

**Whakatu Arterial Link**  

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**Planning Assessment**

**Prepared For:**

**Hastings District Council**  
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Hastings

**June 2014**

**Prepared By**

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## Executive Summary

This report presents a planning assessment of the Whakatu Arterial Link (“WAL”) in relation to the relevant policy and planning documents prepared under the Resource Management Act 1991 (“RMA”).

### CONSENTING APPROACH

Approval for the WAL under the RMA is sought as follows:

- A notice of requirement (“NOR”) will be lodged with Hastings District Council (“HDC”) for the proposed road corridor; and
- Resource consent applications will be lodged with the Hawke’s Bay Regional Council (“HBRC”) for all other aspects of the WAL that are not permitted activities.

### CONSENTS REQUIRED

Applications for a total of five resource consents will be lodged with HBRC.

If the bundling approach is applied to the activities for which consents are sought, the overall status of the resource consent applications would be ‘Discretionary’.

### ANALYSIS OF POLICY AND PLANNING DOCUMENTS

A planning analysis of the WAL has been undertaken in relation to the relevant policy and planning documents prepared under the RMA (i.e. statutory instruments) that need to be considered as part of the assessment of the NOR and the resource consent applications.

The WAL has been assessed in relation to the following relevant statutory instruments:

#### National Policy Statements

- National Policy Statement for Freshwater Management (“NPS Freshwater Management”)

#### National Environmental Standards / Regulations

- National Environmental Standards for Air Quality (“NES Air Quality”)
- Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (“NES Soils”)
- The National Environmental Standard for Sources of Human Drinking Water (“NES Drinking Water”)

#### Regional Policy and Planning Documents

- Hawke’s Bay Regional Resource Management Plan (“RRMP”) including:
  - Change 4 – Managing the Built Environment (“PC4”)
  - Proposed Change 5 – Land use and Freshwater Management (“PC5”)

#### District Plans

- Operative Hastings District Plan (“HDP”)
- Proposed Hastings District Plan (“PHDP”)

The following provides a brief summary and the key conclusions presented in the Planning Assessment in relation to the statutory instruments listed above.

### National Policy Statements

The NPS Freshwater Management is the only National Policy Statement potentially relevant to the WAL. The WAL has some interaction with the Karamu Stream in terms of stormwater discharges and the



proposed bridge crossing. Various policies in the RRMP give effect to the NPS Freshwater Management and the WAL has been assessed as being consistent with these.

### **National Environmental Standards / Regulations**

The NES Air Quality is relevant to the WAL with respect to the incidence of dust effects caused during the construction phase. Dust is also a key effect requiring management in order to avoid effects on orcharding and pack house operations adjacent to the WAL. Dust will be managed under the Construction Environmental Management Plan such that NES Air Quality and RRMP requirements are met.

Soil testing has been carried out along the route of the WAL to determine the incidence, and extent, of any contaminants managed under the NES Soils. This testing has confirmed that contaminants of concern are below even the strictest land use scenario levels specified by the NES Soils, and resource consent under the NES Soils is therefore not required. Conditions have been proposed to require further testing which will identify any currently unforeseen effects that require consent and/or mitigation at a later stage.

The resource consent applications sought from HBRC include discharge consents and the provisions of the NES Drinking Water therefore apply. It is considered that the granting of the discharge consents sought would be consistent with the requirements of the NES Drinking Water.

### **Regional Policy and Planning Documents**

The RMA status of the activities for which consent is required for the WAL is determined with reference to Regional Rules of the RRMP. These are:

#### **➤ Discretionary Activity resource consent is required for:**

- Discharge of solid contaminants to land (clean fill) associated with the construction of the WAL where clean fill is deposited within 20 metres of the Karamu Stream;
- Discharge of stormwater to the sediment retention ponds during construction activities;
- The construction of the Karamu Stream bridge;
- The construction and maintenance of stormwater outfall structures in the Karamu Stream; and
- Stream widening works undertaken on behalf of HBRC.

#### **➤ Restricted Discretionary Activity resource consent is required for:**

- All soil disturbance (earthworks) or vegetation clearance within 5 metres of the Karamu Stream.

All other aspects of the WAL are permitted activities under the RRMP.

The RRMP is a combined regional policy statement ("RPS") and a regional plan. The WAL has been assessed against the relevant objectives and policies in the RPS part of the RRMP (Chapter 3) and Regional Plan part of the RRMP (Chapter 5). It has been determined that the WAL is generally consistent with the relevant objectives and policies of the RRMP.

RRMP Change 4 – Managing the Built Environment ("PC4") was made operative on 1 January, 2014. The WAL is entirely consistent with, and supported by, the objectives, policies and outcomes sought by PC4.

RRMP Proposed Plan Change 5 – Land Use and Freshwater Management was notified on 2 October, 2012 with decisions on submissions issued 5 June, 2013. 4 appeals were lodged with the Environment Court. While appeals are unresolved and the provisions are not yet operative, Proposed Plan Change 5



is a relevant consideration. In general, given the low impact stormwater and runoff management practices being adopted for the WAL, it is considered that the WAL is not inconsistent with PC5 as notified and amended by decisions.

### **District Plans**

The proposed WAL has been assessed against the relevant objectives and policies of both the Hastings District Plan and the Proposed Hastings District Plan. While the WAL is not consistent with all relevant objectives and policies (specifically those that relate to the Plains / Plains Production Zone), overall it has been determined that the WAL is generally consistent with the objectives and policies.

### **PART 2 OF THE RMA**

The promotion of sustainable management requires an overall broad judgement of whether a proposal will meet the requirements of section 5(2) of the RMA.

The WAL will enable people and communities to provide for their social, economic, and cultural well-being and for their health and safety by the provision of improved (in terms of efficiency and safety) transport links between Napier (including the Port of Napier and the Napier / Hastings Airport) and the Whakatu industrial area and surrounding residential areas, including Havelock North.

Actual and/or potential adverse effects on the environment will be avoided, remedied or mitigated through a considered road alignment and design process and by the imposition of appropriate conditions of consent.

In conclusion, it is considered that the WAL is consistent with the purpose and principles of the RMA.





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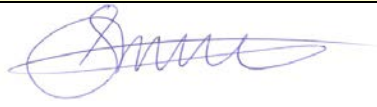
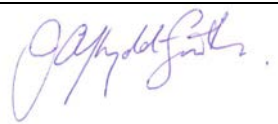
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REPORT INFORMATION		
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Status of Report	Final	
Our Ref	SDB018	
		Signatures
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# **1 INTRODUCTION**

## **1.1 PURPOSE OF THIS REPORT**

HDC is seeking approval for the WAL under the RMA.

The purpose of this report is to undertake a planning assessment to identify the various resource consents required for the WAL under the relevant district, regional and national planning documents. A proposed approach is outlined in terms of the manner in which approval under the RMA is to be sought, this being a combination of a NOR for a designation and resource consents.

The report also provides a planning analysis of the WAL in relation to the relevant policy and planning documents prepared under the RMA and other documents that need to be considered as part of the assessment of the NOR (s 168A) and resource consent applications (s 104).

## **1.2 REPORT STRUCTURE**

The structure of this report is as follows:

- Section 2 provides a brief description of the key elements of the WAL;
- Section 3 describes the proposed approach in terms of approvals sought for the WAL under the RMA.
- Section 4 discusses the rules in the relevant plans prepared under the RMA and identifies the RMA status of the activities associated with the WAL, including the need for resource consent applications.
- Section 5 sets out the matters specified in the RMA that a consent authority must have regard to when considering applications for NORs and resource consents.
- Section 6 provides a planning analysis of the WAL in relation to the relevant policy and planning documents prepared under the RMA that need to be considered as part of the assessment of the NOR and resource consent applications.
- Section 7 presents an analysis of the WAL in relation to Part 2 of the RMA.
- Section 8 presents an overall conclusion.

## 2 PROPOSED WHAKATU ARTERIAL LINK

A comprehensive description of the WAL is set out in the Whakatu Arterial Link Project Description prepared by GHD Ltd (GHD 2014a). This Planning Assessment should be read in conjunction with the Project Description. The key elements of the WAL are summarised as follows:

- The WAL extends in a general southeast direction from Pakowhai Road near Rangitane Road (already closed) through to State Highway 2 near the current intersection with Napier Road;
- The corridor of land is approximately 3,500 metres long, a maximum of 80 metres wide and an average of approximately 36 metres wide;
- The alignment crosses the Karamu Stream via a proposed new bridge approximately 450 metres east of Pakowhai Road;
- Three new roundabouts are proposed where the WAL will intersect with Pakowhai Road, Whakatu Road and State Highway 2; and
- A new level crossing on the Palmerston North – Gisborne Rail Line is required.

An Overview Plan of the WAL showing the location of the route and major intersections with existing roads is presented in **Appendix A** of this report.

### 3 CONSENTING APPROACH

Approval for the WAL under the RMA is to be sought as follows:

- A NOR will be lodged with HDC for the proposed road corridor; and
- Resource consent applications will be lodged with HBRC for all other aspects of the WAL that are not permitted activities.

To the extent that the NOR relates to land already designated for SH2, the New Zealand Transport Agency has provided its written approval under section 177(1)(a) of the RMA. This approval is attached as **Appendix B**.

To the extent that the NOR relates to land already designated for railway purposes, KiwiRail has provided an indication that consent under s 177(1)(a) RMA will be given, subject to certain steps and conditions being met. KiwiRail's letter to this effect is provided in **Appendix B**. Final written approval under section 177(1)(a) of the RMA is to be obtained prior to construction commencing.

#### 3.1 TERM OF CONSENT AND LAPSE PERIODS

In accordance with normal practice, no term of consent is proposed for the NOR or land use consents being sought as part of the WAL.

Given the nature of the proposal, its strategic importance to the region and the scale of investment, a term of 35 years is sought in relation to all other resource consents being sought.

A lapse period of 10 years is sought in relation to the NOR and resource consents, on the basis that:

- The Project Description (GHD 2014a) specifies a construction period for the WAL of approximately 18 months;
- There will be a lead-in period prior to construction commencing associated with completing land owner negotiations and agreements, contract management and the finalisation of the various management plans required by the proposed conditions (HDC 2014d);
- It is appropriate to provide for an allowance for delays at any stage of the land acquisition and construction phase; and
- For similar reasons, a 10 year lapse period (or longer) is typically applied to other large scale infrastructure projects of a similar nature to the WAL.

#### 3.2 APPLICATIONS TO BE MADE AT A LATER DATE

The following outlines additional resource consent application processes that will (or may) be initiated should RMA approvals for the WAL be obtained. These applications are being sought at a later date because the information required to inform the application processes will not be available until later in the WAL development process.

##### 3.2.1 REGIONAL CONSENT - REINSTATEMENT OF INFRASTRUCTURE (IRRIGATION WELLS)

As outlined in the Productive Land Use Assessment (AgFirst 2014), two existing irrigation wells will be impacted by the WAL; one on land owned by Omahuri Orchards Limited and another on land owned by



Lucknow Holdings Ltd. These wells will need to be reinstated, in consultation with landowners, prior to construction commencing.

Under the RRMP, this process requires Controlled Activity resource consent for the drilling of new wells (Rule 1), and the transfer of existing water permits (Rule 62). As a Controlled Activity, resource consent must be granted and conditions may be imposed. The decommissioning of the old wells can be carried out as a Permitted Activity, subject to meeting the conditions / standards / terms of Rule 4.

Additional landowner consultation is required to confirm, among other matters, the preferred location of the new wells. HDC will lodge separate resource consent applications for the reinstatement of the affected irrigation wells at a later stage (pre-construction), at such time as this information is available.

### **3.2.2 REGIONAL CONSENT - CHANGE IN IRRIGABLE AREA**

As outlined in the AgFirst report, some horticultural / agricultural properties will experience reductions in productive capability as a result of the WAL.

Where existing water take consents for irrigation purposes are held, and where the WAL causes a change in the total irrigable area identified in those consents, a RMA s.127 application is required to change the conditions of these existing consents. Section 127 applications are treated as an application for resource consent for a Discretionary Activity. Given that irrigable areas will decrease (i.e. there will be no increase in the volume or rate of water take sought), this process is expected to be largely administrative.

Any required s.127 applications will be lodged with HBRC following final survey of the completed road to allow accurate calculation of final irrigable areas.

### **3.2.3 DISTRICT CONSENT – RELOCATED BUILDING**

The WAL will displace an existing rental cottage located near the Napier Road / State Highway 2 intersection on the Wedd Property (identified as Property 5 on the Land Requirement Plans provided as Schedule One to the NOR application, HDC 2014a).

Properties 3, 4 and 5, as shown on the Land Requirement Plans, are all owned by the same landowner and are all identified as being within the Plains Zone under the Operative Hastings District Plan.

While landowner negotiations are continuing, through early consultation a preference has been indicated for the cottage to be re-located to Property 4. There is an existing dwelling on Property 4 and the Operative (and Proposed) District Plan would therefore require a resource consent to relocate the cottage as a supplementary dwelling. An alternative approach would be to seek a minor boundary adjustment to allow the cottage to locate on Property 3.

A final approach will be agreed with the landowner and any requisite resource consents sought prior to construction commencing.

### **3.2.4 DISTRICT CONSENT – NES SOILS**

As further explained in Section 6.2.2 of this report, the Contaminated Land Assessment (EAM 2014b) has confirmed that in general, soils being disturbed by the WAL are fully compliant with NES Soils requirements. However, there are two potential 'hotspot' areas associated with existing spray / well sheds where further testing has been recommended. Given the invasive nature of the testing required, which involves testing the soil around and underneath existing concrete pads, it is proposed to



undertake this sampling at a later stage (prior to construction commencing). This would be undertaken in consultation with affected landowners.

Further, as a precautionary approach, the EAM report has recommended sampling of any soil leaving the construction site, to provide ongoing monitoring of compliance with NES Soils requirements.

Both additional sampling requirements are reflected in the Proposed Conditions for the WAL (HDC 2014d).

If any sampling results in non-compliance with any NES Soils standard, resource consent under the NES Soils will be sought from HDC. The EAM report notes that if contaminant levels are elevated, this can be readily remediated through mixing the contaminated soil with the large quantities of clean soil that will be available on site during construction.

### **3.3 OTHER MATTERS TO BE ADDRESSED AT A LATER DATE**

In addition to the need for additional resource consents that will be applied for at a later date (discussed above), there are a number of other matters and/or legal processes that will, or may, need to be addressed at a later date including:

- An application to Heritage New Zealand Pouhere Taonga (formally the New Zealand Historic Places Trust) for a general authority under the Heritage New Zealand Pouhere Taonga Act 2014 to be able to modify any archaeological site(s) that may be discovered during construction activities;
- The closure of Ruahapia Road at the railway level crossing under the Local Government Act 1974;
- The closure of Ruahapia Road at the intersection with Pakowhai Road under the Public Works Act 1981; and
- The realignment (and associated stopping processes as required) of Pilcher Road and Whakatu Road under the Public Works Act 1981.

These matters are not addressed further in this report.



## 4 RMA PLANNING AND REGULATORY ENVIRONMENT

The following identifies the relevant jurisdictions, plans and rules under the RMA and identifies the status of the activities associated with the WAL, including the need for resource consent applications.

### 4.1 HASTINGS DISTRICT COUNCIL

The WAL is located entirely within the Hastings District. Under the RMA, HDC has jurisdiction for the control of land uses. The RMA status of land uses associated with the WAL is determined by reference to the HDP that was made operative on 10 June, 2003.

The PHDP was publicly notified on 9 November 2013. Further submissions closed on Friday, 9 May, 2014. Some provisions of the PHDP took legal effect immediately upon notification under s 86B(3) of the RMA; however the majority of provisions will not have legal effect until notification of decisions on submissions. It is noted that no rules became operative under s 86F RMA.

In its capacity as a requiring authority, HDC will lodge a NOR for a designation in accordance with s. 168A of the RMA. If approved, the designation will authorise the works necessary to construct, operate and maintain the WAL within the designated area without the need for land use consents. As such, the provisions of s. 9(3) of the RMA would not apply.

On that basis, an analysis of the land use resource consents required for the WAL under the provisions of the HDP or PHDP is not required. An assessment of the relevant objectives and policies of the HDP and PHDP is provided in later sections of this report.

#### 4.1.1 RESOURCE CONSENTS REQUIRED FROM HASTINGS DISTRICT COUNCIL

➤ **No land use consents are required.**

- On the basis that a NOR is being lodged under s. 168A, no land use resource consents under the Hastings District Plan or the Proposed Hastings District Plan are required from HDC.
- Additional HDC resource consent application processes (outlined in Section 3.2 above) will be initiated at a later stage should RMA approvals for the WAL be obtained .

### 4.2 HAWKE'S BAY REGIONAL COUNCIL

The activities associated with the WAL are located entirely within the Hawke's Bay Region.

Under the RMA, HBRC has jurisdiction for the management of the discharge of water and contaminants to water, land and air within the Hawke's Bay Region. HBRC also controls land uses, such as land disturbance, the clearance of vegetation, the erection of structures in, on, under or over the beds of rivers and the disturbance of river beds.

The RMA status of the activities associated with the WAL is determined by reference to the RRMP made operative in August 2006.





#### 4.2.1 REGIONAL RESOURCE MANAGEMENT PLAN

The status of the proposed activities under the RRMP is summarised in Table 1 below.

**Table 1: RMA Activity Status of Activities under the RRMP**

Activity	Relevant Regional Plan Rule(s)	Activity Status
<ul style="list-style-type: none"> <li>Vegetation clearance and soil disturbance associated with earthworks to construct the bridge, stormwater discharge structures and widening of the Karamu Stream where: <ul style="list-style-type: none"> <li>Vegetation clearance is within 5 metres of a permanently flowing river, or any other river with a bed width in excess of 2 metres.</li> </ul> </li> </ul>	Rule 8	Restricted Discretionary
<ul style="list-style-type: none"> <li>Diversion and discharge of stormwater to the Karamu Stream.</li> </ul>	Rule 42	Permitted
<ul style="list-style-type: none"> <li>Discharge of solid contaminants to land, including clean fill, that will not enter water, associated with the construction, operation and maintenance of the WAL, including the bridge, where: <ul style="list-style-type: none"> <li>Discharges are within 20 m of a surface water body (Karamu Stream).</li> </ul> </li> </ul>	Rule 52	Discretionary
<ul style="list-style-type: none"> <li>Discharges to land that may enter water associated with use of the sediment retention ponds during construction where: <ul style="list-style-type: none"> <li>Surface ponding will occur in the area of discharge</li> </ul> </li> </ul>	Rule 52	Discretionary
<ul style="list-style-type: none"> <li>Use of the WAL Karamu Bridge following construction.</li> </ul>	Rule 63	Permitted
<ul style="list-style-type: none"> <li>Maintenance of the WAL Karamu Bridge following construction, including associated disturbance, discharges of sediment and diversions.</li> </ul>	Rule 64	Permitted
<ul style="list-style-type: none"> <li>Construction of the WAL Karamu Bridge over the bed of a river and the construction of six stormwater outfall structures where the catchment size is greater than 150 ha, or the structure occupies an area exceeding 10 m<sup>2</sup>.</li> </ul>	Rule 69	Discretionary
<ul style="list-style-type: none"> <li>Activities affecting river control and drainage schemes, including the construction of the WAL Karamu Bridge and associated earthworks, stormwater discharge structures and widening of the Karamu Stream.</li> </ul>	Rule 71	Discretionary

Potable water for domestic use by the construction workforce will be transported to the construction sites. Port-a-loos will be used whereby sewage will be transported off-site and disposed of in a lawful manner by a contractor.

#### 4.2.1 RESOURCE CONSENTS REQUIRED FROM HAWKE'S BAY REGIONAL COUNCIL

➤ **Discretionary Activity resource consent is required for:**

- Discharge of solid contaminants to land (clean fill) associated with the construction of the WAL where clean fill is deposited within 20 metres of the Karamu Stream;
- Discharge of stormwater to the sediment retention ponds during construction activities;
- The construction of the Karamu Stream bridge;
- The construction and maintenance of stormwater outfall structures in the Karamu Stream; and
- Stream widening works undertaken on behalf of HBRC.

➤ **Restricted Discretionary Activity resource consent is required for:**

- All soil disturbance (earthworks) or vegetation clearance within 5 metres of the Karamu Stream.

➤ All other aspects of the WAL are Permitted Activities under the rules of the RRMP.

➤ Additional HBRC resource consent application processes for activities being carried out subsequent to the construction of the WAL are outlined in Section 3.2 above.

If the bundling approach is applied to the activities within the HBRC's jurisdiction, the overall status of the resource consent applications would be Discretionary.

## 5 STATUTORY CONSIDERATIONS

The following sets out the matters specified in the RMA that a consent authority must have regard to when considering applications for NOR and resource consents.

### 5.1 NOTICE OF REQUIREMENT

Section 168A of the RMA applies as HDC is issuing a NOR for a designation for a public work within the Hastings District for which HDC has financial responsibility.

Section 168A (1A), (2A), (3) and (4) specify the relevant statutory considerations, as follows:

#### ***168A Notice of Requirement by a Territorial Authority***

- (1A) *The territorial authority must decide whether to notify the notice of requirement under sections 95A to 95G (but without the time limit specified by section 95), which apply with all necessary modifications and as if—*
  - (a) *a reference to a resource consent were a reference to the requirement; and*
  - (b) *a reference to an applicant or a consent authority were a reference to the territorial authority; and*
  - (c) *a reference to an application for a resource consent were a reference to the notice of requirement; and*
  - (d) *a reference to an activity were a reference to the designation.*
- (2A) *When considering a requirement and any submissions received, a territorial authority must not have regard to trade competition or the effects of trade competition.*
- (3) *When considering a requirement and any submissions received, a territorial authority must, subject to Part 2, consider the effects on the environment of allowing the requirement, having particular regard to—*
  - (a) *any relevant provisions of—*
    - (i) *a national policy statement;*
    - (ii) *a New Zealand coastal policy statement;*
    - (iii) *a regional policy statement or proposed regional policy statement;*
    - (iv) *a plan or proposed plan; and*
  - (b) *whether adequate consideration has been given to alternative sites, routes, or methods of undertaking the work if—*
    - (i) *the requiring authority does not have an interest in the land sufficient for undertaking the work; or*
    - (ii) *it is likely that the work will have a significant adverse effect on the environment; and*
  - (c) *whether the work and designation are reasonably necessary for achieving the objectives of the requiring authority for which the designation is sought; and*
  - (d) *any other matter the territorial authority considers reasonably necessary in order to make a decision on the requirement.*
- (4) *The territorial authority may decide to—*
  - (a) *confirm the requirement;*
  - (b) *modify the requirement;*
  - (c) *impose conditions;*
  - (d) *withdraw the requirement.*

In terms of section 168A(3), a comprehensive Assessment of Environmental Effects has been submitted with the NOR for the WAL (HDC 2014c).



The policy and planning documents listed in section 168A(3)(a) are discussed in the next section of this report.

The matters in section 168A(3)(b) are addressed in the Alternatives Assessment (EMS 2014b).

The matters in section 168A(3)(c) are considered below in Section 7.

There are a number of additional matters that are relevant under section 168A(3)(d), including the Heretaunga Plains Transportation Strategy and the Hawke's Bay Regional Transport Strategy. These are discussed below.

## 5.2 RESOURCE CONSENT APPLICATIONS

Section 104 of the RMA specifies the matters that a consent authority must have regard to when considering applications for resource consents, as follows:

### **104 Consideration of applications**

- (1) *When considering an application for a resource consent and any submissions received, the consent authority must, subject to Part 2, have regard to—*
  - (a) *any actual and potential effects on the environment of allowing the activity; and*
  - (b) *any relevant provisions of—*
    - (i) *a national environmental standard:*
    - (ii) *other regulations:*
    - (iii) *a national policy statement:*
    - (iv) *a New Zealand coastal policy statement:*
    - (v) *a regional policy statement or proposed regional policy statement:*
    - (vi) *a plan or proposed plan; and*
  - (c) *any other matter the consent authority considers relevant and reasonably necessary to determine the application.*

In terms of section 104(1)(a), a comprehensive Assessment of Environmental Effects has been submitted with the NOR for the WAL (HDC 2014c).

The policy and planning documents listed in section 104(1)(b) are discussed in the next section of this report.

As for the NOR, there are a number of 'additional matters', such as the Heretaunga Plains Transportation Study ("HPTS") and the Regional Land Transport Strategy ("RLTS") which are relevant under section 104(1)(c).

As a Discretionary Activity (being the most restrictive of the RMA classifications relating to the proposed activities assessed in the previous section), section 104B of the RMA states that, after considering an application for a resource consent for a Discretionary Activity under section 104, a consent authority:

- (a) *may grant or refuse the application; and*
- (b) *if it grants the application, may impose conditions under section 108.*

In support of its applications for a NOR and resource consents, HDC has proposed a range of conditions and these are provided in the Proposed Conditions (HDC 2014d).

Sections 105 and 107 of the RMA set out some additional matters that need to be considered in relation to applications for discharge permits as follows:



**105 Matters relevant to certain applications**

- (1) *If an application is for a discharge permit or coastal permit to do something that would contravene section 15 or section 15B, the consent authority must, in addition to the matters in section 104(1), have regard to—*
- (a) *the nature of the discharge and the sensitivity of the receiving environment to adverse effects; and*
  - (b) *the applicant's reasons for the proposed choice; and*
  - (c) *any possible alternative methods of discharge, including discharge into any other receiving environment.*

**107 Restriction on grant of certain discharge permits**

- (1) *Except as provided in subsection (2), a consent authority shall not grant a discharge permit or a coastal permit to do something that would otherwise contravene section 15 or section 15A allowing—*
- (a) *the discharge of a contaminant or water into water; or*
  - (b) *a discharge of a contaminant onto or into land in circumstances which may result in that contaminant (or any other contaminant emanating as a result of natural processes from that contaminant) entering water; or*
  - (ba) *the dumping in the coastal marine area from any ship, aircraft, or offshore installation of any waste or other matter that is a contaminant,—*  
*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:*
    - (c) *the production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials;*
    - (d) *any conspicuous change in the colour or visual clarity;*
    - (e) *any emission of objectionable odour;*
    - (f) *the rendering of fresh water unsuitable for consumption by farm animals;*
    - (g) *any significant adverse effects on aquatic life.*
- (2) *A consent authority may grant a discharge permit or a coastal permit to do something that would otherwise contravene section 15 or section 15A that may allow any of the effects described in subsection (1) if it is satisfied—*
- (a) *that exceptional circumstances justify the granting of the permit; or*
  - (b) *that the discharge is of a temporary nature; or*
  - (c) *that the discharge is associated with necessary maintenance work— and that it is consistent with the purpose of this Act to do so.*
- (3) *In addition to any other conditions imposed under this Act, a discharge permit or coastal permit may include conditions requiring the holder of the permit to undertake such works in such stages throughout the term of the permit as will ensure that upon the expiry of the permit the holder can meet the requirements of subsection (1) and of any relevant regional rules.*

The proposed discharges associated with the WAL are assessed in relation to sections 105 and 107 of the RMA in the Assessment of Environmental Effects (HDC 2014c). In this regard, it is noted that the WAL does not trigger any of the restrictions in section 107(1)(c)-(g) against the granting of the relevant discharge permits.

## 6 POLICY AND PLANNING DOCUMENTS

The following provides a planning analysis of the WAL in relation to the relevant policy and planning documents prepared under the RMA that need to be considered as part of the assessment of the NOR and resource consent applications in accordance with 168A(3)(a) and 104(1)(b) of the RMA respectively.

Relevant policy and planning documents are summarised in Table 2 below and assessed in the following sections.

**Table 2: Policy and Planning Documents Relevant to the Whakatu Arterial Link**

Statutory Instrument	Relevant Document(s)	Status
National Policy Statement	National Policy Statement for Freshwater Management	In effect from 1 July, 2011
National Environmental Standard	National Environmental Standards for Air Quality	In effect from 8 October, 2004
	National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health	In effect from 1 January, 2012
	National Environmental Standard for Sources of Human Drinking Water	In effect from 20 June, 2008
Regional Policy Statement	Hawke's Bay Regional Resource Management Plan	Operative 28 August, 2006
Regional Plan	Hawke's Bay Regional Resource Management Plan	Operative 28 August, 2006
District Plan	Operative Hastings District Plan	Operative 10 June, 2003
	Proposed Hastings District Plan	Notified 9 November, 2013. Further submissions process closed 9 May, 2014

The following analysis is presented in relation to the WAL as an integrated project (rather than a separate analysis in relation to the NOR and the resource consent applications). The various documents are discussed in the order of their position in hierarchy of policy and planning documents under the RMA.

### 6.1 NATIONAL POLICY STATEMENTS

#### 6.1.1 NATIONAL POLICY STATEMENT FOR FRESHWATER MANAGEMENT

The National Policy Statement for Freshwater Management ("NPS Freshwater Management") is relevant to the WAL given interactions between the project and the Karamu Stream.

The NPS Freshwater Management was gazetted on 12 May, 2011 and took effect on 1 July, 2011 and is part of a package of water reforms known as the "Fresh Start for Fresh Water" announced by the Government in May 2011. It is intended to help drive national consistency in local RMA planning and



decision-making for freshwater management while allowing for an appropriate level of regional flexibility in implementation.

The major thrust of the NPS Freshwater Management is the setting of limits on both water quality and quantity that reflect national and local values. Accordingly, it introduces a number of objectives and accompanying policies relating to water quality and water quantity.

There are no new water takes associated with the WAL, and all discharges relate to the diversion of stormwater. Therefore the relevant objectives in the NPS Freshwater Management with respect to the WAL are those relating to water quality, as follows:

**Objective A1**

*To safeguard the life-supporting capacity, ecosystem processes and indigenous species including their ecosystems of fresh water, in sustainably managing the use and development of land, and of discharges of contaminants."*

**Objective A2**

*The overall quality of freshwater within regions is maintained or improved while:*

- a) *protecting the quality of outstanding freshwater bodies*
- b) *protecting the significant values of wetlands and*
- c) *improving the quality of freshwater in water bodies that have been degraded by human activities to the point of being over-allocated.*

The NPS Freshwater Management also contains policies that provide direction on water quality, water quantity, integrated management (i.e. recognising the effects of land use changes on water quality) and iwi / hapū interests. The way in which the NPS Freshwater Management is to be implemented is through the provisions of regional plans.

The NPS Freshwater Management must be fully implemented by 31 December, 2030. Where councils cannot implement the NPS Freshwater Management by the end of 2014 they must identify a programme of time-limited stages (to meet the 2030 date) against which they must report annually on their progress. Any such programme must be formally adopted by councils within 18 months of the gazettal of the NPS Freshwater Management and be publicly notified.

HBRC have given effect to the NP Freshwater Management through various additions to the RRMP including, for example, the general provisions of Policy 72A (in terms of surface water quality) and Policy 80A (in terms of water permits). More specifically, Plan Change 6 to the RRMP was notified in 2013 and is intended to implement and give specific effect to the NPS Freshwater Management in the Tukituki catchment. The WAL is located outside this area and is not subject to the provisions of Plan Change 6. The WAL has therefore been assessed against the NP Freshwater Management in terms of the various related policies in the RRMP. This assessment is provided in Section 6.3.2 below.

## **6.2 NATIONAL ENVIRONMENTAL STANDARDS**

### **6.2.1 NATIONAL ENVIRONMENTAL STANDARDS FOR AIR QUALITY**

The National Environmental Standards for Air Quality (NES Air Quality) set a minimum level of health protection in terms of air quality through 14 separate but interlinked standards. The 14 standards in the NES Air Quality include:

- Standards banning activities that discharge significant quantities of dioxins and other toxins into the air;
- Standards for ambient (outdoor) air quality;



- A design standard for new wood burners installed in urban areas; and
- A requirement for landfills over 1 million tonnes of refuse to collect greenhouse gas emissions.

Regional councils and unitary authorities are responsible for managing air quality under the RMA. They are required to identify areas where air quality is likely, or known, to exceed the standards. These areas are known as air sheds. The WAL is located within the Hastings Airshed: Airzone 2.

The only standards potentially relevant to the WAL are those relating to ambient outdoor air quality, where the generation of dust during construction (soil disturbance) activities has the potential to create standard exceedances.

The Proposed Conditions (HDC 2014d) include a requirement for the submission and certification of a Dust Control Management Plan ("DCMP") prior to any construction activities occurring. The proposed conditions include specific requirements that the DCMP must meet. This process will ensure that management practices are in place and monitored to avoid adverse air quality effects from standard exceedances. On this basis, the WAL is considered to comply with the NES Air Quality.

## **6.2.2 NATIONAL ENVIRONMENTAL STANDARD FOR ASSESSING AND MANAGING CONTAMINANTS IN SOIL TO PROTECT HUMAN HEALTH REGULATIONS 2011**

The key features of the NES Soils are:

- National planning controls that direct the requirement for consent or otherwise for activities on contaminated or potentially contaminated land;
- Mandating methods for establishing applicable numerical standards for contaminants in soil, including a national set of soil contaminant standards for 12 priority contaminants; and
- Mandating the use of best practice guidelines for investigating and reporting on contaminated or potentially contaminated land.

The NES Soils achieves its policy objective through a mix of allowing (permitting) and controlling (through resource consents) certain activities on land affected or potentially affected by soil contaminants. The NES Soils applies to proposals for the activities of subdivision, land use change, earthworks (soil disturbance), soil sampling or removing fuel storage systems, after 1 January, 2012.

The NES Soils prevails over any district or regional rule that applies to assessing and managing contaminants in soil to protect human health (RMA s.43B(1)). Any district rules can, therefore, only have effect in so far as they apply to controlling effects other than assessing and managing contaminants in soil to protect human health.

Under regulation 5(7) of the NES Soils a 'piece of land' is considered to be actually or potentially contaminated if an activity or industry on the 'Hazardous Activities or Industries List' (HAIL) is being, has been, or is more likely than not to have been, undertaken on that land.

The HAIL list includes the following:

### ***"A. Chemical manufacture, application and bulk storage***

- (10) Persistent pesticide bulk storage or use including sport turfs, market gardens, orchards, glass houses or spray sheds."*





Given that the WAL passes through current orchard areas, the land is considered to be potentially contaminated for the purposes of the NES Soils. The construction of the WAL will result in land use change and earth disturbance activities, and the provisions of the NES Soils therefore apply.

EAM NZ Ltd have prepared a detailed site investigation report that outlines the results of soil testing to determine actual soil contaminants present on land impacted by the WAL (EAM 2014b). The report confirms that all sampling showed levels of contaminants well below NES Soils requirements and are compliant with even the strictest land use scenario levels specified by the NES Soils (25% produce).

EAM NZ Ltd identifies two sheds that will be disturbed / displaced by the WAL and that appear to be areas used for the storage and preparation of agricultural/horticultural sprays. As such, they should be considered as likely 'hotspots' with regards to soil contamination. These areas would require more detailed sampling to determine the extent of contamination (if any) which would likely involve collecting individual soil samples from around the sheds as well as under the concrete pads. Given the invasive nature of the testing required, it is proposed to undertake this sampling at a later stage (prior to construction commencing), should RMA approvals for the WAL be obtained. This would be undertaken in consultation with affected landowners.

In addition, as the soil sampling results undertaken as part of the EAM NZ Ltd investigation are based on broad scale sampling and analysis, and therefore only provide the likely average contaminant concentrations over the site, it is recommended that soils removed from the site are further sampled and analysed to confirm contaminant levels prior to removal. This will ensure that they are suitable for their identified end use with regards to the NES Soils land use scenarios.

The above investigations and approach to ongoing management of the site ensure compliance with the NES Soils. Section 3.2.4 above notes that an NES Soils consents process will be initiated should the results of any further sampling direct this.

### **6.2.3 NATIONAL ENVIRONMENTAL STANDARD FOR SOURCES OF HUMAN DRINKING WATER**

The NES Drinking Water requires regional councils to ensure that effects on drinking water sources are considered in decisions on resource consents and regional plans.

Specifically, councils are required to:

- decline discharge or water permits that are likely to result in community drinking water becoming unsafe for human consumption following existing treatment;
- be satisfied that Permitted Activities in regional plans will not result in community drinking water supplies being unsafe for human consumption following existing treatment; and
- place conditions on relevant resource consents requiring notification of drinking water suppliers if significant unintended events occur (e.g. spills) that may adversely affect sources of human drinking water.

Through the Erosion and Sediment Control Plan (GHD 2014h) and the Stormwater Management Plan (GHD 2014g) the effects of the WAL on water quality are being effectively managed, as reported in the Aquatic and Terrestrial Ecology Assessment (EAM 2014a).

Further, discharge consents are only being sought in relation to discharges to the temporary sediment retention ponds and the discharge of clean fill within 20 metres of the Karamu Stream. The discharge of



stormwater to the Karamu Stream is a Permitted Activity under the current provisions of the RRMP. Neither of these activities will affect community drinking water.

It is therefore considered that the granting of discharge consents sought from HBRC in relation to WAL will not trigger the requirements of the NES Drinking Water.

### **6.3 HAWKE'S BAY REGIONAL RESOURCE MANAGEMENT PLAN**

The RRMP is a combined RPS and a regional plan. It sets out a wide range of objectives, policies and methods (mainly rules) in relation to the management of natural and physical resources within the jurisdiction of the HBRC. The relevant rules and associated resource consent requirements for the WAL under the RRMP have been discussed in Section 4 of this report.

The following discusses the objectives and policies in the RRMP of relevance to the WAL, firstly in relation to the RPS objectives and policies, followed by the regional plan objectives and policies.

#### **6.3.1 REGIONAL POLICY STATEMENT OBJECTIVES AND POLICIES**

The relevant objectives and policies in the RPS part of the RRMP (Chapter 3) are discussed below in the order in which they appear in the RRMP and using the corresponding headings in the RRMP.

#### **LOSS AND DEGRADATION OF SOIL**

***OBJ 14** The avoidance of loss in the productive capability of land, as a result of reduced soil health.*

While this objective is primarily concerned with the effects of erosion (including wind erosion) and poor soil management practices on the productive capability of land, it is potentially relevant given that the WAL will remove some 20 ha of land from productive use; 13.6 ha of this land is within the Plains Zone under the HDP which represents the highest value soils resource, with the remaining 6.4 ha located within the Industrial Zone.

The construction of a road necessarily involves stripping back topsoil and compaction, which will result in an unavoidable loss of soil health and productive capability.

The proposed route was confirmed through an Enquiry by Design ("EBD") process to determine the preferred alignment, which considered a number of route options against agreed criteria, including effects on productive land (See Alternatives Assessment, EMS 2014b). The preferred option ranked in the middle of the options considered, in terms of the degree of effect it would have on productive land. Only one option ranked higher (i.e. had less effects on productive land), however this was considerably less desirable in terms of effects on a range of other environmental considerations. Further, design decisions have been taken to limit as much as possible the loss of productive capability, for example by locating the road as close as possible to the existing Karamu Stream stop banks to reduce severance and other effects on existing productive uses.

While adverse effects have been minimised as much as possible, given that an unavoidable loss in soil health and productive capability will result from the WAL, the WAL is not considered to be consistent with this objective.

#### **SCARCITY OF INDIGENOUS VEGETATION AND WETLANDS**

***OBJ 15** The preservation and enhancement of remaining areas of significant indigenous vegetation, significant habits of indigenous fauna and ecologically significant wetlands.*



As described in the WAL Aquatic and Terrestrial Ecology Assessment (EAM 2014e) there are no areas of significant indigenous vegetation or significant wetlands that will be affected by the WAL. Aquatic ecology effects will be minor and riparian and aquatic habitats may be enhanced by riparian planting associated with the WAL.

### **EFFECTS OF CONFLICTING LAND USE ACTIVITIES**

***OBJ 16** For future activities, the avoidance or mitigation of nuisance effects arising from the location of conflicting land use activities*

Existing orchard operations will be exposed to a new public road boundary. As such, there is potential for reverse sensitivity effects associated with the application of agrichemicals in orchard blocks and possible interactions with road users. These effects are more fully described in the Productive Land Use Assessment (AgFirst 2014). Mitigation is proposed in the form of shelter belts to address spray drift and security fencing.

### **GROUNDWATER QUANTITY**

***OBJ 23** The avoidance of any significant adverse effects of water takes on the long-term quantity of groundwater in aquifers and on surface water resources.*

***OBJ 24** The avoidance or remedy of any significant adverse effects of water takes on the operation of existing lawful efficient groundwater takes.*

Existing irrigation operations within and adjacent to the proposed WAL corridor will be disrupted. The WAL will cause a change in irrigable areas and effects on existing infrastructure, including existing bores that will need to be decommissioned and re-established in a new location. However, these effects will not result in any increase in groundwater abstraction. Indeed, the land taken up by the WAL will result in an overall decrease in the area of land being irrigated, and hence the quantity of ground water abstracted.

### **SURFACE WATER RESOURCES**

#### Surface Water Quality

***OBJ 27** The maintenance or enhancement of the water quality of rivers, lakes and wetlands in order that it is suitable for sustaining or improving aquatic ecosystems in catchments as a whole, and for contact recreation purposes where appropriate.*

The WAL will result in the discharge of stormwater to the Karamu Stream. Policy 49 under this objective is therefore particularly relevant, which states

- (a) To permit the diversion and discharge of stormwater from constructed open drainage systems or piped stormwater drainage systems into surface water without the need for a resource consent, subject to conditions in this Plan which are intended to adequately avoid, remedy, or mitigate any significant adverse effects.*
- (b) To promote the mitigation of the cumulative effects of stormwater discharges on water quality where appropriate*

The WAL Stormwater Management Plan (GHD 2014g) and the Erosion and Sediment Control Plan (GHD 2014h) outline the approach to stormwater management through the construction and operational phases of the WAL. Any adverse effects on the water quality of the Karamu Stream will be avoided during the construction and operational phases of the project by way of the proposed measures set out in these management plans, which will ensure that the Permitted Activity conditions/standards/terms



under Rule 42 of the RRMP will be complied with. The Aquatic and Terrestrial Ecology Assessment (EAM 2014a) has also concluded that the proposed vegetated swales will provide interception and filtering of the stormwater run-off before the stormwater discharges enter the stream.

## **NATURAL HAZARDS**

***OBJ 31** The avoidance or mitigation of the adverse effects of natural hazards on people's safety, property, and economic livelihood.*

The effects of natural hazards on the WAL and adjacent properties have been assessed in the Natural Hazards Assessment (GHD 2014e). This assessment has concluded that the proposed design of the WAL will avoid or reduce to an acceptable level the effect of natural hazards on the road and on surrounding properties.

It is also noted that as part of the WAL project, Karamu Stream widening works will be undertaken to carry out future planned HBRC flood control measures. These works are being done to the benefit of the WAL project as an economical and environmentally sound source of fill to be used for road construction, which would otherwise be required to be trucked in to the WAL site. These works will also achieve improved conveyance of flood flows within the Karamu Stream, contributing to the achievement of this objective.

## **MAINTENANCE AND ENHANCEMENT OF PHYSICAL INFRASTRUCTURE**

***OBJ 32** The ongoing operation, maintenance and development of physical infrastructure that supports the economic, social and/or cultural wellbeing of the region's people and communities and provides for their health and safety.*

***OBJ 33** Recognition that some infrastructure which is regionally significant has specific locational requirements.*

The Heretaunga Plains Transportation Study identifies the WAL as the highest priority roading project in the region. It will provide substantial economic benefits and improve the safety and efficiency of the transport network. The WAL is specifically intended to provide improved connections between Whakatu and the Hawke's Bay Expressway and therefore has highly specific locational requirements. The Economic Impact Assessment (Bevin 2014) has shown significant economic benefits associated with the WAL. The WAL is therefore consistent with, and supported by, these objectives.

## **RECOGNITION OF MATTERS OF SIGNIFICANCE TO IWI/HAPŪ**

***OBJ 34** To recognise tikanga Maori values and the contribution they make to sustainable development and the fulfilment of HBRC's role as guardians, as established under the RMA, and tangata whenua roles as kaitiaki, in keeping with Maori culture and traditions.*

***OBJ 35** To consult with Maori in a manner that creates effective resource management outcomes.*

***OBJ 36** To protect and where necessary aid the preservation of waahi tapu (sacred places), and tauranga waka (landings for waka).*

***OBJ 37** To protect and where necessary aid the preservation of mahinga kai (food cultivation areas), mahinga mataitai (sea-food gathering places), taonga raranga (plants used for weaving and resources used for traditional crafts) and taonga rongoa (medicinal plants, herbs and resource).*

Mana whenua have been engaged in the WAL project from the earliest stages of design. The EBD process (more fully explained in the Alternatives Assessment, EMS 2014b) included mana whenua



representatives. Two key objectives for the EBD process were to avoid Maori-owned land and waahi tapu sites in determining a preferred route alignment for the WAL.

A Cultural Impact Assessment has also been undertaken (Ipurangi Developments 2014), which included further consultation with mana whenua in order to identify any additional cultural effects not able to be avoided through the design process.

On the basis of the above, and the conclusions reached in the reports referred to above, the WAL has been designed and developed in a manner which is consistent with the above objectives (and the associated policies).

### **6.3.2 REGIONAL PLAN OBJECTIVES AND POLICIES**

The relevant objectives and policies in the Regional Plan part of the RRMP (Chapter 5) are discussed below in the order in which they appear in the RRMP and using the corresponding headings in the RRMP.

#### **LAND**

**OBJ 38** *The sustainable management of the land resource so as to avoid compromising future use and water quality.*

The explanation to Objective 38 states that it is based on the principle that land outside that used for urban, commercial or industrial activities should be used in a sustainable manner, such that future use options and water quality are not compromised. It is considered that on the basis of this explanation, Objective 38 does not explicitly apply to WAL, however it is noted that the Stormwater Management Plan (GHD 2014g) and the Erosion and Sediment Control Plan (GHD 2014h) ensure that water quality is protected through the construction and operational phases of the WAL.

#### **AIR QUALITY**

**OBJ 39** *A standard of ambient air quality is maintained at, or enhanced to, a level that is not detrimental to human health, amenity values, or the life supporting capacity of air, and meets National Environmental Standards*

**OBJ 39a** *A standard of local air quality is maintained that is not detrimental to human health, amenity values or the life supporting capacity of air.*

**OBJ 39b** *In the Napier, Hastings, Awatoto and Whirinaki Airsheds, improve ambient air quality so that by 1 September 2020 the concentration of PM<sub>10</sub> does not exceed 50 µg/m<sup>3</sup> (24 hour average), more than once in any 12 month period.*

Any discharges to air will be associated with dust from temporary construction activities.

Policy 69 provides air quality environmental guidelines, including for dust, as follows:

**4. Dust** *Any dust deposition should not raise the ambient dust deposition rate by more than 4g/m<sup>2</sup> per 30 days at any point beyond the boundary of the subject property.*

The Proposed Conditions (HDC 2014d) include a requirement for the submission and certification of a DCMP prior to any construction activities occurring. The proposed conditions include specific requirements that the DCMP must meet. This process will ensure that management practices are in place, and monitored, to avoid adverse air quality effects from standard exceedances. This will ensure



that management practices are in place to prevent adverse air quality effects in a manner that is consistent with the two objectives above and the environmental guidelines provided in Policy 69.

## **SURFACE WATER QUALITY**

**OBJ 40** *The maintenance of the water quality of specific rivers in order that the existing species and natural character are sustained, while providing for resource availability for a variety of purposes, including groundwater recharge.*

The effects of the WAL on surface water quality are assessed in the Aquatic and Terrestrial Assessment (EAM 2014a).

Any surface water quality effects from the WAL are associated with stormwater runoff entering the Karamu Stream.

Policy 71 under this objective provides general environmental guidelines that apply region-wide (Table 7) and specific environmental guidelines for listed catchments (Table 8). It is noted that the Karamu Stream is not listed in Table 8 and therefore does not have specific environmental guidelines for faecal coliforms or suspended solids. The general guidelines under Table 7 do apply, however.

The proposed Stormwater Management Plan (GHD 2014g) and the Erosion and Sediment Control Plan (GHD 2014h) provide an approach for the management of stormwater runoff from the site during the construction and operational phases of the WAL. A Spill Management Plan will also be prepared as part of the final CEMP which will identify the management procedures and controls that will be used during construction of the Project to prevent contaminants, such as diesel and oil, entering any water bodies in the event of a spill. The plans provide environmental performance standards that will be monitored and achieved to ensure the effects of the activities on the quality of the Karamu Stream will be in accordance with the environmental guidelines set out in Table 7.

Policy 72A was inserted in accordance with the NPS Freshwater Management. It states:

*When considering any application for a discharge the consent authority must have regard to the following matters:*

- (a) the extent to which the discharge would avoid contamination that will have an adverse effect on the life-supporting capacity of fresh water including on any ecosystem associated with fresh water and*
- (b) the extent to which it is feasible and dependable that any more than minor adverse effect on fresh water, and on any ecosystem associated with fresh water, resulting from the discharge would be avoided*

A discharge consent is sought for discharge of stormwater to the sediment retention ponds (refer to Section 4.2.1) during the earthworks construction phase of the project. This is specifically required to avoid contamination, primarily from suspended solids, from entering the Karamu Stream. Site sampling and preliminary soil laboratory analysis of the WAL corridor (EAM 2014b) has found soil concentrations of the metals arsenic, lead and copper were well below even the strictest NES land use scenario of rural residential lifestyle block (25% produce). Similarly, Organo-Chlorine Pesticide concentrations were either below method detection limits or at trace concentrations only. Therefore, it is unlikely that other contaminants will be present in the stormwater discharge in concentrations that will have more than minor adverse effects on fresh water. It is therefore considered that the WAL is consistent with Policy 72A.



## **GROUNDWATER QUALITY**

**OBJ 43** *Subject to Objective LW1 and OBJ TT3, groundwater quality in the Heretaunga Plains and Ruataniwha Plains aquifer systems and in unconfined or semi-confined productive aquifers is suitable for human consumption and irrigation without treatment, or after treatment where this is necessary because of the natural water quality.<sup>1</sup>*

Given the proposed measures for stormwater management, erosion and sediment control and spill management it is considered that any effects of the construction and operation of the WAL on the quality of groundwater resources in the Heretaunga Plains aquifer system will be negligible. The WAL will therefore be consistent with the above objective.

## **BEDS OF RIVER AND LAKES**

**OBJ 45** *The maintenance or enhancement of the natural and physical resources, and use and values, of the beds of rivers and lakes within the region as a whole.*

Policy 79 (relating to OBJ 45) sets out a series of guidelines in relation to activities affecting the beds of rivers and lakes, including structures in, on, under or over river or lake beds. The WAL bridge has been designed such that no part of the structure will be within the wet stream bed. The WAL Project Description (GHD 2014a) outlines the approach to bridge construction, which will be further detailed in the final CEMP.

Policy 80A was inserted into the RRMP in accordance with the direction stated in Policy B7 of the NPS Freshwater Management. It states:

*When considering any application the consent authority must have regard to the following matters:*

- (a) the extent to which the change would adversely affect safeguarding the life-supporting capacity of fresh water and of any associated ecosystem and*
- (b) the extent to which it is feasible and dependable that any adverse effect on the life-supporting capacity of fresh water and of any associated ecosystem resulting from the change would be avoided.*

The Aquatic and Terrestrial Ecology Assessment (EAM 2014a) has assessed the effects of the proposed WAL relevant to the matters in Policy 80A above.

On the basis of the assessments undertaken, the proposed bridge design and approach to bridge construction, it is considered that the WAL is consistent with this objective and the underlying policies.

### **6.3.3 CHANGE 4 – MANAGING THE BUILT ENVIRONMENT**

PC4 was publicly notified on 7 December, 2011. Decisions on submissions were issued on 26 March, 2013. One appeal was lodged, and this was resolved on 22 October, 2013. The provisions of PC4 became operative on 1 January, 2014.

PC4 introduces new provisions relating to the built environment and infrastructure into the RPS parts of the RRMP. In particular, it assists in the implementation the Heretaunga Plains Urban Development Strategy (HPUDS). HPUDS was jointly developed by HBRC, HDC and Napier City Council, and then adopted by all three councils in August 2010.

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<sup>1</sup> As amended by PC6.



PC4 includes a number of new objectives and policies intended to provide guidance and direction to Hawke's Bay's local authorities when making decisions on urban activities, infrastructure and associated effects. PC4 provides particular policy direction and guidance to urban development in the Heretaunga Plains sub-region. Those specific policies are intended to embed HPUDS settlement pattern and principles into the RPS part of the RRMP, which local authorities then have to implement via regional plans and district plans.

Given that the primary focus of PC4 is in relation to urban activities and infrastructure, particularly within the Heretaunga Plains sub-region, it has direct relevance to the WAL. The aspects of PC4 that are applicable to the WAL are as follows.

#### **INTEGRATION OF LAND USE WITH SIGNIFICANT INFRASTRUCTURE (REGION)**

***OBJ UD5** Ensure through long-term planning for land use change throughout the Region, that the rate and location of development is integrated with the provision of strategic and other infrastructure, the provision of services, and associated funding mechanisms.*

The Heretaunga Plains Transportation Study identifies the WAL as the highest priority roading project in the Hawke's Bay Region. It is therefore highly strategic, and consistent with this objective.

#### **INTEGRATION OF TRANSPORT INFRASTRUCTURE WITH DEVELOPMENT (REGION)**

***OBJ UD6** Ensure that the planning and provision of transport infrastructure is integrated with development and settlement patterns and facilitates the movement of goods and people and provision of services throughout the Region, while:*

- a) limiting network congestion;*
- b) reducing dependency on private motor vehicles;*
- c) reducing emission of contaminants to air and energy use; and*
- d) promoting the use of active transport modes.*

The WAL is consistent with this objective as it addresses an existing need to enable traffic, particularly Heavy Commercial Vehicles, to use the Hawke's Bay Expressway to travel between Whakatu and the Port of Napier rather than travel through the residential areas of Whakatu, Clive and along Napier's Marine Parade. In addition, it will provide convenient, efficient and safe access and linkages between Havelock North, the Hawke's Bay Airport and Napier's north western employment and residential areas. The WAL will also support the development of a planned freight distribution hub on land owned by the Port of Napier by providing improved road connections into and out of Whakatu.

#### **PROVISION FOR BUSINESS ACTIVITIES (HERETAUNGA PLAINS SUB-REGION)**

***POL UD2** in the Heretaunga Plains sub-region, district plans shall provide for business activities to 2045, in a manner which:*

- (a) Reinforces the role of Napier and Hastings cities as the commercial and business core of the Heretaunga Plains, whilst supporting adequate capacity in defined rural towns and settlements for a range of day-to-day services and activities;*
- (b) Promotes the utilisation, redevelopment and intensification of existing commercial land;*
- (c) Promotes the utilisation, redevelopment and intensification of existing industrial land, and provides sufficient additional greenfields industrial land to ensure demand for new land can be met by supply;*
- (d) Promotes the utilisation of existing infrastructure availability, capacity and quality as far as reasonably practicable;*
- (e) Avoids unnecessary encroachment onto the versatile land of the Heretaunga Plains;*
- (f) Avoids, remedies or mitigates reverse sensitivity effects in accordance with Objectives and Policies in Chapters 3.5 and 3.13 of the plan;*





- (g) Ensures close proximity to, major transport hubs and multi-modal transport networks.
- (h) Promotes close proximity to labour supply.
- (i) Avoids or mitigates the following locational constraints:
  - i. projected sea level rise as a result of climatic changes
  - ii. active coastal erosion and inundation
  - iii. stormwater infrastructure that is unable to mitigate identified flooding risk
  - iv. flood control and drainage schemes that are at or over capacity
  - v. active earthquake faults HBRRMP Change 4 4 republished as at 22 October 2013
  - vi. high liquefaction potential
  - vii. nearby sensitive waterbodies that are susceptible to potential contamination from runoff, stormwater discharges, or wastewater treatment and disposal.
  - viii. no current wastewater reticulation and the land is poor draining
  - ix. water short areas affecting the provision of adequate water supply

The WAL will support business growth in Whakatu through improved efficiency in freight and vehicle movements into and out of Whakatu, and with key services such as the Port of Napier and the Hawke's Bay Airport. Locational constraints are considered in the various technical assessment reports and summarised in the Assessment of Environmental Effects ("AEE"). The WAL is both consistent with, and supported by, this policy.

#### **APPROPRIATE INDUSTRIAL GREENFIELD GROWTH AREAS (HERETAUNGA PLAINS SUB-REGION)**

**POL UD4.5** Within the Heretaunga Plains sub-region, areas where future industrial greenfield growth for the 2015-2045 period have been identified as appropriate, subject to further assessment referred to in POL UD10.1, POL UD10.3, POL UD10.4 and POL UD12, are :

- (a) Irongate industrial area
- (b) Omahu industrial area
- (c) Whakatu industrial area
- (d) Tomoana industrial area
- (e) Awatoto industrial area

The WAL will support future industrial growth in the Whakatu Industrial Area through improved transportation links, and is therefore consistent with this policy.

One of the most relevant anticipated environmental results of PC4 is

**AER UD14** The efficient provision of freight links for distribution to and from the region

The WAL is entirely consistent with the objectives, policies and outcomes sought by PC4.

#### **6.3.4 PROPOSED CHANGE 5 - LAND USE AND FRESHWATER MANAGEMENT**

PC5 will amend the RPS to provide enhanced guidance and direction to decision-makers about how future management decisions will be made in an integrated manner for the sustainable management of the region's land and fresh water resources.

PC5 was notified by HBRC on 2 October, 2012 with decisions on submissions issued 5 June, 2013. Four appeals were lodged with the Environment Court and these are in the process of being resolved.

It is noted that this assessment has been undertaken on PC5 as amended by council decisions on submissions, and that some further changes will likely occur through the appeals resolution process. Given that, a high level approach has been taken to assess consistency of the WAL with PC5 in general terms. On that basis, the aspects of PC5 that are applicable to the WAL are as follows.



**OBJ LW 1** *Fresh water and land use and development managed in an integrated and sustainable manner which includes (in no particular order):*

The effects of the WAL in relation to water quality are assessed in Section 6.3.2 above and are considered relevant to this objective. In summary, on the basis of the management approach outlined in the Stormwater Management Plan (GHD 2014g) and the Erosion and Sediment Control Plan (GHD 2014h), water quality effects have been assessed in the Aquatic and Terrestrial Ecology Report (EAM 2014a) as being no more than minor.

**POL LW2** *Problem solving approach - Prioritising values*

1. *Give priority to maintaining or enhancing the primary values and uses of freshwater bodies shown in Table 1 for the following catchment areas in accordance with Policy LW2.3:*
  - (a) *Greater Heretaunga / Ahuriri Catchment Area;*
  - (b) *Mohaka Catchment Area; and*
  - (c) *Tukituki Catchment Area.*
2. *1A. Policy LW2.1 applies:*
  - (a) *when preparing regional plans for the catchments specified in POL LW2.1; and*
  - (b) *when considering resource consents for activities in the catchments specified in POL LW2.1 when no catchment-based regional plan has been prepared for the relevant catchment.*

The WAL is located within the Greater Heretaunga / Ahuriri Catchment Area, and POL LW2 therefore applies. Table 1 under POL LW2 provides a series of primary and secondary values and uses for the Greater Heretaunga / Ahuriri Catchment Area that are to be given priority when considering resource consents. Given the findings of the Aquatic and Terrestrial Ecology Report (EAM 2014a) and the nature of the resource consents being sought from HBRC for the WAL, it is not considered that the WAL will undermine any of the primary or secondary values identified, and on that basis any consents issued for the WAL by HBRC would be consistent with POL LW2.

**OBJ 27A** *Riparian vegetation on the margins of rivers, lakes and wetlands is maintained or enhanced in order to:*

- (a) *maintain biological diversity;*
- (b) *maintain and enhance water quality and aquatic ecosystems; and*
- (c) *support the use of surface water resources in accordance with tikanga Māori*

Subsequent to recommendations in the Aquatic and Terrestrial Ecology Report (EAM 2014a) a condition has been proposed (Proposed Conditions HDC 2014d) requiring the installation of riparian planting along the Karamu Stream as part of the WAL project. The WAL will therefore support the implementation of this objective.

**POL 47A** *Decision-making criteria - Land-based disposal of contaminants*

*Promote land-based disposal of wastewater, solid waste and other waste products so that:*

- (a) *the adverse effects of contaminants entering surface waterbodies or coastal water are avoided as far as practicable;*
- (aA) *where it is not practicable to avoid any adverse effects of contaminants entering surface waterbodies or coastal water, then adverse effects are remedied or mitigated; and*
- (b) *any disposal of wastewater, solid waste or other waste products to a surface waterbody or coastal water occurs only when it is the best practicable option*



The Stormwater Management Plan (GHD 2014g) and the Erosion and Sediment Control Plan (GHD 2014h) collectively provide a low-impact design for the management of stormwater and runoff. This includes the use of swales and sediment retention ponds to provide land-based pre-treatment of stormwater. The WAL is therefore considered to be consistent with POL 47A.

In general, given the low impact stormwater and runoff management practices being adopted by the WAL, it is considered that the WAL is consistent with the decisions versions of PC5.

## 6.4 HASTINGS DISTRICT PLAN

The areas of land proposed for the WAL can be identified on HDP Planning Maps 41a, 41b, 48a and 48b. These maps are provided as **Appendix C**. The following points are noted following a review of these maps:

- The WAL crosses through Plains Zone and Industrial Zoned Land;
- A portion of the WAL passes through the Flooding RMU – Karamu Stream;
- The WAL crosses Designation D55 – Railway Purposes;
- The WAL crosses Riparian Area 2 – Karamu Stream;
- The WAL affects a portion of the Country Park Reserve (Pakowhai Regional Park);
- The WAL is not located within the unconfined aquifer area.
- There are no recorded waahi tapu sites affected;
- There are no outstanding natural features or landscape or significant landscape character areas affected;
- There are no recommended areas for protection affected;
- There are no heritage items affected;
- There are no outstanding or significant trees affected; and
- There are no recorded contaminated sites affected.

On the basis of the above, the following discusses relevant objectives and policies in the following relevant sections of the HDP:

- Section 2.5 Transportation
- Section 6.0 Plains Zone
- Section 10.0 Industrial Zone
- Section 12.3 Natural Hazards Resource Management Unit
- Section 13.3 Network Utilities
- Section 13.4 Earthworks District Wide Activity
- Section 13.5 Community Facilities, Recreation and Marae District Wide Activity
- Section 13.9 Riparian Land Management and Public Access District Wide Activity
- Section 14.2 Noise

### 6.4.1 TRANSPORTATION

The following objectives are relevant to the WAL:

- TO1 *To establish and maintain a safe, efficient, and environmentally appropriate transport network.*
- TO2 *To avoid or mitigate the effects of inappropriate transport activity on the environmental and amenity values of the community.*
- TO4 *To promote the effective co-ordination and integration of roading development as well as other transportation networks in the region.*



- TO5** *To provide for the effective, safe, and convenient use of non-vehicle based transportation on the Heretaunga Plains.*

The policies seeking to implement the objectives above that are relevant to the WAL are:

- TP2** *Minimise the exposure of the community to environmental effects of inappropriate or unnecessary traffic on different parts of the District's transport network.*
- TP3** *Encourage the opportunity to utilise alternative transportation modes throughout the District.*

In terms of Objective TO1 and TO4, the Heretaunga Plains Transportation Study identifies a number of roading projects and lists the WAL as the highest priority in terms of its strategic importance. One of the key objectives of the WAL is to take heavy vehicle traffic off the residential streets of Whakatu and State Highway 2 and through to Napier, and divert these towards the Expressway. The WAL will also support the development of a freight distribution centre at Whakatu which will provide a more efficient and integrated rail / road transportation system for the Port of Napier.

In terms of Objective TO5 and Policy TP3, it is noted that an underpass will be constructed for the iWay cycle path to cross the WAL. Grade separation for cyclists and pedestrians is the safest method of crossing a busy road. Further, with the closure of the Ruahapia Road rail level crossing, the safety of cyclists and pedestrians using the iWay is improved through the provision of a safer crossing of Ruahapia Road in a lower speed environment than what currently exists. Provision for cyclists has also been made on the WAL and bridge.

The WAL is both consistent with, and supported by, these objectives and policies.

#### **6.4.2 PLAINS ZONE**

The following objectives are relevant to the WAL:

- PLO1** *To maintain the life-supporting capacity of the unique resource balance of the Heretaunga Plains.*
- PLO2** *To avoid, remedy or mitigate potential adverse effects of land use activities on the rural community, adjoining activities, marae, and the economy.*
- PLO4** *To ensure that existing levels of amenity associated with existing land based primary production on the Plains are maintained.*

The policies seeking to implement the objectives above that are relevant to the WAL are:

- PLP1** *Enable the establishment of a wide range of activities provided they maintain the life supporting capacity of the soil resource of the Heretaunga Plains for future use.*
- PLP4** *Control the adverse effects of activities on the community, adjoining activities, and the environment*
- PLP10** *Allow shelter belts and artificial windbreaks to be erected on the Plains*
- PLP11** *Noise levels should not be inconsistent with the character and amenity of the Plains Zone*

In terms of PLO1 and PLP1, the Productive Land Use Assessment (AgFirst 2014) notes that 13.6 ha of Plains Zone land are affected by the WAL. This total area includes the actual road footprint, and an



additional setback from the road edge to provide for new headland areas for orchards and cropping land (10m and 5m respectively). The AgFirst report also notes that an additional 2.74 ha of Plains Zone land may potentially be lost through severance effects.

Minimising impacts on Plains Zone land was a primary objective of the EBD process, as outlined in the Alternatives Assessment Report (EMS 2014b).

One of the criteria adopted by the EBD Working Group in the multi-criteria analysis process used to compare different route options for the WAL was:

*“Effects on Productive Land Use, Existing Use and Infrastructure and Development Opportunities”*

This criterion received an agreed weighting of 2 (on a scale of 1 to 3), with the reasons for this weighting given as:

*“Recognises that in order to meet the arterial function of the Whakatu Arterial route some level of effects on existing landuse and development is unavoidable.”*

In making their final recommendation to HDC on the preferred route option, the EBD Working Group made the following specific recommendation:

*“Any final design needs to look at maintaining efficient land use as much as possible and minimising the loss of fertile land”*

Design details for the WAL have incorporated this recommendation. This is shown particularly in the section of the WAL immediately east of the SH2 intersection. This section of the WAL takes a direct route toward the Karamu Stream stop bank, staying as close as possible to existing property boundaries, before turning into a series of two tight curves to follow the stop bank as closely as possible. In doing so, effects on productive land have been minimised as far as possible, particularly through minimising severance effects. The technical effect of these curves is to reduce the design speed of the WAL to 80 km/hr – a wider curve would allow a higher design speed, but would also increase effects on Plains Zone land.

Overall, while minimised as much as possible, there will be an unavoidable effect on the life-supporting capacity of soils in the Plains Zone as a result of the construction of the WAL. It is noted that none of the route options considered by the EBD Working Group would have avoided these effects.

In taking an overall balancing approach, as required by the RMA, there are significant benefits associated with the WAL that are relevant to the Outcomes sought for the Plains Zone that need to be considered against this loss. These include benefits that support the primary produce sector through improved connections to a key industrial and food processing hub, as well as significant safety improvements, economic benefits, creation of employment and the establishment of a key strategic roading linkage that supports the policy direction established by HPUDS and the HPTS.

In terms of PLO2, PLO4, PLP4, and PLP10 the Productive Land Use Assessment (AgFirst 2014) notes the potential for reverse sensitivity effects to occur (particularly in relation to spray drift from orchards adjoining the WAL) as well as adverse effects from dust generated during earthworks construction of the WAL, damage to orchard infrastructure and impacts on property security during and after construction. However, the Productive Land Use Assessment has recommended a number of measures to mitigate these effects, such as the replacement or repair of damaged infrastructure, planting of shelter belts, establishment of security fencing along the boundary of the WAL and dust mitigation. It has also recommended that HDC consult with the affected landowners and their tenants so they are

actively involved in solving any problems that may arise. It is proposed that such measures be implemented by way of the Proposed Conditions (HDC 2014d).

Policy PLP11 is that noise levels for activities in the Plains Production Zone should not be inconsistent with the character and amenity of the zone. The Noise Assessment (Hegley 2014) has concluded that mitigation measures are available to adequately mitigate any adverse noise effects to a reasonable level (e.g. road surface modification) as part of the design of the WAL, so that the design year traffic noise level under New Zealand Traffic Noise Standard NZS 6806 will be complied with at the façade of all houses and Mangateretere School adjacent to the WAL. It is further noted that traffic noise is not inherently inconsistent with the character of the Plains Zone.

### 6.4.3 INDUSTRIAL ZONE

The following objectives are relevant to the WAL:

- IZO1 *To facilitate efficient and optimum use and development of existing industrial resources within the Hastings District*
- IZO5 *To enable the efficient and effective use of the District's resources by providing for the development of new industries.*

The policies seeking to implement the objectives above that are relevant to the WAL are:

- IZP2 *The optimal use and rationalisation of existing industrial areas and resources in the District will be preferred over further greenfield industrial development.*
- IZP3 *New industrial development will be encouraged to locate and utilise existing industrial areas unless special circumstances, such as proximity to raw materials, infrastructure or transport nodes or requirements for very large sites, dictate the need for a site outside of the existing industrial areas.*
- IZP4 *Efficient goods transfer and improved connections will be encouraged between industrial activities in Hastings, Irongate, Tomoana, Whakatu and the Port of Napier.*
- IZP5 *Industrial development and uses will be encouraged to locate in areas with adequate existing sewerage, water and stormwater infrastructure solutions in preference to areas where significant infrastructural upgrading is required.*
- IZP14 *Generally direct industry with potential for significant adverse effects, such as noise or dust generation, heavy traffic movement, glare or odour, to locate on sites that are remote from or adequately buffered from residential areas.*
- ZP19 *Ensure appropriate provision is made for the continued operation and development of major industries which make a significant contribution to the District and Regional economies, while avoiding, remedying or mitigating effects on surrounding environment*

The WAL's primary purpose is to support connections into and out of the Whakatu Industrial Area. The increased efficiency and improved connections provided by the WAL will support the continued and increased use of Whakatu for industrial purposes. The WAL is therefore consistent with, and directly supported by, the above objectives and policies.

#### 6.4.4 NATURAL HAZARDS RESOURCE MANAGEMENT UNIT

The following objectives are relevant to the WAL:

- NHO2 To ensure that land use activities avoid or mitigate adverse effects arising from natural hazards.*

The policies seeking to implement the objectives above that are relevant to the WAL are:

- NHP1 Control land use activities in identified natural hazard areas where communities and resources are at risk.*
- NHP5 Ensure that land use activities do not exacerbate the adverse effects of natural hazards.*

The WAL passes through the Flooding RMU – Karamu Stream, which is based on a modelled 50 year flood event. This would affect the section of the WAL in the vicinity of the bridge crossing and through to the connection with Pakowhai Road.

The HBRC has various works proposed to maintain adequate flow and reduce the risk of flooding of the Karamu Stream, including a planned 35 metres of channel widening in the area of the proposed bridge over the Karamu Stream. These works will be undertaken on behalf of HBRC as part of the construction of the WAL, with the fill from these works being used for road construction.

The HBRC have agreed to allow the introduction of an intermediate pier for the bridge within the proposed widened flood channel (but outside the wet stream bed) provided it is designed to prevent debris (particularly weeds) from catching on the upstream side during flooding events and it provides for Q100 flows estimated at 135 cubic metres per second. The bridge has been designed to reflect these requirements.

A low impact stormwater management system is proposed for the WAL which will be sized to collect and convey stormwater runoff during a 10% Annual Exceedance Probability event. The WAL will also be designed to avoid collecting existing surface flows as much as possible to minimise volumes conveyed by the stormwater system and to reduce the potential for increased peaking events.

The Natural Hazards Assessment (GHD 2014d) has considered the potential effects of natural hazards, including a 50 year flood event. It has concluded that best practice road design has been adopted such that the potential effects of natural hazards have been taken into account. Further, the effects of natural hazards on adjacent properties will not be prolonged or exacerbated as a result of the construction of the road. The WAL is therefore consistent with the above objectives and policies.

#### 6.4.5 NETWORK UTILITIES DISTRICT WIDE ACTIVITY

The following objectives are relevant to the WAL:

- NUO1 To provide for the safe, effective and efficient construction, operation, maintenance, replacement, refurbishment and upgrading of Network Utilities, for the social and economic wellbeing of the community, while avoiding, remedying or mitigating any significant adverse effects on the environment.*

The policies seeking to implement the objectives above that are relevant to the WAL are:

- NUP1 Provide for the on-going operation, maintenance, replacement, refurbishment and upgrading of all existing Network Utilities.*



- NUP2 *To enable the establishment and upgrading of network utilities while ensuring that any significant adverse effects on the environment are avoided, remedied or mitigated.*
- NUP4 *Recognise special technical requirements and constraints of Network Utilities including those associated with their scale, location, design and operation.*

The above objective and policies recognise the importance of network utilities, which include roads. The Heretaunga Plains Transportation Study identifies the WAL as the highest priority roading project in the region. It will provide substantial economic benefits and improve the safety and efficiency of the transport network. The WAL is specifically intended to provide improved connections between Whakatu and the Hawke's Bay Expressway and therefore has highly specific locational requirements. The WAL is therefore consistent with, and supported by, this objective and policies.

#### **6.4.6 EARTHWORKS DISTRICT WIDE ACTIVITY**

The following objectives are relevant to the WAL:

- EWO1 *To provide for earthworks while ensuring that the life-supporting capacity of water, soil and ecosystems is safeguarded and that significant adverse effects on the environment are avoided, remedied or mitigated.*

The policies seeking to implement the objectives above that are relevant to the WAL are:

- EWP1 *Limit the scale and location of earthworks to ensure that any significant adverse effects on people, property, public or Network Utility assets, or the environment are avoided.*
- EWP2 *Require the repasture or revegetation of land where vegetation is cleared in association with earthworks.*

There will be a significant amount of earthworks required throughout the construction of the WAL. The manner in which these earthworks are controlled, and environmental effects managed, is set out in the Draft Construction Environmental Management Plan (GHD 2014i) in a manner which is consistent with the above objectives and policies. The Proposed Conditions (HDC 2014d) require that the consent holder comply with the CEMP at all times, and that a final CEMP is submitted to the appropriate consent authority for certification prior to construction activities commencing.

#### **6.4.7 COMMUNITY FACILITIES, RECREATION AND MARAE DISTRICT WIDE ACTIVITY**

The following objectives are relevant to the WAL:

- REO1 *To provide for the establishment, operation, development and maintenance of land for reserves and recreation activities, while ensuring that adverse effects on the environment are avoided, remedied or mitigated.*
- REO2 *To provide access to recreation facilities for the community through their provision and distribution throughout the District.*

The WAL will result in the loss of some land within the Pakowhai Regional Park associated with constructing the new roundabout on Pakowhai Road at the northern end of the WAL. The area of land that will need to be removed from the Park will be relatively small, being approximately 1,000 m<sup>2</sup>.

Through consultation with HBRC a concept plan has been developed to specify the design of the new park entrance and other reinstatement requirements. This concept plan ensures that the WAL will not adversely affect the ability of the Park to meet its current and likely future purposes. The Alternatives





Assessment (EMS 2014b) outlines this process and includes as an appendix correspondence from HBRC's agent confirming agreement with the proposed approach to reinstatement. Related conditions are included in the Proposed Conditions (HDC 2014d).

On the basis of the development of an agreed concept plan it is therefore considered that the WAL is consistent with Objective OSEO1.

#### **6.4.8 RIPARIAN LAND MANAGEMENT AND PUBLIC ACCESS DISTRICT WIDE ACTIVITY**

The following objectives are relevant to the WAL:

- RM01 To protect areas of the coastline and the margins of rivers, lakes and streams that are identified as being of significant, natural, cultural, or recreational value.*
- RM03 To recognise the importance of the natural character of the riparian margins of the coastal environment, wetlands, lakes and rivers, protect them from inappropriate subdivision, use and development and promote their preservation and enhancement.*

The policies seeking to implement the objectives above that are relevant to the WAL are:

- RMP10 To encourage and promote the retention of indigenous riparian vegetation, and the establishment of riparian vegetation on the margins of the coastal environment, wetlands, lakes and rivers, and, where appropriate, to require new land use activities to avoid, remedy or mitigate the adverse effects of land use on water quality, including the retention and planting of riparian vegetation.*

As described in the WAL Aquatic and Terrestrial Ecology Assessment (EAM 2014e) there are no areas of significant indigenous vegetation or significant wetlands that will be affected by the WAL. Aquatic ecology effects will be minor and riparian and aquatic habitats may be enhanced by riparian planting undertaken in consultation with HBRC and mana whenua (refer to Proposed Conditions, HDC 2014d).

#### **6.4.9 NOISE**

The following objectives are relevant to the WAL:

- NSO1 To manage the emission and mitigate the effects of noise so as to maintain and enhance the acoustic environment ensuring no adverse effects and no incompatibility with human activities.*
- NSO2 To ensure the effects of noise upon people are not adverse to their health*

The policies seeking to implement the objectives above that are relevant to the WAL are:

- NSP1 Control the emission levels of noise throughout the District, based on existing ambient noise and accepted standards for noise generation and receipt.*
- NSP5 Noisy construction and demolition activities will be allowed subject to restrictions to ensure the protection of the community from excessive noise.*
- NSP7 Progressively work towards the reduction in exposure by the community to unacceptable levels of road traffic noise.*
- NSP8 Have regard to the design and provision of effective noise mitigation on all new Regional and District Arterials, and Collector Roads constructed in the District.*



Noise effects from the WAL have been assessed in the Noise Assessment (Hegley, 2014). The report concludes:

*“The noise from the proposed WAL has been assessed against the New Zealand Traffic Noise Standard, NZS 6806. Analysis developed options using both road surface and barrier mitigation so that the design year traffic noise levels will comply with the requirements of NZS 6806. The design team considered both options before selecting the road surface mitigation option as the best practicable option for the Whakatu Arterial. Under the selected option, the Category A criterion of NZS 6806 will be met at all PPFs adjacent to the WAL. Based on this, it is concluded that the resulting noise levels to the surrounding PPFs will be reasonable and that any adverse effects have been adequately mitigated.*

*A preliminary assessment of noise from typical construction activities has shown that some mitigation to the noisier plant may be necessary when working close to the most exposed houses. There are practicable options for achieving the reductions required. However, due to the large number of variables that affect construction noise, the only practicable method of managing the effects is by the preparation of a Construction Noise and Vibration Management Plan by the successful contractor.”*

On the basis of this assessment, the WAL is considered to be consistent with the above objectives and policies.

## 6.5 PROPOSED HASTINGS DISTRICT PLAN

HDC notified the PHDP on 9 November, 2013. The notification followed the release of a draft document earlier in the year. Submissions closed on the PHDP on 14 February, 2014, and the further submissions process closed on 9 May, 2014.

In accordance with Section 86B of the RMA, certain provisions of the PHDP took immediate effect from the date of notification. These were:

- Section 18.1 Heritage Items and Notable Trees (certain provisions);
- Section 16.1 Waahi Tapu (all provisions);
- Section 7.3 Hastings Commercial Environment (certain provisions in the Central Character Precinct);
- Section 19.1 Riparian Land Management and Public Access District Wide Activity – (certain provisions insofar as the area is identified as significant)
- Section 20.1 Indigenous Vegetation and Habitats of Indigenous Fauna (certain provisions insofar as the vegetation or habitat is identified as significant).

None of these provisions are relevant to the consideration of the WAL because there are no Heritage Items or Notable Trees affected; there are no Waahi Tapu affected; the WAL is not located within the Hastings Commercial Environment; there are no areas of significant riparian land affected; and there are no areas of significant indigenous vegetation or significant habitats of indigenous fauna affected.

The remainder of the PHDP will not have any legal effect until after decisions on submissions are released. On that basis, there are no provisions of the PHDP with legal effect that are relevant to the WAL.



However, it is appropriate to assess the proposed WAL against the relevant objectives and policies of the PHDP in accordance with s.168A(3)(iv) and s.104(1)(b)(vi) of the RMA. Such an assessment is provided below.

The PHDP Planning Maps relevant to the land where the WAL will be located are maps 27, 28, 36, 79 and 80. These maps are included as **Appendix D**. The following points are noted following a review of these maps:

- The WAL crosses through Plains Production Zone and General Industrial Zoned land;
- A portion of the WAL passes through a River Hazard area where it crosses the Karamu Stream;
- The WAL crosses Designation D55 – Railway Purposes – KiwiRail Holdings Ltd;
- The WAL crosses Riparian Land Management Area (List 1) – Karamu Stream;
- The WAL affects a portion of the Pakowhai Country Park Reserve – identified as Open Space (4-02) on PHDP Planning Map 27;
- There are no recorded Cultural/Heritage sites affected;
- There are no Landscape/Character areas, sites or features (including significant trees) affected;
- There are no Special Character Areas affected;
- There are no transmission structures or lines affected; and
- The WAL is not located within the unconfined aquifer area.

On the basis of the above, the following discusses the relevant objectives and policies in the following relevant sections of the PHDP:

- Section 2.5 Transportation Strategy;
- Section 3.1 Tangata Whenua and Mana Whenua;
- Section 6.1 Plains Strategic Management Area;
- Section 6.2 Plains Production Zone;
- Section 13.1 Open Space Environments;
- Section 14.1 Industrial;
- Section 15.1 Natural Hazards;
- Section 19.1 Riparian Land Management and Public Access District Wide Activity;
- Section 22.1 Network Utilities District Wide Activity;
- Section 25.1 Noise; and
- Section 27.1 Earthworks, Mineral, Aggregate and Hydrocarbon Extraction.

#### 6.5.1 TRANSPORTATION STRATEGY (SECTION 2.5)

The following objectives are relevant to the WAL:

- OBJECTIVE TSO1 To establish and maintain a safe, efficient, and environmentally appropriate roading network which mitigates the effects on the community.*
- OBJECTIVE TSO4 To promote the effective co-ordination and integration of roading development as well as other transportation networks in the region.*
- OBJECTIVE TSO5 To provide for the effective, safe, and convenient use of non-vehicle based transportation on the Heretaunga Plains.*

The following policies are relevant to the WAL and seek to implement the above objectives:

- POLICY TSP2 Minimise the exposure of the community to environmental effects of inappropriate or unnecessary traffic on different parts of the District's roading network.*



<i>POLICY TSP5</i>	<i>Work collaboratively with other agencies with transport responsibilities to achieve the integrated management of the effects of transportation networks.</i>
<i>POLICY TSP6</i>	<i>Encourage the opportunity to utilise alternative transportation modes throughout the District.</i>

In terms of Objective TSO1 and TSO4, and Policies TSP2 and TSP5, the Heretaunga Plains Transportation Study identifies a number of roading projects and lists the WAL as the highest priority project in terms of its strategic importance. One of the key objectives of the WAL is to take heavy vehicle traffic off the residential streets of Whakatu and SH2 and through to Napier, and divert this towards the Hawke's Bay Expressway. The WAL will also support the development of a freight distribution centre at Whakatu which will provide a more efficient and integrated rail / road transportation system for the Port of Napier.

In terms of Objective TSO5 and Policy TSP6, the WAL will provide for non-vehicle based transportation on the Heretaunga Plains by way of the footpath and cycle way on the proposed bridge over the Karamu Stream. The WAL road shoulders will also provide space for cyclists along the remainder of the route. Provision will be made for the Hastings-Clive cycleway to cross the WAL via an underpass.

The WAL is therefore consistent with and supported by these objectives and policies.

#### **6.5.2 TANGATA WHENUA AND MANA WHENUA (SECTION 3.1)**

The following policy is relevant to the WAL:

<i>POLICY TW2</i>	<i>To recognise and provide for those historic sites of occupation and use in the District, and implement procedures for tangata whenua involvement regarding any proposed excavation or construction in and around those identified areas, or in the case of the discovery of any burial sites or Maori artefacts. A protocol for the accidental discovery of sites is appended to this section of the Plan.</i>
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The Archaeological Assessment (Clough 2014) found that no pre-1900 archaeological sites along the proposed route would be affected by the WAL, although there are archaeological sites and waahi tapu identified in the general vicinity. The report recommends that, at the construction stage, provision should be made for the possibility of unrecorded archaeology being exposed during earthworks by developing comprehensive accidental discovery protocols in consultation between the Council, Heritage New Zealand Pouhere Taonga (formally the New Zealand Historic Places Trust) and tangata whenua. These would ensure that if koiwi tangata (human remains), taonga (Maori artefacts) or subsurface archaeological evidence is uncovered during construction, work would cease in the immediate vicinity of the remains so that appropriate action can be taken. It is proposed that this recommendation be implemented by way of the proposed conditions (HDC 2014d).

It is noted that there is no protocol for the accidental discovery of sites appended to the PHDP as noted in Policy TW2. However, a draft Accidental Discovery Protocol has been developed for the WAL (based on a successful template process used for other large construction projects) and this has been submitted with the application documentation (HDC 2014e). Through the Proposed Conditions (HDC 2014d) this protocol is required to be finalised prior to construction commencing, in consultation with mana whenua.

On the basis of the above, it is considered that the WAL is consistent with Policy TW2.



### **6.5.3 PLAINS STRATEGIC MANAGEMENT AREA (SECTION 6.1) AND PLAINS PRODUCTION ZONE (SECTION 6.2)**

The following objectives are relevant to the WAL:

<i>OBJECTIVE PSMO1</i>	<i>The land based productive potential and open nature of the Plains environment is retained.</i>
<i>OBJECTIVE PP01</i>	<i>To ensure that the versatile land across the Plains Production Zone is not fragmented or compromised by building and development.</i>
<i>OBJECTIVE PPO3</i>	<i>To retain the existing rural character and amenity values of the Plains Production Zone.</i>
<i>OBJECTIVE PPO4</i>	<i>To enable the operation of activities relying on the productivity of the soil without limitation as a result of reverse sensitivities.</i>

The following policies are relevant to the WAL and seek to implement the above objectives:

<i>POLICY PSMP3</i>	<i>Require that activities and buildings in the Plains environment do not compromise the open nature and amenity arising from land based production.</i>
<i>POLICY PPP9</i>	<i>Require that any new development or activity is complementary to the open and low scale nature that comprises the rural character and amenity of the Plains Production Zone.</i>
<i>POLICY PPP10</i>	<i>Require that any activity locating within the Plains Production Zone shall not have adverse effects on the adjoining land uses.</i>
<i>POLICY PPP11</i>	<i>Noise levels for activities should not be inconsistent with the character and amenity of the Plains Production Zone.</i>

Objectives PSMO1, PPO1, PP03 and PP04 (and their related policies) reflect a continuation of the approach of the Operative HDP to identify and protect the unique qualities of the Plains Zone. On that basis, the assessment provided against PLO1, PL02 and PL04 (and their related policies) of the Operative HDP in Section 6.4.2 of this report addresses these matters. In summary, the WAL will create unavoidable effects on the Plains Zone, particularly through the loss of some 13.6 ha of Plains Zone land.

### **6.5.4 OPEN SPACE ENVIRONMENTS (SECTION 13.1)**

The following objective is relevant to the WAL:

<i>OBJECTIVE OSEO1</i>	<i>To provide sufficient open space to meet the present and likely future recreational, conservation and visual amenity needs of the District.</i>
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The analysis provided under 6.4.7 of this report with regards to the effects of the WAL on the Pakowhai Regional Park address Objective OSEO1. In summary, a concept plan has been developed and agreed with HBRC such that the WAL can be successfully integrated with the Pakowhai Regional Park. The WAL is therefore considered to be consistent with Objective OSEO1

### **6.5.5 INDUSTRIAL (SECTION 14.1)**

The following objective and policy are relevant to the WAL:

<i>OBJECTIVE IZO1</i>	<i>To facilitate efficient and optimum use and development of existing industrial resources within the Hastings District.</i>
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- POLICY IZP1** *Ensure that non-industrial activities will remain ancillary to the principal activities taking place in the Industrial Zones.*

The WAL is consistent with the above objective and policy as it will facilitate, and be ancillary to, the efficient and optimum use and development of the Whakatu Industrial Area by providing a strategic roading link between SH2 and Pakowhai Road in order to improve connections into and out of the Whakatu Industrial Area and through to the Hawke's Bay Expressway, Hawke's Bay Airport and Port of Napier.

#### **6.5.6 NATURAL HAZARDS (SECTION 15.1)**

The following objective and policies are relevant to the WAL:

- OBJECTIVE NHO1** *Minimisation of the effects of natural hazards on the community and the built environment.*
- POLICY NHP2** *Manage land use activities in identified natural hazard areas where communities and resources are potentially at risk.*
- POLICY NHP5** *Restrict the establishment of activities which have the potential to increase the extent to which natural hazards have, or may have, an effect on human life or the natural and built environment.*

The PHDP states that the Natural Hazard area associated with the Karamu Stream is based on a computer modelled 50 year flood level in the Karamu catchment and includes areas of Hastings City. A small part of the WAL is within this area.

These objectives and policies are a continuation of the approach adopted in the Operative HDP and therefore the analysis provided under 6.4.4 of this report addresses these matters. On the basis of that analysis, it is considered that the WAL is consistent with Objective NHO1, and Policies NHP2 and NHP5.

#### **6.5.7 RIPARIAN LAND MANAGEMENT AND PUBLIC ACCESS DISTRICT WIDE ACTIVITY (SECTION 19.1)**

The following objectives and policy are relevant to the WAL:

- OBJECTIVE RMO1** *To protect areas of the coastline and the margins of rivers, lakes and streams that are identified as being of significant, natural, cultural, or recreational value.*
- OBJECTIVE RMO2** *To recognise the importance of the natural character of the riparian margins of the coastal environment, wetlands, lakes and rivers, protect them from inappropriate subdivision, use and development and promote their preservation and enhancement.*
- POLICY RMP6** *To encourage and promote the retention of indigenous riparian vegetation, and the establishment of riparian vegetation on the margins of the coastal environment, wetlands, lakes and rivers, and, where appropriate, to require new land use activities to avoid, remedy or mitigate the adverse effects of land use on water quality, including the retention and planting of riparian vegetation.*

As described in the WAL Aquatic and Terrestrial Ecology Assessment (EAM 2014a) there are no areas of significant indigenous vegetation or significant wetlands that will be affected by the WAL. Aquatic ecology effects will be minor and riparian and aquatic habitats may be enhanced by riparian planting associated with the Landscape Mitigation Plan for the WAL.

#### **6.5.8 NETWORK UTILITIES DISTRICT WIDE ACTIVITY (SECTION 22.1)**

The following objective and policies are relevant to the WAL:



<b>OBJECTIVE NUO1</b>	<i>To provide for the safe, effective and efficient construction, operation, maintenance, replacement, refurbishment and upgrading of Network Utilities, for the social and economic wellbeing of the community, and whilst recognising the technical and operational requirements and constraints of Network Utilities.</i>
<b>POLICY NUP2</b>	<i>To enable the establishment and major upgrading of network utilities while ensuring that any significant adverse effects on the environment and adjoining land use are avoided, remedied or mitigated.</i>
<b>POLICY NUP4</b>	<i>Recognise special technical and operational requirements and constraints of Network Utilities including those associated with their scale, location, design and operation.</i>

The above objective and policies recognise the importance of network utilities, which include roads. The Heretaunga Plains Transportation Study identifies the WAL as the highest priority roading project in the region. It will provide substantial economic benefits and improve the safety and efficiency of the transport network. The WAL is specifically intended to provide improved connections between Whakatu and the Hawke's Bay Expressway and therefore has highly specific locational requirements. The WAL is therefore consistent with, and supported by, this objective and policies.

#### **6.5.9 NOISE (SECTION 25.1)**

The following objectives and policies are relevant to the WAL:

<b>OBJECTIVE NSO1</b>	<i>To manage the emission and mitigate the effects of noise so as to maintain and enhance the acoustic environment ensuring no adverse effects and no incompatibility with human activities.</i>
<b>OBJECTIVE NSO2</b>	<i>To ensure the effects of noise are not adverse to people's health.</i>
<b>POLICY NSP5</b>	<i>Noisy construction and demolition activities will be allowed subject to restrictions to ensure the protection of the community from unreasonable noise</i>
<b>POLICY NSP7</b>	<i>Manage noise from the road network to ensure the community is not exposed to unacceptable levels of road traffic noise.</i>
<b>POLICY NSP8</b>	<i>Have regard to the design and provision of effective noise mitigation on all new Regional and District Arterials, and Collector Roads constructed in the District.</i>

The Noise Assessment (Hegley 2014) has concluded that mitigation measures are available to adequately mitigate any adverse noise effects to a reasonable level (e.g. road surface modification) as part of the design of the WAL. The Noise Assessment considers that there are practicable options available to achieve any necessary reductions which should be identified by the selected contractor and included in a Construction Noise and Vibration Management Plan.

#### **6.5.10 EARTHWORKS, MINERAL, AGGREGATE AND HYDROCARBON EXTRACTION (SECTION 27.1)**

<b>OBJECTIVE EMO1</b>	<i>To enable earthworks within the Hastings District while ensuring that the life-supporting capacity of soils and ecosystems are safeguarded and adverse effects on landscapes and human health and safety are avoided, remedied or mitigated.</i>
<b>OBJECTIVE EMO4</b>	<i>To ensure that earthworks and mineral extraction do not compromise outstanding natural features, and historic heritage features.</i>
<b>POLICY EMP3</b>	<i>Protection of productive soils within the District from large-scale stripping, stockpiling, alteration and removal to ensure the land can still support a range of productive land uses.</i>



**POLICY EMP11** *Historic Heritage Features will be protected from the effects of earthworks and mining activities.*

In terms of Objective EMO4 and Policy EMP11, there are no outstanding natural features or landscapes or historic heritage features located within the WAL alignment that will be compromised by the earthworks.

With regard to Objective EMO1 and Policy EMP3, the WAL will result in the loss of some 20 ha of land from current productive use, 13.6 ha of which are within the Plains Productive Zone. However, the AEE has concluded that any potential adverse effects of earthworks on ecosystems, landscapes and human health and safety will be avoided, remedied or mitigated by way of the proposed WAL design and proposed conditions. The analysis provided under section 6.4.2 of this report is also relevant, which outlines the approach taken to minimising the unavoidable effects on the soil resource associated with the construction of a new arterial road that must necessarily be located in a predominantly rural area.

## **6.6 OTHER POTENTIALLY RELEVANT PLANS AND STRATEGIES**

There are a number of other plans, strategies or documents (mostly non-statutory) that are potentially relevant to the WAL, which are discussed as follows.

### **6.6.1 HERETAUNGA PLAINS URBAN DEVELOPMENT STRATEGY**

As noted earlier in this report, HPUDS is a joint strategy adopted by the Napier City Council, HDC and HBRC in August 2010. The Strategy assists with planning for urban growth for Napier/Hastings and the surrounding area for the period 2015-2045.

Section 1.9 of HPUDS describes the status of the Strategy as follows:

*The Strategy is a broad scale, long-term, integrated land-use and infrastructure strategy prepared under the framework of the Local Government Act 2002. It will be used as a guide for the future development of the Heretaunga Plains. The Strategy will be implemented through tools such as the Regional Policy Statement, the Regional Land Transport Strategy and the Regional Land Transport Programme, Long Term Council Community Plans, district plans, and other partner plans and strategies. Implementation will be supported by the Heretaunga Plains Partners, Central Government and other applicable agencies.*

A key “value and expectation” of HPUDS is the “Need for efficient and effective transport corridors which provide for a range of transport modes to operate”.

Section 5.31 of HPUDS deals with Transport, identifying the ‘strong link between the HPUDS settlement pattern and transport’. That section identifies a number of issues, key approaches and actions, including that aspects of HPUDS should be brought into the review of the Regional Land Transport Strategy (“RLTS”) and that regionally significant transport corridors (including road corridors) should be protected at an early stage (p135).

HPUDS is reflected in, and given effect to, by the Heretaunga Plains Transportation Strategy, RLTS, discussed below, and the regional and district plans (particularly PC4 to the RPS), discussed above. In short, the need for the WAL was identified and prioritised through the process initiated through HPUDS and the project receives strong support from this Strategy.

### **6.6.2 HERETAUNGA PLAINS TRANSPORTATION STUDY**

The HPTS was commissioned by HBRC, New Zealand Transport Agency, HDC and Napier City Council, with the aim of the study being to:





*“ensure that people and goods are moved to/from and within the study area with the least cost and for the most benefit to the region’s economy while enhancing its social and cultural fabric and environmental condition”.*

In brief, the HPTS developed a transport model, applied it to future land forecasts based on HPUDS, determined deficiencies in the existing road network and assessed alternatives to address these deficiencies. It identified the investigation, design and construction of the WAL as the highest short term priority project.

The HPTS is clearly supportive of the WAL. While the HPTS was in the nature of a technical study, with no opportunity for public involvement, it is considered to be relevant in that it sought to implement HPUDS, which was subject to community input, and has since been implemented through the RLTS, which was also subject to public consultation.

### **6.6.3 HAWKE’S BAY REGIONAL LAND TRANSPORT STRATEGY AND REGIONAL LAND TRANSPORT PROGRAMME**

The RLTS is a statutory document prepared under the Land Transport Management Act 2003, and went through a process of public notification and submissions, before being adopted in 2012. It addresses strategic transport needs for Hawke’s Bay over the 2012 – 2042 period. The Regional Land Transport Programme (“RLTP”) is incorporated into the RLTS and identifies specific transport activities for which the New Zealand Transport Agency (NZTA) and councils in the Hawke’s Bay region are seeking national funding for over the next 10 years. This includes a 3 year programme of confirm projects, as part of the overall 10 years strategy.

The RLTS identifies the following ‘results’ that the various projects are designed to achieve:

- 1. a network which supports economic growth*
- 2. a safe network*
- 3. a network which meets sustainability, environmental and community expectations*
- 4. to maximise value for money and the best return on investment*
- 5. to implement initiatives in a staged manner based on affordability and timely reviews and investigations*

Applying those objectives, the WAL was the top ranked project in the RLTS and RLTP and is confirmed in the 3 year confirmed programme in the RLTP.

The RLTS is clearly supportive of the WAL, and it is considered that this Strategy is required to be taken into account under s 104(1)(c) and s 168A(3)(d) RMA.

### **6.6.4 WHAKATU COMMUNITY PLAN 2006 - 2016**

The Whakatu Community Trust (“The Trust”) and HDC developed the Whakatu Community Plan (“WCP”) in with and for the Whakatu community. The purpose of the WCP is to improve the social, cultural, environmental and economic well-being of the community. The Plan provides a framework outlining goals and actions to achieve the community vision:

*“Whakatu 2016: A by its industrial neighbours”. village community that is friendly, safe, thriving, and supported in a harmonious relationship*

The WCP identified four top priorities during consultation:

- Traffic safety;
- Industrial activity;
- Beautification; and



- Play equipment.

The WCP then outlines a series of goals and actions under the following headings:

- Environmental Goals;
- Social and Cultural Goals; and
- Economic Goals.

The WAL will directly contribute to improved traffic safety in Whakatu by reducing heavy vehicle traffic through residential areas. It will also support economic activity in Whakatu, as outlined in the Economic Impact Assessment (Bevin, 2014). The Landscape and Visual Assessment (Isthmus 2014) outlines a plan for the beautification and enhancement of the area around the WAL, which is on the outskirts of Whakatu. In general, it is considered the WAL is generally consistent with the WCP and supports some of the goals identified in the plan. It noted that the current plan covers the period 2006 – 2016 and that HDC are in the process of updating the WCP to cover the next 10 year period.

#### **6.6.5 OPERATION PATIKI**

The Ngāti Hori Freshwater Resources Management Plan “Operation Patiki” presents Ngāti Hori’s priorities and objectives in relation to freshwater.

Ngāti Hori is a hapū of Ngāti Kahungunu ki Heretaunga. Ngāti Hori ki Kohupatiki are kaitiaki of the lower Karamu Stream and have a close and traditional relationship with the stream.

Operation Patiki provides a foundation for Ngāti Hori planning for freshwater and represents a continuous process of management, from past to current times, of the Karamu Stream and its resources. It sets the following priorities for freshwater, which are based on Ngāti Hori’s values in the Karamu Stream:

- Achieving sufficient water flow;
- Improving water quality;
- Protection and restoration of traditional riparian vegetation; and
- Protection and restoration of fish and fish habitat.

Each priority in the plan identifies associated issues, outcomes sought and methods to achieve those outcomes.

Operation Patiki is a proactive plan that seeks to initiate actions to achieve identified outcomes. It is relevant to consider the WAL in relation to the outcomes sought by Operation Patiki. Comment is given below under each of the priority areas identified.

##### *Achieving sufficient water flow*

This priority is primarily concerned with the effects of historic river diversions and stream widening that result in low flow conditions in the Karamu Stream. The WAL will not directly result in a reduction in flow in the Karamu Stream, as there are no associated water takes or diversions and the bridge piers are located outside of the wet stream bed.

However, it is acknowledged that as part of the WAL project, HDC intends to complete programmed river widening works in the vicinity of the new bridge on behalf of HBRC in order to source fill for road construction purposes. These works are intended to be completed by HBRC regardless of the construction of the WAL in the interests of flood protection.



### Improving water quality

Operation Patiki makes particular mention of concern around Stormwater runoff from roads and the impact this may have on water quality. The results of the Aquatic and Terrestrial Ecology Assessment (EAM 2014a) are relevant to this concern. The report has considered the impact of the stormwater discharges on the Karamu Stream from the WAL based on the Stormwater Management Plan (GHD 2014g) and Erosion and Sediment Control Plan (GHD 2014h). These management plans propose a low impact design, which includes vegetated swales, sediment retention ponds (during construction) scruffy domes and other measures to pre-treat runoff prior to entering the Karamu Stream, and a range of environmental performance standards that are to be monitored and achieved. The assessment concludes that if the proposed treatment measures and performance standards are carried out as described to ensure that sediment and erosion and stormwater runoff is managed so as little as possible enters the Karamu Stream then significant contamination from this source is considered unlikely and effects to aquatic ecosystems and water quality are considered to be minor.

### Protection and restoration of traditional riparian vegetation

HDC are making a contribution to riparian planting along the Karamu Stream to support existing initiatives (see Proposed Conditions HDC 2014d). This will support the outcomes sought by Operation Patiki.

### Protection and restoration of fish and fish habitat

The comments above in relation to the results of the Aquatic and Terrestrial Ecology Assessment (EAM 2014a) are relevant with regards to impacts on fish and fish habitats. The contributions to riparian planting noted above will support the increased protection of existing habitats, and the creation of, additional habitats.

It is also noted that Operation Patiki provides a series of 'Consultation Guidelines'. Consultation with mana whenua is outlined in the Assessment of Environmental Effects (EMS 2014b) and it is considered that the process taken is generally consistent with these guidelines.

## **6.6.6 HBRC WATERWAY DESIGN GUIDELINES**

The HBRC Waterway Design Guidelines provide guidance for works in and adjacent to rivers and streams, and to assist with sediment control during construction and disturbance work in these areas. These guidelines have been taken into account as part of the preparation of the Draft Construction Environmental Management Plan (GHD 2014i) and the proposed conditions of consent (HDC 2014d).

## **6.6.7 TE KARAMU CATCHMENT REVIEW AND OPTIONS FOR ENHANCEMENT**

The Te Karamu Catchment Review and Options for Enhancement document was prepared by HBRC in 2004 to guide future activities in the Karamu Stream and surrounding catchment. It is a guideline document that presents possible options for enhancement activities. Key issues identified for the Karamu Stream include:

- Widening works to manage flood risk;
- The removal of the sewer pipes that cross the Karamu; and
- The removal of the flood gates.

While not directly relevant to the WAL, contributions made by HDC for riparian planting (see Proposed Conditions HDC 2014d) can support and enhance the initiatives of this plan.



## 7 OTHER TESTS RELEVANT TO NOTICE OF REQUIREMENT

While the analysis above has applied broadly both to the NOR and resource consents required for the WAL, there are additional tests in s 168A(3)(b) and (c) which apply to the NOR only.

Section 168A(3)(b) relates to the requiring authority's consideration of alternatives. HDC went through a robust and thorough process for considering alternatives, and this is detailed in the Alternatives Assessment (EMS 2014b).

Section 168A(3)(c) relates to "whether the work and designation are reasonably necessary for achieving the objectives of the requiring authority for which the designation is sought". This requires consideration of the reasonable necessity of both the proposed road itself and the legal method of securing the route through designation.

The objectives of the Requiring Authority for the WAL are to enhance and improve the safety and efficiency of the transport network of the district and region so as to:

- Improve accessibility for individuals and businesses and support economic growth and productivity;
- Provide convenient, efficient and safe access for freight movements to and from the Whakatu Industrial Area;
- Promote the use of the Hawke's Bay Expressway for the road transport of freight and vehicles between the Whakatu Industrial Area and the Port of Napier;
- Provide convenient, efficient and safe access between Havelock North and the Napier/Hastings Airport and Napier's north-western employment and residential areas; and
- Enhance the safety of the Whakatu residential area by reducing freight movements through it.

In terms of whether the "work" is reasonably necessary to give effect to these objectives, it is considered that the WAL will achieve all of these objectives, whereas the "do nothing" approach would not achieve any, to the detriment of the Hastings District and wider region.

As outlined above and elsewhere in the documentation in support of the WAL, the RLTS and HPTS have identified the WAL as the highest priority project for the Hawke's Bay region. As well as providing an efficient freight route, the WAL achieves the objectives by providing significant safety improvements, both in terms of removing traffic from residential areas in Whakatu and by improving the intersections at Napier Road and State Highway 2, Pilcher Road and State Highway 2 and Ruahapia Road and Pakowhai Road.

As outlined in the Alternatives Assessment (EMS 2014b), a number of alternative routes and options have been considered throughout the process leading to the finalisation of the project which is now sought to be designated. While those various route alternatives would have given effect to some or all of the objectives to a lesser or greater extent, HDC considers that the route it has selected was the best option having regard to a number of factors, which encompassed both the project objectives and environmental and cultural concerns. It is considered that the WAL is reasonably necessary for achieving the project objectives.



In terms of whether the designation as a method is reasonably necessary, it is considered that there is no alternative method that would ensure the objectives could be achieved. The reasons for this are set out in the NOR, namely:

- It will allow the project to be constructed, operated and maintained notwithstanding anything to the contrary in the HDP or PHDP. This is particularly important where the work extends over various properties held in private and public ownership with different zoning under the District Plan;
- It will allow the land required to be identified in the Hastings District Plan, giving a clear indication of the intended use of the land;
- It will enable the WAL to be undertaken in a comprehensive and integrated manner;
- It will protect the proposed route from future development which may otherwise preclude the construction of the work.

The alternatives to designation as a method are considered in the Alternatives Assessment (EMS 2014b). The main alternatives are to seek to secure the rights to construct the WAL by resource consents and through property negotiations. Given the linear nature of the WAL and the varying zones through which the project passes, it is considered inefficient to adopt an approach other than seeking designation. A designation is considered reasonably necessary to achieve the objectives.

## 8 PART 2 OF THE RMA

The matters to be considered under sections 168A and 104 of the RMA are subject to Part 2 – Purpose and Principles of the RMA.

Specific sections within Part 2 are assessed below, however as an overarching comment it is noted that Part 2 matters were sought to be recognised and provided for at the earliest stages of design for the WAL. This was achieved primarily through the EBD Process (as more fully described in the Alternatives Assessment, EMS 2014b).

The EBD Working Group undertook a multi-criteria analysis process to identify a preferred route options for the WAL. This analysis was ultimately applied to four potential route options. The criteria identified and developed by the Working Group for this process were all linked to Part 2 imperatives, as summarised in the following excerpt from the EBD Working Group Report provided as Appendix A to the Alternatives Assessment Report (EMS 2014b). These criteria directly informed the selection of the preferred alignment for the WAL.

*Excerpt from Appendix A of the Alternatives Assessment Report (EMS 2014b): Enquiry by Design Working Group Report, Table 5 Agreed Assessment Criteria and Rating Guide (part of table shown)*

<b>Criterion</b>	<b>Relevant RMA Part 2 Matters</b>
<b>1. Effects on Productive Land Use, Existing Use and Infrastructure and Development Opportunities</b>	<p>Section 5 specifies people and communities' "economic well-being" as an important component when considering sustainable management.</p> <p>Section 7(b) relates to the efficient use and development of natural and physical resources, 7(f) to the maintenance and enhancement of the quality of the environment, and 7(g) relates to any finite characteristics of natural and physical resources (including soils) as matters to have particular regard to.</p>
<b>2. Recreation and Tourism Effects and Opportunities</b>	<p>Section 5 specifies that sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social well-being.</p> <p>Section 6(a) refers to the preservation of the natural character of wetlands and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use and development, and Section 6(d) specifies the maintenance and enhancement of public access to and along lakes and rivers as matters of national importance that must be recognised and provided for.</p> <p>Section 7(c) relates to the "maintenance and enhancement of amenity values" and 7(f) to "maintenance and enhancement of the quality of the environment" as matters to have particular regard to.</p>
<b>3. Effects on Natural Values</b>	<p>Section 5 specifies safeguarding the life-supporting capacity of water and ecosystems as important components when considering sustainable management.</p> <p>Section 6(a) refers to the preservation of the natural character of wetlands and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use and development, and section 6(c) refers to the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna. Both are matters of national importance that must be recognised and provided for.</p> <p>Section 7(a) relates to "kaitiakitanga", section 7(aa) to the "ethic of</p>



Criterion	Relevant RMA Part 2 Matters
	<p>stewardship”, 7(c) “the maintenance and enhancement of amenity values”, 7(d) to “intrinsic values of ecosystems”, 7(f) to “maintenance and enhancement of the quality of the environment”, 7(g) to “any finite characteristics of natural and physical resources, and section 7(h) to “the protection of the habitat of trout and salmon”. Particular regard must be given to all of these matters in terms of river and wetland ecological values.</p>
<p><b>4. Effects on Existing Local Communities</b></p>	<p>Section 5 specifies that sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic and cultural well-being.</p> <p>Section 7(aa) relates to the ethic of stewardship, 7(b) the efficient use and development of natural and physical resources, 7(f) the maintenance and enhancement of the quality of the environment which have to be had particular regard to in relation to existing communities.</p>
<p><b>5. Effects Associated with Tāngata Whenua Values including Historic Heritage, Archaeological Sites and Historic Places</b></p>	<p>Section 5 specifies that sustainable management means managing the use, development and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic and cultural well-being.</p> <p>Section 6(e) specifies the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other tāonga as a matter of national importance to be recognised and provided for.</p> <p>Section 7(a) states that all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to kaitiakitanga.</p> <p>Section 8 specifies that in achieving the purpose of the RMA, all persons exercising functions and powers under it, in relation to managing the use, development and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).</p>
<p><b>6. Economic Benefits and Costs</b></p>	<p>Section 5 specifies that sustainable management means managing the use, development and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic and cultural well-being.</p> <p>Section 7(b) relates to the efficient use and development of natural and physical resources.</p>
<p><b>7. Traffic and Community Safety</b></p>	<p>Section 5 specifies that sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic and cultural well-being.</p> <p>Section 7(aa) relates to the ethic of stewardship, 7(b) the efficient use and development of natural and physical resources, 7(f) the maintenance and enhancement of the quality of the environment which have to be had particular regard to in relation to existing communities.</p>
<p><b>8. Connectivity</b></p>	

## 8.1 PURPOSE OF THE RMA

The cornerstone of Part 2 is the Purpose of the RMA as set out in section 5(1), which is:

*To promote the sustainable management of natural and physical resources.*

Section 5(2) of the RMA defines sustainable management as:

*Managing the use, development and protection of natural and physical resources in a way or at a rate which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while-*

- (a) Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
- (b) Safeguarding the life-supporting capacity of air, water, soil and ecosystems; and*
- (c) Avoiding, remedying or mitigating any adverse effects of activities on the environment.*

The promotion of sustainable management requires an overall broad judgement of whether a proposal will meet the requirements of section 5(2) of the RMA. The approach recognises that the RMA has a single purpose – sustainable management. Such a judgement allows for the comparison of conflicting considerations and the scale or degree of them and their relative significance or proportion in the final outcome.

In terms of section 5 of the RMA, the proposed WAL will enable people and communities to provide for their social and economic well-being and for their health and safety through the increased transportation efficiency and traffic safety provided by the WAL.

In addition, the WAL will enable a range of parties to provide for their social, economic, and cultural well-being through the creation of employment and associated economic activity. The key findings of the report 'Whakatu Arterial Link Local and Regional External Economic Effects Assessment (Bevin, 2014) summarises the overall economic benefit of the road:

*Excerpt from the WAL Economic Impact Assessment (Bevin, 2014): Table 6: Hawke's Bay Region Total Value Added Impacts of Proposed New WAL in Discounted Net Present Value Terms Over a 30-Year period*

Total Value Added Impact Over 30 Years in Discounted Net Present Value (NPV) Terms In \$M	Activity					Increase in Net Value-Added
	Road Construction	Ongoing Road Maintenance	New Industry Development	Lost Pipfruit Production	Net Impact	
<b>1. Without The New Road</b>	-	-	118.0	-	118.0	-
<b>2. With the new WAL road and associated steady industry development. (But excluding a major new freight distribution centre operating in the Whakatu industrial area)</b>	17.08	1.1	231.1	17.1	232.2	114.0
<b>3. As in Point 2 above but also including the establishment of a major new freight distribution centre in Whakatu</b>	17.08	1.1	483.0	17.1	484.1	251.9

*"The results in the table indicate an approximate \$114 million or almost doubling in the overall gross regional Value Added/GDP impact of the proposed WAL for the 30-year period, compared to the existing situation. If, in addition to the WAL, a specialised freight distribution centre is subsequently developed in the*





*Whakatu area, it is estimated that over the forecast period this will increase the total net Value Added impact of the road at the regional level by a further approximately \$252 million. To the extent that part of the total funding requirement for the construction and/or operation-maintenance of the new road is met from existing regional resources, the overall economic impact will be commensurately lower."*

The WAL is a key strategic roading project provided for through the HPTS and HPUDS regional planning documents. The effects on the environment associated with the WAL have been addressed in the AEE (EMS 2014b), and it is concluded that, with the Proposed Conditions (HDC 2014d), the effects of the activity on the environment will be no more than minor or otherwise appropriately managed and/or addressed.

On the basis of the above, it is considered that the WAL is consistent with Part 5 of the RMA.

## **8.2 MATTERS OF NATIONAL IMPORTANCE**

Section 6 of the RMA sets out the matters of national importance that must be recognised and provided for in managing the use, development and protection of natural and physical resources:

- (a) The preservation of the natural character of the coastal environment (including coastal marine area) wetlands and lakes and rivers and their margins and the protection of them from inappropriate subdivision, use and development:*
- (b) The protection of outstanding natural features and landscapes from inappropriate subdivision, use and development:*
- (c) The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:*
- (d) The maintenance and enhancement of public access to and along the coastal marine area, lakes and rivers:*
- (e) The relationship of Maori and their culture and traditions with their ancestral lands, water, waahi tapu, and other taonga;*
- (f) The protection of historic heritage from inappropriate subdivision, use and development;*
- (g) The protection of recognised customary activities.*

A number of the matters listed in section 6 of the RMA require the protection of various aspects of the environment from 'inappropriate' subdivision, use and development. The WAL is not considered to be an 'inappropriate' form of development. The necessity for the road has been assessed in the Heretaunga Plains Transportation Study, informed by and supporting HPUDS, which confirmed the WAL as the highest priority roading project in the region. Further, through the EBD process, the proposed location and route of the WAL has been carefully considered and assessed against multiple criteria in order to identify a road corridor that achieves the objectives of the road whilst minimising environmental, cultural and social impacts.

Further, the objectives and policies in the relevant statutory instruments (discussed above) recognise, provide for, and in some cases encourage the type of activities proposed in particular RRMP PC4 which seeks to assist with the implementation of HPUDS.

Detailed investigations have been undertaken to further consider the matters listed in section 6 of the RMA as follows.

The matters listed in sections 6(a) and (b) have been considered in the report 'Whakatu Arterial Landscape and Visual Assessment' (Isthmus 2014). The assessment includes a consideration of biophysical effects, which it defines as the extent and significance of modifications to landform, waterways and vegetation. Moderate biophysical effects have been identified, however it is concluded that these effects are able to be managed, are likely to be temporary, and the effects will be negligible



or nil in the long term as the WAL and associated mitigation works are assimilated into the existing biophysical landscape. There are no outstanding natural features or landscapes affected by the WAL.

In terms of section 6(c), the report Whakatu Arterial Aquatic and Terrestrial Ecology Assessment (EAM 2014a) has confirmed that there are no areas of significant indigenous vegetation and significant habitats of indigenous fauna that will be affected by the WAL.

In terms of section 6(d), the WAL will not reduce public access to or along the Karamu Stream. Existing cycle tracks and connections will be provided for, and cyclists will enjoy improved safety through the closure of Ruahapia Road. Further, this road closure will significantly reduce traffic on Ruahapia Road, improving connections between Ruahapia Marae and the Karamu Stream.

The discussion in Section 6.3.1 above in relation to the section of the RRMP relating to 'Recognition of Matters of Significance to Iwi/Hapū' is relevant to sections 6(e), (f) and (g) of the RMA, particularly in respect of the findings of the Cultural Impact Assessment (Ipurangi Developments 2014). In addition, the Archaeological Assessment (Clough 2014) addresses the matters of relevance to section 6(f). There are no known or identified archaeological sites within the proposed road corridor. Should an archaeological site be discovered during works associated with the construction of the WAL, an Accidental Discovery Protocol has been prepared (HDC 2014e) to ensure a legally and culturally appropriate response.

For the reasons outlined, it is considered that the WAL is consistent with Section 6 of the RMA.

### 8.3 OTHER MATTERS

Section 7 of the RMA sets out the matters that particular regard must be had to in managing the use, development and protection of natural and physical resources:

- “(a) kaitiakitanga:*
- (aa) the ethic of stewardship:*
- (b) the efficient use and development of natural and physical resources:*
- (ba) the efficiency of the end use of energy:*
- (c) the maintenance and enhancement of amenity values:*
- (d) intrinsic values of ecosystems:*
- (e) [Repealed]*
- (f) maintenance and enhancement of the quality of the environment:*
- (g) any finite characteristics of natural and physical resources:*
- (h) the protection of the habitat of trout and salmon:*
- (i) the effects of climate change:*
- (j) the benefits to be derived from the use and development of renewable energy.”*

Most aspects of sections 7 of the RMA are relevant to the WAL.

In terms of section 7(a), the processes of consultation undertaken with mana whenua (previously discussed), in particular through the EBD process where mana whenua representatives had direct input at the earliest stages of road design, opportunities to exercise kaitiakitanga have been provided.

Sections 7(aa) and 7(b) are closely related. As previously identified, the WAL is the highest priority roading project in the region and will generate substantial benefits. Through the EBD process which involved key stakeholders from a range of backgrounds and interests, the location and route of the WAL have been carefully considered to minimise impacts whilst achieving the objectives of the new arterial link. It is considered that this process is consistent with sections 7(aa) and 7(b).



Section 7(c) requires that particular regard be had to the maintenance and enhancement of amenity values. Amenity values are defined in section 2 of the RMA as being:

*“those natural or physical qualities and characteristics of an area that contribute to people’s appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes”.*

Closely related to section 7(c), section 7(f) requires that particular regard be had to the maintenance and enhancement of the quality of the environment, which is broadly defined in section 2 of the RMA as follows:

*“Environment includes-*

*Ecosystems and their constituent parts, including people and communities; and*

*All natural and physical resources; and*

*Amenity values; and*

*The social, economic, aesthetic, and cultural conditions which affect the matters stated in paragraphs (a) to (c) of this definition or which are affected by those matters.”*

These matters are primarily addressed in the WAL Landscape and Visual Assessment (Isthmus 2014). It identifies a range of effects, with the highest effects relating to visual amenity effects for residents close to SH2, and effects on Pakowhai Regional Park. A range of mitigation measures are proposed to address these effects (and adopted through the Proposed Conditions) and the assessment concludes that over time, the WAL is expected to be integrated into the landscape as its components become less visible, and the proposed grass and planting establishes and matures.

The WAL Aquatic and Terrestrial Ecology Assessment (EAM 2014a) addresses the matters in terms of section 7(d). It notes that impacts are low, and indeed the WAL presents opportunities for ecological enhancement through riparian planting.

Section 7(g) of the RMA is relevant to the WAL, in terms of the loss of productive soils. Productive soils are a finite resource of particular value to the Hawke’s Bay region. The Productive Land Use Assessment (AgFirst 2014) notes that approximately 20 ha of productive land will be removed by the WAL, 13.6 ha of which are located within the valuable Plains Zone. Given the particular locational requirements of the WAL, this is an unavoidable effect associated with the construction of a new arterial road in a predominantly rural area.

It is noted that the route option recommended by the EBD Working Group received a raw score of 3 out of 5 for effects on productive land. Other options scored both higher (i.e. less effect) and lower (i.e. more effect). None of the 4 options considered completely avoided these effects. The only option that had a lesser effect on productive land (Option 2) had increased adverse effects over the preferred option for recreation and tourism, existing communities, cultural and heritage matters and traffic and community safety and had an overall lower Benefit Cost Ratio. Overall, Option 2 ranked 3<sup>rd</sup> out of the 4 options considered.

Overall, it is considered that the unavoidable loss of productive soils that will result from the construction of the WAL is considered to be reasonable, when balanced against the effects of alternative route options, and the broader economic, transportation and safety benefits provided by the WAL.

In terms of section 7(h), the Aquatic and Terrestrial Ecology Assessment (EAM 2014a) notes that with suitable riparian buffers and the use of well vegetated swales, the effects of the WAL on freshwater fish population can be minimised and with subsequent growth of the overhanging riparian cover the habitat will be improved. It is also noted that the Karamu system as a whole is somewhat restricted in its

carrying capacity due to barriers to fish movement cutting off large reaches of habitat for non-climbing species, however the WAL proposal has no in stream structures to exacerbate this situation.

In terms of section 7(i), the effects of climate change are relevant to the WAL. The incidence of natural hazards (e.g. storm and flooding events) may be increased by the effects of climate change. Natural hazards are considered in the report Whakatu Arterial Natural Hazard Assessment (GHD 2014d). In the Whakatu Arterial Transportation Assessment (GHD 2014b), travel time and vehicle operating cost savings have been assessed as part of an economic assessment of the new road. The analysis shows that the increased efficiency of the transport network provided by the WAL offers vehicle operating cost savings associated with reduced travel times. This analysis is presented below:

Construction Year	2014	2018	2023	2028	2033	2038	2043	2048
Travel time cost savings	\$57.8M	\$51.2M	\$43.4M	\$36.5M	\$30.3M	\$24.9M	\$20.3M	\$16.5M
VOC savings	\$18.7M	\$16.1M	\$13.2M	\$10.7M	\$8.6M	\$6.9M	\$5.5M	\$4.4M
Accident Savings	\$26.2M	\$20.5M	\$15.2M	\$11.3M	\$8.4M	\$6.3M	\$4.7M	\$3.5M
<b>PV total net benefits</b>	<b>\$102.7M</b>	<b>\$87.8M</b>	<b>\$71.8M</b>	<b>\$58.5M</b>	<b>\$47.4M</b>	<b>\$38.1M</b>	<b>\$30.5M</b>	<b>\$24.3M</b>
<b>PV total net costs</b>	<b>\$18.6M</b>	<b>\$14.8M</b>	<b>\$11.0M</b>	<b>\$8.2M</b>	<b>\$6.2M</b>	<b>\$4.6M</b>	<b>\$3.4M</b>	<b>\$2.6M</b>
<b>BCR</b>	<b>5.5</b>	<b>5.9</b>	<b>6.5</b>	<b>7.1</b>	<b>7.7</b>	<b>8.3</b>	<b>8.9</b>	<b>9.5</b>
FYRR	0.22	0.25	0.25	0.25	0.25	0.25	0.25	0.24
BCR (excl accidents)	4.1	4.6	5.1	5.7	6.3	6.9	7.5	8.1

Key to Table 11: VOC – Vehicle Operating Costs, PV – Present Value, and BCR – Benefit Cost Ratio

This efficiency gain for the transport network can provide a reduction in fuel use, providing a potential benefits in terms of climate change through reduced greenhouse gas emissions.

Section 7(j) is not relevant to the WAL.

## 8.4 TREATY OF WAITANGI

Section 8 of the RMA states:

*“In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).”*

While there is no comprehensive or authoritative list of principles of the Treaty of Waitangi available for consideration, case law has indicated that these may include principles of active protection, good faith consultation and communication, and a spirit of partnership.

The Cultural Impact Assessment (Ipurangi Developments 2014) notes that:

*For the purpose of this report: the principles of the Treaty of Waitangi have been interpreted as follows:*

- *Effective consultation*
- *Good faith engagement with mana whenua*
- *Culturally appropriate conduct in engagement that is mutually appropriate to both mana whenua and the statutory constraints of the Council*

As discussed above, mana whenua have been engaged throughout the design and assessment process associated with the WAL. Through the EBD process in particular, as a key stakeholder mana whenua were able to directly inform and influence design decisions at the earliest stages. There have also been a

series of report back sessions to marae in the area of the WAL, and the Cultural Impact Assessment process included a series of interviews with individuals and small groups in order for any additional cultural matters of concern to be accurately identified and reported. It is considered that this process reflects the principles of the Treaty of Waitangi.



## 9 CONCLUSION

HDC is seeking all necessary approvals for the WAL under the RMA by way of:

- A NOR) will be lodged with HDC for the proposed road corridor; and
- Resource consent applications will be lodged with HBRC for all other aspects of the WAL that are not Permitted Activities.

The NOR has been assessed in relation to the matters in section 168A of the RMA. The activities associated with the WAL for which resource consent applications have been lodged with HBRC include Discretionary Activities and have been assessed in relation to the matters in section 104 of the RMA.

The WAL has been considered in relation to the relevant matters specified in sections 168A and 104 of the RMA as applicable. Overall, it is concluded that the WAL is consistent with the relevant objectives and policies in the statutory instruments that are relevant to the NOR and the resource consent applications.

In conclusion, it is considered that the WAL is consistent with the purpose and principles of the RMA.



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## **APPENDIX A**

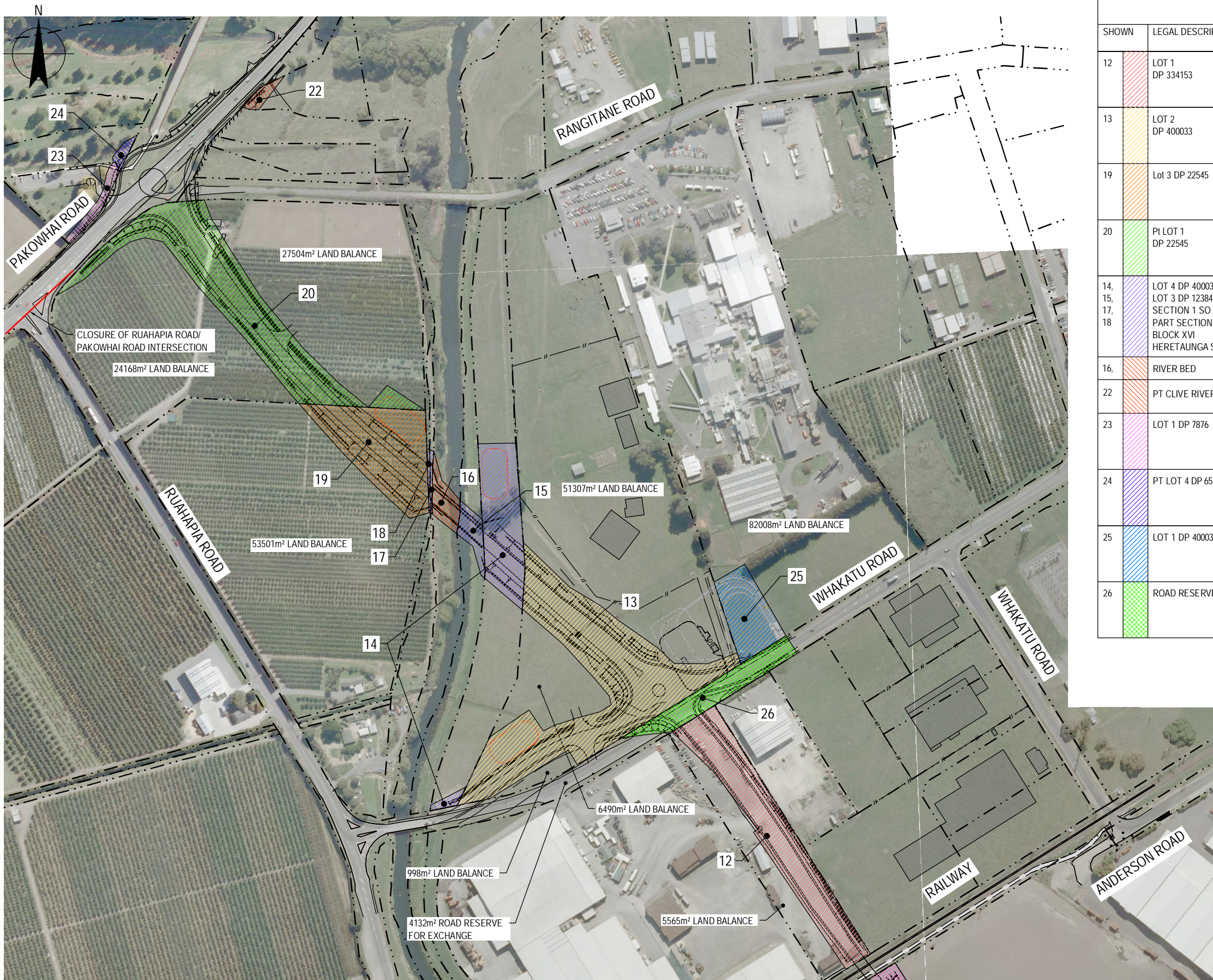
### **PLAN SET - WHAKATU ARTERIAL LINK**

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PLAN  
SCALE 1:2000

LAND REQUIREMENT PLAN				
SHOWN	LEGAL DESCRIPTION	CERTIFICATE OF TITLE	PROPERTY OWNER	LAND REQUIRED FOR ROAD (m²)
12	LOT 1 DP 334153	140100	APOLLO PAC LIMITED	9432m²
13	LOT 2 DP 400033	398940	LUCKNOW HOLDINGS LIMITED	18590m²
19	Lot 3 DP 22545	HBP2/719	ANDREW BRYAN DILLON AND CDT 11 LIMITED	7625m²
20	PI LOT 1 DP 22545	HBP2/717	LUCKNOW HOLDINGS LIMITED	12831m²
14, 15, 17, 18	LOT 4 DP 400033, PART LOT 3 DP 12384, SECTION 1 SO 10514, & PART SECTION 15 BLOCK XVI HERETAUNGA SD	428868 & GAZETTE NOTICES 1991 p3458 & p3394	HAWKE'S BAY REGIONAL COUNCIL	7065m²
16,	RIVER BED	N/A	CROWN	1106m²
22	PT CLIVE RIVER BED	GN1976 P198	HBRC	425m²
23	LOT 1 DP 7876	HB128/153	HASTINGS DISTRICT COUNCIL	720m²
24	PT LOT 4 DP 6514	GAZETTE NOTICE 1940 p2349	HAWKE'S BAY REGIONAL COUNCIL	293m²
25	LOT 1 DP 400033	398939	SILVERFERN FARMS	3480m²
26	ROAD RESERVE		ROAD RESERVE	3378m²

KEY:



SEDIMENTATION POND

E	INCLUDE ROAD RESERVE AREA	LSW			
D	LAND TAKE AREA 12, 13, 14 UPDATED	NM			
C	LAND TAKE AREA 10 UPDATE	AN			
B	LAND TAKE AREA 13, 21 UPDATED AND AREA 25 ADDED	AN			
A	PRELIMINARY ISSUE	NM			
No	Revision	Note: * indicates signatures on original issue of drawing or last revision of drawing	Drawn	Job Manager	Project Director



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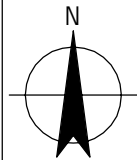
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Drafting Check		Design Check	
Approved (Project Director)		Date	
Scale	1:2000	This Drawing must not be used for Construction unless signed as Approved	

Client	HASTINGS DISTRICT COUNCIL		
Project	WHAKATU ARTERIAL PROJECT		
Title	LAND REQUIREMENT PLAN		
	WHAKATU ARTERIAL LINK MAP 1		
Original Size	A1	Drawing No:	51-31468-SK071
Rev:	E		



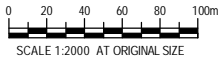


LAND REQUIREMENT PLAN				
SHOWN	LEGAL DESCRIPTION	CERTIFICATE OF TITLE	PROPERTY OWNER	LAND REQUIRED FOR ROAD (m²)
9	LOT 1 DP 407877	427918	MR APPLE NEW ZEALAND LIMITED	21659m²
10	PI LOT 2 DP 5370	HB119/112	ENZA GROUP SERVICES LIMITED	31479m²

KEY:  
 SEDIMENTATION POND

PLAN  
SCALE 1:2000

D	LAND TAKE AREA 10 UPDATED	NM			
C	LAND TAKE AREA 10 UPDATED	AN			
B	LAND TAKE AREA 10 UPDATED	AN			
A	PRELIMINARY ISSUE	NM			
No	Revision	Note: * indicates signatures on original issue of drawing or last revision of drawing	Drawn	Job Manager	Project Director



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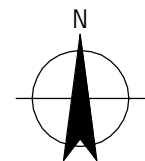
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Drafting Check		Design Check	
Approved (Project Director)		Date	
Scale	1:2000	This Drawing must not be used for Construction unless signed as Approved	

Client	HASTINGS DISTRICT COUNCIL		
Project	WHAKATU ARTERIAL PROJECT		
Title	LAND REQUIREMENT PLAN WHAKATU ARTERIAL LINK MAP 2		
Original Size	A1	Drawing No:	51-31468-SK072
Rev:	D		



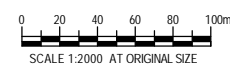


LAND REQUIREMENT PLAN				
SHOWN	LEGAL DESCRIPTION	CERTIFICATE OF TITLE	PROPERTY OWNER	LAND REQUIRED FOR ROAD (m²)
2	PI LOT 1 DP 432	B4/444	MARGARET RUTH WEDD, DIANNE REBECCA WARD & ROBIN JOSEPH BELL	371m²
3	PI LOT 2 DP 14513	HBG2/1225	MARGARET RUTH WEDD, DIANNE REBECCA WARD & ROBIN JOSEPH BELL	5548m²
4	PI LOT 1 DP 14513	HBG2/1224	MARGARET RUTH WEDD, DIANNE REBECCA WARD & ROBIN JOSEPH BELL	13925m²
5	Lot 3 DP 14513	HBG2/1226	MARGARET RUTH WEDD, DIANNE REBECCA WARD & ROBIN JOSEPH BELL	8875m²
6	PI LOT 2 DP 13109	HBE2/969	OMAHURI ORCHARDS LIMITED	9547m²
7	Lot 2 DP 334708 & Lot 1 DP 18946	142154	MR APPLE NEW ZEALAND LIMITED	22071m²
8	Lot 1 DP 334708	142153	GABRIELLE MAUREEN HALEY, MICHAEL JOSEPH HALEY & INDEPENDENT TRUST COMPANY (2006) LIMITED	187m²



KEY:

SEDIMENTATION POND



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DO NOT SCALE

Drawn	N. MACKIE	Designer	N. DEVERY
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Drafting	Design
Check	Check

Approved (Project Director)	
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(t)	Date
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Client	<b>HASTINGS DISTRICT COUNCIL</b>
Project	<b>WHAKATU ARTERIAL PROJECT</b>
Title	<b>LAND REQUIREMENT PLAN WHAKATU ARTERIAL LINK MAP 3</b>

Original Size  
**A1 Drawing No: 51-31468-SK073 Rev: A**



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## **APPENDIX B**

### **S.177(1)(A) APPROVALS**

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28 April 2014

**Hastings District Council**  
207 Lyndon Road East  
Private Bag 9002  
Hastings 4156

**Attention: Sarath Kuruwita**



Level 2, Dunvegan House  
215 Hastings Street  
PO Box 740  
Napier 4140  
New Zealand  
T 64 6 974 5520  
F 64 6 974 5529  
[www.nzta.govt.nz](http://www.nzta.govt.nz)



Dear Sarath,

### **Approval pursuant to S177 Resource Management Act**

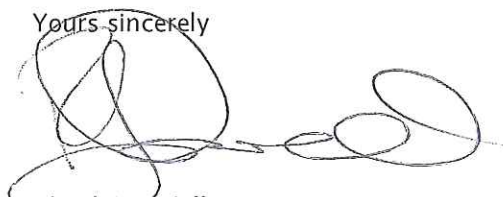
Thank you for your letter dated 15 April 2014 seeking the Transport Agency's written consent pursuant to S177 (1) (a) of the Resource Management Act 1991.

The Transport Agency understands that the Hastings District Council is to designate a road over the Transport Agency's existing State Highway designation in the vicinity of State Highway 2 and Napier Road for the Whakatu Arterial Project. The Hastings District Council are also to undertake works for the Whakatu Arterial Project, which will include the construction of a 5 legged roundabout at the intersection of SH2, Napier Road, Pilcher Road and the proposed Whakatu Arterial.

The above works will not prevent or hinder the work to which the designation relates (for state highway purposes), therefore, the Transport Agency, as requiring authority responsible for the earlier designation within the Hastings District Plan provides its written consent.

If you require any further information please do not hesitate to contact Cole O'Keefe on (06) 953 6620.

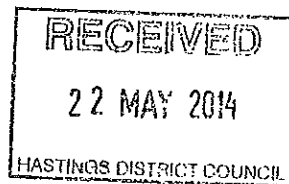
Yours sincerely



**Chuck Dowdell**  
Highway Manager, Napier



Railway Station  
Bunny Street  
P.O. Box 593  
Wellington  
New Zealand



Roy Percival  
Dial (04) 495 3000 Ext. 48425  
Facsimile (04) 473 1512  
Email Roy.Percival@kiwirail.co.nz

Your Ref:  
Our Ref: 75X/163.80/5

20 May 2014

Mr Sarath Kuruwita  
Transportation Development Engineer  
Hastings District Council  
Private Bag 9002  
**HASTINGS 4156**

Dear Sarath,

**APPLICATION FOR NEW WHAKATU ARTERIAL ROAD LEVEL CROSSING  
163.80 km WHAKATU**

Thank you for your letter of 11 April to John Skilton requesting approval in principle for a new public road level crossing approximately 270 m west of the existing Whakatu Road level crossing as shown on your various consultation documents and more recently on Drawing No. 51-31468-SK075 Rev. A. This position equates to 163.80 km on our Palmerston North – Gisborne railway line.

A new public road level crossing is approved in principle at 163.80 km Whakatu on the following conditions:

**New crossing**

1. The crossing is to be held under Deed of Grant.
2. The layout of the new crossing must be approved by KiwiRail.
3. A half-arm barrier automatic alarm system is to be installed.
4. The crossing is to be constructed by KiwiRail to our current standards.
5. No costs of construction of the crossing or installation of the alarm system may fall on KiwiRail.

**Existing Ruahapia Road crossing**

6. The crossing is to be held under Deed of Grant (as a public pedestrian / cycleway crossing).
7. The crossing must be permanently and securely closed to road vehicles at the same time that the new crossing is opened to public traffic.

8. The existing automatic alarm system will be relocated to the new crossing by KiwiRail.
9. Standard pedestrian maze fencing and "Look for Trains" signs must be installed in a layout approved by KiwiRail.
10. Minimum fencing parallel to the railway must be installed to encourage the use of the pedestrian mazes.
11. No costs of the maze installation or parallel fencing may fall on KiwiRail.

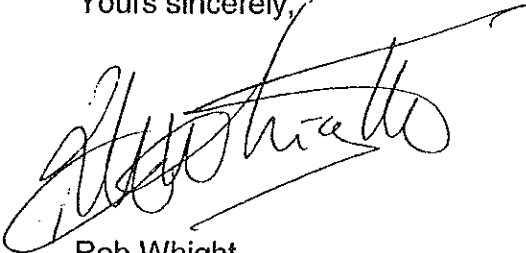
**Land**

12. The formal closure of Ruahapia Road is to include a land "swap" making the Ruahapia Rd carriage way railway land and the new crossing railway land is to be vested as road.
13. No costs of the land transaction may fall on KiwiRail.

Would you please advise Hastings District Council agreement to the above conditions.

On receipt of your agreement I will arrange for the preparation of the Deeds of Grant and for the programming of the necessary railway components of the project.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Rob Whight', with a long horizontal flourish extending to the right.

Rob Whight  
GM NETWORK ENGINEERING

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## **APPENDIX C**

### **HASTINGS DISTRICT PLAN MAPS**

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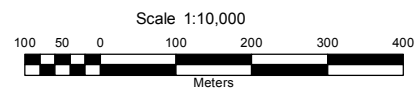


**HASTINGS  
DISTRICT  
COUNCIL**



December 2012

## District Plan Zones



33	34	35
40	<b>41a</b>	42
47	48	49

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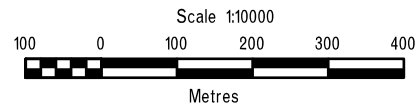


**HASTINGS  
DISTRICT  
COUNCIL**



June 2003

## District Plan Designations



33	34	35
40	<b>41b</b>	42
47	48	49

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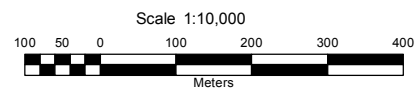


**HASTINGS  
DISTRICT  
COUNCIL**



December 2012

## District Plan Zones

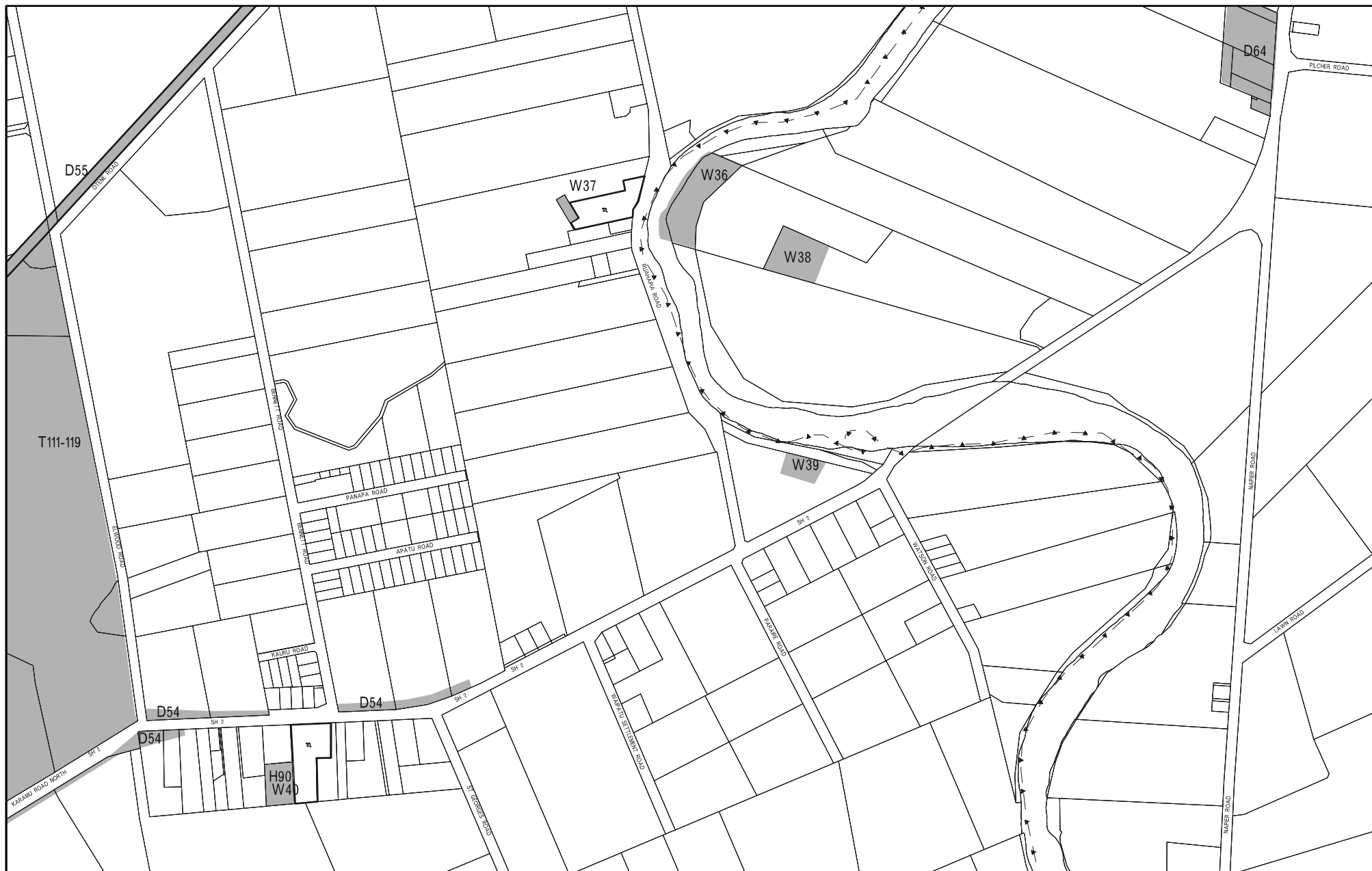


40	41	42
47	<b>48a</b>	49
55	56	57

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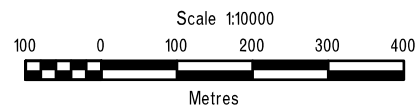


**HASTINGS  
DISTRICT  
COUNCIL**



June 2003

**District Plan  
Designations**



40	41	42
47	<b>48b</b>	49
55	56	57

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## **APPENDIX D**

### **PROPOSED HASTINGS DISTRICT PLAN MAPS**

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DISTRICT PLAN MAP A3

Scale 1:100000



MAP 27

Designation Information

Last Updated 09/11/2013

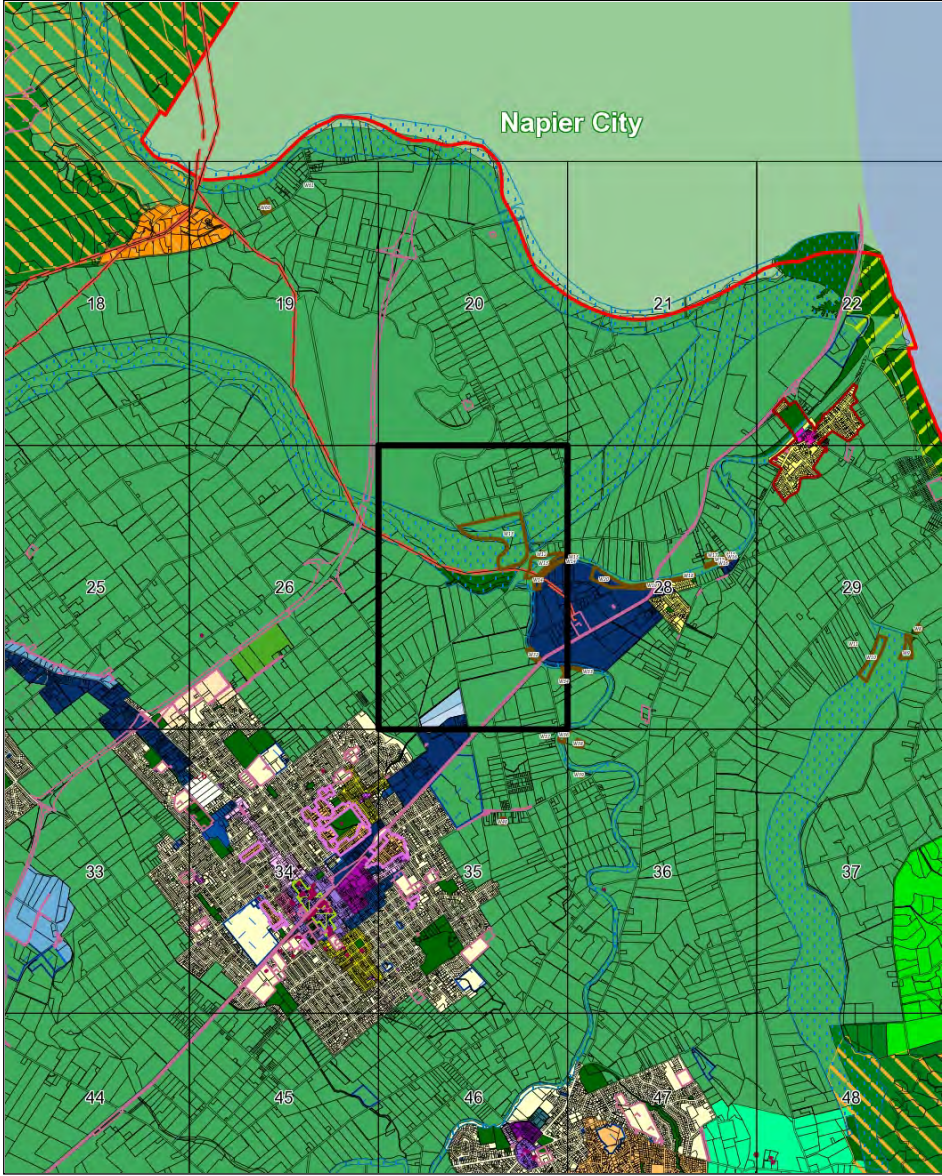
Designation	Purpose	Designating Authority
D55	Railway Purposes	KiwiRail Holdings Ltd

Scheduled Sites Information

No Scheduled Sites on this Map

Historic/Heritage Sites

No Historic/Heritage Sites on this Map



DISTRICT PLAN LEGEND

Residential Environments

- Regional Hospital
- General Residential
- Deferred General Residential
- Hastings City Living
- Clive-Whakatu Residential
- Waimarama Coastal Settlement
- Coastal Settlement
- Character Residential
- Plains Residential
- Rural Residential
- Flaxmere Community Residential

Commercial Environments

- Havelock North Village Centre Mixed
- Havelock North Village Centre Retail
- Havelock North Village Centre Business
- Flaxmere Commercial
- Flaxmere Commercial Service
- Central Commercial
- Commercial Service
- Suburban Commercial
- Haumoana - Te Awanga Suburban Commercial
- Residential Commercial
- Clive Suburban Commercial
- Large Format Retail

Industrial Environments

- Havelock North Village Centre Industrial
- Light Industrial
- General Industrial
- Deferred General Industrial
- Deferred Tomoana Food Industry
- Tomoana Food Industry
- Whirinaki Industrial

Rural / Plains Environments

- Plains
- Rural
- Tuki Tuki Special Character Area
- Te Mata Special Character Area
- Te Mata Restricted Building Area

Open Space Environments

- Hawkes Bay Regional Sports Park
- Open Space
- Cape Kidnappers - Ocean Beach Nature Preservation

- Transmission Structure
- Transmission Line
- Transmission Line Red Zone - 12m Buffer
- Bridge Pa Noise Contours
- Pan Pac Noise Contours
- River Hazard
- Cultural/Heritage
  - Archaeological Sites
  - Significant Trees
  - Waahi Tapu (W)
  - Historic/Heritage Features (HB)
  - Queen Street East Historic Area
  - Russell Street Historic Area

Designation

- Designation (D)
- Scheduled Sites (S)
- Contaminated Sites
- SMA Boundary

Riparian Land Management

- List
- List 1
- List 2
- Recommended Areas for Protection

Landscape / Character Area

- Coastal Landscape Character Area
- Outstanding Natural Feature
- Outstanding Natural Landscape Area
- Rural Landscape Character Area
- Significant Amenity Landscape Area

Precinct

- Central Character Precinct

Special Character Area

- Hastings Character Area
- Toop Street

Aquifer

- Unconfined Aquifer







DISTRICT PLAN MAP A3

Scale 1:100000



MAP 28

Designation Information

Last Updated 09/11/2013

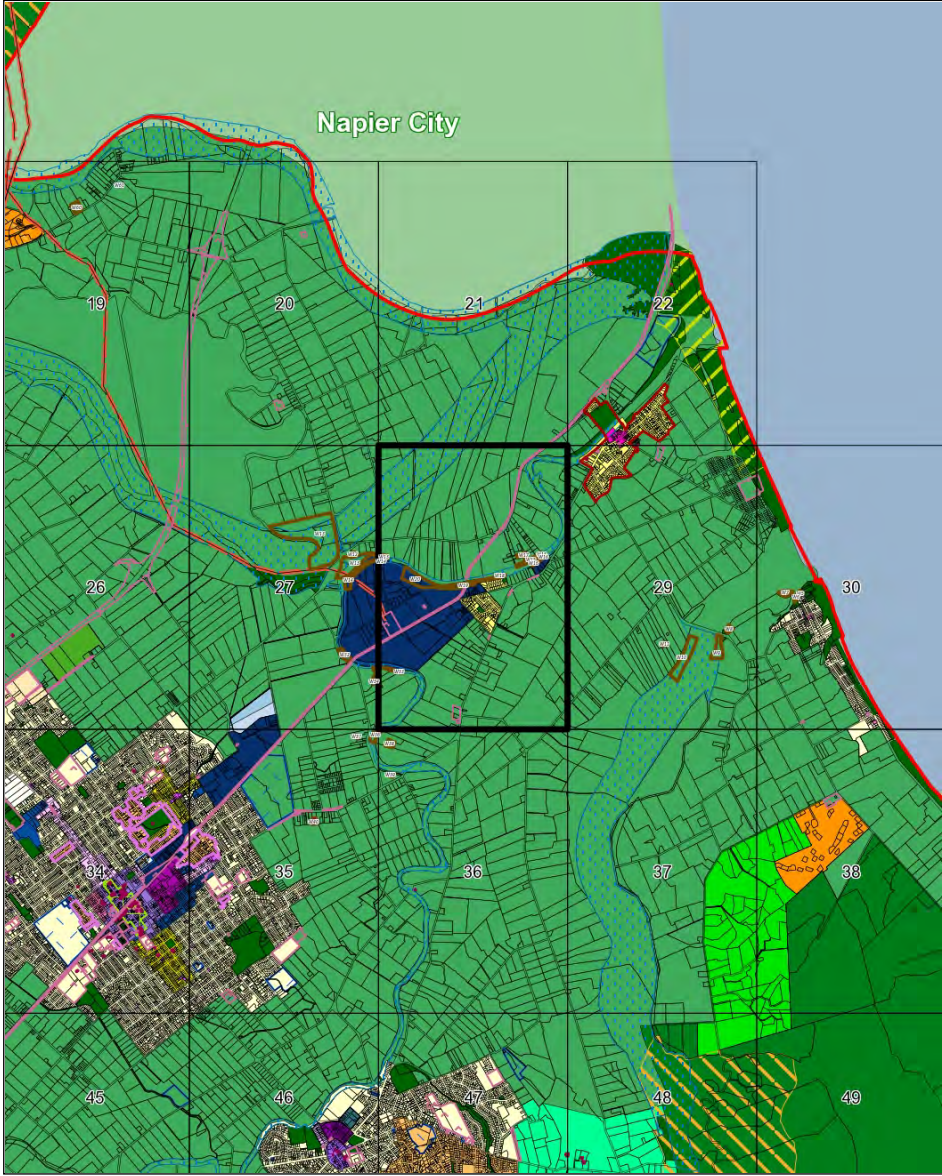
Designation	Purpose	Designating Authority
D20	Electricity Distribution	Unison Networks Limited
D53	Road Widening	New Zealand Transport Agency
D55	Railway Purposes	KiwiRail Holdings Ltd
D64	School	Minister of Education
D110	Whakatu Substation	Transpower New Zealand Limited

Scheduled Sites Information

No Scheduled Sites on this Map

Historic/Heritage Sites

No Historic/Heritage Sites on this Map



DISTRICT PLAN LEGEND

Residential Environments

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- Deferred General Residential
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- Central Commercial
- Commercial Service
- Suburban Commercial
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- Clive Suburban Commercial
- Large Format Retail

Industrial Environments

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- Tomoana Food Industry
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Rural / Plains Environments

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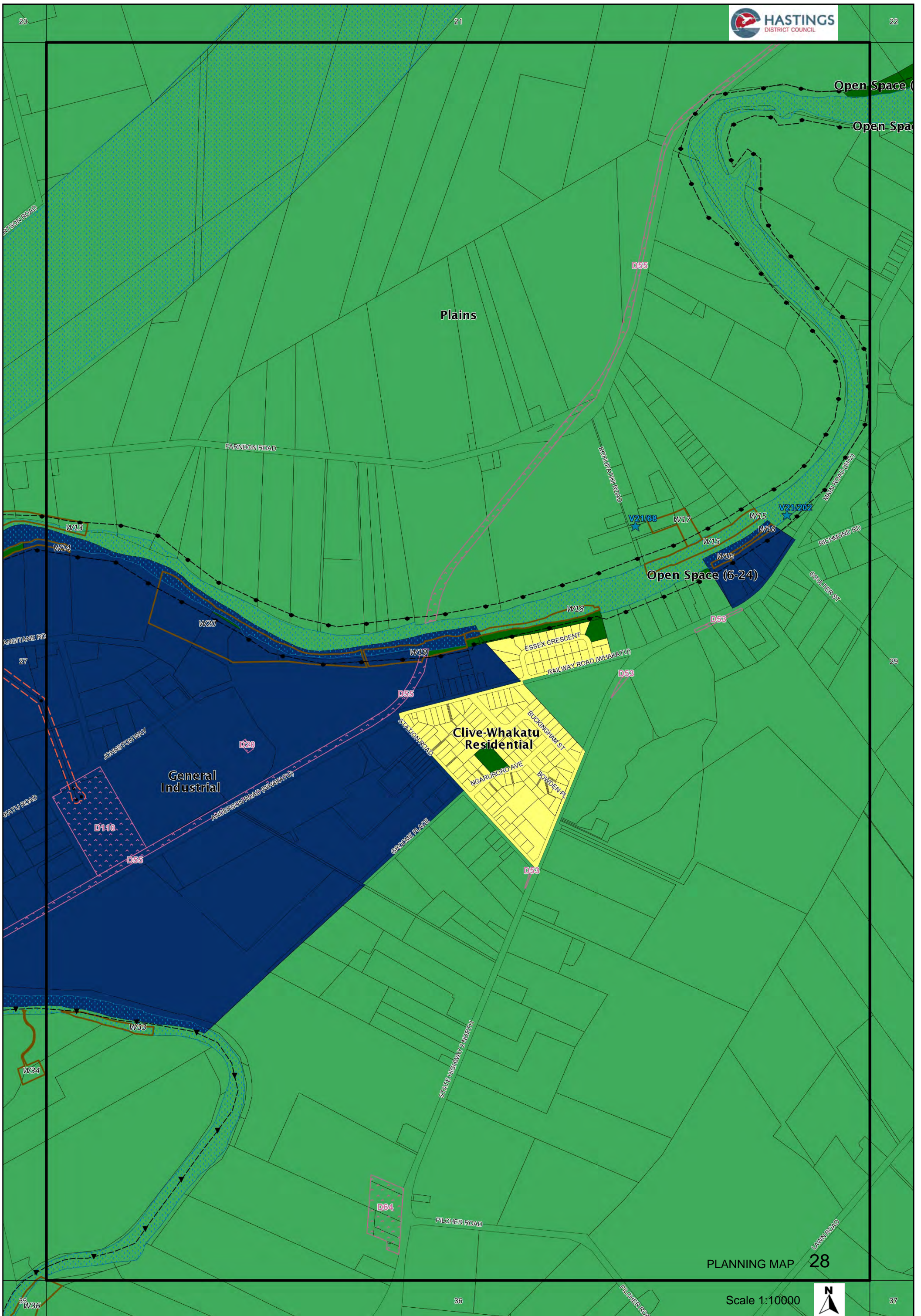
Special Character Area

- Hastings Character Area
- Toop Street

Aquifer

- Unconfined Aquifer

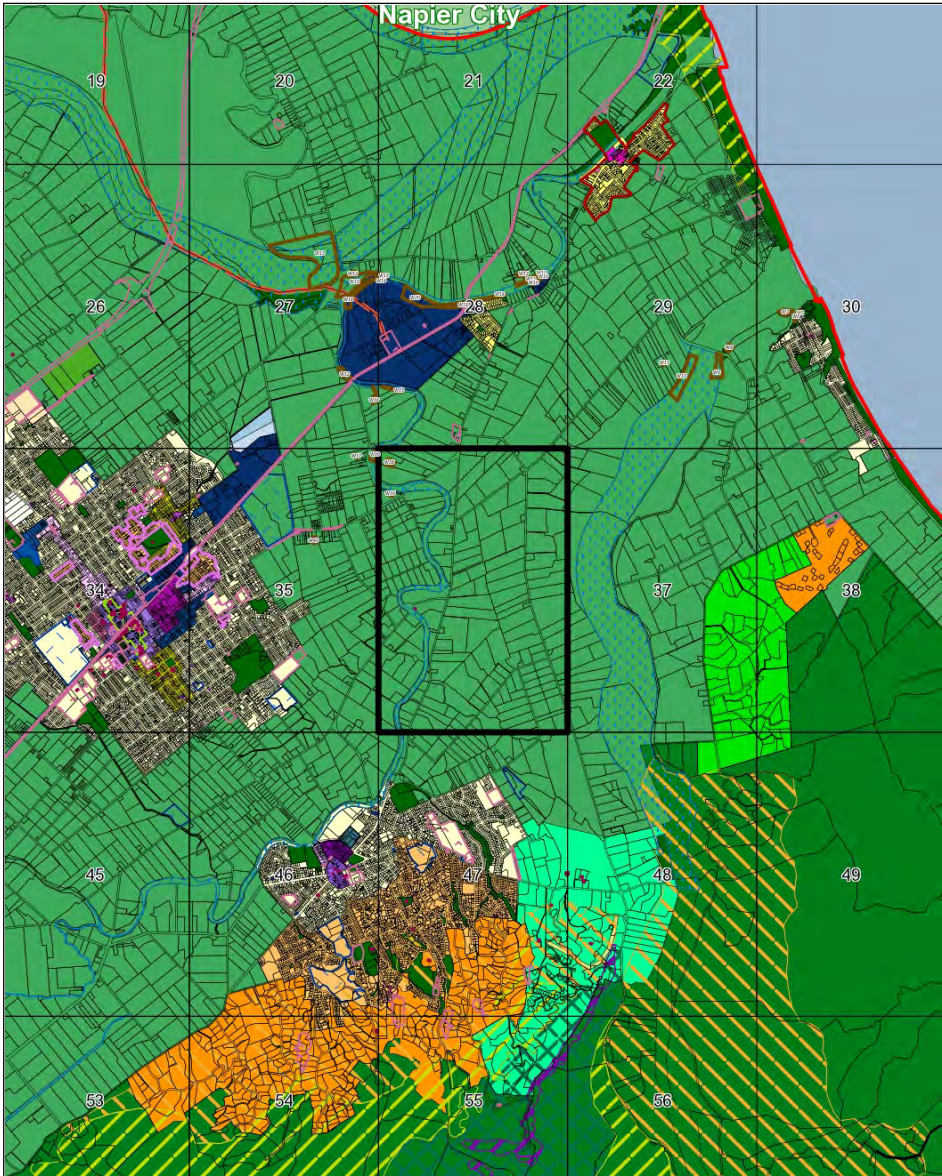






DISTRICT PLAN MAP A3

Scale 1:100000



MAP 36

Designation Information

No Designations on this Map

Scheduled Sites Information

No Scheduled Sites on this Map

Historic/Heritage Sites

Last Updated 19/09/2013

Heritage ID	Heritage Name	Category
HB34	Riverslea Stables	II

DISTRICT PLAN LEGEND

Residential Environments

- Regional Hospital
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- Scheduled Sites (S)
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Special Character Area

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- Toop Street

Aquifer

- Unconfined Aquifer





PLANNING MAP **36**

Scale 1:10000

