

Submission on Fast Track Application made by CDL:

Arataki Project – Havelock North

- C & M McKenzie: 

29/10/2025

1. Introduction

- 1.1. We write to provide comments on the proposed subdivision and development of 171 Lots by CDL Land New Zealand Limited (CDL) at 86, 108 and 122 Arataki Road, Havelock North. My clients, C & M McKenzie reside at [REDACTED]. This Lot is directly adjacent to the subject site along the southern boundary, it is 3.9h and primarily an olive grove, with a residential dwelling close to the Albany Lane entrance.
- 1.2. My clients did not receive any invitation from the panel to provide feedback, we were fortunate that we found Minute 2 on the Fast Track website¹ and we were also contacted by Ms Sunde from Woods on 23/10/2025 to check that we had received an invitation and we wish to thank Ms Sunde for following that up with us.
- 1.3. We note that Minute 2 identifies my clients property on the map in Appendix 2, but their address is not listed in Appendix 3, an oversight. We are confident that as our clients property shares a boundary with the CDL development, they have a right to provide comments.

2. Previous consultation with CDL

- 2.1. My clients have previously attempted to contact CDL to discuss their concerns about the location of future housing along the northern boundary of the olive grove, on the subject site. When the previous subdivision and land use application was lodged with Hastings District Council in 2022 (Council reference RMA20220384) we reached out to Development Nous who were engaged by CDL at that time to progress the application. We were unsuccessful in obtaining any meaningful contact with CDL and the application was subsequently put on hold.
- 2.2. My clients were approached by Ms Sunde, from Woods, in May 2025. Ms Sunde provided the initial scheme plan and information about the proposed 10m landscape strip that would run along the eastern boundary of the site, adjacent to [REDACTED]
- 2.3. We provided feedback to Ms Sunde on 17th May 2025, with the following key points:
 - My clients do not have an objection to a subdivision and housing development on this piece of land, it is acknowledged that this piece of land has been earmarked for development for some time, this is evidenced in its inclusion in the Heretaunga Plains Urban Development Strategy and more recently in the Future Development Strategy, adopted by the partner Councils in 2025.
 - The primary concern from our clients is the proximity that the proposed houses will be from their boundary, and the risk of reverse sensitivity effects that will limit or potentially prohibit my clients from using their land productively, in this instance, as a working olive grove, along with the wider effects on Arataki Honey and Te Mata Estate Winery.
 - We attach this previous feedback to CDL as **Appendix 1**.
- 2.4. We have received the lodged Fast Track Submission from Ms Sunde on 18/08/2025 and it is this information that we provide a submission on.
- 2.5. We would note that we were surprised to see this comment in the meeting minutes dated

¹ https://www.fasttrack.govt.nz/__data/assets/pdf_file/0015/13146/Minute-2-Invitation-to-comment.pdf

06/05/2025 held between CDL/Woods and Hastings District Council, which states in Section 9 Reverse Sensitivity:

“Discussed Olive Grove and potential for reverse sensitivity effects. Has been lack of responsiveness from neighbour in the past. Consultation has commenced again this week. Noted that the owners have asked for the site to be taken out of the draft FDS (previously future urban in HPUDS).”

We strongly disagree that there has been a “lack of responsiveness” in the past. In fact, my client has sought on numerous occasions to engage with CDL in the past. We will note that once my client was engaged with on 8th May 2025 (after this meeting referenced above), our communication with Ms Sunde has been efficient and while not resolving our issues, has been clear and prompt.

2.6. We also note that my client did not ask for the site to be taken out of the draft FDS.

3. Comments on Assessment of Environmental Effects

3.1. We agree with the description of our clients site on page 41 of the AEE.

4. Landscape Plan

4.1. We note that the landscape plan in Appendix 24 states the following:

DESIGN INTENT

For boundary interface C, 7m wide buffer planting is proposed comprising of native shrubs and exotic evergreen tree planting.

*Closely spaced large growing evergreen trees, *Alnus jorullensis* (Mexican Alder) to form a dense hedge along boundary, with native underplanting dominated by *Flax*, *Coprosma* and *Hebe* species which will grow to a height of 2.5m.*

Mexican Alders to be planted at 3m spacings, 45L grade approx. 3m height at planting.

4.2. Section 13.3.1 of the AEE “Spray Drift” refers to NZS 8409:2004. This NZ Standard has been superseded by NZS8409:2021 which mentions that species planted to minimise spray drift are more effective if they have needle like leaves. We do not believe that the Mexican Alder proposed in the landscape plan is a needle like leafed tree – therefore may not be suitable for the intended purpose. We request that the panel asks the applicant more about the choice of trees for the buffer planting and how they meet the recommendations in NZS8049:2021.

4.3. We further note that the planted buffer strip is only 7.5m, less than the 10m landscape strip that has been proposed by the applicant throughout the process to date. Again we reiterate, 7.5m is not enough distance to adequately manage the effects from onsite spraying and noise associated with my clients olive grove.

4.4. We would also like to note that the shelter belt that currently exists on my clients site is no use as a buffer for spray drift. It is a deciduous Italian Alder which has a broad leaf. It was planted for aesthetic reasons and cannot be relied upon to provide the necessary buffer.

Figure 1 shows a snip from the page 22 of the Landscape Concept Plan (Appendix 24):

Figure 1:



5. HDC/HBRC Objectives and Policies assessment

- 5.1. We note that the applicant has provided an assessment against the relevant objectives and policies of the Hastings District Plan, this is in Appendix 8 – Statutory Planning Framework and Rules Assessment.
- 5.2. We do not agree with the assessment provided by the applicant and note the following with regards to the relevant objectives and policies:
- 5.3. Hawke's Bay Regional Council Regional Management Plan:

- **OBJ UD1, OBJ UD2, POL UD1:** The applicant has not provided an assessment against these objectives and policies in the RRMP and we consider these to be relevant to this proposal.

UDO1 and **UDP1** directly reference Chapter 3.5 of the RRMP (OBJ UD1 (b)) with the requirement to “avoid, remedies or mitigates reverse sensitivity effects in accordance with objectives and policies in Chapter 3.5 of this Plan.

Chapter 3.5 is titled “Effects of Conflicting Land Use Activities”. The following objectives and policies in **Chapter 3.5** are relevant to this application:

OBJ 16: For future activities, the avoidance or mitigation of off-site impacts or nuisance effects arising from the location of conflicting land use activities.

POL5: Role of non-regulatory methods – this policy encourages liaison with territorial authorities as the primary means of preventing or resolving problems arising from incompatible land use activities and implementing the problem-solving approaches set out in the chapter.

POL6: Problem-solving approach – future land use conflicts. This policy recognises that potentially conflicting land use activities adjacent to one another can be provided for as long as

no existing land use activity is restricted or compromised.

We do not consider that this proposal is consistent with the above objectives and policies. Our client has repeatedly provided a compromise – being a minimum 30m vegetated setback along the shared boundary and we consider that if this setback is adopted, the application may then be consistent with the above objectives and policies.

5.4. Hastings District Council District Plan:

- **UDO1, UDP1:** While the applicant is correct that the proposal is responding directly to land identified in the HPUDS (and now FDS), we do not consider that the proposal will “reduce the impact of urban development” as stated in the application.

The application is silent on Policy **UDP7**:

“In the absence of distinct physical boundaries such as roads or rivers, require the provision of greenbelts to maintain separation distances between the Urban and Plains Production environment and also to separate distinctive urban areas.”

While our clients site is not zoned Plains Production, the Te Mata Special Character Zone does seek to encourage rural productive activities while also supporting rural lifestyle living. The tenets of **UDP7** do apply to this application and we consider that the proposal is inconsistent with this policy.

6. Consultation records:

- 6.1. We note that in Appendix 7a, on page 166, there is an email from the Hastings District Council Team Leader Environmental Policy that states:

“We continue to have concerns around the developments ability to address reverse sensitivity concerns to the East and the South. Reverse sensitivity from adjoining plains productions is and continues to be a significant issue when managing urban growth in our District. Rural production, particularly activities related to orcharding create a multitude of effects that are not entirely compatible with adjoining residential. These include but are not limited to noise, spray drift and effects of buffer planting (like shelterbelts). Our current approach is to aim to provide a 30m buffer between residential and plains production, which is usually achieved by a mixture of roads, setbacks and infrastructure corridors and detention basins. This is embedded in our plan under 7.2.5G (b).

Whilst we note the limitations due to the shape of the site, and that the applicants have provided a 10m setback from boundaries with a landscaping buffer, we still hold concerns that this will be able to provide long term protection against the effects of reverse sensitivity. Further to this, we are concerned around the long term maintenance of such planting buffers as part of a covenant proposal. In summary, and preferred method for dealing with conflict between the urban/rural interface is to provide appropriate buffers through greater distance, preferable 30m, rather than relying on no complaints covenants and planting which in some circumstances have limited effect, and may put at risk future rural uses for neighbouring sites.”

These comments further tie into the requirements of Chapter 3.5 of the RRMP, noted above in section 5, that one of the best mitigation measures is to liaise with Territorial Authorities, and in this instance, Hastings District Council are clear on their request to have a 30m setback.

7. Proposed Conditions/Covenants:

- 7.1. The applicant has offered a set of conditions, including the following land covenants (pg 18 of the conditions suite)

Condition 26:

No-Build Area

For Lots 140 – 171: No building shall be erected within the area identified in green as land covenants on the approved scheme plan P24-244-00-0001-SC Rev 2, prepared by Woods and referenced in Schedule 1. This is for the purpose of providing an appropriate rural-urban interface.

Landscaping

For Lots 140 – 171: All vegetation within the area identified in green as land covenants on the approved scheme plan P24-244-00-0001-SC Rev 2, prepared by Woods and referenced in Schedule 1 must be retained and protected to provide for a continued vegetated appearance and to protect the rural-urban interface.

- *Lots 140 – 161 have interspersed landscaping;*
- *Lot 162 has shelter belt landscaping on the southern boundary and interspersed landscaping on the eastern boundary; and*
- *Lots 163 – 171 have shelter belt landscaping. Lot owners must:*

(a) Maintain planting established in general accordance with the approved and implemented landscape plans;

(b) Not cut down, damage, or destroy the planting within the covenant area (excluding general weeding); and

(c) Control all pest plants and pest animals within the covenant area.

- 7.2. Our client does not agree with the wording of these covenants for the following reasons:

- First and foremost, the setback/no build/vegetated area of 10m (7.5m vegetated) in depth is not enough, and we continue to request that this area is at least 30m in depth from the boundary of our clients site;
- What experience does the applicant have with the success of covenants of this type that spread over multiple individual properties? For the covenant to be successful, the entire area should be held in one title, with one person responsible for the ongoing maintenance of vegetation within;
- Who is responsible for upholding the requirements of these covenants once the development is complete? Ie, if a land owner of one of Lots 162-171 decides to remove the vegetation in 5 years' time and not replant, who will be responsible for remedying this?

- 7.3. We request that if a 30m buffer setback is provided on the scheme plan, that this is held in one title and managed as one, without involving each individual property owner.

8. Why 30m?

- 8.1. We have previously provided this information to CDL in our feedback (**Appendix 1**), and we reiterate this information, as it has been compiled from a number of sources who are consistent in the recommendation that at least 30m is provided between residential dwellings and productive agricultural land uses.
- 8.2. A 30m setback is acknowledged as being an appropriate setback, if vegetated correctly, to help minimise the nuisance and risk to the public and nearby houses from spray drift and the associated noise that occurs when spraying on site. This setback will also minimise the effect of bird scarers which are used on the site.
- 8.3. Horticulture NZ submission to the Napier-Hastings Future Development Strategy (Submission #107)² state in section 4.8 of their submission, I have added the bold for reference:

4.8. Opportunities

There needs to be consideration of what activities and requirements there are to support the rural production in the area. There is a need for a rural industrial zone/s to support activities such as post-harvest facilities.

*There is also an opportunity to ensure any developments occur in a way that they do not impact rural production. **For example, including a requirement for a 30m vegetated buffer strip within urban developments that border rural zones both can add to the amenity of a new development, and provide a buffer to minimise reverse sensitivity impacts from residential developments on rural production.***

HortNZ does not support urban development onto highly productive land or the Heretaunga Plains.

- 8.4. HortNZ included in their oral submission which was read at the hearings for the Future Development Strategy:

Sensitive activities and reverse sensitivity

Reverse sensitivity issues are becoming an increasing problem for the horticulture sector as more people move into productive areas who do not have realistic expectations for the activities that can occur as part of primary production. Horticulture tends to be particularly susceptible to reverse sensitivity effects due to the location of highly productive land, often near urban centres or land under demand for urban development. Reverse sensitivity has a negative impact on growers being able to make use of their productive land and conscious plans to enable expansion into rural

² https://www.hastingsdc.govt.nz/assets/Document-Library/Hastings-and-Napier-Future-Development-Strategy/2-Submission-documents/Sub-107-Horticulture-NZ.pdf?utm_source=chatgpt.com

productive areas will result in an increase in reverse sensitivity issues. While some of these can be managed through set backs and more robust requirements to sound proof new builds, they can be avoided by encouraging future development to be away from these areas.

- 8.5. We have also seen a 30m buffer strip included as a performance standard in the Proposed Napier City Council District Plan:

RPROZ – Rural Production Zone: RPROZ-S3: Setback From highly productive land

No residential activity is located closer than 30m from highly productive land.

- 8.6. While this standard is not yet operative, there is a clear direction from Napier City Council that a suitable buffer strip is provided between residential development and productive land uses.
- 8.7. Tasman District Council has included a number of provisions in their Resource Management Plan, Chapter 17 – Zone Rules that require a 30m setback of residential dwellings from horticultural planting and vis versa. We have not attached this file due to size, for reference, in Chapter 17 standards include 17.5.3.3(d)(i), 17.6.3.4(d)(i), 17.6.4.1(d)(i), 17.7.3.3(d)(i), 17.7.4.1(d)(i).
- 8.8. Southern Cross Horticulture³ provides reference to the 2025 Zespri GAP (Good Agriculture Practices) that where no effective shelter is provided for kiwifruit orchards, a 30m spray buffer will apply.
- 8.9. In Australia, the guidance and controls have been further refined, with the Government of Western Australia Department of Health⁴ requiring a minimum distance of 300m between the development site and the nearest agricultural land, or a buffer strip at least 40m wide to prevent spray drift.
- 8.10. We attach a Guideline paper issued by the NSW Government, Department of Primary Industries, that provides information on the importance of buffer strips. The buffer distance suggested in Table 1, between ‘outdoor horticulture’ and sensitive receivers, is 250m. This further highlights the importance of having a suitable vegetated buffer strip, in excess of the current 10m provided by the CDL scheme plan.

9. Relief sought

- 9.1. We request that the scheme plan proposed is revised to provide at the minimum a 30m vegetated buffer strip established around the perimeter of the site where the site adjoins the Te Mata Special Character Area or the Plains Production Zone. This buffer strip is to be planted with the appropriate species to mitigate the effects of spray drift and noise from our clients property.
- 9.2. The reverse sensitivity effects from spray drift and noise could threaten the long term viability of the olive grove and Arataki Honey along with other productive uses in the nearby area. If a 30m vegetated buffer zone is provided, this may go some way to mitigate these reverse sensitivity

³ <https://www.southerncrosshorticulture.co.nz/news/new-gap-shelter-requirements>

⁴ https://www.health.wa.gov.au/Articles/F_1/Guidelines-for-separation-of-agricultural-and-residential-land-uses?utm_source=chatgpt.com

effects and continue to provide for the long-term productive use of the productive land.

9.3. If there is an opportunity, we wish to be heard on this submission.

Yours sincerely



Alison Francis MNZPI
Bay Planning Limited

Cc:



Appendix 1: McKenzie CDL previous submission.