercourse without risk of damage to properties; and
- At-source management and quality treatment will be achieved through a dry basin to be constructed within the proposed local purpose (drainage) reserve, rain gardens and treatment train approach.

Stormwater management will meet or exceed the requirements of District Council Engineering Code of Practice and Regional Council Stormwater Management Guidelines. Details of the stormwater discharge from the proposed development are provided in **Section 7.8** below.

7.7.2. Wastewater

The proposed wastewater network for the Site will consist of a gravity wastewater system. There will be one main connection point to the existing wastewater network. The existing dwellings (not owned by CDL) at No. 160 Arataki Road and No. 96 Arataki Road will be connected to the new wastewater network.

The wastewater network will be placed in road reserves and under the carriageway where feasible. The Site will connect to the wastewater gravity network at the existing wastewater manhole as shown in the servicing drawing in **Appendix 10** (wastewater drainage layout plan). The proposed wastewater reticulation has been designed in accordance with the District Council Engineering Code of Practice standards. A more detailed design of the wastewater reticulation for the Site will be prepared as part of the EA stage[25].

As set out in **Section 6.10.1** above, there is currently insufficient capacity within the wastewater network to service the development of the site. The District Council is currently progressing network upgrades, and it is anticipated these will be resolved in advance of Stage 1 of the development being completed. A condition of consent has been proposed that restricts Section 224C certification until such time that the required downstream wastewater infrastructure upgrades have been completed and can accommodate the flows from the Arataki development[26].

[25] Condition 32
[26] Condition 42

7.7.3. Potable Water Supply

As is stated in **Section 6**, there is existing water supply infrastructure located on Brookvale Road and the western side of Arataki Road. This existing infrastructure is adequately sized to supply potable water for the water demands of the Site.

Each lot will be provided with a potable water supply connection. As detailed in the Infrastructure Report in **Appendix 11** this will be facilitated through an extension of the existing water supply mains within and adjoining the site.

Fire hydrants will be provided in accordance with the minimum spacing requirements contained in firefighting standard SNZ PAS 4509:2008.

7.7.4. Utilities

Preliminary discussions with service providers indicate that there is sufficient capacity within the respective power supply and telecommunication networks to service the proposed subdivision and future land use development. In relation to utilities:

- Power reticulation will be provided for all lots by an extension of the existing reticulation in the surrounding road network. The extension and any upgrades will be designed by Unison.
- Telecommunication reticulation will be provided for all lots by an extension of the existing reticulation in the surrounding road network. The extension and any upgrades will be designed by Tuatahi First Fibre; and
- Natural gas is not proposed as part of the Arataki Project.

7.7.5. Waste Management

Waste management will be via kerbside collection from either public roads or within the larger JOALs. The waste collection strategy as set out in the Civil Drawings (**Appendix 10**) and Infrastructure Report (**Appendix 11**) has identified the anticipated location of bin placement on each lot along with collection truck routes.

It is proposed that Council collection trucks will access the public street network as well as two of the larger JOALs to facilitate waste collection. Using JOALs for bin collection reduces clutter along the public streetscape on collection days, avoids conflicts with street features such as landscaping, and allows bins to be collected closer to each lot's dedicated bin storage area. This approach has been discussed in principle with the District Council at the pre-application stage.

7.8. Stormwater Management

The proposed stormwater management strategy for the site is described in detail in the Stormwater Management Plan prepared by Woods and contained in **Appendix 12**. In summary:

- A best practicable option (**BPO**) stormwater solution has been developed and has, in part, been dictated by the existing discharge locations and the existing split of the site into two sub-catchments (A and B) – refer **Figure 20** below.
- The runoff sources in both catchments will be from roads, accessways, roof areas and hardstand areas (including car parking, JOALs and private carriageways).

- For sub-catchment A, runoff will be into raingardens located within the kerb build outs and ultimately flow into the existing Arataki Road public stormwater network owned by District Council and covered by a pending global network consent.
- For sub-catchment B, runoff will be into a communal dry basin (described in more detail below) and will flow into the stream adjacent to Brookvale Road (described in more detail below).

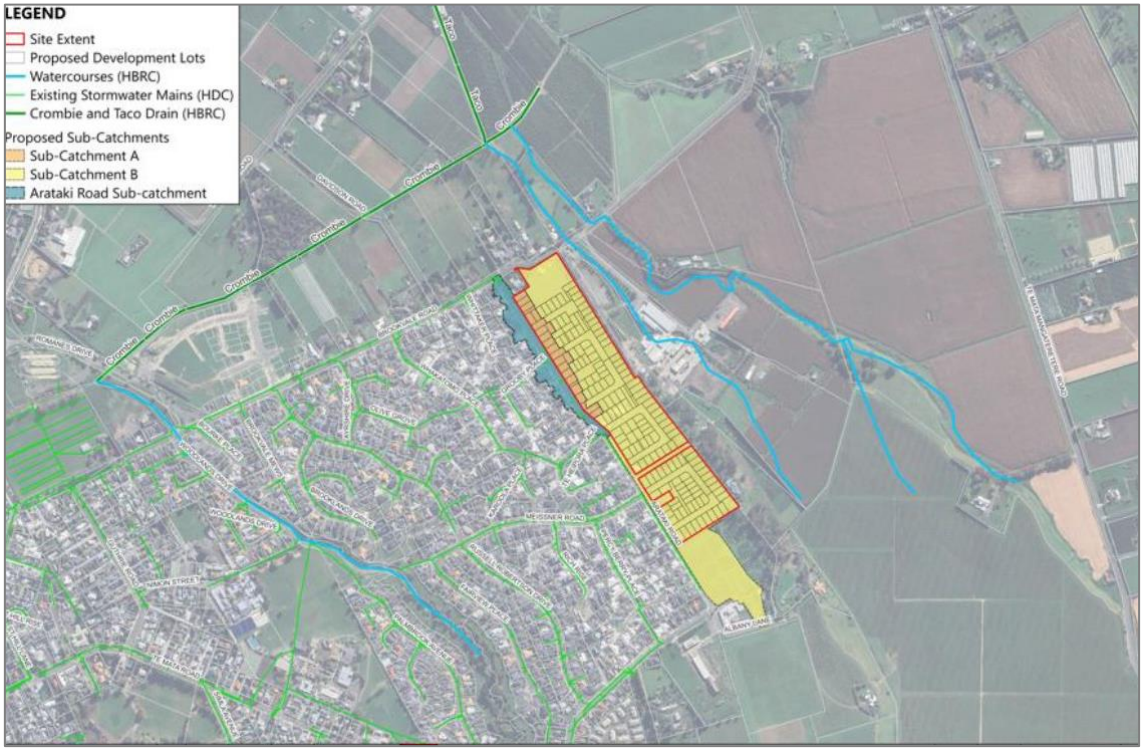

Figure 20: Stormwater Catchment Map (Source Appendix 12)

7.8.1. Global Discharge Consent

Hastings District Council currently holds a global stormwater discharge consent (consent number DP090355Wb / AUTH-118324-03) that authorises the discharge of stormwater from urban areas within Hastings. However, this consent has expired. The Regional Council has acknowledged this and advised that they are awaiting a new application from District Council to renew or replace the existing authorisation.

Regarding the Arataki site, the District Council officers have indicated that they are supportive of incorporating the entirety of the site (both Catchments A and B) and its discharge points into the scope of the new global consent once it is lodged. In the interim, as the proposed discharge point to the unnamed tributary of the Mangateretere Stream sits outside the current global consent coverage, it has been agreed that CDL will apply separately for a discharge consent, with the intention that this discharge may ultimately be absorbed into the new global consent held by the District Council once granted (refer Consultation Report in **Appendix 6**).

To support this approach, conditions of consent[27] have been proposed to enable either the surrender of the discharge consent or, alternatively, the transfer of the consent to Hastings District Council following a monitoring period.

[27] Conditions 174 – 175

7.8.2. Stormwater Dry Basin

The details of the of the dry basin shown in the Civil Drawings in **Appendix 10** and can be summarised as follows:

- The proposed dry basin is located on the northern part of the Site (fronting Brookvale Road).
- The dry basin serves Catchment B in its entirety and provides for both water quantity control and water quality.
- The basin will remain empty under normal conditions and fills during rain events and will drain within 24 hours. For the 2 and 10 year rain events the basin's peak flows would be less than or equal pre-development flows.
- An emergency spillway is incorporated at the northern end of the basin, designed to safely convey overflows in rare, extreme rainfall events without creating downstream effects.
- A hoggin path has been incorporated to serve dual purposes, providing both an informal recreational walking route and functional access for maintenance within the stormwater reserve.
- The basin is proposed to be constructed with a HDPE or geosynthetic liner to control slope stability issues and avoid seepage of stormwater into the Heretaunga Plains aquifer.
- An operation and maintenance manual is included as part of the application to support the long-term operation of the basin.
- A proprietary gross pollutant trap device is proposed as part of the treatment train to capture larger debris and contaminants prior to discharge, and conditions of consent[28] have been drafted to require its installation, operation, and ongoing maintenance.

In summary, the basin features a gentle internal slope of 1:5, providing a gradual transition into the basin floor to ensure safe and accessible gradients. The basin floor is designed with a 1:200 fall, which promotes positive drainage and prevents ponding under normal conditions.

These gentle grades are complemented by planted batters around the perimeter, contributing to both amenity and biodiversity outcomes. The overall design ensures the basin performs effectively as part of the stormwater treatment train while remaining visually integrated and usable by the local community.

7.8.3. Stormwater Outlet Structure

Flows from sub-catchment B are proposed to discharge to the unnamed Maungateretere stream tributary to the northeast of the site (at No. 163 Brookvale Road). The discharge outlet structure is shown in detail on the Civil Drawings included in **Appendix 10** and can be summarised as follows:

- Scruffy dome outlet (1050mm) with two low flow and drain down outlets
- Rock riprap at the outlet into the stream to avoid the potential for any scour

All proposed works are located within the legal road reserve, with no structures or activities extending into the bed of the stream. Upon completion, the area surrounding the discharge

[28] Conditions 39 and 137

structure will be replanted with low-growing native vegetation to assist with integration and stabilisation. A suite of conditions[29] are proposed under both the Regional Stormwater Discharge and Stream Works consents to ensure that any potential effects associated with the structure's location and new discharge are appropriately avoided, remedied, or mitigated.

7.8.4. Raingardens

As part of the proposed stormwater management strategy for Catchment A, a series of kerb build-out rain gardens are proposed within the road reserve. While not required under the engineering standards, these rain gardens have been proactively included to provide additional water quality treatment prior to stormwater entering the District Council's reticulated network. The rain gardens will assist in capturing and filtering runoff from road and lot surfaces, improving the quality of stormwater discharged from the site and Arataki Road.

A detailed planting plan and construction specification will be prepared to guide the establishment of the rain gardens, ensuring appropriate plant selection, soil media, and drainage design[30]. A preliminary Operation Maintenance Manual[31] is included as part of the application and will be implemented to ensure the long-term performance and function of the devices. These rain gardens form part of a broader integrated stormwater treatment approach for the site and reflect a commitment to best-practice water sensitive design.

7.8.5. Water Quality Monitoring

In response to mana whenua feedback raised during pre-lodgement hui and in accordance with best practice stormwater management, the Arataki Project includes a commitment to water quality testing as part of the proposed stormwater management approach. Mana whenua highlighted the importance of understanding the adequacy and efficiency of stormwater treatment devices.

Baseline testing will be undertaken to establish the current state of water quality upstream and downstream of the site. This will be followed by post-development testing to assess device performance and demonstrate that the development does not result in adverse effects on water quality. Conditions of consent have been included that set out the requirements for water quality monitoring through a Stormwater Monitoring Strategy (**SMS**)[32].

7.8.6. Ongoing Operation, Maintenance & Ownership

A Stormwater Management & Maintenance Plan (**SMMP**)[33] will be developed for the stormwater management system, including the dry basin and outlet structure.

While the discharge consent will initially be held by CDL, it is intended that this consent will be transferred to Hastings District Council once the assets are vested. A condition of consent has been included to ensure the discharge consent is formally transferred to the Council at the end of the maintenance period, aligning with asset ownership and long-term management responsibilities[34].

[29] Conditions 40 and, 118 - 136
[30] Conditions 143 and 156
[31] Condition 37 and 41
[32] Conditions 142 and 172
[33] Condition 143
[34] Condition 175

7.9. Siteworks & Bulk Earthworks

Siteworks and bulk earthworks are proposed across the site to establish a suitable land contour for the proposed residential lots and associated roads and infrastructure.

Details of the proposed site clearing, bulk earthworks, civil earthworks, associated erosion and sediment control measures, contamination remediation, and geotechnical remediation works are below. These should be read in conjunction with the Infrastructure Report in **Appendix 11** and the Civil Drawings in **Appendix 10**, and in particular the Construction Environmental Management Plan (**CEMP**) attached to the Infrastructure Report.

7.9.1. Site Clearing

At the commencement of the project, site clearing will be carried out across the entire site to facilitate the earthworks. The existing features across the site to be cleared are identified on the Civil Drawings (**Appendix 10**) and will include the following:

- Vegetation (in accordance with the FMP[35]);
- Buildings and ancillary structures including fencing;
- Borehole(s); and
- Septic tank adjacent to 160 Arataki Road.

Whilst there are no heritage or protected features across the site, the packing shed located on the Site was identified in the archaeological report (**Appendix 22**) as having moderate historical and social values as a remnant of the region's orcharding history but is in poor condition and not considered worthy of retention. The report recommends recording the packing shed to HNZPT Level III standard prior to demolition. Whilst there is no statutory requirement to carry out this recording, the Applicant has accepted this recommendation, and a condition of consent has been included which addresses this[36].

7.9.2. Earthworks Design Objectives

The key design objectives underpinning the proposed earthworks are:

- Achieve a suitable contour across the site to deliver planned urban development, including anticipated urban form on residential lots, associated roading and other infrastructure;
- Facilitate road and pedestrian connections that tie into the existing road network;
- The minimisation and, where practicable, avoidance of visually dominant retaining walls;
- Tie into existing levels and gradients on adjacent site, including the Shaggy Range Driveway, the sawtooth site, and the corner site;
- Enable a landform free of flooding and other hazards; and
- Respond to the recommendations of the Geotechnical Investigation Report.

[35] Condition 78
[36] Condition 81

7.9.3. Bulk Earthworks

This Application seeks land use consent to undertake bulk earthworks across the entire Site over an area of 11ha to facilitate building platforms, roading networks, infrastructure services and utilities.

The earthworks are detailed in the Civil Drawings (**Appendix 10**), and will include:

- Cut depths of up to 2.5 metres
- Fill depths of up to 1.5 metres
- Cut to Fill volumes as detailed in **Table 9** below.

Table 9: Earthworks volumes

	Cut (m^3)	Fill (m^3)	Balance (m^3)
Topsoil Volumes	24,500	12,500	12,000
Cut / Fill Volumes	35,400	16,400	19,000

Further earthworks associated with the formation of building platforms, driveways, and landscaping will be undertaken during individual house construction. These are enabled through the RDF, which allows for this activity to occur without the need for separate resource consent.

A condition of consent has been included that requires the submission of a finalised Bulk Earthworks Plan (**BEP**), prior to the commencement of earthworks[37]. The BEP will provide finalised details of the cuts and fill across the site.

7.9.4. Earthworks Sequencing & Staging

The bulk earthworks are planned to commence immediately upon obtaining an approved consent. The bulk earthworks will be carried out in a single stage, taking approximately seven months.

The bulk earthworks will be followed by a civil construction stage which will be aligned with the delivery of each of the stages of the subdivision (i.e. Stages 1 – 6). Stage 1 will be completed first and Stages 2 – 6 can be undertaken simultaneously to the preceding stage. The estimated construction periods for each stage of civil works is as follows:

- Stage 1: 9 months
- Stage 2: 7 months
- Stage 3: 6 months
- Stage 4: 8 months
- Stage 5: 6 months
- Stage 6: 6 months

[37] Condition 71

7.9.5. Removal of Fill Material

Earthworks for the Arataki Project will result in a surplus of topsoil and cut material that will need to be removed from the site. This includes:

- Approximately 12,000m^3 of topsoil
- Approximately 19,000m^3 of cut material

This material will be taken to a cleanfill facility, with the location to be determined prior to the commencement of earthworks.

The removal of surplus material will involve truck movements to and from the site which the contractor will manage. Indicative truck movements are as follows:

- 2,300 truck movements for topsoil
- 3,650 truck movements for cut material

These movements will be staged across the duration of the earthworks phase and will be appropriately managed to reduce disruption to surrounding residents.

In response to discussions with the MoE (refer Consultation Report in **Appendix 6**), a requirement in the CEMP has been included to address truck movements associated with the earthworks including managing truck movements to avoid the school precinct during peak pick-up and drop-off hours[38].

7.9.6. Water Take During Construction

During the construction phase, water will be impounded within the dry basin and the sediment retention ponds. The impounded water will only be used for dust suppression (spraying) within the site boundaries and for the duration of the bulk earthworks.

There is no restriction on the temporary take from the impounded water, however, records will be kept of water use through daily logs, which will confirm:

- Volumes of water taken per day;
- Areas treated;
- Instances where activities were paused due to wind; and
- Any off-site dust incidents and corrective measures taken.

Conditions of consent have been included, which set out how the water will be stored and used[39].

7.9.7. Retaining Walls

Due to the site's contour and the need to tie in levels with Arataki Road and adjacent sites, retaining walls have been proposed. The retaining walls will ensure that the established levels across the site facilitate acceptable grades for the proposed roading network and that lots can accommodate residential development. As the retaining walls are located on internal boundaries, they will be screened by future dwellings that will be located on each lot.

The retaining walls are detailed in the Civil Drawings (**Appendix 10**).

[38] Condition 70
[39] Conditions 111 - 117

Retaining walls constructed during the civil works phase will have a maximum height of 1.85 metres and are proposed to be constructed using either keystone block or honed masonry block or as approved through detailed design stage.

Any additional retaining walls required to facilitate development on individual lots will be established alongside dwelling construction. These lot-specific walls are expected to be limited to landscaping or minor grading purposes and are not anticipated to exceed 0.8 metres in height.

7.9.8. Geotechnical Remediation

A detailed analysis of the site geology and geotechnical constraints is outlined in the GIR prepared by CMW (**Appendix 16**).

The proposal involves the implementation of the geotechnical remediation works recommended by CMW. The primary geotechnical hazard identified across the site is slope stability. The natural escarpment along the eastern edge of the Arataki site requires management through an appropriate setback from the crest of the escarpment to any future building work. This has been accommodated through the imposition of a building line restriction on the affected lots.

The GAR confirms that the site is suitable for the proposed earthworks and future residential development. All works will be carried out in accordance with the recommendations of the GIR, and a suitably qualified geotechnical engineer will supervise all earthworks and geotechnical remediation works. A condition of consent has been included which will ensure the recommendations are adhered to during works[40].

A Geotechnical Completion Report (**GCR**) will be prepared upon completion of the earthworks. The GCR will:

- Report on the works undertaken;
- Confirm foundation design parameters;
- Describe future building and/or earthworks limitations if required; and
- Apply any restrictions that require further engineering investigation and/or design on individual lots to avoid future building works exacerbating a natural hazard is required.

A condition of consent[41] is proposed that ensures the GCR is provided to the District Council to confirm that all residential lots are stable and suitable for development when applying for a certificate under section 224(c) of the RMA.

7.9.9. Contaminated Land Remediation

The Detailed Site Investigation (**DSI**) prepared by SQN Geosciences (**Appendix 20**) identified three localised areas of soil that contained heavy metals and/or asbestos concentrations that present a risk to human health and the environment under the proposed residential land use.

A Remediation Action Plan (**RAP**) prepared by SQN Geosciences (refer to **Appendix 21**) sets out the recommended measures and controls for managing potential human health and environmental risks associated with the remediation of the three localised areas and for material disturbance generally. Please refer to the RAP for specific details on the remediation

[40] Condition 45
[41] Condition 46

of contaminated land. A condition of consent has been included requiring that the recommendations included in the DSI/RAP will be followed during the site remediation works[42].

Within three months following completion of site remediation works, a Site Validation Report (**SVR**) will be prepared and provided to the District Council. The report will document the results of the remediation/management, validation inspection and sampling and will be prepared in accordance with the relevant Ministry for the Environment (**MfE**) Guidelines for Contaminated Land Management.

A condition of consent has been included requiring the SVR to be submitted when applying for a certificate under section 224(c) of the RMA[43].

7.9.10. Erosion & Sediment Control

Erosion and sediment control will be managed in accordance with the CEMP in **Appendix 11**

Erosion and sediment control measures will be installed prior to any works occurring on the site to minimise adverse effects associated with the discharge of sediment into the receiving environment. A draft of the Erosion and Sediment Control Plan (**ESCP**) for the Arataki Project has been included within this application (**Appendix 11**), and the provision of a final ESCP prior to the commencement of earthworks has also been included as a condition of consent.

Earthworks will involve the installation of best practice erosion and sediment control measures, consistent with the standards set out under the Regional Council Waterway Guidelines Document Erosion and Sediment control, April 2009. This is particularly the case for works proposed within the vicinity of the unnamed stream associated with the stormwater outlet structure.

The erosion and sediment control measures to be adopted during works will include:

- The primary sediment controls for the site will be sediment retention ponds;
- Secondary controls include silt fences and super silt fences. There will also be a strong focus of erosion prevention prior to rain events; and
- Other devices which may be installed during the course of the works due to operational decisions including clean water diversion drains; stabilised access roads; contour drains; super silt fences located along watercourse margins; silt fences; hay bales; grass filter strips; and other controls if the proposed devices can no longer service areas.

The site will be progressively opened, closed, and stabilised within each completed earthworks area. Once all earthworks are completed, all erosion and sediment control measures will be removed, and the work areas will be stabilised with grass seed and mulch.

A condition of consent has been included requiring a final ESCP to be submitted to Council prior to the commencement of earthworks[44].

[42] Condition 47
[43] Condition 48
[44] Conditions 70 and 72

7.9.11. Construction Noise & Vibration Controls

A Construction Noise and Vibration Management Plan (**CNVMP**) has been prepared by Dcibel (**Appendix 23**) to support the Arataki Project. The CNVMP confirms that construction noise and vibration levels associated with the Arataki Project will comply with the long-term duration noise limits of NZS 6803:1999 and the cosmetic damage vibration limits of DIN 4150-3:2016, as referenced by the Hastings District Plan. No high-noise or high-vibration generating activities are proposed.

Construction activities will occur between 7:30am and 6:00pm Monday to Saturday, with no works on Sundays or Public Holidays. Quiet arrival and setup activities may occur prior to 7:30am. Specific measures are proposed to manage early morning activity near sensitive receivers, including adherence to setback distances (e.g. 130 metres from occupied dwellings for works between 7:00 and 7:30am).

The CNVMP outlines the best practicable option (**BPO**) approach to noise management during works and provides mitigation strategies, including:

- Acoustic screening near sensitive dwellings, including 96, 104 and 160 Arataki Road.
- Operational protocols such as slow vehicle speeds, use of electric or quieter equipment where practicable, and managing impact noise from loading/unloading.
- Vibration management practices, including consultation with nearby landowners if predicted levels exceed 1 mm/s PPV.
- A complaints procedure, community engagement plan, and nomination of a Noise Liaison Manager.
- Notification of works to nearby residents.

The applicant proposes to adopt the recommendations of the CNVMP and will implement appropriate management practices throughout the construction period. Conditions of Consent have been included to address these requirements[45].

7.9.12. Accidental Discovery Protocols

The Heritage & Archaeological assessment carried out by CFG heritage did not identify the potential for any unknown archaeological features to be uncovered during works. However, in taking a precautionary approach, the following will be implemented as part of the site works:

- Archaeological identification training for key contractor personnel.
- Implementation of Accidental Discovery Protocols (**ADP**) in the event that any archaeological features are uncovered during works.

Conditions of consent have been included, addressing these requirements[46].

7.9.13. Earthworks Management Plans

The Infrastructure Report (**Appendix 11**) includes a high-level Preliminary CEMP to provide an overview of the typical measures contractors implement to manage potential adverse effects associated with bulk earthworks and construction activities. This CEMP outlines strategies to mitigate environmental impacts and ensure compliance with relevant regulations.

[45] Conditions 70 and 76
[46] Conditions 11 and 12

The CEMP incorporates the following key management plans:

- **Bulk Earthworks Plan (BEP):** This plan details the staging of works within each stage of construction addressing site establishment, detailed programme of construction works tasks, stabilisation of the site, and completion of works including removal of devices and plant along with final walkovers and site certifications.
- **Construction Traffic Management Plan (CTMP):** This plan addresses the safe and efficient movement of construction-related traffic, including site access, haul routes, parking, and measures to minimise disruptions to the surrounding road network;
- **Erosion & Sediment Control Plan (ESCP):** The ESCP submitted with the Application will be reviewed and finalised by the contractor and submitted to Council.
- **Dust Management Plan (DMP):** This plan outlines strategies to control and mitigate dust emissions generated during earthworks and construction, including the use of water suppression, staging of works, and monitoring to minimise off-site impacts; and
- **Chemical Treatment Management Plan (ChTMP):** This plan details the use of chemical treatments for erosion and sediment control, specifying application methods, monitoring requirements, and environmental safeguards to prevent contamination of water bodies and surrounding areas.
- **Spill Management Plan (SPMP):** The SPMP minimises the risk of accidental discharges of hazardous substances during construction activities. The SPMP will outline the procedures for safe storage, handling, and use of fuels and chemicals on site, and will include clear protocols for spill response, containment, and reporting.
- **Fauna Management Plan (FMP):** The CEMP will reference the FMP prepared by Boffa Miskell to ensure alignment between the proposed construction works and the FMP measures to avoid, minimise, and manage potential effects on native wildlife during construction.

Together, these plans ensure that the potential impacts of earthworks and construction are effectively managed throughout the project.

Conditions of consent[47] have been included to address the requirements for the CEMP to be finalised prior to the commencement of works.

7.10. Management Plans & Monitoring

This section of the Application is provided in accordance with clause 6(1)(d) and (g) of Schedule 5 of the FTAA, that an application provides a description of the mitigation measures to be undertaken to help prevent or reduce the actual and or potential effects of the activity, and a description of any monitoring to be undertaken.

A range of methods have been adopted to manage the potential effects associated with the Arataki Project. In some cases, this includes preparing management plans that detail how particular activities, such as construction, will be undertaken. In other cases, mitigation is achieved through detailed engineering design or via conditions of consent that provide for ongoing compliance and monitoring.

[47] Condition 70

Table 10 below provides a high-level overview of the key management plans or monitoring proposed through this application or where mitigation has been embedded into the project through design.

Table 10: Management Plans & Monitoring

Area	Approach to Management & Monitoring
Archaeology	• **Assessment:** Archaeological assessment of the Site • **Monitoring during construction**: Accidental discovery protocol implemented during works, including site induction, oversight during earthworks, and reporting if discovery occurs
Contamination	• **Assessment**: Contamination Detailed Site Investigation (**DSI**) assessment and risk identification • **Management and monitoring during construction**: Remediation Action Plan (**RAP**) to be implemented during works • **Reporting**: Site Validation Report (**SVR**) confirming site remediation
Ecology	• **Assessment**: Ecological assessment of the Site • **Management and monitoring during construction**: Fauna Management Plan (**FMP**) implemented to check for native birds, lizards and bats prior to works commencing
Economics	• **Assessment**: Economic assessment undertaken to evaluate market demand and contribution to housing supply, ensuring development mix is appropriate.
Engineering / Infrastructure	• **Assessment:** Engineering site assessment and infrastructure capacity analysis. • **Mitigation:** Mitigation of site constraints through engineering design and further refined through Engineering Plan approvals stage. • **Monitoring during construction:** Construction phase inspections and monitoring. • **Reporting:** 224C certification confirming all works carried out in accordance with the conditions of consent
Earthworks / Civil Construction Works	• **Assessment:** Engineering site assessment to determine site constraints for earthworks and civil design • **Mitigation:** Mitigation of site constraints through bulk earthworks design, staging and proposed management plans. • **Management and monitoring during construction:** Implementation of CEMP, which includes BEP, ESCP, DMP, CTMP, ChTMP, CSMP, SPMP, and monitoring during construction.
Geotechnical	• **Assessment**: Geotechnical site assessment and risk identification, which has influenced civil engineering design • **Mitigation**: Mitigation of site constraints through civil design and building setback covenants. • **Monitoring during construction**: Conducting regular inspections and monitoring during the construction phase. • **Reporting:** Geotechnical Completion Report (**GCR**)

Landscape Design	• **Assessment**: Site assessment to determine appropriate planting strategy for development • **Mitigation**: Landscape Concept Design for development including landscape buffer design, reserves, roads and JOALS. • **Management**: Landscape Management Plan (design and implementation) • **Monitoring**: Ongoing monitoring and management of landscaping before it is vested with the Council in reserves and Roads or passed on to future lot owners who will be responsible for management and maintenance.
Noise	• **Assessment**: Assessment of proposed construction to ensure appropriate levels and compliance with District Plan. • **Mitigation:** Construction methodology selected to avoid high noise/vibration equipment • **Management**: Noise management during construction covered under CNVMP • **Monitoring:** Complaints register and spot monitoring during works
Soils / Land Use Capability	• **Assessment:** Land use capability assessment to confirm suitability of land for residential development.
Stormwater	• **Assessment**: Infrastructure capacity assessment and flooding assessment to inform design. • **Mitigation:** Stormwater design integrated into civil engineering plans to manage water quality and runoff, including treatment devices and attenuation • **Management:** Stormwater Management & Maintenance Plan (**SMMP**) for stormwater devices • **Monitoring:** Ongoing maintenance inspections and performance monitoring in accordance with the SMMP and Stormwater Monitoring Strategy.
Traffic / Transport	• **Assessment**: Assessment of existing roading network to inform design. • **Mitigation**: Design led approach to roading layout and pedestrian / cycling connectivity. • **Management**: CTMP (part of CEMP) to be implemented during construction.
Urban Design	• **Assessment**: Assessment of site opportunities and constraints to inform overall concept development plan, deliver appropriate extension of urban environment, and ensure appropriate interface between rural and urban environment. • **Mitigation**: Site-wide design outcomes incorporated into subdivision layout and design. Built form outcomes embedded into the Residential Design Framework (**RDF**). • **Management**: RDF compliance review at Building Consent stage to ensure outcomes in built form.

7.10.1. Management Plans Referenced in Conditions of Consent

The requirements for management plans and monitoring associated with the proposal have also been addressed and included within the proposed consent conditions (**Appendix 9**).

In summary, the following Management Plans and Documents have been submitted in support of this Application and are included in **Schedule 1** of the proposed conditions:

- Construction Environmental Management Plan Requirements (including sub management plans):
    - Construction Traffic Management Plan
    - Erosion and Sediment Control Plan
    - Bulk Earthworks Plan / Construction Staging Methodology
    - Dust Management Plan
    - Chemical Treatment Management Plan
    - Spill Management Plan
- Draft Construction Noise and Vibration Management Plan
- Dry Basin Operations & Maintenance Manual
- Geotech Investigation Report
- Landscape Concept Report
- Landscape Maintenance Plan
- Proprietary Gross Pollutant Trap Device Operation & Maintenance Manual
- Raingardens Operations & Maintenance Manual
- Remediation Action Plan
- Residential Development Framework
- Civil Engineering Drawings

7.11. Consent Duration, Construction & Staging

Section 43 of the FTAA requires the substantive application to:

- State whether the Application relates to a priority project, and if so, states specific requirements (s43(h)); and
- With reference to the requirements of Section 13(4), include a statement of whether the project is planned to proceed in stages and if so, an outline of the nature and timing of the stages, together with other requirements that relate to the referral application (s43(2)).

This application **does not relate to a priority project**.

High level information on the proposed staging for the development was included in the Referral Application (Refer **Appendix 3**). It stated:

> *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.

This Application has refined the staging information submitted with the Referral Application based on more detailed technical investigations, refinements to the development concept plan, and reporting that has been undertaken.

CDL is seeking a duration of up to five years to give effect to the resource consent. CDL intends to stage the development broadly as follows (assuming a late-2025 start):

- **Bulk earthworks:** 7 months
- **Civil construction:** to be aligned with the delivery of each of the stages of the subdivision. Stage 1 will be completed first and Stages 2 – 6 can be undertaken simultaneously to the preceding stage. The civil construction periods for each stage of civil works are estimated as follows:
    - Stage 1: 9 months
    - Stage 2: 7 months
    - Stage 3: 6 months
    - Stage 4: 8 months
    - Stage 5: 6 months
    - Stage 6: 6 months
- **Dwelling Construction:** construction of dwellings on lots from late-2026.

7.12. Any Other Activities

This section is provided in accordance with clause 5(1)(e) of Schedule 5 of the FTAA.

There are no other activities that are part of the proposal to which the Application relates.

7.13. Other Approvals Required

This section of the Application is provided in accordance with clause 5(1)(f) of Schedule 5 of the FTAA, that an application provides a description of any other resource consents, notices of requirement for designations, or alterations to designations required for the project to which the consent application relates.

No other resource consents, notices of requirement for designations, or alterations to designations are required to be obtained by the applicant prior to any works commencing on the site.

7.14. Proposed Consent Conditions

This section of the application is provided in accordance with clause 5(1)(k) and clause 18 of Schedule 5 of the FTAA, that an application provides conditions for the consent. The conditions of consent are included in **Appendix 9**.

The proposed conditions of consent, which seek to implement the mitigation and monitoring that have been identified in the technical assessments as being necessary, are included within the consent conditions.

In recommending the proposed conditions of consent for this application in accordance with Clause 5(1)(k) of the FTAA, the conditions are proposed to:

- Appropriately manage adverse effects, including providing mitigation to prevent or reduce adverse effects during and after construction in accordance with Clause 6(1)(d) of Schedule 5;
- Provide for monitoring as required by Clause 6(1)(g) of Schedule 5; and
- Give effect to those matters that the Panel must consider under Section 81(2)(a).

The Conditions Suite document includes an overview outlining the approach to the proposed conditions, key working principles, and their structured application across each component of the proposal.

The conditions have been designed to provide clarity, practicality, and regulatory alignment, establishing a structured framework that enables efficient implementation, long-term compliance, and robust environmental safeguards. This approach balances the interests of the applicant, both Councils, and CDL's future build partners, ensuring that each part of the Arataki Project can be progressed while adhering to best practice resource management principles.

It is considered that the proposed conditions meet the requirements of the FTAA, and the Panel may grant the resource consents subject to the conditions in accordance with Section 81(1)(a) of the FTAA.

8.0 Consents Required

In accordance with s42(4)(a) of the FTAA, the Arataki Project proposed through this Application requires a resource consent that would otherwise be applied for under the RMA under the provisions of the District Plan, Regional Plan, and the NES-CS.

A high-level summary of the consent requirements of the Application is provided in **Table 11** below, with a detailed list of the reasons for consent provided in **Sections 8.1 – 8.3** below.

A detailed assessment of the Project against all relevant rules in the Regional Plan and the District Plan is contained in **Appendix 8.**

In addition to this, and in accordance with clause 5(a) of Schedule 5 of the FTAA, a description of the permitted activities associated with the Application is also provided in **Section 10.4** below.

Table 11: Summary of consent requirements under this Application

Plan / NES	Consent Requirements
District Plan	• Land Use consent (RMA s9) • Subdivision consent (RMA s11)
Regional Plan	• Land Use consent (RMA s9) • Water Take consent (RMA s14) • Divert & Discharge consent (RMA s15)
NES-CS	• Land use consent (RMA s9)

8.1. Requirements under the Hastings District Plan

8.1.1. Land Use Consent (RMA s9)

- The proposal to establish residential building platforms, install infrastructure services and construct the road network is not provided for as a permitted, controlled, restricted discretionary or discretionary within the Plains Production Zone Table 6.2.4 and are therefore requires consent as a **non-complying** activity (PP39).
- Any permitted or controlled activity not meeting one or more of the terms in Section 6.2.5 and Section 6.2.6 is a **restricted discretionary** activity under PP24. The proposal will not meet the following:
    - 6.2.5A(A) - Residential activities require front setbacks of 7.5m and 15m to all other boundaries. The proposed boundary setbacks are 3m to front boundaries and 1m to all other boundaries.
    - 6.2.5J - The maximum building coverage (including hardstand and sealed areas) shall not exceed 35% of the net site area or 1500m2, whichever is the lesser. The proposal provides for a building coverage of 45% of the net site area.
    - 6.2.6B – More than one residential dwelling per 2,500m^2 will be established.

- The proposal to establish residential buildings within 400m of an intensive rural production activity involving buildings housing animals reared intensively and yards accommodating animals reared intensively is a **discretionary** activity under PP29.
- The proposal to establish residential buildings within 150m of an intensive rural production activity involving organic matter and effluent storage, treatment and utilisation is a **discretionary** activity under PP30.
- The proposal seeks to enable showhomes to establish as permitted activities on the site. This activity is not provided for in the Plains Production Zone and is a **non-complying** activity under PP39.
- The proposal seeks to enable home occupations to establish as permitted activities on the site. This activity is not provided for in the Plains Production Zone and is a **non-complying** activity under PP39.

8.1.2. Subdivision Consent (RMA s11)

- Any subdivision which is unable to comply with one or more of the relevant Subdivision Site Standards and Terms in section 30.1.6 is a **non-complying** activity (SLD25). The proposal will not meet the following:
    - 30.1.6A (10A) – The minimum net site area in the Plains Production Zone is 12 hectares. The proposed net site areas are for the residential lots ranges between 303 square metres and 954 square metres.
    - 30.1.7A - Each lot which is capable of containing a residential dwelling, shall identify at least one stable building platform of 30 metres by 30 metres. Given the proposed lot sizes, it would not be possible to accommodate this required building platform.

8.2. Requirements under the Regional Resource Management Plan

8.2.1. Discharge Consent (RMA s15)

- The proposal involves discharging of stormwater into water from an area (Catchment B) that is greater than 1,000 square metres. This requires consent as a **restricted discretionary** activity under TANK 21.
- The proposal involves the diversion and discharge of stormwater (from Catchment A) from existing stormwater network managed by Hastings District Council. This requires consent as a **controlled** activity under TANK 23.

8.2.2. Water Permit – (RMA s14)

- As part of the construction works it is proposed to take surface water from the impounded water within the dry basin and sediment retention ponds for dust control purposes. This requires:
    - **Discretionary** activity consent under Rule 55 as it does not comply with the permitted activity standards of Rule 54 relating to maximum volume taken per day not exceeding 20 cubic metres.
    - **Restricted discretionary** consent under TANK 15 as it does not comply with the permitted activity standards of TANK 6 relating to the maximum volume taken per day not exceeding 15 cubic metres.

8.2.3. Land Use Consent – (RMA s13)

- The proposal involves the construction of a stormwater outlet structure within 6m of an unnamed stream adjacent to Brookvale Road. As this area is located within a flood control scheme area it requires consent as a **discretionary** activity under Rule 71.
- To construct the stormwater outlet structure, the proposal involves the removal of a flax bush. As this is native vegetation within 10m of a stream it required resource consent as a **restricted discretionary** activity under TANK 8.

8.3. Requirements under the NES-CS

8.3.1. Land Use Consent (RMA s9)

- The proposal involves the disturbance of soil containing contaminant concentrations above the applicable standard defined under regulation 7 and requires a **restricted discretionary** activity consent subject to the requirements of Regulation 10.

8.4. Associated Permitted Activities

In accordance with clause 5(a) of Schedule 5 of the FTAA, the following activities are permitted under the District Plan and Regional Plan. A description that demonstrates that the activity complies with the requirements for the permitted activity (so that a resource consent is not required for that activity) is provided in **Section 8.0** above.

Hastings District Plan

- Activities provided for as permitted within the Plains Production Zone under Rule Table 6.2.4 are one Residential Building per site (PP2) and one Supplementary Residential Building per site (PP3).
- Installation of three-water, telecommunications and electricity utilities is permitted under Network utilities – Rule 22.1.5.1 NU2 which provides for the construction, operation and maintenance of inground network utilities and household connections.
- Parking, loading and access associated with an activity that meets the general standards in section 26.1.6 is a permitted activity under Rule Table 26.1.5 (TP1). The proposal is zoned Plains Production Zone and provides:
    - Rule 26.1.6A Access – one vehicle access per site meeting Table 26.1.6.1-1
    - Rule 26.1.6B Safe Sightlines – intersections are located so that safe sightlines are achieved.
    - Rule 26.1.6D Parking – no minimum or maximum numbers; parking spaces will meet the vehicle dimension requirements.
- Noise that meets the Section 25.1.6 performance standards for the Plains Production Zone is a permitted activity under Rule Table 25.1.5 (NS1).
- Earthworks – Rule 27.1.5(a) states that earthworks listed in the Rule Table 27.1.5 assessed with any subdivision consent will be considered a permitted activity that does not have to comply with the performance standard and terms in section 27.1.6.

- The removal offsite of more than 25 cubic metres of topsoil in the Plains Production Zone - Rule 27.1.5(a) states that earthworks listed in the Rule Table 27.1.5 assessed with any subdivision consent will be considered a permitted activity that does not have to comply with the performance standard and terms in section 27.1.6.
- Non illuminated advertising devices are a permitted activity under Rule Table 28.1.5 (ADS1) up to an area of 2.5m^2 under Rule Table 28.1.6A.
- Stormwater disposal – Rule 30.1.7D provides for stormwater disposal as a permitted activity if it is connected to a public system or where a new site is not connected to a public reticulated system, an alternative satisfactory method. The stormwater strategy described in **Section 7.8** of this report outlines the stormwater solution for the proposal and complies with this rule.

Hawke's Bay Regional Plan

- The proposed decommissioning of existing bores on the Site can be undertaken as a permitted activity as it can meet the standards of 6.3.1.
- Proposed vegetation clearance and soil disturbance on the Site can be undertaken as a permitted activity as it can meet the standards of 6.3.3.
- Stormwater diversion and discharge is permitted under Rule 42 as it can meet the permitted activity standards.

8.5. Overall Activity Status

Overall, the proposal requires assessment as a **non-complying activity.**

9.0 Assessment of Application Against the Purpose of the FTAA

Section 43(1)(b)(i) of the FTAA requires the Application to explain how the project to which the application relates is consistent with the purpose of the FTAA.

The purpose of the FTAA is set out in Section 3 as follows:

> *"The purpose of this Act is to facilitate the delivery of infrastructure and development projects with significant regional or national benefits"*

"Significant regional or national benefits" is not specifically defined in the FTAA. However, Section 22(2)(a) of the FTAA provides guidance on the matter and provides the following criteria (emphasis added):

(a) whether the project—

(i) 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 a central government infrastructure priority list:

(ii) will deliver new regionally or nationally significant infrastructure or enable the continued functioning of existing regionally or nationally significant infrastructure:

(iii) will increase the supply of housing, address housing needs, or contribute to a well-functioning urban environment (within the meaning of policy 1 of the National Policy Statement on Urban Development 2020):

(iv) will deliver significant economic benefits:

(v) will support primary industries, including aquaculture:

(vi) will support development of natural resources, including minerals and petroleum:

(vii) will support climate change mitigation, including the reduction or removal of greenhouse gas emissions:

(viii) will support climate change adaptation, reduce risks arising from natural hazards, or support recovery from events caused by natural hazards:

(ix) will address significant environmental issues:

(x) is consistent with local or regional planning documents, including spatial strategies:

The proposal is a Listed Project under the FTAA. This means that the Arataki Project has already been identified as having significant regional or national benefits[48]. However, for completeness, we provide further commentary below.

The economic impacts of the application have been comprehensively assessed in the economic assessment prepared by Property Economics included in **Appendix 26.** We rely on this assessment to evaluate the economic benefits of the proposal.

In our opinion, the proposal is consistent with the purpose of the FTAA for the following reasons:

- The delivery capacity for an additional 171 dwellings in Havelock North represents a significant boost to housing supply for the Hawke's Bay Region and contributes to the short-medium residential capacity/dwelling supply overall.

[48] Refer to the discussion in the report titled "Fast-Track Projects Advisory Group – Report to Ministers". Dated 2 August 2024.

- Related to this, the additional housing supply will assist to boost competition in the local housing market and therefore increase economic efficiency and potentially result in lower residential land prices in the district and the wider region.
- Increasing housing supply, boosting market competition and meeting demographic needs in this way is consistent with Objective 1-2 and Policy 1 of the National Policy Statement on Urban Development (**NPS-UD**);
- The development will contribute to significant one-off economic benefits for local GDP, jobs and wage growth. This includes:
    - An estimated total economic impact on business activity within the Hawke's Bay Region of $78 million over a five year period.
    - An estimated employment multiplier of 230 FTEs during the peak development and a total of 629 FTE years over the five year development period.
- The trickle-down effects of economic growth will likely result in increased local employment opportunities.
- Increased efficiency of infrastructure with more households utilising existing infrastructure services without any capacity constraints[49].
- The development will occur on land that has been earmarked for future residential development in strategic planning documents for the district and region. Whilst the land has not yet been through a plan change process, at a strategic level and in accordance with spatial strategies for the region, the Project is progressing development of land that has been anticipated to be developed for residential purposes.
- Overall, the assessment undertaken by Property Economics concludes that quantitative and qualitative economic benefits to the regional economy would significantly outweigh the limited economic costs associated with the proposal.

For these reasons, in our opinion, the proposal is consistent with the purpose of the FTAA.

[49] It is noted that the downstream wastewater infrastructure upgrades planned and funded by Hastings District Council are already programmed as part of a district-wide upgrade initiative and are not specific to, or triggered by, the Arataki Project.

10.0 Assessment of Sections 5, 6 and 7 of the RMA

This section of the Application provides an overall assessment of the activity against Sections 5, 6 and 7 of the RMA, as required by clause 5(1)(g) of Schedule 5 of the FTAA.

Part 2 contains the purpose and principles of the RMA. Section 5 sets out the purpose of the RMA and requires a broad judgement as to whether a proposal would promote the sustainable management of natural and physical resources. This exercise of this judgment is informed by the principles in Sections 6 to 7 and considered in light of the particular circumstances of each application.

As the effects of the proposal are considered to be consistent with all of Sections 5, 6, and 7 of the RMA, and the proposal accords with the relevant objectives and policies of the District and Regional Plans, it is considered that the proposal will not offend against the general resource management principles set out in Part 2 of the RMA. Further assessment against these sections is provided below.

10.1. Section 5 – Purpose of the RMA

Section 5 of Part 2 identifies the purpose of the RMA as being the sustainable management of natural and physical resources. This means managing the use, development and protection of natural and physical resources in a way that enables people and communities to provide for their social, cultural and economic well-being and health and safety while sustaining those resources for future generations, protecting the life supporting capacity of ecosystems, and avoiding, remedying or mitigating adverse effects on the environment.

It is considered that the proposed development is complementary to these objectives as it will provide for the social and economic well-being of people and communities by increasing expenditure, employment and income within the local economy and provide capacity for 171 new, healthy homes to assist with Havelock North and the Hawke's Bay region's housing supply. The following assessments demonstrate that the development will be appropriately managed and carried out in a manner that will not give rise to significant adverse environmental effects.

10.2. Section 6 – Matters of National Importance

Section 6, Part 2 lists the matters of national importance. The proposal recognises and provides for those relevant[50] matters as follows:

- *The relationship of Māori and their culture and traditions (e)*

  The Applicant has engaged with mana whenua through hui and ongoing correspondence. Cultural values, particularly the health and mauri of water, have been acknowledged and responded to. This includes the integration of stormwater quality monitoring as requested by mana whenua, and consideration of planting, connectivity, and long-term outcomes for the development. The consultation process is summarised in **Appendix 6**.

[50] Noting that subclauses 6(a), (b), (c), (d) and (f) are not relevant as there are no wetlands, lakes, rivers, outstanding natural features or landscapes, significant indigenous vegetation, significant habitats of indigenous fauna coastal marine areas or historic heritage features on the site.

- *The protection of protected customary rights (g)*

  As set out in **Section 12.0** below, no protected customary rights have been identified within or adjacent to the site. An assessment has been undertaken against the Marine and Coastal Area (Takutai Moana) Act 2011 and no recognised customary marine title or planning documents are applicable to the Arataki Project area.

- *The management of significant risks from natural hazards (h)*

  A geotechnical assessment and stormwater design have been undertaken to appropriately manage site-specific natural hazards, including slope stability and overland flow paths. Building setbacks from the escarpment edge, implementation of the stormwater dry basin, and staged development ensure risks have been appropriately avoided or mitigated.

10.3. Section 7 – Other Matters

Section 7 of the RMA identifies a number of "other matters" to be given particular regard by the Council and includes (but is not limited to) Kaitiakitanga, the efficient use of natural and physical resources, the maintenance and enhancement of amenity values, and maintenance and enhancement of the quality of the environment. The proposal is considered to be consistent with the matters in Section 7.

The Site presents an ideal opportunity for residential redevelopment as it is contiguous with the existing urban area of Havelock North and thereby allows for an efficient and logical extension of the residential area. The development can be supported by existing infrastructure networks to facilitate an efficient land use outcome. Ultimately, Project enables and facilitates the development of a residential subdivision that will not compromise the visual amenity of the environment and will mitigate effects on natural water resources.

11.0 Assessment of Relevant Statutory Documents

This section of the Application is provided in accordance with clauses 5(1)(h), 5(2) and 5(3) of Schedule 5 of the FTAA. The FTAA requires that applications must include an assessment of the activity against the relevant provisions and requirements of those documents listed in clause 2(2) being:

(a) a national environmental standard;

(b) other regulations made under the Resource Management Act 1991;

(c) a national policy statement;

(d) a New Zealand coastal policy statement;

(e) a regional policy statement or proposed regional policy statement;

(f) a plan or proposed plan; and

(g) a planning document recognised by a relevant iwi authority and lodged with a local authority.

11.1. National Environmental Standards

The following National Environment Standards (**NES**) are considered relevant to the Arataki Project:

- The National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (**NES-CS**)

The following NPS have been assessed and are not considered to be relevant to the Arataki Project:

- National Environmental Standards for Air Quality
- National Environmental Standards for Commercial Forestry
- National Environmental Standard for Freshwater Management
- National Environmental Standards for Greenhouse Gas Emissions from Industrial Process Heat
- National Environmental Standards for Marine Aquaculture
- National Environmental Standards for Sources of Human Drinking Water
- National Environmental Standards for Storing Tyres Outdoors
- National Environmental Standards for Telecommunication Facilities

An assessment of the Arataki Project against the relevant NES is provided in the following sections.

11.1.1. National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NES-CS)

The NES-CS is a nationally consistent set of planning controls and soil contaminant values. It ensures that land affected by contaminants in soil is appropriately identified and assessed before it is developed, and if necessary, the land is remediated or the contaminants contained to make the land safe for human use.

Under the NES-SC, land is considered actually or potentially contaminated if an activity or industry on the HAIL (Hazardous Activities and Industries List) has been, is, or is more likely than not to have been undertaken on the land. Where there is a change in land use, subdivision and/or soil disturbance activity on HAIL land a Detailed Site Investigation (**DSI**) is required to determine if the proposed activity poses any risks to human health.

A Detailed Site Investigation (**DSI**) was prepared by SQN Geosciences (refer to **Appendix 20**) and confirmed that HAIL activities have occurred on the site and that resource consent is required as a Restricted Discretionary Activity subject to the requirements of Regulation 10.

To meet the requirements of Regulation 10, SQN Geosciences prepared a RAP (refer to **Appendix 21**) which details the remedial requirements and associated site management controls to make the land safe for human use and thereby meet the overarching purpose of the NES-SC.

Further details relating to contamination and the proposed management and remediation measures are provided in **Section 7.9.9** of this report.

11.2. National Policy Statements

The following National Policy Statement (**NPS**) are considered relevant to the Arataki Project:

- The National Policy Statement on Urban Development (**NPS-UD**)
- The National Policy Statement on Highly Productive Land (**NPS-HPL**)
- The National Policy Statement for Freshwater Management 2020 (**NPS-FM**)
- The National Policy Statement for Indigenous Biodiversity 2023 (**NPS-IB**)

The following NPS have been reviewed and are not considered to be relevant to the Arataki Project:

- National Policy Statement for Greenhouse Gas Emissions from Industrial Process Heat 2023
- National Policy Statement for Renewable Electricity Generation 2011
- National Policy Statement on Electricity Transmission

An assessment of the Arataki Project against the relevant NPS is provided in the following sections.

11.2.1. National Policy Statement on Urban Development 2020

The NPS-UD recognises the national significance of:

- Having well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future;
- Planning decisions improve housing affordability by supporting competitive land and development markets;
- Providing sufficient development capacity to meet the different needs of people and communities; and
- Improving how cities respond to growth to enable improved housing affordability and community wellbeing.

The NPS-UD contains objectives and policies that require councils to carry out long term planning to accommodate growth and ensure well-functioning cities. There is an emphasis on allowing for growth 'up' and 'out' in a way that contributes to a quality urban environment and to ensure their rules do not necessarily constrain growth. Councils must also enable higher density development in areas close to employment, amenity, infrastructure and demand, and, in some instances, remove minimum car parking requirements.

Overall, the proposal is consistent with the NPS-UD for the following reasons:

- Objective 1 and Policy 1 seek to achieve a well-functioning urban environment that provides for a number of outcomes. The proposed subdivision and roading network contribute towards achieving a well-functioning urban environment as it will provide for transport linkages and residential lots to meet development capacity. It will support an increase in homes in an area identified for planned and future growth, close to transport links, employment, and commercial centres, open space and education facilities. The range in lot sizes proposed will support a range of households in terms of type, price and location in an area close to key amenities. The proposed roading network will also support a well-functioning urban environment for all modes of transport.
- Objective 2 and Policy 2 direct local authorities to provide sufficient development capacity in the short, medium and long term to meet demand. The project will deliver 171 residential lots ready for development of individual dwellings, thereby making a real and sustained contribution to Havelock North and the Hawke's Bay region's housing supply. This will support improved housing affordability and support competitive land and development markets;
- In accordance with Objective 4, the Arataki Project will facilitate a range of dwelling typologies and sizes anticipated within the residential lots as controlled through the RDF (**Appendix 14**). This will contribute to the creation of a diverse and vibrant community and assist in responding to the changing needs of people, communities and future generations;
- Policy 6 requires planning decisions to have particular regard to the planned urban built form, the benefits of urban development, contributions to development capacity, and the effects of climate change. As discussed above in relation to Policy 2 the proposal contributes toward development capacity. The proposal is consistent with the scale and planned density of development sought through the relevant statutory documents, including the Draft FDS, HPUDS and the Regional Policy Statement, which support housing choice within the region.
- Policy 10 directs local authorities to achieve integrated land use and infrastructure planning, including additional infrastructure. The Project will be fully serviced by development infrastructure and additional infrastructure, including public health services, and the school cluster located 800m from the site, which has been confirmed as having the capacity to meet the needs of the Arataki Project (refer to the Consultation Report in **Appendix 6**).
- Objective 8 requires New Zealand's urban environments to support reductions in greenhouse gas emissions and be resilient to the current and future effects of climate change. The proposal will provide a connected roading network with improved, safe and attractive active transport facilities for pedestrians and cyclists. The site is also well located in proximity to, and connected with, the existing urban

area. This will reduce the reliance on car travel by providing more options for travel and supports a reduction in vehicle emissions.

11.2.2. National Policy Statement on Highly Productive Land 2022 (NPS-HPL)

The NPS-HPL came into force on 17 October 2022 and has an overarching objective to protect highly productive land for use in land-based primary production.

Clause 3.5

Clause 3.5 (7) of the NPS-HPL provides the following statement regarding the identification of highly productive land:

> *Until a regional policy statement containing maps of highly productive land in the region is operative, each relevant territorial authority and consent authority must apply this National Policy Statement as if references to highly productive land were references to land that, at the commencement date:*
>
> *(a) is*
>
> *(i) zoned general rural or rural production; and*
>
> *(ii) LUC 1,2 or 3[51] land; but*
>
> *(b) is not:*
>
> *(i) identified for future urban development; or*
>
> *(ii) subject to a Council initiated, or an adopted, notified plan change to rezone it from general rural or rural production to urban or rural lifestyle*

With reference to the above directives, the following are noted:

- The site is within the Plains Production zone of the District Plan and contains LUC 3 Class soils[52]. Therefore, the site meets part (a) of the "highly productive land" definition.
- The site is identified for future urban development within the HPUDS and is also mapped within the Regional Plan as an indicative residential greenfield growth area. Therefore, the site does not meet part (b) of the definition and cannot be classified as highly productive land overall.

Despite this interpretation (which is supported by a legal memo contained in **Appendix 1**), it is understood that the District Council have a different view and considers the site to meet the definition of highly productive land under the NPS-HPL. For this reason, an assessment against the relevant directives of the NPS-HPL is provided below.

Relevant policies of the NPS-HPL

The relevant policies of the NPS-HPL broadly seek to:

- Avoid the subdivision of highly productive land, except as provided for in the NPS-HPL (Policy 7).
- Protect highly productive land from inappropriate use and development (Policy 8).
- Manage reverse sensitivity effects so as not to constrain land-based primary production activities on highly productive land (Policy 9).

[51] It is noted that a cabinet announcement on 27 March 2025 indicated the intention to remove LUC 3 from this definition.
[52] Manaaki Whenua Landcare Research LUC system

Clause 3.10 Exemption Test

Clause 3.10(1) of the NPS-HPL provides an exemption test for highly productive land that is subject to permanent or long-term constraints if:

(a) there are permanent or long-term constraints on the land that mean the use of the highly productive land for land-based primary production is not able to be economically viable for at least 30 years; and

(b) the subdivision, use, or development:

(i) avoids any significant loss (either individually or cumulatively) of productive capacity of highly productive land in the district; and

(ii) avoids the fragmentation of large and geographically cohesive areas of highly productive land; and

(iii) avoids if possible, or otherwise mitigates, any potential reverse sensitivity effects on surrounding land-based primary production from the subdivision, use, or development; and

(c) the environmental, social, cultural and economic benefits of the subdivision, use, or development outweigh the long-term environmental, social, cultural and economic costs associated with the loss of highly productive land for land-based primary production, taking into account both tangible and intangible values.

Fruition completed an assessment of the productive capability of the site (contained in **Appendix 17)** and identified the following permanent or long-term constraints:

- Poor drainage and shallow topsoils, which reduce the productivity and limit the range of viable crops.
- Limited-no access to irrigation water, which is essential for high-value horticultural use on the Heretaunga Plains.
- Small site area (approximately 11 ha) and irregular shape, limiting economies of scale and functional layout for commercial use.
- Fragmentation by existing shelterbelts, driveways, and proximity to residential activity, further reducing productive capacity.
- Encroachment by residential development to the west and north which limits operational flexibility for any future primary production.
- No existing use for high-value productive purposes, with the land currently used for low-intensity grazing.

The Fruition report concludes that there are no reasonably practicable options to continue land based primary productive use of the land in an economically viable manner at present or for at least 30 years. This conclusion demonstrates that the Project meets the requirements of 1(a) of the 3.10 exemption test.

In relation to 1(bi) of the 3.10 exemption test the Fruition report concludes the Site has relatively limited “productive capacity”, as defined in the NPS-HPL and as such, there will be no significant loss of the productive capacity of highly productive land in the district as a result of the proposed subdivision either individually or cumulatively. In addition, the Fruition report concludes that the Site equate to approximately 0.02% of productive land

for the Hastings District overall and is therefore inconsequential irrespective of its viability to be productive.

In relation to 1(bii) of the 3.10 exemption test the Fruition report acknowledges that the Site is already surround by residential areas to the north and west and contains a smaller 4 hectare rural property with commercial/tourism operations to the south. The Fruition report therefore concludes that, as a result of these surrounding land uses the Project would not result in the fragmentation of a large cohesive rural area as is required under 1(bii) of the 3.10 exemption test.

In relation to 1(biii) of the 3.10 exemption test the Fruition report concludes that the Project will not increase the potential for reverse sensitivity effects given the proximity to existing urban areas both north and west of the property and the geographic separation to the east with the steep bank which creates a natural spatial buffer and boundary. The Fruition report states that the presence of the steep terrace will assist in managing the potential for reverse sensitivity effects to arise in future. Further consideration relating to the potential for reverse sensitivity effects is contained in section 13.3 of this report which similarly concludes that potential reverse sensitivity effects can be appropriately managed and therefore meets the requirements of 1(biii) of the 3.10 exemption test.

In relation to 1(c) of the 3.10 exemption test, Sections 9 and 13.1 of this report highlight the benefits of the project. Overall, it is considered that these benefits outweigh the long-term costs associated with loss of highly productive land for land-based primary production. Specifically:

- The Project will enable the development of a new residential area that is contiguous with the existing urban area of Havelock North. It provides a logical urban expansion (which is consistent with the FDS and the RPS) and thereby reduces potential pressures for more housing on more remote rural areas.
- As is demonstrated above and described in detail in the Fruition report, the resultant loss of productive land represents a small proportion (0.02%) of the overall productive land resource in the district overall. The land has been identified as constrained its ability to be economically viable for rural productive purposes with estimated returns estimated by Fruition ranging between $8,602-$14,486 per hectare per annum.
- The current land use is primarily lifestyle grazing with low productivity. No intensive horticultural or cropping use is undertaken on the relatively small site which is fragmented by residential structures and infrastructure and has poor drainage. For these reasons and as stated in the Fruition report, the long term-viability for the use of the land as productive land is not sustainable.
- The Project can be serviced without requiring significant new infrastructure upgrades, making it a cost effective and low impact location for residential development.
- The development will generate employment during construction and ongoing economic activity through population and housing growth.
- The Property Economics Report (**Appendix 26)** concludes that the opportunity costs developing the site for residential purposes (i.e. the loss of the ability to use the land for productive purposes) is minimal. The report further estimates that the value-added loss to the region (while acknowledging the lack of viability) would be in the order of $13,000 per annum.

- All potential effects have been assessed and can be mitigated appropriately through management plans, low-impact design, and restoration planting (refer to section 13 for further details).
- While highly productive land is a finite resource, overall, this particular land is considered to have limited long-term benefits for future generations given the exiting and long-term constraints. As such, the cost of its loss is not considered to be high, in tangible or intangible terms.

For the above reasons it is considered that the benefits of the Project outweigh the long term costs of losing productive land and therefore meet the requirements of 1(c) of the 3.10 exemption test.

Conclusion

In concluding the assessment of the Project against the relevant provisions of the NPS-HPL:

- While the site is defined as "highly productive land" it is identified for future urban development within the HPUDS and the RPS. Therefore, it is not subject to the
- requirements of the NPS-HPL.
- It is understood that HDC is of the view that the site is subject to the requirements of the NPS-HPL and must therefore meet the exemption test outlined in Clause 3.10 of the NPS-HPL in relation to land that is subject to permanent or long-term constraints.
- The above analyses and supporting assessment from Fruition demonstrate that the Project satisfies the requirements of Clause 3.10 and the land can therefore be considered for subdivision.

11.2.3. National Policy Statement on Freshwater Management 2020

The NPS-FM requirements include:

- Managing freshwater in a way that 'gives effect' to Te Mana o te Wai;
- Improving degraded water bodies, and maintaining or improving all others; and
- Avoiding any further loss or degradation of wetlands and streams, map existing wetlands and encourage their restoration.

The Resource Management (Freshwater and Other Matters) Amendment Act 2024 is now law. It states that for the purposes of Section 104, a consent authority must not have regard to clause 1.3(5) or 2.1 of the NPS-FM 2020, which relates to the hierarchy of obligations. Regardless, the more detailed objectives and policies of the NPS-FM, are more relevant to the proposal.

A detailed assessment of the proposal against these objectives and policies is included below, which demonstrates that the proposal is in keeping with the NPS-FM. In summary:

- With regard to ecosystem health and human wellbeing, it is noted that the site does not contain any streams or wetlands. However, stormwater generated from the development will be discharged to the receiving environment and treated and managed through a stormwater management system that aligns with the Regional Council guidelines. This system is designed to protect downstream receiving environments by managing water quality and hydrology.

- With regard to cumulative effects and water quality, it is proposed to manage stormwater through treatment and attenuation measures to maintain or exceed existing receiving environment standards. This approach aligns with the direction of the NPS-FM to avoid cumulative degradation and improve water quality where necessary.
- With regard to Te Mana o te Wai, while no specific streams are present within the main site area, the proposal discharges to an adjacent tributary of the Maungateretere Stream and mana whenua values relating to water quality have been considered through stakeholder engagement. Water quality testing will be carried out pre and post development to ensure the ongoing health of freshwater environments downstream of the site, and best practice water quality treatment systems are proposed in the form of raingardens, proprietary devices, and stormwater basin treatment train approach.

11.2.4. National Policy Statement on Indigenous Biodiversity 2023

The NPS-IB seeks to respond to the ongoing decline of biodiversity in Aotearoa, New Zealand, by aiming to protect, maintain and restore indigenous biodiversity.

The relevant objectives and policies of the NPS-IB includes:

- Indigenous biodiversity is managed in a way that gives effect to Te Rito o te Harakeke;
- Significant indigenous vegetation and significant habitats of indigenous fauna are identified as Significant Natural Areas (**SNA**) using a consistent approach;
- The importance of maintaining indigenous biodiversity outside SNAs is recognised and provided for.

It is considered that the proposed development accords with the NPS-IB objectives and policies for the following reasons:

- Mana Whenua have been consulted throughout the development of the proposal as set out in the Consultation Report (**Appendix 6**). Mana whenua recommended that locally sourced native plants be considered in the landscape strategy;
- The Site does not present any features, fauna or flora habitats that present significant ecological values as referred to in the Ecology Report (**Appendix 19**). The Site is currently in pasture and has been for many years. All past existence of indigenous vegetation has long since been removed; and
- The proposal will result in ecological gains through a proposed comprehensive planting strategy across the development, including within the vegetated buffer, the Local Purpose (Drainage) Reserve and the streetscape. A mix of primarily native and exotic species are proposed to support biodiversity goals.

11.2.5. New Zealand Coastal Policy Statement 2010

As the proposed development is not located within close vicinity to the coastal environment, the New Zealand Coastal Policy Statement 2010 (**NZCPS**) is not considered to be directly relevant to the proposal. Nonetheless, the proposal incorporates best practice stormwater management measures that will contribute positively to the water quality of the receiving environment, aligning with the broader intent of sustainable water management promoted by the NZCPS.

11.2.6. Other National Policy Statements

There are no other National Policy Statements that are considered to be directly relevant to the proposal.

11.3. Hawke's Bay Regional Policy Statement

The Hawke's Bay Regional Policy Statement (**RPS**) is included within the Regional Plan and provides an overview of the resource management issues of the region and the ways in which integrated management of the region's natural and physical resources will be achieved. It provides policy direction to resource users and local councils by stating objectives, policies and methods but does not contain rules. The RPS applies to the entire Hawke's Bay region, including the coastal marine area (offshore to approx. 22km).

The RPS provides direction on matters relevant to the growth of settlements within the region. Chapter 3.1B – Managing the Built Environment of the RPS is relevant to the Arataki Project. The RPS seeks to manage urban development and strategic integration of infrastructure avoiding the effects of sporadic and unplanned urban development, particularly in the Heretaunga Plains sub-region (ISS UD1).

It is considered that the proposed development accords with the RPS for the following reasons:

- The Arataki Project is located within an identified greenfield growth area, as confirmed in POL UD4.3 of the RPS. This recognises the site as appropriate for urban expansion to support long-term residential growth in the Heretaunga Plains Sub-region.
- The proposal represents a consolidated and planned urban expansion at the edge of the existing Havelock North urban area, aligning with OBJ UD1 and POL UD1 which seek to promote a compact urban form and avoid sporadic development patterns.
- The development is supported by a coordinated approach to infrastructure, including stormwater management, water supply, and transport connections. This gives effect to OBJ UD5 and POL UD12, which seek to integrate land use and infrastructure provision in a strategic manner.
- The proposed development has been considered and designed as though a structure plan were in place, consistent with POL UD10.1. As the proposal is being progressed through the FTAA, the RDF has been developed to guide urban form, housing typologies, and amenity outcomes across individual lots, supported by a well-integrated development layout.
- The project contributes to housing supply in a manner that aligns with OBJ UD2 by enabling increased residential capacity while responding to the rural-urban edge context through landscaped buffers and setback controls.
- In accordance with OBJ 2 of the RPS, the Arataki Project provides clear direction on environmental outcomes and integrates technical assessments and management plans to address potential effects.

Overall, the Arataki Project is a well-considered, planned greenfield development that supports the objectives of the RPS in providing for growth while protecting the region's valuable rural land and infrastructure networks.

11.4. Hawke's Bay Regional Resource Management Plan

The Arataki Project has been assessed against the relevant objectives and policies of the Regional Plan contained in the following Sections of Chapter 5:

- 5.1 – Environmental Objectives and Policies
- 5.2 – Land
- 5.4 – Surface Water Quality
- 5.5 – Surface Water Quantity
- 5.8 – Beds of Rivers and Lakes

TANK Plan Change 9 (**TANK**) to the Regional Plan introduces new provisions to manage the land and waterways of the Tūtaekurī, Ahuriri, Ngaruroro and Karamū (TANK) catchments. The Site is within the Karamū catchment, and TANK is therefore a relevant consideration to the proposal. TANK was first notified on 2 May 2020. Submissions were called for and hearings held before an Independent Hearing Panel concluded in September 2021. A reserved decision was made by the Independent Hearing Panel and notified on 9 September 2022. While the TANK rules have legal effect, no TANK provisions are operative however have been considered as part of the assessment against the relevant Objectives and Policies.

A full assessment of the Arataki Project against the relevant objectives and policies of the Regional Plan (including TANK) is included in **Appendix 8**.

In summary, it is considered that the proposed development accords with the relevant objectives and policies of the Regional Plan for the following reasons:

- The Proposal includes stormwater discharge for the majority of the site (Catchment B) into an unnamed tributary of the Maungateretere Stream. The discharge will be treated through a treatment train approach that either meet or exceed the required standards. As is described in **Section 7.8** of this report, the proposal will not result in an adverse effect on the water quality of the stream (further refer to **Section 13** of this report in relation to water quality effects). This is consistent with Objectives 40 and TANK 1, 4 and 5 and Policies 66C , 71 TANK 2, 12 and 26 in relation to potential freshwater quality impacts and stormwater management.
- The Proposal requires a water permit for a temporary water take during the construction period. The water take will be from impounded water on the site and therefore would have no effects on the health or the quantity of the wider freshwater network overall. This is consistent with the Objective 41 and Policies 66D and 73.
- The Proposal provides for an appropriate land use in the form of residential development within an area that has been identified for residential expansion (in the HPUDS and the RPS). As is described in **Section 7** of this report, minor contamination of the land can be removed and all potential adverse effects relating to earthworks can be managed as part of the construction process through the implementation of the CEMP and suitable erosion and sediment controls. This is consistent with Objective 38 and Policy 67.

Overall, the Arataki Project is consistent with the objectives and policies of the Regional Plan, including TANK. The development supports the sustainable use of land and water resources, avoids adverse effects on freshwater quality, and aligns with the principles of integrated management and efficient urban growth.

11.5. Hastings District Plan

The Arataki Project has been assessed against the relevant objectives and policies of the District Plan contained in the following chapters:

- Section 2.4 – Urban Strategy
- Section 2.5 – Transport Strategy
- Section 2.8 – Rural Resource Strategy
- Section 3.1 - Tangata Whenua and Mana Whenua
- Section 6.2 – Plains Production Zone
- Section 15.1 – Natural Hazards
- Section 25.1 – Noise
- Section 26.1 – Transport & Parking
- Section 30.1 – Subdivision & Land Development
- Section 27.1 – Earthworks

A full assessment of the Arataki Project against the relevant objectives and policies of the District Plan is included in **Appendix 8**.

In summary, it is considered that the proposed development accords with the objectives and policies of the District Plan for the following reasons:

- **Section 2.4 Urban Strategy -** The proposal aligns with the strategic direction of the District Plan by responding to identified housing needs and delivering a planned extension to the existing Havelock North urban area. Although the site is currently zoned Plains Production, the outcomes sought through the Arataki Project support compact, integrated urban growth in a location that has been identified for future residential development under relevant strategic documents, including the RPS, HPUDS and the Draft FDS.
- **Section 2.5 Transport Strategy -** The strategy seeks to establish a safe, efficient, and environmentally sustainable transportation network by managing traffic effects, protecting infrastructure, integrating land use planning, and promoting alternative transport modes across the District. The proposal aligns with the strategic directions and outcomes of the transport strategy in that it integrates with the existing road network with minimal effects on the overall functioning of the network. The proposal includes footpaths and cycling links and thereby encourages sustainable and alternative transport modes. The proposal also avoids pressure on existing residential streets and will result in a well integrated transport and land use outcome overall.
- **Section 2.8 Rural Resource Strategy** - The Rural Resource Strategy seeks to sustainably manage versatile rural land and soil resources by enabling productive use, protecting rural character, and managing pressures from urban expansion and reverse sensitivity. The proposal is for the development of rural land that has been earmarked for residential development and comprises only 0.02% of the district's highly productive land. Despite its LUC3 category, an assessment prepared by Fruition demonstrates that the productive capacity of the site is significantly constrained, including into the long term. Furthermore, the Proposal is respectful of the wider rural land uses within the area and provides appropriate interfaces to

avoid the potential for reverse sensitivity effects as addressed in **Section 13.3** of this report.

- **Section 3.1 Tangata Whenua and Mana Whenua** – This section outlines the approach to achieving Tangata Whenua outcomes by recognising mana whenua relationships, integrating Treaty principles, and enabling active partnership in resource management. These values and outcomes have been upheld as part of the proposal through Mana Whenua consultation and an overall conclusion that the proposed development can be constructed and operated in a manner that is consistent with the environmental outcomes sought by the relevant iwi authorities and expressed within the relevant Management Plans.
- **Section 6.2 Plains Production Zone -** The site is zoned Plains Production under the Hastings District Plan. While integrated residential development and subdivision are not anticipated in this zone, the land has long been identified as suitable for future urban expansion. It is not actively used for intensive productive purposes and does not contain highly versatile soils.

  In the absence of an underlying residential zoning, the RDF establishes built form, transport, and landscaping controls to guide development outcomes on individual lots. These include requirements for fencing, setbacks, and planting, and will be secured through consent notices until the land is rezoned.

  The residential activities and subdivision pattern proposed are considered appropriate given the urban form delivered through this proposal, despite not being expressly provided for in the Plains Production Zone.

  Reverse sensitivity effects on adjacent rural land are avoided or mitigated through a combination of landscape buffers and 10-metre building setbacks along the eastern and southern boundaries, alongside no complaints covenants registered on relevant lots. These measures ensure that the ongoing operation of established rural activities is protected, and that a clear and appropriate transition is maintained between rural and residential uses.
- **Section 15.1 Natural Hazards -** The site is located on a natural terrace above surrounding rural land and is not subject to flooding, inundation, or land instability. No natural hazard overlays apply to the site under the District Plan. Site suitability has been confirmed through supporting assessments, and no additional hazard mitigation is required to enable residential development.
- **Section 25.1 Noise -** All construction activities will comply with the NZS 6803:1999 Acoustics – Construction Noise guidelines as referenced in the District Plan. Construction noise during the site development phase will be managed through a CNVMP, including hours of work, equipment use, and mitigation measures where required. Once developed, the development of dwellings and associated residential activities will be required to comply with the residential noise standards as established by the RDF. The layout, setbacks, and fencing proposed along the rural boundary will also assist in managing any potential reverse sensitivity effects on adjacent rural activities.
- **Section 26.1 Transport & Parking** - The transport network has been designed to provide safe and efficient movement for vehicles, pedestrians, and cyclists within and beyond the site, as outlined in the Integrated Transport Assessment (**Appendix 18**). A new internal roading network will service the development along with the urbanisation of the eastern edge of Arataki Road. Pedestrian and cycle connectivity

has been integrated into the development to promote active transport and connection to the wider Havelock North area.

- **Section 30.1 Subdivision and Land Development -** The subdivision layout has been designed to deliver a suitable extension of Havelock North applying contemporary urban design principles while acknowledging the existing pattern of urban subdivision. The proposed lots are of an appropriate size and shape to achieve the anticipated built form outcomes established by the RDF and national policy directives such as the NPS-UD. The development is adequately serviced with stormwater, wastewater, water supply and utilities. Reverse sensitivity effects have been avoided and mitigated through the use of landscaped buffers and building setbacks along the eastern and southern boundaries.
- **Section 27.1 Earthworks -** Bulk earthworks will be undertaken to prepare the site for subdivision, including cut and fill to create developable building platforms and ensure effective stormwater drainage and the provision of other infrastructure. Earthworks will be managed through a CEMP, with erosion and sediment controls implemented in accordance with best practice.

In summary, the Arataki Project aligns with the strategic direction and relevant provisions of the District Plan. It enables a well-integrated urban extension to Havelock North while appropriately managing effects on rural character, infrastructure, and the environment through a tailored RDF, consent conditions, and supporting technical assessments.

11.6. Heretaunga Plains Urban Development Strategy 2017

The HPUDS sets out the long-term strategic approach to urban growth across the Heretaunga Plains sub-region. It is a collaborative strategy that was adopted by the Regional Council, District Council and Napier City Council. HPUDS aims to manage growth in a way that supports a compact urban form, avoids ad hoc rural development, protects versatile soils, and integrates land use with infrastructure.

Following the 2016 review of the original 2010 strategy, the Arataki Extension, which is the land to which this Application relates, was reclassified as a reserve greenfield growth area—meaning it could be brought forward for development if specific constraints were resolved or housing demand exceeded projections. The key constraints identified was potential reverse sensitivity effects from odour associated with a nearby mushroom farm and value of soils.

HPUDS describes the Arataki Extension as follows:

> *The Arataki extension is located on the eastern side of Arataki Road running from the Arataki Honey property to Brookvale Road. It covers an area of 16 hectares. The site is a terrace that sits above the orchard and vineyards to the east. As such it would form a natural boundary for the eastern urban edge of Havelock North. The infrastructure for future development is immediately adjacent and this includes the intention to build a new school on the former Arataki Camp Ground immediately opposite. Constraints include the value of the soils and the potential conflict with the Mushroom Farm that is sited immediately below the terrace. The market for land in Havelock North particularly for the retirement sector and the ability to form a definitive urban edge lead to a recommendation for this land to form part of the greenfield growth requirements in the period 2015-2045 if and when the conflict with the nearby Mushroom farming operations has been resolved.*

It is considered that the proposed development accords with HPUDS for the following reasons:

- The odour issue from the mushroom farm is no longer a constraint, as operations have ceased and are unable to recommence without significant upgrades to the facilities in line with the Environment Court order (refer **Section 6.17** above). This removes the key barrier to development and enables the site to be brought forward from reserve status.
- The site is immediately adjacent to the existing urban boundary of Havelock North and existing infrastructure, aligning with HPUDS objectives for efficient and contiguous urban expansion.
- The Arataki Project supports HPUDS goals by contributing to housing supply in a high-demand area and offering a planned, well-integrated residential neighbourhood.
- The proposal delivers a logical urban edge and integrates landscape buffers and infrastructure, consistent with HPUDS intent to manage rural-urban interfaces and avoid ribbon development.
- The site's soils are classified as LUC3, and the Fruition assessment has confirmed limitations to productive use. Accordingly, the proposal satisfies the soil-based constraints identified in HPUDS.
- Advancing development on the Site is consistent with HPUDS provisions allowing reserve areas to be activated where growth demand or site readiness warrants it.

Overall, the Arataki Project is a well-planned greenfield development that supports the objectives of HPUDS by providing for managed residential growth in a strategic location, consistent with the region's long-term urban settlement pattern.

11.7. Draft Napier Hastings Future Development Strategy 2024

The FDS has been developed under the NPS-UD and will replace HPUDS as the region's primary long-term growth strategy. The purpose of the FDS is to:

- Decide where and how growth will occur over the next 30 years.
- It will achieve 'well-functioning urban environments' in Napier and Hastings' current and future urban areas.
- The FDS will identify the big issues around growth, things like housing, transport, employment, cultural wellbeing, the environment, climate change and resilience.
- Allow for the planning and delivery of the necessary infrastructure to support growth goals and recovery from the impacts of Cyclone Gabrielle.

In the Commissioners Recommendation version of the FDS (May 2025), the Arataki Site is identified in the FDS as a new Residential Greenfield Development Area (currently not zoned for residential development) with the capacity to accommodate approximately 170 dwellings (site ref HN2b). The Arataki site is identified in the FDS as representing one of the few remaining greenfield opportunities in Havelock North capable of delivering housing at scale.

It is considered that the proposed development accords with the FDS for the following reasons:

- The site is identified as a feasible greenfield growth area and is capable of being delivered within the short to medium term to meet housing demand.

- The site is unconstrained by natural hazards and contributes to a resilient settlement pattern, aligning with the FDS's climate change and risk avoidance objectives.
- The proposal is infrastructure-ready, enabling efficient extension of services without compromising network capacity or cost-effectiveness.
- The Arataki Project delivers a well-integrated and walkable residential neighbourhood, supporting the FDS goal of well-functioning urban environments.
- The site forms a logical extension of the Havelock North urban area and reinforces a compact urban form, avoiding fragmentation of rural land.

Overall, the Arataki Project aligns with the objectives of the Draft FDS by enabling well-functioning, resilient urban growth in a strategically identified location, with supporting infrastructure and housing supply to meet future demand.

11.8. Statutory Considerations Summary

Overall, the Application is considered to be consistent with, and not contrary to, the applicable provisions of the relevant National Environmental Standards, National Policy Statements, Regional Policy Statement and the District and Regional Plans.

12.0 Statutory Requirements Relating to Iwi Authorities

This section addresses the statutory requirements under Schedule 5 of the FTAA relating to iwi authorities, planning documents, Treaty settlements, and customary rights.

12.1. Planning Documents Recognised by a Relevant Iwi Authority

Clause 5(1)(i) of Schedule 5 the FTAA requires an application to provide:

> *(h) an assessment of the activity against any relevant provisions in any of the documents listed in subclause (2).*

The relevant documents referred to in subclause (2) include:

> *(g) a planning document recognised by a relevant iwi authority and lodged with a local authority*

The planning documents recognised by a relevant iwi authority and that have been lodged with the District and Regional Councils identified in **Table 12** below.

Table 12: Planning Documents Recognised by a Relevant Iwi Authority

Name	Document Title	Scope
Ngati Kahungunu Iwi Incorporated	Kahungunu ki Uta, Kahungunu ki Tai	Iwi Management Plan - Marine and Freshwater Fisheries Strategic Plan
Te Taiwhenua o Heretaunga	Mana Ake	Hapu Management Plan
Ngāti Hori	Ngāti Hori Freshwater Resources Management Plan	Karamu Stream Management Plan
Nga Hapu o Tutaekuri	Tutaekuri Awa Management and Enhancement Plan	Hapu Management Plan

We have reviewed the Management Plans and make the following assessment:

12.1.1. Kahungunu ki Uta, Kahungunu ki Tai

This Iwi Management Plan sets out expectations for the use and management of marine and freshwater fisheries within Ngāti Kahungunu rohe.

While this Plan is not directly relevant to this Project, the proposal aligns with broader water quality outcomes which contribute to the health of fisheries by incorporating a best-practice stormwater management system, avoiding and mitigating the effects of stormwater discharges to the environment, and enhancing ecological function through a comprehensive landscape strategy.

12.1.2. Mana Ake - Ngā Hāpu o Heretaunga

Mana Ake – Ngā Hāpu o Heretaunga represents a consolidated hapu management plan prepared to represent the views and aspirations of the hapū and marae who whakapapa to Heretaunga and Ngāti Kahungunu. It outlines aspirations for restoring the mauri of ecosystems, supporting cultural relationships with land and water, and ensuring meaningful hapū and marae participation in governance.

The overarching goals of Mana Ake relevant to this Application include supporting whānau ora (wellbeing), safeguarding taonga for future generations, and upholding mana motuhake in the governance of natural resources.

The Arataki Project responds to these goals through early and ongoing engagement with mana whenua facilitated by TPW, including initial feedback from Matahiwi Marae and sustained engagement with Ruahāpia Marae. A key outcome of this engagement has been the integration of best practice stormwater design and monitoring to support long-term water quality improvements in the Maungateretere Stream tributary and, ultimately, the Karamū Stream which is an awa of cultural and environmental significance to Ruahāpia Marae. A key aspiration is to restore water quality in local awa to a standard where cultural and recreational uses, such as swimming, gathering kai, and spiritual connection, can once again be safely practiced.

The proposal includes conditions requiring cultural identification training for onsite contractors, implementation of an Accidental Discovery Protocol and comprehensive construction management measures to address potential effects on the receiving environment. Further, incorporation of locally appropriate native planting has been addressed on the advice of mana whenua.

Mana whenua have actively helped to shape the development outcomes of the Project, and this is addressed more comprehensively in **Section 13.5** of this report. CDL remains committed to maintaining a collaborative relationship with mana whenua as the project progresses through to implementation.

12.1.3. Ngāti Hori Freshwater Resources Management Plan

The Ngāti Hori Freshwater Resources Management Plan sets out the priorities and objectives in relation to freshwater in rohe of Ngāti Hori. This includes the Karamu Stream which is in the catchment of the wider the receiving environment of the Project's stormwater discharges. Priorities include improving water quality, protection and restoration of native riparian vegetation, improvement of habitat and achieving sufficient water flow.

Through engagement with mana whenua and commitment to avoiding and mitigating effects, the Project achieves the objectives of the Plan through the following measures:

- Best practice stormwater treatment measures such as raingardens, a dry basin, and proprietary devices which exceed current regulatory requirements and aim to improve the quality of water entering the Maungateretere Stream tributary and ultimately the Karamu Stream.
- While a small amount of vegetation (including flax and scrub) will be removed to construct the stormwater outlet device on Brookvale Road, new planting is proposed which will restore and enhance riparian vegetation cover.
- By managing stormwater quality and flows at source, the development protects downstream habitats. The discharge design also avoids direct disturbance to the stream bed, with riprap protection to manage erosion and the location of the structure and works outside of the stream extent.
- The stormwater management system has been designed to closely mimic pre-development hydrology and avoid adverse effects on downstream flows.

The Arataki Project aligns with the priorities of the Ngāti Hori Freshwater Resources Management Plan by implementing a stormwater system that improves water quality, supports the restoration of native vegetation, and protects downstream aquatic habitats.

Through at-source treatment, hydrological controls, and monitoring requested through mana whenua engagement, the project contributes positively to the mauri of the Maungatereteretere and Karamu Streams and reflects a genuine commitment to kaitiakitanga and long-term freshwater health.

12.1.4. Tūtaekuri Awa Management and Enhancement Plan

The Tūtaekurī Awa Management and Enhancement Plan is not considered relevant to the Arataki Project, as the site does not discharge to the Tūtaekurī catchment. All stormwater from the development discharges to the Karamu Stream catchment and a relevant assessment for this catchment is captured in **Section 12.1.3** above.

12.1.5. Summary

Overall, it is considered that the proposed development can be constructed and operated in a manner that is consistent with the environmental and cultural outcomes sought by the relevant iwi authorities and expressed within the relevant Management Plans. Furthermore, the Applicant has committed to ongoing engagement with mana whenua. This is further addressed in the Consultation Report included in **Appendix 6**.

12.1.6. Treaty Settlement Provisions and Redress

Section 13(4)(l) and clause 5(1)(i) of Schedule 5 of the FTAA requires an application to provide:

> *information about any Treaty settlements that apply in the area covered by the consent application, including*
>
> *(iii) the identification of the relevant provisions in those Treaty settlements; and*
>
> *(iv) a summary of any redress provided by those settlements that affects natural and physical resources relevant to the project or project area*

Heretaunga Tamatea Claims Settlement Act 2018

Heretaunga Tamatea and the Crown signed a Deed of Settlement on 26 February 2015, amendments to the Deed were signed on 16 February 2017 and 13 June 2017. The Heretaunga Tamatea Claims Settlement Act 2018[53] gives effect to the provisions of the Deed of Settlement.

The Deed acknowledges that Heretaunga Tamatea suffered injustices that impaired the economic, social and cultural development of Heretaunga Tamatea and records the matters required to give effect to a settlement of all the historical claims of Heretaunga Tamatea.

The settlement seeks to provide redress to Heretaunga Tamatea in the form of land, money, the right of first refusal of Crown lands, an agreed historical account, overlay classifications, statutory acknowledgements, statements of association, name changes to certain sites of interest, relationship agreements with government agencies, and an apology from the Crown.

Only Crown assets are involved in the property redress offered to Heretaunga Tamatea. The site is unaffected by the redress offered. Accordingly, we do not consider that any provisions of the settlement are relevant on the basis that only Crown assets are involved in the redress offered and do not relate specifically to the Arataki Site.

[53] https://legislation.govt.nz/act/public/2018/0014/latest/whole.html#DLM7317956

12.1.7. Customary Marine Title Groups

Clause 5(5)(b) of Schedule 5 of the FTAA requires:

> *if the activity is to occur in an area that is within the scope of a planning document prepared by a customary marine title group under section 85 of the Marine and Coastal Area (Takutai Moana) Act 2011 or the environmental covenant prepared by ngā hapū o Ngāti Porou under section 19 of the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019, an assessment of the activity against any resource management matters set out in that document*

There are currently several hundred applications for recognition of customary marine title before the High Court under the Marine and Coastal Area (Takutai Moana) Act 2011, alongside direct negotiations with the Crown.

The proposal is not located within an area subject to a customary marine title, and therefore assessment under clause 5(5)(b) of Schedule 5 of the FTAA is not required.

Additionally, the activity does not occur in an area that is within the scope of a planning document prepared by a customary marine title group under Section 85 of the Marine and Coastal Area (Takutai Moana) Act 2011.

12.1.8. Protected Customary Rights

Clause 5(1)(j) of Schedule 5 of the FTAA requires an application to include an assessment of any effects of the activity on the exercise of a protected customary right.

There are no protected customary rights that relate to the site, and as such, an assessment under Clause 5(1)(j) is not required.

13.0 Assessment of Effects on the Environment

This section of the Application is provided in accordance with clause 5(4) of Schedule 5 of the FTAA. This requires the Application to include an assessment of the activity's effects on the environment that includes the information required by clause 6 and clause 7 of Schedule 5 of the FTAA.

This also includes an evaluation of:

- Known adverse effects of the project on the environment as required by s43(2) and 13(4)(h) of the FTAA;
- A description of whether and how the project would be affected by climate change and natural hazards as required by s43(2) and 13(4)(V) of the FTAA.

Clause 7 of Schedule 5 of the FTAA outlines the matters to be covered in the assessment of environmental effects. This includes:

(a) any effect on the people in the neighbourhood and, if relevant, the wider community, including any social, economic, or cultural effects:

(b) any physical effect on the locality, including landscape and visual effects:

(c) any effect on ecosystems, including effects on plants or animals and physical disturbance of habitats in the vicinity:

(d) any effect on natural and physical resources that have aesthetic, recreational, scientific, historical, spiritual, or cultural value, or other special value, for present or future generations:

(e) any discharge of contaminants into the environment and options for the treatment and disposal of contaminants:

(f) any unreasonable emission of noise:

(g) any risk to the neighbourhood, the wider community, or the environment through natural hazards or hazardous installations.

These matters are addressed in this section of the report below.

The existing environment, in particular the existing land uses and allotment areas of the subject site, as well as sites in the surrounding environment, are a relevant consideration to the proposal and are set out in **Section 6.0** above.

The activities that are permitted on the site under the Regional and District Plans are identified in **Section 8.4** above.

An assessment of all actual and potential effects on people and the environment is set out below, as well as within the supporting specialist reports.

It is considered that effects in relation to the following matters are relevant:

- Positive Effects
- Rural land use Effects
- Reverse sensitivity Effects
- Neighbourhood Character Effects
- Cultural Considerations
- Social Effects
- Visual Landscape Effects

- Stormwater and Flooding Effects
- Traffic and Transport Effects
- Infrastructure Servicing Effects
- Ecological Effects
- Contaminated Land Effects
- Geotechnical Effects
- Climate Change and Natural Hazards
- Groundwater/Drinking Water/Aquifer Effects
- Construction Effects
- Heritage and Archaeological Effects

These matters are set out and discussed below.

13.1. Positive Effects

The proposal accords with the purpose of the FTAA to facilitate the delivery of infrastructure and development projects with significant regional or national benefits including:

- The proposal will provide for 171 new residential dwellings, directly contributing to housing supply in Havelock North and the wider Hawke's Bay region. It will assist in alleviating housing pressures and supporting improved affordability by increasing the availability of residential lots in a high-demand area.
- The proposal supports the delivery of a well-functioning urban environment, consistent with the NPS-UD, by providing housing close to schools, amenities, transport links and network infrastructure.
- Provides greater housing choice through the introduction of a range of lot sizes supported by a RDF, including smaller site options not widely available in Havelock North. This will contribute to more diversity and include affordable options in a contemporary, masterplanned urban development.
- Promotes the efficient use of a finite housing land resource by delivering compact urban development in a region where housing land is constrained due to the need to protect versatile rural productive soils. The proposal represents a positive and efficient urban growth outcome that supports consolidated development in a suitable and strategically located area.
- An estimated $78 million in total economic activity will be generated in the Hawke's Bay region over five years, with a peak employment impact of 230 FTEs and 629 FTE years over the development period[54].
- The proposal will support local businesses and suppliers during construction and in the long-term through increased population and consumer demand.
- The proposal enables efficient use of existing infrastructure and integrates with the existing transport and pedestrian networks.

[54] Refer to the Property Impact Assessment undertaken by Property Economics in support of the application.

- The landscape and urban design elements including street trees, landscaped accessways, multi-purpose reserve space, planting buffers, and connected pedestrian links, will contribute positively to the amenity and character of the local neighbourhood.
- Reverse sensitivity and rural interface issues are proactively managed through landscaped buffers, fencing, building setbacks, and no-complaints covenants.
- The stormwater system will improve water quality outcomes through at-source treatment including raingardens, proprietary devices, a dry basin, and overall treatment train approach to meet and exceed water quality standards.
- Long term water quality monitoring is proposed to ensure the ongoing effectiveness of the stormwater management system to support the catchment wide goals of improved stream health.
- The proposal will result enhanced landscape and ecological outcomes with native planting and enhanced habitat opportunities within reserve areas and stormwater infrastructure.
- Best practice construction management methodology to ensure potential effects associated with the construction phase of the project are appropriately avoided, remedied, or mitigated through a comprehensive suite of management plans and controls proposed via conditions of consent.
- Early and ongoing engagement with mana whenua ensuring cultural values and local knowledge are considered in the design and outcomes.

Ultimately, the above positive effects can be realised more quickly through the FTAA process compared to a traditional resource consenting process under the RMA.

13.2. Rural Land Use Effects

The proposal will result in the loss of approximately 11 hectares of rural zoned land identified as containing Land Use Capability (LUC) Class 3 soils[55], which are (currently) considered highly productive under the NPS-HPL. Both the District Plan and the RPS emphasise the importance of protecting the productive capacity of the Heretaunga Plains and avoiding ad hoc or irreversible loss of highly productive land to non-productive uses.

An assessment of the Project against the relevant requirements of the NPS-HPL (namely the Exemption Test under Clause 3.10) is provided in section 11.2.2 of this report. The assessment concludes that, due to considerable site constraints and the benefits of the Project outweighing the cost of losing productive land, the Project meets the requirements of Clause 3.10 and can be subdivided.

In addition, an assessment under the NPS-HPL, prepared by Fruition Horticulture (refer to **Appendix 17**), concludes that the loss of this land is acceptable in this case due to a combination of permanent physical limitations, constraints on productive use and its strategic alignment with planned urban growth.

While the land meets the definition of highly productive under the NPS-HPL (as it is zoned rural and comprises LUC Class 3 soils), the assessment identifies several factors that significantly constrain its current and future productive potential.

[55] Manaaki Whenua Landcare Research LUC system

The following site-specific constraints are identified in the report as justifying the loss of this land:

- Poor drainage and shallow topsoils, which reduce the productivity and limit the range of viable crops.
- Limited to no access to irrigation water (including no existing water consents), which is essential for high-value horticultural use on the Heretaunga Plains. Even if water take consents were able to be obtained (which would likely be extremely difficult in the context of the proposed allocation limits and flow rates for surface and groundwater in the TANK catchments), Fruition have concluded that the return for various crops is unlikely to outweigh the high capital expense of the necessary infrastructure establishment (e.g.: bore / well).
- Small site area (approximately 11 ha) and irregular shape, limiting economies of scale and functional layout for commercial use.
- Fragmentation by existing shelterbelts, driveways, and proximity to residential activity, further reducing productive capacity.
- Encroachment by residential development to the west and north which limits operational flexibility for any future primary production.
- No existing use for high-value productive purposes, with the land currently used for low-intensity grazing.

Even putting the land's limited productive capacity to one side, that the land comprises only 0.02% of the district's highly productive land resource, and is not part of a wider, cohesive area of rural production which further contributes to its permanent and long-term primary production constraints. The fact that it is not part of a wider cohesive area of rural production means it also avoids the fragmentation of such land.

In addition to the identified rural constraints, the site is identified as a residential expansion area in the HPUDS, RPS and FDS. It is immediately adjacent to the urban edge of Havelock North and is already serviced or capable of being efficiently serviced with infrastructure. Residential development at this location is therefore consistent with broader urban growth objectives and avoids more dispersed rural-residential expansion that could result in greater cumulative loss of productive land.

In this context, while the planning framework prioritises the retention of productive rural land, the specific characteristics of the site, identification for future urban growth, and its strategic location mean that its development for residential purposes is considered appropriate.

13.3. Reverse Sensitivity Effects

The site is zoned Plains Production Zone and shares boundaries with rural-zoned land to the east and south. While the proposal is for residential development within a rural zone, it is also identified in the HPUDS, RPS and the FDS for residential development. Further, its status as a referred project under the FTAA reflects its recognition as a regionally significant development, with a clear expectation that the land will be used to support residential housing supply. This dual status raises the potential for reverse sensitivity issues, particularly with regard to existing primary production activities on neighbouring sites.

The potential for land use conflicts to arise between the future residential land uses and the established land uses on the adjoining sites is a resource management issue that is addressed

within the RPS, the Regional Plan and District Plan and has been raised in the feedback received from adjoining landowners.

Reverse sensitivity issues arise when lawfully established activities cause potential, actual or perceived adverse environmental effects on a new activity to the extent where the new activity might seek to restrict or require mitigation of the effects of the established activity. In this case the established adjacent activities are:

- The Olive Grove located at 70 Arataki Road to the south.
- Shaggy Range located at 104 Arataki Road to the southeast (and bisecting the site).
- Brookvale Business Park located at 174 Brookvale Road to the east.

Feedback from adjoining neighbours has been varied. The owners of the Olive Grove have requested that the proposed 10m buffer be increased to a 30m fully landscaped buffer, citing concerns around spray drift, bird scarer noise, planting adequacy and general operations. For Shaggy Range, concerns have focused on the potential effects of the development on their rural residential amenity and the ongoing operation of their dog daycare business. In contrast, the Brookvale Business Park is currently under contract for purchase, and the prospective purchaser has provided a letter of support for the Arataki development.

Reverse sensitivity matters addressed in more detail below.

13.3.1. Spray Drift

Spray drift occurs when spray moves across the boundary, away from the target area. This can be as a result of the operator's application methods, or weather and landscape conditions. Spray drift can have adverse human health and odour effects.

In relation to the requirements of spraying operations the following are noted:

- For small scale spraying (i.e. application of agrichemicals using handheld appliances) there can be no discharge or drift of any agrichemical beyond the boundary of the subject property (Rule 9 of the Regional Plan). If this standard cannot be achieved a Restricted Discretionary consent is required for spraying activities. This requirement is not affected by the proximity of any dwellings on neighbouring sites.
- For the widespread application of agrichemicals there are a range of standards that must be complied with relating to spraying practices under the Regional Plan. Of relevance to 70 Arataki Road (Olive Grove) and 106 Arataki Road (Shaggy Range), a Spray Plan must be prepared for any spraying on land within 50m of adjacent private properties that occurs more than twice a year and may cause unavoidable spray drift (Rule 10 of the Regional Plan). This requirement is not affected by the proximity of any dwellings on neighbouring sites.
- It is noted that shelter belts that are greater than 3m in height and 1m thick are recognised in the New Zealand Standard for the Management of Agrichemicals (NZS 8409:2004) as reducing spray drift hazards. The Olive Grove at 70 Arataki Road contains such shelter belts along both Arataki Road and the common property boundary with the subject site. **Figure 13** in **Section 7.4.2** above confirms the proposed cross-section of the interface and includes the existing hedge at 70 Arataki Road and the proposed buffer planting on the subject site. As is shown in the cross-section the interface treatment provides a substantial buffer between the two properties and further contributes to the density of the existing planting to mitigate any potential spray drift. This same conclusion applies should the Olive Grove expand their horticultural activities to include trees planted closer to the common boundary.

Olive Grove

The owners of the Olive Grove have constructively engaged with the project team through the consultation process and have clearly articulated their operational requirements and preferences regarding the interface with the proposed development, requesting a 30m landscaped setback to be provided within the Arataki Site. Their feedback has been valuable in shaping the proposal, particularly in relation to the design and function of the landscape buffer along the shared southern boundary.

Earlier designs of the interface treatment proposed a softer transition between the two sites, including interspersed planting and permeable fencing. In response to concerns by the Olive Grove regarding spray drift and the need for a more defined separation between land uses, the planting approach has been revised to include a denser evergreen shelterbelt of Mexican Alders (refer **Section 7.4** above) and 2m high close boarded fencing. This revised treatment provides greater visual screening and protection for the Olive Grove's rural activities, and more effectively reflects the continued operational needs of the adjoining horticultural activity.

Shaggy Range

In relation to 106 Arataki Road (Shaggy Range) it is acknowledged that a Christmas tree growing operation also forms part of their landholdings. The trees are located on the eastern slope of their landholding with their dwelling located adjacent to the common boundary.

Unlike the Olive Grove to the south, the nature of the rural activity at Shaggy Range is not intensive horticulture, and therefore the same level of spray drift or agrichemical use would not be expected. The Christmas tree operation is located downslope and at a greater distance from the shared boundary, further reducing the potential for spray drift or other off-site effects.

While a 5m buffer planting strip is proposed along the common boundary, a more dispersed planting approach is proposed along this interface (comparative to the Olive Grove interface) to achieve both screening, solar access and high-quality visual landscape outcomes, while still providing a sufficient buffer to avoid reverse sensitivity effects on the existing rural activity.

Summary

For the above reasons it is considered that an increased setback from 10m to 30m would not further reduce spray drift risk in any meaningful way. It is considered that the proposed buffer treatment will adequately address spray drift concerns associated with adjoining rural operations. In terms of rural operations further afield, potential effects are appropriately mitigated due to existing separation distances, landform topography, and intervening landscaping and activities.

13.3.2. Noise

The Arataki Project introduces new residential activities adjacent to existing rural and commercial operations, including the Brookvale Business Hub, Shaggy Range Doggy Daycare, and the Olive Grove. These sites produce varying degrees of operational noise, which has been assessed in detail within the Acoustic Report prepared by Dcibel Limited (**Appendix 23**).

Noise in the Plains Production Zone is governed by Standard 25.1.6D of the District Plan. The permitted rural noise limits are slightly higher than those in residential zones, and noise is measured from the notional boundary on adjacent properties in rural zones. The proposed residential development will establish new notional boundaries closer to these rural and commercial operations.

The Acoustic Report broadly concludes that the proposed residential activity can coexist with the existing operations without generating reverse sensitivity effects. Existing activities can continue to operate within their consented or permitted noise limits. In particular, no additional setbacks, bunding, or acoustic fencing are required to ensure a reasonable noise environment for the proposed residential development.

The following sections provide further specific assessment of reverse sensitivity in respect of noise associated with the closest rural neighbours.

Olive Grove

In relation to site specific considerations raised during the consultation phase, the Olive Grove, located directly south of the site, undertakes rural activities including crop management, seasonal harvesting and bird management which generates noise.

The Acoustic Report notes that there are already two existing dwellings near the shared boundary being one at the southern end of Arataki Road and the other associated with Shaggy Range. These existing dwellings effectively establish notional boundaries that control noise emissions from the Olive Grove in the vicinity of the shared boundary (noting the existing residential zone controls noise emissions from the Olive Grove to the east). While a small area between these houses sits outside current notional boundaries, the potential for elevated noise levels affecting this area is limited, as any such noise from the Olive Grove operations must still comply with the District Plan standards at the existing notional boundaries (as well as with the District Plan standards that apply along the western boundary adjoining the residential zone). As such, the proposed residential development is not considered to materially change the noise environment or result in any additional constraints on Olive Grove operations. This is particularly given the highest noise generating activity onsite (bird scarer) is subject to a specific District Plan standard. As noted in the Acoustic Report, the requirement to comply with that standard along the existing residential boundary to the west will mean there is no practical impact resulting from a change in notional boundary between the Olive Grove and the site.

It is recognised that the permitted rural noise standards are higher than what is typically experienced in a standard residential zone. While the Acoustic Report considers the noise environment to be acceptable for incoming residents, in recognition of the potential for noise effects and in response to consultation with the Olive Grove neighbours, particularly from the intermittent use of mechanical harvesting equipment and a gas-powered bird scarer (Vinetech Bird Scarer[56]), additional mitigation measures have been incorporated into the Arataki Project design. These include a 2m high acoustic-grade fence along the shared boundary, modern building standards and proposed no complaints covenant[57]. It is also noted that the Arataki site sits either level or lower than the Olive Grove property which when combined with the proposed acoustic fence, further assists with containing and mitigating potential noise effects.These measures, combined with the District Plan provisions will reduce noise intrusion and maintain amenity for future residents. The bird scarer is used seasonally and must comply with the District Plan which restricts operation to daylight hours and sets maximum permissible sound levels. Given these controls and the seasonal nature of activity, potential noise effects are expected to be reasonable and appropriately mitigated.

[56] Confirmation of the bird scaring device has been provided by the Olive Grove – refer Consultation Report in **Appendix 6**.
[57] Condition 27

Shaggy Range

Reverse sensitivity noise effects associated with the adjoining Shaggy Range Doggy Daycare operation have been assessed. . The operation is subject to its own resource consent conditions which impose limitations on dog numbers and operational hours, thereby constraining potential noise effects. Further, the physical characteristics of the site and layout of the operations means that outside run areas are specially designed areas set back 15m from the proposed shared boundary.

The Acoustic Report considers that the combination of operational constraints already in place through the existing resource consent, physical separation and topography, and modern building standards means that potential reverse sensitivity effects associated with noise from the Shaggy Range operation are considered to be appropriately addressed and no additional mitigation is required. In any case, a no complaints covenant[58] has been offered up by the Applicant to address matters raised during consultation with the neighbours.

Brookvale Business Park

The Brookvale Business Park, located to the east of the site, is currently under contract for purchase by a third party. As part of the stakeholder engagement process, the prospective purchaser has provided a written letter of support for the Arataki Project (refer **Appendix 6**). This supportive position reflects confidence in the proposed design and the measures taken to manage interface effects.

Nonetheless, Brookvale Business Park is located to the east of the Arataki site and lies on land that is at a lower elevation, due to the terraced landform in this location. This topographical separation inherently provides a degree of acoustic screening between the Business Park and the proposed residential development. The Acoustic Report confirms that the noise emissions from 174 Brookvale Road are consistent with permitted activity standards.

Importantly, the existing industrial activities at the site are authorised by resource consents that specify operational parameters and limitations, including restrictions on noisy activities. The consent requires the current District Plan noise limited to be complied with at the site boundary (rather than the notional boundary). Given the nature of the operations, the site's lower elevation, and the intervening Council reserve strip, and existing consent limitations, the development will not give rise to reverse sensitivity effects. Accordingly, no additional acoustic mitigation is considered necessary in relation to the Brookvale Business Park boundary.

13.3.3. General Operations

In addition to specific matters such as spray drift and noise, rural operations are often associated with a broader range of effects that can include odour from composting or livestock activities, smoke from permitted burning, the use of farm machinery, early morning or evening (and frequent) truck movements, and general on-site activity that differs from typical residential expectations. These effects are a recognised and anticipated part of rural production environments and may occur intermittently throughout the year, depending on seasonal activities.

It is acknowledged that the interface between urban and rural land uses requires a degree of tolerance and understanding from incoming residents, particularly where development occurs at the rural-urban fringe. The level of amenity experienced in these locations may differ from that expected in wholly residential zones. The Arataki Project has sought to

[58] Condition 27

respond to these realities through the implementation of a well-defined buffer treatment along the eastern and southern boundaries, the use of design controls through the RDF, and the imposition of 'no complaints' covenants (discussed below) on residential titles adjacent to rural land.

It is also noted that the western side of Arataki Road is already developed for suburban residential use and has long existed alongside the existing rural operations. As such, the interface between sensitive residential receptors and productive rural land is an existing condition in this location, particularly in respect of the Olive Grove and nearby Arataki Honey operations. The Arataki Project does not create a new sensitivity, but rather reinforces the need for continued good management of land use compatibility in the area.

Notably, the Brookvale Business Park, while still holding discharge consents linked to the historical Te Mata Mushroom farming operations, would be required to significantly modify its activities to internalise operations and avoid any off-site odour effects if it were to recommence those activities. Similarly, noise limits imposed on the Shaggy Range property stem from the presence of the existing residential neighbourhood to the west, confirming that these land uses have coexisted under a managed interface for some time.

The proposed buffer treatments and management responses align with and extend the existing approach to managing rural-urban interface effects in this locality. These measures will support the continued operation of adjacent rural activities while providing future residents with an appropriate level of amenity. Overall, it is considered that the proposal appropriately manages the interface between land uses and supports the coexistence of productive rural activity alongside new residential development.

13.3.4. No Complaints Covenant

Notwithstanding the above conclusions that the proposed 19m buffer and interface treatments are considered appropriate, it is understood that it is common practice for the District Council to include standardised reverse sensitivity covenants where residential activities are established adjacent to existing rural operations. The reverse sensitivity covenants limit the ability to commence proceedings seeking to restrict or limit land uses that comply with the relevant District Plan requirements. It is proposed to include the standardised covenant[59] to alert property owners to the potential effects of residing within close proximity to a productive rural area. This should further address the concerns raised by adjoining rural property owners.

13.3.5. Strategic Directives and Conclusion

Reverse sensitivity is a well-recognised issue in the District Plan, particularly in the Rural Resource Strategy. Objectives RRSO2 and RRSO3, and policies RRSP2 and RRSP4, support the continued operation of rural activities and seek to manage the effects of encroaching residential development. Similar objectives are included within the RPS (Objectives 16 and 17; Policy 6), which recognise the need to enable new land uses while avoiding unreasonable constraints on existing ones.

It is important to note that there is no single prescribed standard or statutory requirement in the New Zealand planning framework for the width or form of reverse sensitivity buffers. Recent decisions across the country show considerable variation in buffer treatments, with

[59] Condition 27

widths and design responses differing depending on site-specific factors such as topography, adjacent land uses, and the nature of any proposed development.

The concerns raised by rural neighbours through the engagement process are valid and reflect a broader tension experienced at the rural-urban interface. Feedback from the Olive Grove, Arataki Honey, and Shaggy Range broadly relate to concerns regarding ongoing residential development encroaching on their operations and the risk of being 'squeezed out' over time. These parties have highlighted the importance of protecting their ability to continue established activities such as operations, spraying, beekeeping, truck movements, animal boarding, and land management practices. The Arataki Project does not seek to worsen the existing interface, and has been deliberately designed to maintain, and in some areas improve, the level of separation and amenity experienced today.

As requested by neighbours, a wider 30 m buffer was explored by the project team but is not considered necessary on the basis that the proposed buffer already provides adequate physical and visual separation between sensitive residential activities and the existing rural production activities. Increasing the buffer to 30 m would result in inefficient use of the land which has been earmarked for residential purposes without resulting in any greater benefits on the adjoining properties.

Furthermore, it is not considered that a 30 m buffer would materially improve reverse sensitivity outcomes because the potential effects (such as spray drift, noise, or odour) are already appropriately addressed through the design and orientation of dwellings, landscaping, and boundary fencing. These measures are more targeted and effective than a simple increase in spatial separation. Overall, the proposed buffer is considered proportionate to the scale and character of the adjoining rural activities and appropriate within this context.

Concurrently, the Proposal must also be evaluated in light of its strategic identification for urban growth. Objectives UDO1 and UDO4 of the Urban Strategy contained in the District Plan seek to manage urban expansion efficiently and avoid unnecessary loss of productive land, while recognising the need to deliver on long-term housing targets. Policy UDP9 seeks to avoid unnecessary expansion into rural areas; however, this is not considered to be ad hoc as it is a defined and compact growth area adjacent to existing urban development.

Overall, it is considered that the 10m buffer, in conjunction with shelterbelt planting, southern acoustic fence and standardised consent notices, provides a pragmatic, proportionate and effective interface solution. It considers the physical characteristics of the site, the scale and intensity of adjacent rural activities, the existing environmental context and the advice of technical experts. A 30m buffer is not supported on planning, environmental or functional grounds, and would reduce development efficiency (and in turn the extent of project's regional benefits) without delivering any additional benefit in terms of effect mitigation. The Proposal appropriately balances the right to farm with the efficient delivery of housing in a planned growth area.

Adopting the least restrictive option to achieve an outcome is also considered to be consistent with the thrust of the FTAA. In particular it aligns with Section 83 FTAA which requires that any conditions imposed be no more onerous than necessary.

13.4. Neighbourhood Character Effects

The proposal provides for a residential subdivision that is effectively an extension of the existing Havelock North urban residential area. The proposal has been designed to respond to the existing character of the wider area while creating a unique and contemporary identity.

The potential neighbourhood character effects assessed below relate to:

- The Project's integration with the existing residential area to the west; and
- The resulting neighbourhood character effects within the Arataki Project Site.

As part of the assessment, concerns raised by existing residents regarding the density and urban outcomes for the site are addressed.

13.4.1. Integration with the Existing Residential Area

The Urban Design Assessment prepared by Urban Acumen (**Appendix 13**) identified opportunities and constraints for the integration of the Project with the existing residential area to the west.

The Urban Design Assessment concluded that the Project will contribute to maintaining continuity in the built form and structure while enhancing accessibility and housing diversity.

Specifically:

- The western interface of the Project on Arataki Road generally reflects the lot configuration (in terms of similar width) and rhythm of the properties across Arataki Road and will therefore provide for a consistent streetscape theme on both sides of the road. All lots with frontage to Arataki Road have an area over 500m^2 which increases the likelihood of single storey dwellings and provides opportunity for front yard landscaping.
- The proposed 8m height limit allows for two-storey dwellings that align with contemporary urban design practices and enable efficient use of land. While much of the existing housing stock in Havelock North has been constructed as single storey (notwithstanding the HNGRZ enables 8m height), the proposed height enables a range of typologies that provide housing choice without compromising amenity. The RDF ensures that built form remains sensitive to the surrounding suburban character through setbacks, landscaping, and architectural design controls.
- The proposal provides for standalone dwellings (rather than terraced or duplex) to reflect the traditional suburban character of the existing urban area to the west and the location of the site at the urban edge of Havelock North.
- There are requirements for substantial landscaping to be provided both as part of the development overall and within individual sites. This will contribute to the existing vegetated character of the wider residential neighbourhood.
- The Arataki Project includes new pedestrian connections (described in section 7.6.5 of this report) that will enhance the permeability of the wider neighbourhood (noting a number of cul-de-sac configurations within the established residential area to the west).
- The upgrades to Arataki Road and the proposed internal road layout will connect to Te Heipora Place and Meissner Road, which improves accessibility and will contribute to the overall integration of the Project with the wider residential area.

In addition to the above considerations, it is acknowledged that the Proposal's integration with the wider area will occur over time as the different stages of the development are completed, delivered and developed.

To support the establishment of the future residential area and sale of dwellings, showhomes will be established on the site. Showhomes are a common and reasonably anticipated element of residential subdivisions of this scale. Showhomes can generate some temporary neighbourhood character effects, including:

- Increased visibility and prominence of built form due to early construction before surrounding residential development is complete.
- Temporary inconsistency in streetscape cohesion, particularly where display homes are clustered and other lots remain vacant.
- Use of enhanced architectural detailing, signage, and landscaping treatments that may differ from typical dwellings, creating a short-term impression of commercial rather than residential character.
- Additional visitor traffic and car parking demand, particularly during marketing events or weekends.

These effects will be temporary during the sales period. The design of showhomes within will be subject to the RDF, ensuring high-quality built form and landscaping that reflects the intended character of the development. Setback, fencing and planting requirements will continue to apply, maintaining consistency with the planned urban environment.

Any character effects associated with showhomes are considered to be low in magnitude, short-term, and consistent with the expected outcome of the new residential neighbourhood.

Overall, it is considered that the Project will contribute positively to the wider character of the area and provides for an appropriate and well-integrated extension of the existing residential neighbourhood.

13.4.2. Arataki Neighbourhood Character Effects

The above section demonstrates that the Arataki Project will provide for a development that is well integrated within the wider residential area. In addition, the Project is considered to provide for a positive neighbourhood character overall for the following reasons:

- Through the RDF, a cohesive urban character will be created through the use of consistent rules relating to building heights, setback requirements, orientation requirements and landscaping requirements.
- The Project includes a range of lot sizes to enable different housing typologies to establish within the site and support the needs of different household types.
- The proposed street layout provides for good connectivity throughout the site.
- Street trees and amenity landscaping will be included as part of the overall Project to soften the built form and provide vegetated streetscapes and accessways.
- Green areas and the stormwater dry basin local purpose reserve will contribute to providing additional greenspace and an informal recreation space to meet the recreational needs of the future residents.

Overall, these design features ensure the Arataki Project will contribute to a cohesive, attractive, and liveable residential environment that integrates well with its surroundings and supports the wellbeing of future residents.

13.4.3. Distribution of Medium Density Sites

The District Council has provided feedback on the location and distribution of the smaller Lot Type 2 sites within the Arataki development. Specifically, Council suggested that clustering these smaller lots adjacent to the stormwater reserve and / or the northern end of the

development would better leverage the amenity and outlook opportunities offered by that open space.

This suggestion is acknowledged. However, the distribution of lots across the site has been determined by a number of fixed physical and design constraints that have shaped the final layout. In particular, the internal road network had to align with the existing intersections at Meissner Road and Grooby Place. These connection points dictated the placement of key internal roads, which in turn set the overall block structure for the development.

In addition, the northern end of the site was required to accommodate a large stormwater reserve. This reserve location, combined with the fixed road network, established the only viable configuration of lots. The reserve-fronting sites are large in depth and not well suited to medium density development typologies, which require a more compact form to optimise building layout and amenity.

In addition, the Brookvale Road frontage is located at a relatively prominent elevation of the site. To manage potential visual dominance effects from elevated development, the layout retains larger Lot Type 1 sites along this northeastern edge to maintain a consistent and respectful interface when viewed from Brookvale Road.

The Lot Type 2 sites have instead been located internally within other more conducive blocks within the site, away from rural zone boundaries and the existing low-density neighbourhood. This positioning supports a graduated density transition while ensuring these smaller sites receive good solar access, with private outdoor living spaces to the north or west and no overshadowing from adjoining development.

Overall, the distribution of lot types responds directly to site-specific constraints and masterplanning objectives. It enables an appropriate mix of densities while maintaining visual coherence, managing interface effects, and ensuring quality urban outcomes. These matters are further supported by the RDF, which establishes built form, landscape and amenity controls across all lots.

13.5. Cultural Considerations

The site lies within the rohe of Ngāti Kahungunu ki Heretaunga. Mana whenua engagement has been facilitated by Tamatea Pōkai Whenua (**TPW**) who are the Post Settlement Governance Entity for Heretaunga Tamatea. Through TPW, CDL has engaged with Ruahāpia Marae and Matahiwi Marae, with the former providing detailed feedback on the Project. Initial informal feedback was also received from Ngāti Kahungunu. Further details of consultation with mana whenua is set out in the Consultation Report (**Appendix 6**).

The primary cultural consideration shared through the engagement process was the importance of water. Water quality in particular was emphasised, including downstream impacts on the Kāramu Stream and its tributaries, potential effects on the Brookvale Road water bore, hydrological impact on streams and groundwater, and ongoing water quality monitoring. A key aspiration is to restore water quality in local awa to a standard where cultural and recreational uses, such as swimming, gathering kai, and spiritual connection, can once again be safely practiced.

Other matters raised related to the inclusion of native vegetation species in the design, accidental discovery protocols, and the importance of contractor training in recognising finds. The feedback also emphasised the need for a high-quality, safe neighbourhood that upholds community wellbeing and focuses on safe and active spaces for tamariki.

In response to the feedback received through the engagement process, the development has incorporated a range of measures to address key cultural considerations:

- Commitment to a best-practice stormwater management system to avoid and minimise discharge effects and maintain the water quality and mauri of receiving environments. This includes the integration of devices such as raingardens, which exceed the minimum requirements of local engineering codes and aim to deliver the highest possible water quality outcomes. The overarching intent is to support the long-term health and resilience of the local awa which holds deep cultural significance for mana whenua.
- Commitment to a water quality monitoring programme to ensure that performance targets are met and that the stormwater system remains effective over time[60].
- No groundwater take is proposed as part of the application.
- Incorporation of native planting throughout reserves, roads, buffers and stormwater corridors, supporting ecological enhancement and reflecting local ecosystems and cultural values.
- While no sites of known archaeological or wāhi tapu significance have been identified within the development area, protocols will be established through an Accidental Discovery Protocol in accordance with HNZPT guidelines, and prior to the commencement of works, appropriate contractor training to recognise archaeological finds[61].
- Play along the way spaces, dual purpose stormwater reserve area (for passive recreation) and safe street environments with low vehicle speeds and good walking and cycling connections to support neighbourhood wellbeing.

The Applicant acknowledges local mana whenua as kaitiaki of the area and the deep cultural connection to the whenua and awa. Given CDL's long term involvement in the Hawkes Bay Region, the intention is to maintain a positive and enduring relationship with mana whenua throughout the life of the Project. Overall, the cultural values expressed through the engagement process have meaningfully influenced the development design and will continue to shape its delivery.

13.6. Social Effects

The Arataki Project has been designed to support positive social outcomes by providing a well-planned residential neighbourhood that contributes to the lifestyle, cohesion, housing supply and wellbeing of both future residents and the wider Havelock North community.

The consultation process has involved engagement with key stakeholders, mana whenua, and neighbouring landowners. While feedback has helped shape key aspects of the design, it is acknowledged that some neighbouring residents remain concerned, particularly in relation to the proposed inclusion of smaller residential lots and the scale of the development.

The Applicant has considered this feedback alongside broader planning objectives, housing demand, and the need for efficient land use, and considers that the proposed development strikes an appropriate balance between these sometimes competing considerations. The key findings in respect of potential social effects are outlined below:

[60] Condition 142
[61] Conditions 11 and 12

- The development will deliver a range of section sizes (including smaller sections) to support housing choice within the Havelock North market on an area of land that is identified for future housing in key strategic planning documents. The Economic Report (**Appendix 26**) confirms that there is sufficient demand to support additional housing supply in this location. There are no identified capacity constraints, and the development will introduce a new market offering in Havelock North.
- The site adjoins the existing urban area of Havelock North and represents a logical and efficient extension of the township. Its location enables the provision of new housing close to existing social infrastructure (i.e. schools), reducing pressure on services and limiting the need for significant new transport or community facility upgrades.
- The neighbourhood-focused layout is intended to foster community interaction and encourage social inclusion through walking and cycling connections, a dual-purpose stormwater reserve, direct linkages to existing playgrounds and schools, a comprehensive landscaping strategy, and quality housing design controlled by an RDF. The design responds to the needs of families, individuals, and a range of life stages, providing for residents' ability to participate in community life.
- Discussions with the Ministry of Education have confirmed that local schools have sufficient capacity to accommodate the expected population growth associated with the development.
- The layout and land use pattern have been designed to respect the established urban form and character, while enabling the efficient use of land to respond to local housing demand. Larger section sizes (including larger site widths) are concentrated along Arataki Road to reflect the surrounding suburban character, with smaller lots positioned internally to support a compact, efficient development form that maximises housing choice.
- The proposal includes carefully considered stormwater systems, avoiding and minimising any potential adverse effects on the receiving environment. The stormwater management system has been designed to support water quality aspirations of mana whenua with the long-term goal of swimmable rivers.
- A safe and legible roading layout has been developed, supported by footpaths, shared paths, and access to public transport options, enabling greater mobility and reducing reliance on private vehicles. Connectivity and access to community infrastructure, such as schools, existing reserves and accessways have been provided for in the development scheme.
- Construction activity will be managed to minimise disruption to neighbours, including controls on noise, dust, and hours of work. These effects will be temporary and mitigated through consent conditions and management plans.
- The layout promotes safety through passive surveillance, lighting, and clear pedestrian connections.
- The stormwater reserve acts as a dual space, both providing for stormwater management and a passive recreation space, including a walking track. Play along the way spaces are included within the accessway designs. These public spaces and features, along with the wider landscaping concept for the development, will contribute to both physical health and mental wellbeing of future residents.

- The Arataki Project has been designed with resilience and climate change considerations in mind, contributing to long-term community wellbeing.

In summary, the Arataki Project is anticipated to have positive social effects by contributing to a well-functioning, inclusive, and resilient community. The design supports strong social outcomes and addresses potential adverse effects through thoughtful design and effective mitigation.

13.7. Visual Landscape Effects

As is described in the **Section 6.0** of this report, the site comprises relatively flat land on the eastern edge of Havelock North, directly adjoining established residential development to the west. The site is characterised by open pastoral land with sparse vegetation and is visually framed along its eastern boundary by a pronounced terrace escarpment, beyond which the industrial and rural land drops to a lower level. A row of mature eucalyptus trees runs along the edge of the site which provides a clear visual boundary.

While currently used for rural purposes, the site is physically and visually contiguous with the adjacent residential. The site has been identified in the in the RPS, HPUDS and draft FDS as an area for residential growth which indicates a general suitability for the change in the visual landscape character for the site.

The site has not been identified as having any landscape overlays or significant ecological features. There are also no Outstanding Natural Landscapes or Features within the immediate vicinity of the Site. Boffa Miskell prepared a Landscape Effects Assessment which is submitted as part of this application (**Appendix 15a**). The report concludes that:

- The proposal includes varied lot sizes, includes a no-build and landscape strip along rural boundaries and provides for a carefully designed planting and streetscape outcome. These will contribute to a high level of amenity, provide for a logical visual extension to Havelock North urban area while being respectful to the existing rural area.
- From a public vantage perspective[62]:
    - Public views of the Site are generally limited to Arataki Road and Brookvale Road, with limited middle- and long-range views from Te Mata Mangateretere Road and Te Mata Peak.
    - The most notable change will be from Arataki Road, where the streetscape will shift from rural to urban over about 500m, creating visual consistency with existing residential development.
    - Visual effects along Arataki Road are assessed as Low, with mitigation through setbacks, street trees, and consistent design controls.
    - Brookvale Road views will be largely screened or softened through planting and topography; visual effects here are assessed as Very Low.
    - From further away (e.g. Te Mata Mangateretere Road and Te Mata Peak), the Proposal will appear as a minor extension to the existing urban edge and effects are assessed as Very Low to Neutral.
- From a private vantage perspective:

[62] Supported by photographs contained in the Boffa Miskell Report

- Most properties along Arataki Road will have partial or filtered views of the site. Many dwellings have large garages dominating the frontage and only a single street-facing window, with main living areas typically oriented westward, away from Arataki Road. Some properties with open boundaries (no fencing or screening) have more open views toward the site.
- The dwelling at 96 Arataki Road (sawtooth site) is considered to receive moderate visual effects at Year 1, which will reduce to low-moderate by Year 10 once vegetation proposed as part of the subdivision matures.
- The dwellings at both 104 Arataki Road (Shaggy Range) 160 Arataki Road (corner site) are considered to receive low-moderate visual effects at Year 1 with will reduce to low by year 10.

- While the development will introduce a new urban character, this change is anticipated by the strategic planning framework. The report concludes that visual effects on properties along Arataki Road will generally be low to very low due to the following mitigating factors:
  - Proposed street tree planting along Arataki Road.
  - The similar lot pattern and scale of development on the western and eastern sides of Arataki Road, creating a consistent built form.
  - Building setbacks and design controls under the RDF that align with the existing residential pattern.
  - The use of landscape treatment to soften the transition and maintain streetscape quality.
- While the proposal increases density comparative to the existing suburban area, lot sizes are appropriately distributed to broadly reflect surrounding character. Larger lots align with Arataki Road and rural boundaries, supported by landscape buffers and no-build areas, while smaller lots are concentrated centrally. The average lot size is 450m², and overall landscape character effects are assessed as Low-Moderate. It is noted that the permitted density within the Havelock North General Residential Zone[63] provides for one building per 350m^2 and the Project outcomes would therefore not be inconsistent with the enabled outcomes of the HDP.
- Boffa Miskell made recommendations to facilitate the long-term landscape outcomes for the site. These recommendations relate to the implementation and management of landscaping as reflected by the proposed landscape plans. The Boffa Miskell recommendation is included within the resource consent conditions.

Overall, the proposal will result in some localised visual effects, particularly for a small number of adjacent dwellings. This is appropriate given that the site is identified for residential expansion. The Proposal represents a quality, well considered development that responds appropriately to its landscape context.

[63] 8.2.5A of the HDP – Density within the Havelock North General Residential Zone

13.8. Stormwater and Flooding Effects

The stormwater management approach for the project is summarised in **Section 7.8** of this report and described in detail in the Stormwater Management Plan prepared by Woods contained in **Appendix 12**. Potential impacts of stormwater associated with the Project relate to:

- Flooding risk due to increased runoff volumes and peak flows; and
- Water quality and impacts on receiving waters.

Flood risk and water quality were key issues raised during engagement with key stakeholders and the community, particularly in relation to potential flooding impacts on Brookvale Road and the need to improve water quality outcomes. It is noted that the low point of Brookvale Road already experiences flooding during heavy rainfall due to the location of the unnamed steams and associated overland flow through this part of the catchment (**Figure 21**).

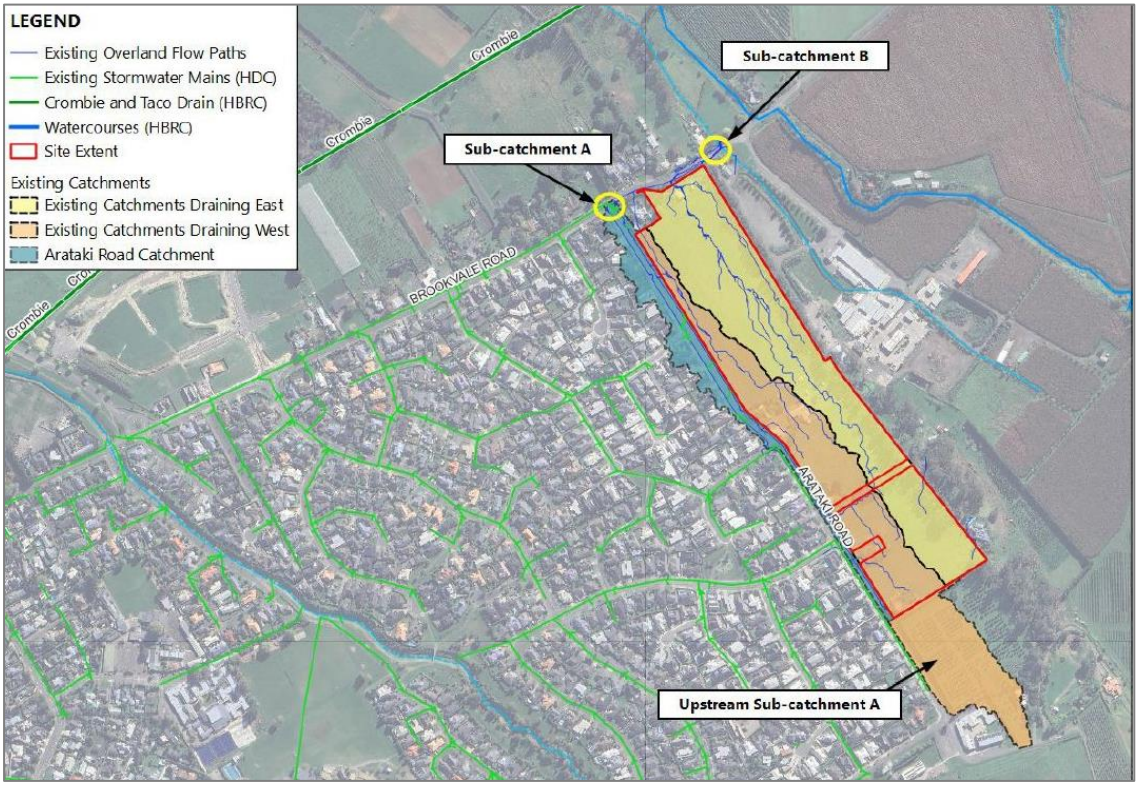

Figure 21: Existing Flood Model Imagery

13.8.1. Flood risk

Woods prepared a hydrodynamic model which is included in Appendix C of the Stormwater Management Plan that is submitted as part of this application. The model showed:

- That between the pre- and post-development scenarios, there will be a minor increase in water depths along Arataki Road, Te Heipora Place and Meissner Road. Notwithstanding, there are no adverse effects associated with this minor increase.
- The removal of the Arataki roadside swale does not affect the conveyance capacity of the road, noting that a portion of the pre-development catchment was diverted to Catchment B.
- No flooding effects were observed to third-party properties west of Arataki Road.

- To the north of the development site, a reduction of flood depths was observed on Brookvale Road as a result of the post-development flows being attenuated onsite by the proposed dry basin and then released.
- Even accounting for the increase in post-development flows and volumes, no changes in depths were observed in the stream to which the dry basin will discharge.
- No adverse effects were observed to third-party properties north of Brookvale Road.
- Floodwater will mainly be contained within the proposed road corridors and is considered to be negligible.

For the above reasons it is considered that the proposed stormwater management methods appropriately minimise potential flood risks on the Site and on the wider environment.

13.8.2. Water Quality

Potential water quality effects were raised by mana whenua and have been an integral component of the development of the Project.

Within Catchment A, approximately six raingardens are proposed along Arataki Road to provide "first flush" treatment of runoff from roads and the lots fronting Arataki Road. The raingardens will trap sediment and filter out contaminants before water enters the Council's reticulated network. While there are currently no standards requiring water quality treatment for Catchment A, the proposal includes a treatment solution that exceeds regulatory requirements, reflecting a proactive commitment to improving environmental outcomes and supporting the health of the receiving environment.

Within Catchment B potential adverse effects on water quality are proposed to be managed with a treatment train approach as follows:

- Firstly, by a proprietary device (gross pollutant trap);
- Secondly through the dry basin; and
- Informal treatment within landscaped areas of the roads and accessways.

Together, the combined approach will target an 84% reduction in total suspended solids which exceeds the 75% removal target required by the Regional Council[64].

Rule 32 of the TANK requires that stormwater discharges must not raise the receiving water temperature by more than 3 degrees after reasonable mixing. The SWMP concludes that the dry basin is not expected to increase the temperature of discharges above this limit due to the use of shading, rapid drain-down and avoiding long periods of water detention on site.

To ensure that the proposed treatment methods are effective, the applicant proposes to undertake pre and post development monitoring of the stormwater management system. This includes a comprehensive Stormwater Monitoring Strategy and Stormwater Management and Maintenance Plan to ensure the effectiveness and integrity of the system is upheld. This is reflected within proposed conditions of consent.

[64] Refer to section 7.2.1 of the Stormwater Management Plan prepared by Woods

13.9. Traffic and Transport Effects

The proposed road network configuration is shown on the Civil Drawings in **Appendix 10** and described in **Section 7.6** of this AEE. In summary, the proposal includes:

- Upgrades to Arataki Road and the intersection of Arataki with Brookvale Road and the creation of 7 access points onto Arataki Road.
- Internal access roads generally including two-way carriageways, on-street parking, berm and footpaths which will have internal traffic calming measures.
- On-site carparking for residential dwellings.

From a traffic and transport perspective the RPS, the Regional Plan and District Plan generally seek to achieve an integrated and efficient transport system that supports planned urban growth, provides safe and effective connections, and promotes travel choice including walking, cycling, and public transport.

Feedback from the wider community raised concerns relating to access and egress, limited street parking, the proposed confined road widths, and the impacts of additional traffic on the wider transportation network. The actual and potential effects relating to traffic and transport are assessed within the ITA prepared by FLOW submitted as part of the application (**Appendix 18**).

While having regard to the directives of the relevant planning documents, the feedback received from the community, and the FLOW ITA, it is considered that the traffic and transportation effects of the proposal are acceptable for the following reasons:

- The proposal is predicted to generate a total of 146 trips during both the morning and evening peak hours. FLOW anticipates that the peak hour traffic generation can easily be accommodated by the surrounding road network and due to the existing capacity, there will be a negligible effect overall[65].
- No adverse road safety effects have been identified in relation to the Proposal. This can be attributed to low traffic volumes are low, intersection designs which provide for good visibility, and no existing crash trends. The proposal includes low speed road environments, traffic-calming measures, separated footpaths, and good connectivity, which all enhance the safety of the existing and future road users.
- The proposal is generally compliant with the adopted residential zone transport performance standards and terms of the District Plan with the exception of 'Distances of vehicle access from road intersections (26.1.6A(2) – Access)'. The future vehicle crossings for 7 lots are located within 15m of an intersection (at a range of 8.4m to 14.m). This is considered acceptable within this context due to the siting of the crossing at the edge of the respective property boundaries and given that there is sufficient visibility for drivers entering Arataki Road.
- No adverse carparking effects are expected as a result of the proposal. As confirmed in the Lot testing appended to the Urban Design Report (**Appendix** 13), on-site carparking can be provided for all dwellings which will be supported by visitor parking available on-street. All lots have been designed so that each dwelling can accommodate at least two off-street parking spaces.

[65] Refer to the traffic effect summary in Section 9.2 of the ITA prepared by FLOW.

- While there are currently no bus stops (or other public transport services) within the immediate vicinity of the Site, the proposed Arataki Road design could incorporate a bus stop in future if required to service the wider area.
- The Proposal provides walking and cycling connections through a network of footpaths and shared paths that link internally and connect to Arataki Road. The layout supports safe and convenient active transport, with separated footpaths, front berms, and connections to wider Havelock North area. These elements align with transport planning objectives to promote travel choice and reduce reliance on private vehicles.
- The internal road network can accommodate a range of essential services including waste collection (rubbish trucks) and emergency services.
- A gateway treatment is proposed at the northern end of the development to provide a visual and speed transition between rural Brookvale Road and the urban area. This treatment will be developed with the District Council at detailed design stage and will likely include surface treatment and signage to signal entry into the urban neighbourhood and supporting road safety outcomes.
- Construction traffic will be managed through a CTMP with access controlled to minimise disruption to surrounding road users and residents and to ensure safety for pedestrian and road users.

Overall, it is considered that the proposal will integrate effectively with the existing roading network, with primary access provided via Arataki Road and internal roads that connect to the residential area. The proposed intersection layout and shared path connections will contribute to safe and legible transport environment that will benefits future residents and the wider Havelock North community.

13.10. Infrastructure Servicing Effects

The directives within the RPS and the District Plan is for urban development to be integrated efficiently with infrastructure and services. Woods prepared an Infrastructure Report to assess the proposed infrastructure servicing for the site (refer to **Appendix 11**). The report concludes the following in relation to the different services:

- **Water supply**: Potable water will be supplied by extending the 150 mm water main on Arataki Road. Modelling shows compliance with District Council's Engineering Code of Practice and firefighting standards, with pressure aligned to the District Council's future pressure management plans.
- **Wastewater** - A gravity network connects to an existing manhole on Arataki Road. While current capacity is constrained, District Council has programmed upgrades to address this by 2025/2026 (refer to **Section 7.7** of this report). The network design anticipates these improvements.
- **Stormwater** - A suitable stormwater solution has been developed for the site and is addressed in **Section 13.8** of this report.
- **Utilities (Power and Telecommunications)** - Services will be extended from existing infrastructure in Arataki Road, with supply confirmed by Unison and Tuatahi First Fibre. Natural gas will not be installed.
- **Waste collection** - Rubbish collection is accommodated on both public roads and the two larger JOALs.

- **Roading and access** – Suitable roading (including pedestrian and cycling) infrastructure is proposed and is further addressed in **Section 13.9** of this report.

Based on the above, it is considered that that the Proposal can be effectively and efficiently serviced, with all systems generally designed to meet or exceed applicable Engineering Code of Practice and standards. In turn, it is not considered that there will be any adverse effects associated with infrastructure and servicing of the site.

13.11. Noise and Vibration Effects

Dcibel conducted an assessment that considered the potential environmental noise impacts of the proposed development and the surrounding environment (refer to the Acoustic Report **Appendix 23**). Potential noise and vibration effects relating to the proposed development include:

- Noise effects associated with the proposed land use;
- Noise and vibration effects during the construction phase of the project[66]; and
- Reverse sensitivity effects due to the adjacent business park and rural land[67].

The conclusions of the assessment are outlined below.

Noise effects associated with the proposed land use

In relation to noise effects associated with the proposed residential land use the Acoustic Report concludes that the noise sources are likely to be vehicle movements, fixed plant (air conditioning) and typical residential sounds from day to day activities. The Acoustic Report concludes that these types of noise generating activities can comply with both the rural and residential noise standards of the District Plan and are therefore considered acceptable within this proposed residential context. To ensure that the future residential environment is protected from potential adverse noise effects the Acoustic Report recommends adopting the noise standards for the HNGRZ of the District Plan. This recommendation is reflected in the draft conditions of consent through application of the RDF[68].

Noise and vibration effects during the construction phase of the project

The construction of the proposed residential development will have temporary construction noise and construction vibration effects. The Acoustic Report concludes that Arataki Road acts as a natural noise buffer for the established residential area to the west, however, that the residential properties at 96, 160 and 104 Arataki Road could be adversely affected for the duration of the construction works. To mitigate any temporary adverse noise and vibration effects on these properties Dcibel recommend implementing a temporary CNVMP.

A preliminary CNVMP was developed by Dcibel and is submitted in support of this application. The CNVMP includes the following additional recommendations:

- Compliance with NZS 6803:1999 for construction noise.
- Adopt the guideline vibration limits set out in DIN 4150-3:2016.

[66] Noise and vibration effects during the construction phase of the project are addressed in Section 13.17 of this report (Construction Effects)
[67] The potential reverse sensitivity effects relating to noise are addressed in Section 13.3 of this report (Reverse Sensitivity Effects).
[68] Condition 67

- Limit standard construction hours between 7.30am to 6.00pm Monday to Saturday with no construction work on Sundays or Public Holidays are adopted, unless otherwise agreed with any adjacent noise sensitive receiver.
- Limited construction hours to between 8.00am to 6.00pm Monday to Friday for the construction works associated with the stormwater outlet structure adjacent to 163 Brookvale Road.

The CNVMP objective is to manage noise and vibration during the construction period. The requirement for a CNVMP is included as part of the proposed conditions of consent[69].

Reverse Sensitivity Noise Effects on Rural Neighbours

These matters are addressed in detail in **Section 13.3** above, which outlines the potential for reverse sensitivity effects on adjoining rural activities and identifies how noise-related effects have been appropriately managed through design, setbacks, acoustic treatments, and reference to existing consent conditions on neighbouring sites.

In summary, the proposed residential development will establish new notional boundaries closer to neighbouring rural and commercial operations. The Acoustic Report concludes this shift is unlikely to necessitate any operational changes to these existing activities, nor will it expose future residents to unreasonable noise levels. Existing consent conditions on neighbour operations, modern building practices, boundary treatment (acoustic fencing) and the existing site context (i.e. existing residential buildings) and topography will ensure internal residential environments achieve acceptable acoustic performance, and existing neighbouring activities can continue to operate within their consented or permitted noise limits.

Summary

Overall, it is considered that the actual and potential noise effects associated with the Project can be adequately managed and will not result on long-term adverse effects on the wider receivers and the environment.

13.12. Ecological Effects

The general directives contained within the RPS and the Regional Plan are to maintain and enhance indigenous biodiversity, safeguard ecosystems and managing land use in a way that avoids degrading of natural habitats.

An ecological assessment prepared by Boffa Miskell (refer to **Appendix 19**) confirmed that:

- The Site is dominated by exotic grassland with no areas of significant indigenous vegetation, and no threatened or at-risk flora species were recorded.
- Although no lizards were observed during site investigations, habitat features such as wood piles and exotic vegetation may offer marginal habitat. An FMP will include targeted pre-construction surveys and relocation protocols to ensure any indigenous lizards encountered are appropriately managed.
- The habitat value for native birds is assessed as low due to the modified, grazed nature of the paddocks and lack of ecological connectivity.
- There is no permanent stream or wetland present within the site.
- A small number of mature macrocarpa trees on the site may offer limited roosting potential for long-tailed bats, although no long-tailed bats have been recorded

[69] Condition 76

within 19 km of the site. These trees will be managed appropriately during site works.

- No short-tailed bats have been recorded within 25 km of the site, and the absence of native forest or substantial indigenous vegetation means the site offers no suitable habitat for this species.
- Construction activities will be managed through best-practice methodologies to minimise disturbance to fauna and ensure appropriate onsite sediment and erosion control to reduce sediment load in discharges from the site during construction.
- The Proposal will not result in the loss of any significant terrestrial ecological values.

In terms of freshwater ecology, treated stormwater from the development will be discharged to an unnamed tributary of the Mangateretere Stream. This stream has low to moderate ecological value, with banks dominated by exotic vegetation. The discharge will be managed through a best-practice treatment train approach including proprietary devices and a dry basin, ensuring water quality and hydrology are maintained or exceeded in accordance with Regional Council guidelines.

The outlet structure will be located outside of the stream bed, and riprap rock armouring will be installed to mitigate potential scour effects and ensure long-term stream bank stability. Existing flax bushes will be removed to accommodate the new outlet structure; however, native vegetative planting will be reinstated following construction to restore ecological function and visual amenity.

The ecology report concludes that if these systems are implemented as proposed, there will be no adverse effects on downstream aquatic environments. Overall, the ecology report concludes that the ecological values within the site are low, and the development is unlikely to result in significant adverse ecological effects. Importantly, the proposed best practice stormwater approach will contribute positively to the wider catchment goal of improving the health and resilience of local waterways, aligning with Regional Council objectives.

13.13. Contaminated Land Effects

The DSI prepared by SQN Geosciences (**Appendix 20**) confirms that there are some areas of contamination on the site which either require remediation or on site management in as detailed in the RAP. The DSI further concludes that the potential risk of direct discharges to groundwater and to surrounding properties or nearby surface bodies are unlikely and that the proposal can comply with the permitted activity criteria of rules 47-49 of the given that:

- The contaminants exceeding the Eco-SGV have a low mobility; and
- The contamination is confined to surficial soil surrounded by sufficient grass cover in two localised areas.

For the above reasons, and with adherence to the measures and controls outlined in the RAP it is considered that the potential adverse effects associated with contaminated land can be appropriately managed and will be less than minor.

13.14. Geotechnical Effects

CMW Geosciences prepared a GIR in support of the application. The GIR did not raise significant geotechnical risks or challenges however included design recommendations relating to:

- Slope stability management – including building restriction lines.
- Earthworks – including the requirements for earthworks to be in general accordance with NZS 4431:2022 and under guidance/direction of a Chartered Geoprofessional.
- Final landforms – including a maximum slope for batter slopes of 1(V):2.5(H) unless supported by specifically designed retaining walls.
- Foundations – including the recommendation that foundations can likely be constructed using standard shallow NZS 3604:2011 foundations with a preliminary geotechnical ultimate bearing capacity of 300 kPa however this would be subject to confirmation after bulk earthworks.
- Internal roads and pavements – including the recommendation to undertake penetration resistance testing when they are being formed to confirm final CBR values.
- Retaining walls – to be designed by a suitably qualified and experienced Chartered Professional Engineer and a recommendation to protect retaining walls from future instability through the use of specific design zones.
- Dry basin – including the recommendation for the basin to be lined or capped to prevent ground seepage.

The above recommendations have been integrated into the design that is reflected in the engineering drawings. Appropriate consent conditions are proposed to ensure that design aligns with geotechnical recommendations and GCRs are completed. It is therefore considered that all potential geotechnical adverse effects/risks can be appropriately managed.

13.15. Climate Change and Natural Hazards

The proposal has been assessed for its susceptibility to natural hazards and the potential implications of climate change as required under the FTAA. It is noted that the Site is not in an identified flood hazard zone, or an area of known liquefaction risk and geotechnical investigations confirm that the land is suitable for residential development.

Stormwater management has been specifically designed to respond to the effects of climate change, including increased rainfall intensity and frequency. The system incorporates treatment and detention measures sized for the 10-year and 100-year storm events, accounting for climate change allowances in accordance with Regional Council and best practice guidelines. Overland flow paths and secondary flow channels are provided to ensure the safe conveyance of excess runoff.

In addition, the stormwater dry basin system contributes to managing peak discharge rates and maintaining water quality. No other significant natural hazard risks, such as coastal erosion or sea level rise, are relevant to this Site. Based on this assessment, the proposal is considered resilient to the anticipated impacts of climate change and natural hazards and does not require additional hazard mitigation.

13.16. Ground/Drinking Water and Aquifer Effects

While no groundwater takes are proposed as part of the Project, the Site is located over the Heretaunga Plains Confined Aquifer and is within the Hastings Source Protection Zone. In addition, the Brookvale Road water bore is located immediately adjacent to the site's eastern boundary. This bore is a critical component of the Havelock North urban water supply. For

these reasons, it is important to consider the Project's potential effects on groundwater, the confined aquifer and the integrity of the aquitard layer.

Based on the information contained within the geotechnical, stormwater and infrastructure reports:

- Geotechnical investigations did not encounter any groundwater and is expected to be at a depth greater than 8m below the Site which is at least 5m below the invert level of the dry basin[70].
- The construction methodology avoids deep excavation and ensures that all cut earthworks are shallow, posing no risk to the aquitard layer or confined aquifer below.
- The dry detention basin will be lined with HDPE or geosynthetic material to prevent infiltration into the ground.
- Raingardens will be lined to avoid seepage to groundwater.
- The existing bores on-site will be sealed to comply with HBRC TANK Plan rules to prevent potential contamination pathways.
- Stormwater from impervious surfaces will be treated through a best-practice treatment train, with discharges directed either to the District Council reticulated network or to a tributary of the Mangateretere Stream, depending on the catchment.
- The stormwater management system has been specifically designed to prevent contaminants from entering the groundwater or surface water environments.
- The location of existing water reticulation infrastructure conveying supply from the Brookvale bore to Havelock North has been confirmed through survey, and the proposed development has been designed to avoid interference with these pipelines.

Overall, it is considered that any potential adverse impacts on groundwater (including drinking water supply), the confined aquifer and integrity of the aquitard can be avoided based on the actual depth of the groundwater and through the implementation of the above measures.

13.17. Construction Effects

As is described in **Section 7** of this report, construction of the proposal will be delivered in stages. Works will include site preparation works, bulk earthworks, infrastructure installation, stormwater and landscape works and ultimately the construction of dwellings. An effective construction management approach has been developed to minimise potential adverse construction effects. The approach consists of a suite of management plans and protocols that be implemented to manage construction-related effects and include:

- **Construction Environmental Management Plan (CEMP)** – this plan is the overarching plan to manage construction effects and is to be prepared and approved prior to the commencement of works. It will set out site-specific responsibilities including working hours, health and safety procedures, site layout, communication protocols, environmental management measures and the construction staging methodology. In response to consultation feedback, the CEMP will also include

[70] Refer to sections 5.3 and 7.5.2 of the Geotechnical Report prepared by CMW Geosciences.

provisions for the appropriate management and disposal of construction debris and waste materials throughout the works. The CEMP will also be required to demonstrate that construction is undertaken in accordance with relevant consent conditions. A draft structure of the CEMP is submitted as part of this application (refer to attachment to the Infrastructure Report in **Appendix 11**). The CEMP will include the following sub-management plans and protocols:

- **Bulk Earthworks Plan (BEP)** will guide the methodology for site-wide earthworks activities, including stripping, cut-to-fill operations, stockpiling, and final surface preparation. It will outline bulk earthworks staging, material handling protocols, and measures to maintain stability across the site during the works.
- **Construction Traffic Management Plan (CTMP)** - as recommended by the ITA prepared by FLOW, the CTMP will outline how vehicle movements are to be safely managed. It will include haul routes, access points, peak-hour restrictions (particularly near schools), safety signage, and controls to protect residents and active transport users. Construction traffic will primarily access the site via Arataki Road and is expected to be low in volume and temporary in nature.
- **Erosion and Sediment Control Plan (ESCP)** will be implemented in accordance with Regional Council guidelines. It will detail sediment retention ponds, diversion bunds, stabilised entrances, and monitoring protocols to prevent sediment discharges during earthworks.
- **Chemical Treatment Management Plan (ChTMP)** will be prepared where rainfall-activated chemical dosing is used in sediment control devices. It will include dosage rates, monitoring, maintenance, and contingency measures to ensure effective treatment of sediment-laden water.
- **Dust Management Plan (DMP)** will mitigate nuisance to neighbouring residents. Dust suppression will use either captured stormwater or water sourced from the Hastings fill point (not groundwater). Measures will include water carts, dust fences, daily monitoring, staging of earthworks, and wetting of surfaces during dry or windy conditions. Complaints procedures and communication with neighbours will also form part of the DMP.
- **Spill Prevention and Management Plan (SPMP)** will identify procedures to prevent, contain, and respond to accidental discharges of fuels, oils, and other hazardous substances during construction. It will include protocols for storage and handling of chemicals, designated refuelling areas, spill kit locations, staff training, and incident reporting. The SPMP will also outline immediate response actions, clean-up procedures, and measures to prevent contaminants entering stormwater systems or natural water bodies.
- **Accidental Discovery Protocol -** as recommended in the Archaeological Assessment prepared by CFG Heritage (**Appendix 22**), will be adopted to manage any unexpected archaeological finds. It outlines procedures to stop work, secure the site, and notify HNZPT and tangata whenua. Inductions will be provided to contractors to raise awareness of archaeological protocols.

- A preliminary **Construction Noise and Vibration Management Plan (CNVMP**) has been prepared by Dcibel (**Appendix 23**) to manage effects of machinery and

activities during construction. This includes restricted working hours, acoustic screening where necessary, and procedures for community engagement and complaints resolution.

- A preliminary **Fauna Management Plan (FMP**) has been prepared by Boffa Miskell (**Appendix 19**) to manage potential effects on native fauna prior to and during construction. The plan outlines measures for pre-clearance surveys, staged vegetation removal to allow for wildlife dispersal, and protocols for responding to any fauna encounters, particularly lizards or birds.
- A **Remediation Action Plan (RAP)** will manage any disturbance of contaminated soils. The plan includes protocols for safe handling and disposal, PPE requirements, and procedures for managing unexpected finds including asbestos. A RAP has been prepared by SQN Geosciences and is submitted as part of this application (Refer to **Appendix 21**).

Together, these plans provide a comprehensive framework for managing construction actual and potential construction effects. With the implementation of, and adherence to, the above management measures it is considered that construction activities can be undertaken in a manner that avoids unreasonable adverse effects on the environment, particularly nearby sensitive residential receivers.

13.18. Heritage and Archaeological Effects

The RMA, RPS and District Plan all seek to protect and safeguard sites and features with heritage or archaeological value. An archaeological assessment was prepared by CFG Heritage Ltd (Refer to **Appendix 22**) for the proposal. The assessment confirms that no recorded archaeological sites exist within the Site and no archaeological features were identified during the field survey.

Two mid-20th century heritage features were noted: a packing shed and three stone culverts, but these were not considered to qualify as an archaeological site. The packing shed was identified as having moderate historical and social values as a remnant of the region's orcharding history but is in poor condition and not considered worthy of retention.

The report recommends recording the packing shed to HNZPT Level III standard prior to demolition and applying an Accidental Discovery Protocol during earthworks. In response to feedback received from mana whenua, construction staff will also receive training to ensure cultural awareness and the ability to recognise potential archaeological finds. Conditions of consent[71] are proposed to give effect to these recommendations. Overall, no significant archaeological or heritage constraints exist, and potential effects can be appropriately managed through the implementation of the above measures.

13.19. Summary of Effects

Overall, the actual and potential adverse effects of the Arataki Project are considered to be less than minor. The proposal has been carefully designed to avoid, remedy or mitigate effects through the application of contemporary, context-responsive urban design principles, best practice stormwater management, rural interface buffers, infrastructure upgrades, and construction management.

[71] Condition 81

Through the stakeholder engagement phase, concerns and feedback were actively considered, and the proposal has been refined and updated where appropriate to address potential effects and respond to feedback.

Supporting technical assessments confirm that environmental effects can be appropriately managed, and the proposal will integrate well with the existing urban environment. Subject to the proposed conditions of consent, the Arataki Project is considered to represent a sustainable and well-managed form of urban development.

14.0 Assessment of the Application against Parts 3, 6, 8 – 10 of the RMA

This section of the Application provides an overall assessment of the activity against Parts 3, 6, 8 – 10 of the RMA, as required by clause 17(1)(b) of Schedule 5 of the FTAA.

14.1. Part 3 - Duties and Restrictions under the RMA

Part 3 of the RMA relates to the duties and restrictions under the RMA, with particular regard to use of land, subdivision, discharge of contaminants, uses of beds of rivers, and contravention of designations. It is considered that the proposal meets Part 3 of the RMA as the proposal seeks resource consent to provide for land use activities that have been identified as contravening a standard or rule.

14.2. Part 6 - Resource Consents, Proposals of National Significance, Aquaculture Moratorium

Part 6 of the RMA relates to resource consents, proposals of national significance and aquaculture moratorium. With particular regard to resource consents, the proposal is considered to be consistent with and assesses against the resource consent framework identified within Part 6 of the RMA, except where such assessment is not required as directed by the FTAA legislation (such as assessing environmental effects under clause 6 of Schedule 5 of the FTAA, or the exclusion of Section 104D under clause 17 Schedule 5 of the FTAA). As such, for the reasons identified within this AEE it is considered that the proposal will not offend against Part 6 of the RMA.

Section 105 – Discharge and Coastal Permits, Section 106 – Subdivisions, and Section 107 – Discharge Permit Restrictions contained within Part 6 of the RMA are considered to be directly relevant to this Application.

14.2.1. Section 105 – Discharges

With respect to discharges, under Section 105(1) of the RMA, in addition to the matters in Section 104(1) of the RMA, a consent authority must have regard to:

- the nature of the discharge and the sensitivity of the receiving environment to adverse effects; and
- the applicant's reasons for the proposed choice; and
- any possible alternative methods of discharge, including discharge into any other receiving environment.

With regard to the stormwater discharges, it is considered that the discharges will be acceptable due to the nature of the discharges being proposed, the nature of the receiving environment, and the proposed treatment methods as outlined in the Stormwater Management Plan (**Appendix 12**).

Alternative methods of discharge have been considered. In summary, the proposed discharge point to the unnamed tributary of the Mangateretere Stream for Catchment B has been selected as the most practicable and least disruptive option for the Arataki development. Pre-development flows already naturally fall to this stream, and the limited capacity of the existing stormwater infrastructure to the west has already been fully utilised for Catchment A. Alternative options, such as upgrading or extending the western network, were ruled out due

to high costs, significant construction disruption, and unacceptable risks to critical infrastructure, including water supply trunk mains servicing Havelock North from the Brookvale bore. Additionally, attempts to discharge to other nearby streams were constrained by level conflicts, the existing culvert and location of the stream.

Overall, the application demonstrates that effects will be avoided, remedied or mitigated by the nature of the activity and the proposed conditions of consent.

14.2.2. Section 106 – Subdivision

Section 106 of the RMA sets out additional circumstances when a consent authority may refuse subdivision consent if it considers that there is significant risk from natural hazards, or sufficient provision has not been made for legal and physical access to each allotment to be created by the subdivision.

Despite the subdivision being subject to natural hazards referred to in Section 106, including instability along the eastern escarpment, the subdivision will not worsen any flooding or land instability hazards and includes appropriate mitigation measures to manage these hazards including building setbacks, specific dry basin design, and geotechnical completion report requirements. Sufficient provision has been made for legal and physical access to each allotment created by the subdivision. As a consequence, there are no reasons to refuse to grant the subdivision under Section 106 of the RMA.

14.2.3. Section 107 – Discharge Permit Restrictions

Under Section 107 of the RMA, unless there are exceptional circumstances, or the discharge is temporary, or it is associated with maintenance work, a consent authority cannot grant a discharge permit that would have following effects:

- if, after reasonable mixing, the contaminant or water discharged (either by itself or in combination with the same, similar, or other contaminants or water), is likely to give rise to all or any of the following effects in the receiving waters
- the production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials
- any conspicuous change in the colour or visual clarity
- any emission of objectionable odour
- the rendering of fresh water unsuitable for consumption by farm animals
- any significant adverse effects on aquatic life.

The proposal is not anticipated to give rise to any of the matters listed above. As detailed in the Stormwater Management Plan (**Appendix 12**), the stormwater management approach of the Arataki Project has been comprehensively considered to ensure stormwater discharge from the site will not adversely affect receiving freshwater environments. Furthermore, conditions of consent[72] are proposed to address the above matters.

14.3. Part 8 - Designations and Heritage Orders

Part 8 of the RMA relates to designations and heritage orders. No designations nor heritage orders apply to the site or are proposed. Part 8 of the RMA is not relevant to this proposal.

[72] Conditions 137 – 176

14.4. Part 9 - Water Conservation Orders, Freshwater Farm Plans, and Freshwater Ecosystems

Part 9 of the RMA relates to water conservation orders, freshwater farm plans and use of nitrogenous fertiliser. Part 9 of the RMA is not relevant to this proposal.

14.5. Part 10 - Subdivision and Reclamations

Part 10 of the RMA relates to subdivision and reclamations. The proposal is considered to be consistent with and assesses against the subdivision framework. In particular, an assessment of effects has been undertaken in **Section 13** above, and all new boundaries and allotments have been provided within the Scheme Plan as required by Schedule 4 of the RMA. Conditions of consent (**Appendix 9**) will ensure that the proposal accords with Section 223 and Section 224 and also provides for roads, accessways and reserves to vest, and granting of easements.

15.0 FTAA Decision Making Framework

In deciding whether to grant the approvals sought through this Application, the Panel must consider the requirements in Section 81 of the FTAA. This includes applying the specific decision-making criteria set out in Schedule 5.

15.1. Schedule 5 Clause 17 - Criteria and Other Matters for Assessment of Consent Application

Clause 17 of Schedule 5 of the FTAA sets out the criteria and other matters for assessment of consent applications. This relates to Section 81 of the FTAA, which sets out the process for making decisions on approvals sought in a substantive application.

Clause 17 states that when considering a consent application, including conditions, the Panel must take into account the following, giving the greatest weight to (a), being the purpose of the FTAA:

(a) the purpose of this Act; and

(b) the provisions of Parts 2, 3, 6, and 8 to 10 of the Resource Management Act 1991 that direct decision making on an application for a resource consent (but excluding section 104D of that Act); and

(c) the relevant provisions of any other legislation that directs decision making under the Resource Management Act 1991.

Section 81(4) states that when taking the purpose of the FTAA into account, the Panel must consider the extent of the project's regional or national benefits.

The preceding report has provided a comprehensive assessment of the Arataki project, including the matters listed in (a) to (c) above. In summary, in relation to the Application, it is considered that:

- **The Purpose of the FTAA**

  The purpose of the FTAA is simply to facilitate the delivery of infrastructure and development projects with significant regional or national benefits. As described in **Section 13.1** of this Report, the proposal has significant regional benefits, as assessed by both the Government, having been included in the FTAA as a Listed Project, and as assessed in this Application. The Panel would give effect to the purpose of the FTAA by granting consent, as this would facilitate, or enable, the project to occur.

- **Provisions of the RMA**

  The criteria in clause 17 also states that the various provisions of the RMA must also be taken into account, excluding Section 104D and Section 8 of Part 2. The assessment included in this Report demonstrates that the proposal is entirely consistent with the relevant provisions of the RMA and is considered to be consistent with the purpose of the RMA (see **Section 10** above).

  In terms of the actual and potential effects of the proposal on the environment (s104(1)(a)), the proposal will have significant social and positive economic effects, by enabling an increase in the supply housing to the Hawke's Bay Region, and by enabling job creation during construction and economic growth for the sub-region. Where the proposal is likely to generate adverse effects, these are temporary and/or can be appropriately mitigated through the design of the development and the proposed conditions of consent. As set out in the Economics Assessment (**Appendix**

26), the development will generate an estimated $78 million in total economic activity in the Hawke's Bay region over five years, with a peak employment impact of 230 FTEs and 629 FTE years over the development period.

With respect to the relevant statutory documents (s104(1)(b)), the proposal is generally consistent with the relevant plans and policies to the Site (see **Section 11** above). Urban development is proposed across land that has been earmarked for future residential development. Whilst not yet zoned for urban development, given that the activities are contemplated by the higher order policy documents, the assessment contained in the AEE is focused on matters of design and management of works. The assessment of the proposal has concluded that it is consistent with the relevant statutory documents.

- **Any Other Relevant Legislation**

  In relation to clause 17(c), the proposal has been assessed against the relevant national direction that directs decision making under the RMA, including NPS and NES. The proposal is consistent with the relevant provisions of these documents, and approvals have been sought, and a comprehensive assessment has been provided where required.

15.2. Section 85 - Declining an Approval

Section 85 of the FTAA sets out the circumstances in which the panel must or may decline applications (referred to collectively as 'approvals' in the FTAA).

The Panel must decline an approval if one or more of the situations in s85(1) apply. None of those situations are apply to the Application:

- The application does not seek approval for an ineligible activity as defined in Section 5 of the FTAA.
- The assessment of Treaty settlements that apply to the site in **Section 12** confirms that granting the approvals sought would be consistent with obligations arising under existing Treaty settlements. Therefore, granting the approval would not breach Section 7 FTAA.
- Clause 17(5) Schedule 5 does not apply to the resource consent approvals sought because they do not include an application for a coastal permit for aquaculture activities.

Under Section 85(3), the Panel may decline an approval if, in complying with Section 81(2), it considers that the adverse impacts of the approval sought are sufficiently significant to be out of proportion to the project's regional or national benefits, even after taking into account any conditions in relation to those effects.

As set out in the Assessment of Effects on the Environment (Section 13 above), to the extent that the Arataki Project generates any adverse effects, these are appropriately avoided, remedied, mitigated, or offset through the proposed management plans and consent conditions. No adverse impacts have been identified which are in addition to or beyond these adverse effects which have already been avoided, remedied, mitigated or offset. Accordingly, any adverse impacts are not considered sufficiently significant to outweigh the project's regional benefits.

16.0 Conclusion

The Arataki Project will facilitate the development of 171 detached dwellings, which will provide additional housing capacity to Havelock North and the Hawke's Bay region. The development will be supported by a local road network, pedestrian and cycling connections, and required infrastructure.

The Arataki Project is a logical extension of the existing urban environment of Havelock North and will deliver an appropriate rural-urban interface to the rural land to the east of the site. A defensible urban boundary will be delivered through the existing natural landform and height difference between the site and rural land to the east, along with the provision of a planted buffer along the eastern and southern boundaries of the site.

Based on the above report, it is considered that:

- Appropriate consultation and engagement have been undertaken with the District and Regional Councils, Mana Whenua, and the Administering Agencies;
- Consideration of planning documents recognised by relevant iwi authorities and lodged with the District Council has been undertaken;
- Having considered the actual and potential effects of the proposal, the proposal will generate only minor adverse effects that, subject to appropriate conditions of resource consent, including the implementation of management plans and monitoring, will be avoided, remedied or mitigated;
- The proposal accords with the relevant Regional Plan and District Plan objectives and policies;
- The proposal meets the requirements of the relevant NES;
- The proposal accords with the relevant NPS;
- The proposal achieves the purpose of the FTAA to facilitate the delivery of infrastructure and development projects with significant regional or national benefits; and,
- The proposal is considered to be consistent with Parts 2, 3, 6, and 8 to 10 of the RMA.

In summary, the Arataki Project represents a well-considered, quality urban development that aligns with the strategic planning framework and supports sustainable growth in the region.

The proposal has been shaped through engagement with local authorities, mana whenua, and key stakeholders, and is underpinned by a comprehensive suite of technical assessments. These confirm that environmental effects can be appropriately managed through best-practice design, robust construction and operational management measures, and clear implementation of consent conditions.

The development responds to identified housing demand, makes efficient use of finite land resources, and delivers a carefully considered interface with the surrounding rural and residential context. In doing so, it fulfils the purpose of the FTAA by facilitating the delivery of regionally significant housing supply, while aligning with the sustainable management purpose of the RMA.

It is therefore concluded that the Application satisfies all matters the EPA and the Panel are required to assess and that it can be granted consent under the FTAA subject to conditions.


WOODS