

**S95 NOTIFICATION AND S104 SUBSTANTIVE REPORT FOR SUBDIVISION CONSENT
UNDER THE RESOURCE MANAGEMENT ACT 1991 (RMA)**

| | |
|--|---|
| RC Number: | RM210293B (Variation to RM210293A) |
| Applicants: | LWH and Tukuware Joint Venture |
| Location: | 566 Pourerere Road, Waipawa |
| Legal Description: | Lots 4 and 5 DP 565057 contained in Record of Titles 1008400 and 1008401 (respectively) |
| Valuation Number: | 1092014200 |
| Proposal: | Change of consent conditions to allow Lot 20 to be a Jointly Owned Access Lot (JOAL) instead of being vested as road. |
| Date Application Lodged: | 10/12/2024 |
| Date Formally Accepted (fees paid): | 23/12/2024 |
| District Plan – Operative in Part (2024) Zone: | Rural Production Zone |
| District Plan – Operative in Part (2024) Notations: | SNA-115 Significant Natural Area Flood Hazard (Flood Risk Areas) Zone 2 Fault Hazard with Fault Avoidance |
| Statutory Acknowledgement Area: | Tukituki River and its tributaries (SA-16) |
| Activity Status: | Discretionary Activity pursuant to section 127 of the RMA |

AMENDED CONSENT CONDITIONS

The conditions of consent are altered as follows: text replaced is ~~strike through~~ and new text is in **bold and underlined**.

Pursuant to Sections 104, 104B, 106, 127, 220 and 221(3) of the Resource Management Act 1991, the Central Hawke's Bay District Council grants subdivision consent and cancellation of consent notice 12223964.2 to **LWH and Tukuware Joint Venture Developments Company** to subdivide ~~1 River~~ **566 Pourerere** Road, Waipawa, legally described as Lot 4 and Lot 5 DP 565057 (**contained in Record of Titles 1008400 and 1008401, respectively**), into 17 rural-residential lots and two balance farm lots and one **Jointly Owned aAccess Lot (JOAL)** to vest ~~as road~~ (in 3 stages), subject to the conditions suggested within the recommended conditions attached to this document, and the variations granted under RM210293 (RM210293A **and RM210293B**).

Conditions of Consent

CONDITIONS APPLYING TO ALL STAGES

General

1. The subdivision shall proceed in general accordance with the application submitted to the Central Hawke's Bay District Council on 18 May 2023 (**RM210293A**) and **10 December 2024 (RM210293B)** and the further information response provided in relation to resource consent application RM210293A:

| Plan | Author | Date | Reference |
|--|--|-----------------------------------|---|
| Proposed subdivision of Lots 5 & 6 DP 565057 | The Surveying Company <u>H.B. Ltd</u> | April 2024 <u>Jan 2025</u> | 230161-SP-09 <u>12</u> (Sheets 1-6) |

Easements

2. Prior to the Council signing the Survey Plan pursuant to Section 223 all necessary easements shall be shown in the Memorandum of Easements attached to the Survey Plan and shall be duly granted or reserved.

Earthworks

3. All earthworks shall be undertaken in accordance with the "Hawkes Bay Waterway guidelines - Erosion and Sediment Control", prepared by the Hawkes Bay Regional Council, ISBN No: 1-877405-35-3, dated April 2009.
(Reference: 1 (hbrc.govt.nz))

Conditions Met

4. Prior to certification pursuant to section 224(c) of the Resource Management Act 1991 for each stage, the consent holder must provide to Council a written statement confirming how the consent conditions for that stage have been met.

STAGE 1: LOTS 1 TO 3, 5, 6 & 19

Vehicle Access

5. Prior to certification pursuant to section 224(c) of the Resource Management Act 1991, the consent holder shall form a vehicle crossing to Lots 2 and 3 to Council's specification TS-LT-2009-08.1 to the satisfaction of the Land Transport Contract Manager and in accordance with the recommendations of the report prepared by East Cape Consulting Limited, titled '1 River Road – Subdivision Access Assessment', submitted with resource consent application RM210293, except as amended by the letter prepared by East Cape Consulting Limited, titled '1 River Road/466 Pourerere Road Subdivision, Access Assessment Addendum, dated 30 April 2023, submitted with consent application RM210293A'.
6. Prior to certification pursuant to section 224(c) of the Resource Management Act 1991, the consent holder shall form vehicle crossings to Lots 1, 5 and 6 to Council's specification TS-LT-2009-08.1.14, to the satisfaction of the Land Transport Contract Manager and in accordance with the recommendations of the report prepared by East Cape Consulting Limited, titled '1 River Road – Subdivision Access Assessment', submitted with resource consent application RM210293, except as amended by the letter prepared by East Cape Consulting Limited, titled '1 River Road/466 Pourerere Road Subdivision, Access Assessment Addendum, dated 30 April 2023, submitted with consent application RM210293A'.

Consent Notice

7. Pursuant to Section 221 of the Resource Management Act 1991, a consent notice shall be registered on the Record of Title for Lots 19 advising the registered proprietors of the following requirements:
 - a) *Access to this lot is by farm access only. At the time of occupation of a habitable building or construction of any other building, this access must be upgraded to Council's specifications. A further vehicle crossing application may be needed at this time. The vehicle crossing must be in a location that complies with the rules of the latest version of the District Plan.*
8. Pursuant to Section 221 of the Resource Management Act 1991, a consent notice shall be registered on the Record of Title for Lots 1, 2, 3, 5 and 6 advising the registered proprietors of the following requirements:
 - a) *Any future development and/or building(s) onsite shall not result in an increased flow of stormwater discharging from the boundaries of the site. A hydraulically neutral stormwater design must be completed and provided to Council for approval at the time of building consent identifying a method to attenuate stormwater discharge to a predevelopment flowrate (based on a 10% Annual Exceedance Probability). This stormwater design is to include reference to the assessments provided as part of the resource consent application RM210293A in the report by Pegasus Civil, titled 'Response to s92 request for further information from CHBDC', dated March 2024 and 'Clarified response to s92 request for further information from CHBDC', dated June 2024.*

All roof water must be collected in storage tanks and discharges from each lot shall be via soakage and installed in a manner that does not result in scouring or erosion at or downstream of the discharge point.

- b) *The design and construction of all buildings, structures, infrastructure and earthworks onsite must be consistent with a detailed geotechnical report produced by a Registered/Chartered Engineer experienced in geotechnical matters to the satisfaction of Council's Development Engineer. All related construction works and earthworks must be supervised by a Registered/Chartered Engineer experienced in geotechnical matters.*

To satisfy this condition, the approved Geotechnical Report must contain a methodology statement that sets out how site stability will be maintained during the construction period; along with confirmation that the foundations are suitable for the ground conditions and that the proposal incorporates the recommendations outlined in the preliminary geotechnical report prepared by Resource Development Consultants Ltd, Project Reference Geotechnical Investigation on 1 River Road, dated 26 October 2021, submitted with the resource consent application (RM210293), except as amended by the report prepared by Resource Development Consultants Ltd, titled 'Geotechnical Investigation at 566 Pourerere Road', reference R-230082-01, dated 5 May 2023, submitted with resource consent application (RM210293A) and updated in the further information response dated 11 July 2024.

Note: When laying out cut platforms, a 7m setback should be assumed from any significant break on a downhill slope.

- c) *No close boarded fences may be installed on the site. The purpose of this requirement is to maintain rural character on the site and in the surrounding area.*
- d) *The lot is located in a working rural environment. Owners and Occupiers must receive any effects of neighbouring lawfully established and operating rural activities without complaint or request for enforcement action. Owners and Occupiers of the lot shall not participate in any legal or other action in opposition to lawfully established and operating rural activities on Rural zoned land in proximity to the lot.*

STAGE 2: LOTS 4, 7 TO 12 AND 20

Vesting of road Amalgamation

9. **The following amalgamation condition must be endorsed in the cadastral survey dataset:**

"That Lot 20 hereon (legal access) be held as to seven undivided one-thirteenth shares by the owners of Lot 4 and Lots 7 to 12 hereon as tenants in common in the said shares and that individual Records of Title be issued in accordance therewith."

"That Lot 20 hereon (legal access) be held as to six undivided one-thirteenth shares by the owner of Lot 18 hereon as tenants in common in the said shares and that individual Records of Title be issued in accordance therewith."

See LINZ reference: CSN 1939110

~~Prior to requesting approval under Section 223 of the Act, the cadastral data set must show Lot 20 to vest with Central Hawke's Bay District Council as Road.~~

Engineering Drawing and Reporting Requirements

10. Twenty working days prior to construction commencing onsite, the Consent Holder shall submit technical engineering and infrastructure design/construction drawings prepared by suitably qualified and registered chartered engineers to the Central Hawke's Bay District Council's Resource Consents Manager for approval and acceptance, addressing Lot 20 (~~road~~ **JOAL**), vehicle crossings, accessways including ROW H, earthworks, and stormwater infrastructure. The design/construction drawings shall include the following infrastructure:
- The final design detailing the earthworks to be carried out, overland flow paths and proposed finished ground levels within the subdivision;
 - ~~The road to vest~~, Lot 20 (**JOAL**), including cul-de-sac;
 - The access to Lot 12 [ROW H];

The infrastructure shall be designed, constructed and completed to the satisfaction of Council's Resource Consents Manager in accordance with:

- The approved plans and documents under Condition 1;
- The Council's standards as set out in the Appeals Version of the District Plan inclusive of a minimum carriageway width of 6.2m;
- The New Zealand Standard NZS4404 Land Development and Subdivision Infrastructure;
- The New Zealand Standard NZS 4431 Earth Fill for Residential Development;

The submitted drawings and information shall include (but are not limited to):

- Conformation with the information supplied with the approved scheme plan;
- Conformation with all relevant standards in the Transport chapter of the AV-PDP for Lot 20 (~~road~~ **JOAL**);
- Cross sectional profiles, details of earthworks to be carried out, location of cut and fills, proposed finished ground levels;
- The final design detailing the earthworks to be carried out and proposed finished ground levels within the subdivision;
- Road drainage and road carriage;
- Details of access to Lot 12 (ROW H) and Lots 13 to 17 with respect to how they will integrate with Lot 20 (~~road~~ **JOAL**) and Lot 18 (dam)
- Test results of in-situ ground for the portion of new pavement to be constructed and for the existing formation;

- h) Attenuation and disposal of stormwater at pre-development discharge rates, including all calculations;
- i) Detailed testing and assessment of proposed soakage on the site, including detailed design of any wastewater treatment and effluent application areas on the site;
- j) Details of the dam on Lot 18 including:
 - a. Total pre and post catchment and peak flows, to ensure the post-development flow does not exceed dam capacity, leading to erosion and dam break. This must include design details for culverts within the proposed road and capacity for peak stormwater events;
 - b. Details of the current performance, stability and threshold of the dam undertaken by a suitably qualified engineer.
- k) All erosion and sediment controls;
- l) Surface treatment –i.e. sections to be sealed if applicable.

The engineering design shall be in accordance with the documents submitted in support of the resource consent application unless otherwise agreed to by the Resource Consents Manager at the Central Hawke's Bay District Council, or nominee.

Form Schedule 1A of NZS 4404:2010 shall be completed and submitted along with the drawings.

Note:

- *Council reserves the right to seek a peer review of any roading design at the developer's expense.*
- *The Engineering Drawings and Reporting requirements may be submitted in parts, reflecting the stages under which the subdivision is undertaken.*

11. No physical works associated with the construction of roads can be carried out until Engineering Plans are certified by Council in accordance with Condition ~~15~~**10**.

Vehicle access

12. Prior to requesting approval under Section 224(c) of the Resource Management Act 1991 the Consent Holder shall submit certification from a suitably qualified person to the Central Hawke's Bay District Council's Resource Consents Manager confirming that the Rights of Way 'H' has been designed, constructed and completed in accordance with the standards within the Central Hawkes Bay Operative District Plan and New Zealand Standard NZS4404 Land Development and Subdivision Infrastructure.

The following shall be addressed:

- a) The right of way shall be formed a minimum of 5 metres wide with a metal surface.
- b) The legal width of the right of way shall be at least 6m wide

Form Schedule 1C of NZS 4404:2010 shall be completed and submitted along with the written statement.

13. Prior to requesting approval under Section 223 of the Act the cadastral data set must include Easement Area 'D' as set out in the Memorandum of Easements identified in the plan approved under Condition 1 above, as an easement in gross in favour of Central Hawke's Bay District Council.

Consent Notices

14. Pursuant to Section 221 of the Resource Management Act 1991, a consent notice shall be registered on the Record of Title for Lots 4, 7, 8, 9, 10, 11 and 12 advising the registered proprietors of the following requirements:

- a) *Any future development and/or building(s) onsite shall not result in an increased flow of stormwater discharging from the boundaries of the site. A hydraulically neutral stormwater design must be completed and provided to Council for approval at the time of building consent identifying a method to attenuate stormwater discharge to a predevelopment flowrate (based on a 10% Annual Exceedance Probability). This stormwater design is to include reference to the assessments provided as part of the resource consent application RM210293A in the report by Pegasus Civil, titled 'Response to s92 request for further information from CHBDC', dated March 2024 and 'Clarified response to s92 request for further information from CHBDC', dated June 2024.*

All roof water must be collected in storage tanks and discharges from each lot shall be via soakage and installed in a manner that does not result in scouring or erosion at or downstream of the discharge point.

- b) *The design and construction of all buildings, structures, infrastructure and earthworks onsite must be consistent with a detailed geotechnical report produced by a Registered/Chartered Engineer experienced in geotechnical matters to the satisfaction of Council's Development Engineer. All related construction works and earthworks must be supervised by a Registered/Chartered Engineer experienced in geotechnical matters.*

To satisfy this condition, the approved Geotechnical Report must contain a methodology statement that sets out how site stability will be maintained during the construction period; along with confirmation that the foundations are suitable for the ground conditions and that the proposal incorporates the recommendations outlined in the preliminary geotechnical report prepared by Resource Development Consultants Ltd, Project Reference Geotechnical Investigation on 1 River Road, dated 26 October 2021, submitted with the resource consent application (RM210293), except as amended by the report prepared by Resource Development Consultants Ltd, titled 'Geotechnical Investigation at 566 Pourerere Road', dated 5 May 2023, reference R-230082-01, submitted with

resource consent application (RM210293A) and updated in the further information response dated 11 July 2024.

Note: When laying out cut platforms, a 7m setback should be assumed from any significant break on a downhill slope.

- c) *No close boarded fences may be installed on the site. The purpose of this requirement is to maintain rural character on the site and in the surrounding area.*
- d) *The lot is located in a working rural environment. Owners and Occupiers must receive any effects of neighbouring lawfully established and operating rural activities without complaint or request for enforcement action. Owners and Occupiers of the lot shall not participate in any legal or other action in opposition to lawfully established and operating rural activities on Rural zoned land in proximity to the lot.*
- e) *Any future habitable building on the site must be provided with a wastewater system that is fully contained within the boundaries of the lot and be in accordance with the information provided as part of Condition ~~15~~**10** of Resource Consent RM210293A**B**. A statement must be provided by a suitably qualified person confirming that this condition has been met.*

STAGE 3: LOTS 13 TO 18

Amalgamation

15. **The following amalgamation condition must be endorsed in the cadastral survey dataset:**

"That Lot 20 hereon (legal access) be held as to six undivided one-thirteenth shares by the owners of Lots 13 to 18 hereon as tenants in common in the said shares and that individual Records of Title be issued in accordance therewith."

See LINZ reference: CSN 1939110

Vehicle access

16. Prior to requesting approval under Section 224(c) of the Resource Management Act 1991 the Consent Holder shall submit certification from a suitably qualified person to the Central Hawke's Bay District Council's Resource Consents Manager confirming that the Rights of Way 'E' has been designed, constructed and completed in accordance with the standards within the Central Hawkes Bay Operative District Plan and New Zealand Standard NZS4404 Land Development and Subdivision Infrastructure.

The following shall be addressed:

- a) The right of way shall be formed a minimum of 5 metres wide with a metal surface.

- b) The legal width of the right of way shall be at least 6m wide
- c) A turning area shall be formed in accordance with NZS4404:2010

Form Schedule 1C of NZS 4404:2010 shall be completed and submitted along with the written statement.

Farm Dam

17. Prior to the issue of a section 224(c) certification, the consent holder must prepare, and submit to the Central Hawke's Bay District Council's Resource Consents Manager for technical written certification, a Dam Management Plan, prepared by a suitably qualified professional. The Dam Management Plan shall detail arrangements for the ongoing maintenance and safety in relation to the dam located on Lot 18. It shall include, but not necessarily be limited to, the following:
 - a) How the performance, stability and threshold of the dam will be managed and monitored on an ongoing basis.
 - b) A dam maintenance schedule and how this will be managed and undertaken on an ongoing basis.
 - c) How the consent holder will ensure the spillway and downstream water flow paths are kept clear and maintained on an ongoing basis, including after the sale of the residential lots in proximity to Lot 18.
 - d) The location and capacity of culverts to manage a dam break during a peak stormwater event.
 - e) Details for an ongoing consultation process to be undertaken between owners of Lot 18 and owners of Lots 13 to 17 in the subdivision to enable surrounding landowners to provide input into the ongoing management of the dam. This should include, but is not limited to:
 - i. Details of how any concerns of surrounding landowners will be addressed in the ongoing management, maintenance, operation and repair of the dam;
 - ii. Details of how any concerns of surrounding landowners will be recorded and available for viewing by Council if requested;
 - iii. The wording of the land covenant the consent holder will enter on to the Record of Titles for surrounding properties in the subdivision to ensure all property owners in the subdivision have an ability to contribute to how the dam is managed on an ongoing basis.

18. Pursuant to Section 221 of the Resource Management Act 1991, a consent notice shall be registered on the Record of Title for Lot 18 advising the registered proprietors of the following requirement:
 - a) *The site contains a farm dam. The registered proprietors of the site have an ongoing responsibility for the management, maintenance, operation and repair of the farm dam. The management, maintenance, operation and repair of the farm dam must be undertaken on on-going basis in accordance with the farm*

management plan certified as part of the conditions of consent in Resource Consent RM210293AB.

19. Pursuant to Section 221 of the Resource Management Act 1991, a consent notice shall be registered on the Record of Title for Lots 13 to 17 advising the registered proprietors of the following requirements:

- a) *Any future development and/or building(s) onsite shall not result in an increased flow of stormwater discharging from the boundaries of the site. A hydraulically neutral stormwater design must be completed and provided to Council for approval at the time of building consent identifying a method to attenuate stormwater discharge to a predevelopment flowrate (based on a 10% Annual Exceedance Probability). This stormwater design is to include reference to the assessment provided as part of the resource consent application RM210293A in the report by Pegasus Civil, titled 'Response to s92 request for further information from CHBDC', dated March 2024 and 'Clarified response to s92 request for further information from CHBDC', dated June 2024.*

All roof water must be collected in storage tanks and discharges from each lot shall be via soakage and installed in a manner that does not result in scouring or erosion at or downstream of the discharge point.

- b) *The design and construction of all buildings, structures, infrastructure and earthworks onsite must be consistent with a detailed geotechnical report produced by a Registered/Chartered Engineer experienced in geotechnical matters to the satisfaction of Council's Development Engineer. All related construction works and earthworks must be supervised by a Registered/Chartered Engineer experienced in geotechnical matters.*

To satisfy this condition, the approved Geotechnical Report must contain a methodology statement that sets out how site stability will be maintained during the construction period; along with confirmation that the foundations are suitable for the ground conditions; whether minimum floor levels are appropriate for any site specific flooding risk and that the proposal incorporates the recommendations outlined in the preliminary geotechnical report prepared by Resource Development Consultants Ltd, Project Reference Geotechnical Investigation on 1 River Road, dated 26 October 2021, submitted with the resource consent application (RM210293), except as amended by the report prepared by Resource Development Consultants Ltd, titled 'Geotechnical Investigation at 566 Pourerere Road', reference R-230082-01, dated 5 May 2023, submitted with resource consent application (RM210293A) and updated in the further information response dated 11 July 2024.

Note: When laying out cut platforms, a 7m setback should be assumed from any significant break on a downhill slope.

- c) *No close boarded fences may be installed on the site. The purpose of this requirement is to maintain rural character on the site and in the surrounding area.*
- d) *The lot is located in a working rural environment. Owners and Occupiers must receive any effects of neighbouring lawfully established and operating rural activities without complaint or request for enforcement action. Owners and Occupiers of the lot shall not participate in any legal or other action in opposition to lawfully established and operating rural activities on Rural zoned land in proximity to the lot.*
- e) *Any future habitable building on the site must be provided with a wastewater system that is fully contained within the boundaries of the lot and be in accordance with the information provided as part of Condition ~~15~~**10** of Resource Consent RM210293AB. A statement must be provided by a suitably qualified person confirming that this condition has been met.*

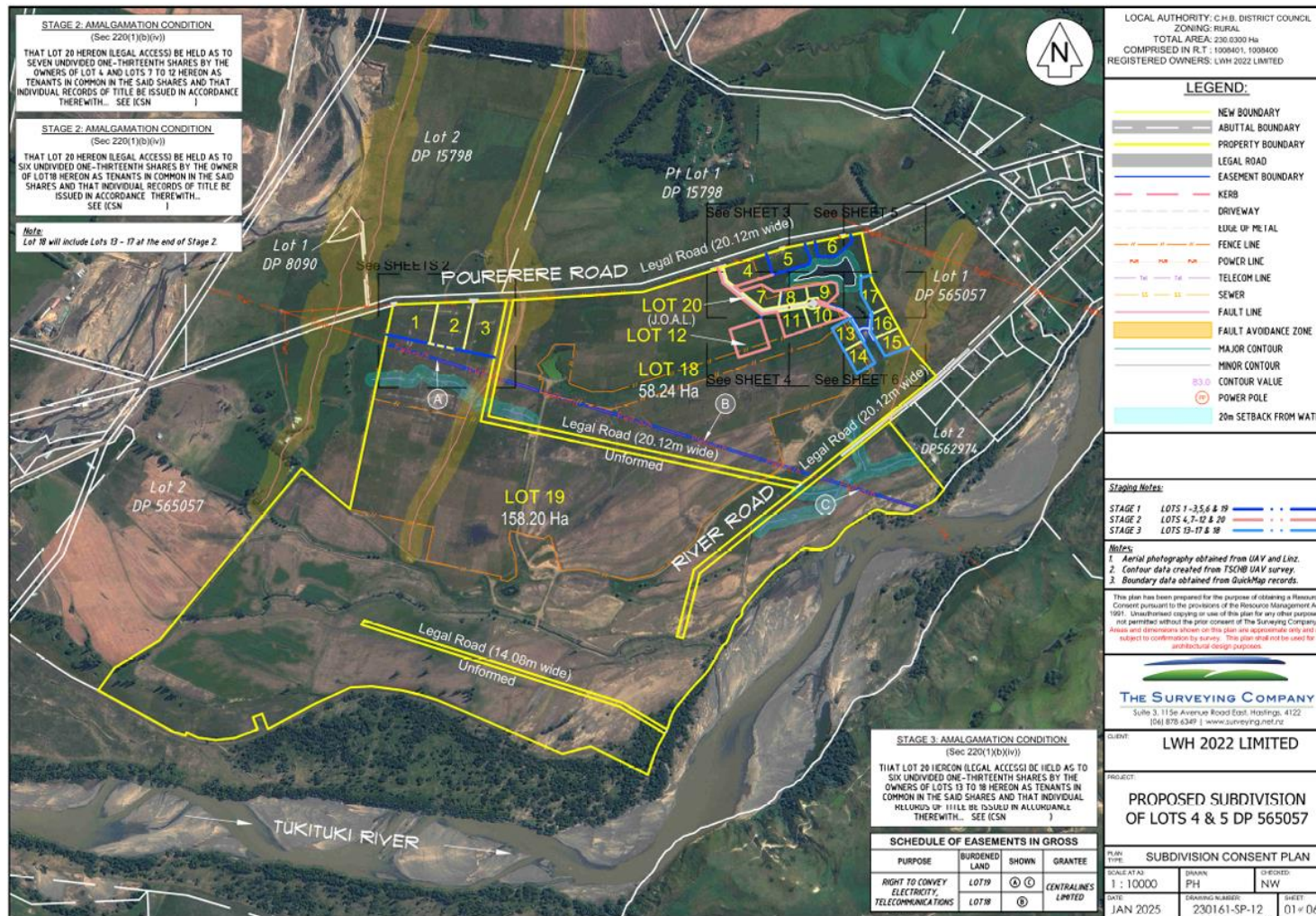
20. Pursuant to Section 221 of the Resource Management Act 1991, a consent notice shall be registered on the Record of Title for Lot 18 advising the registered proprietors of the following requirements:

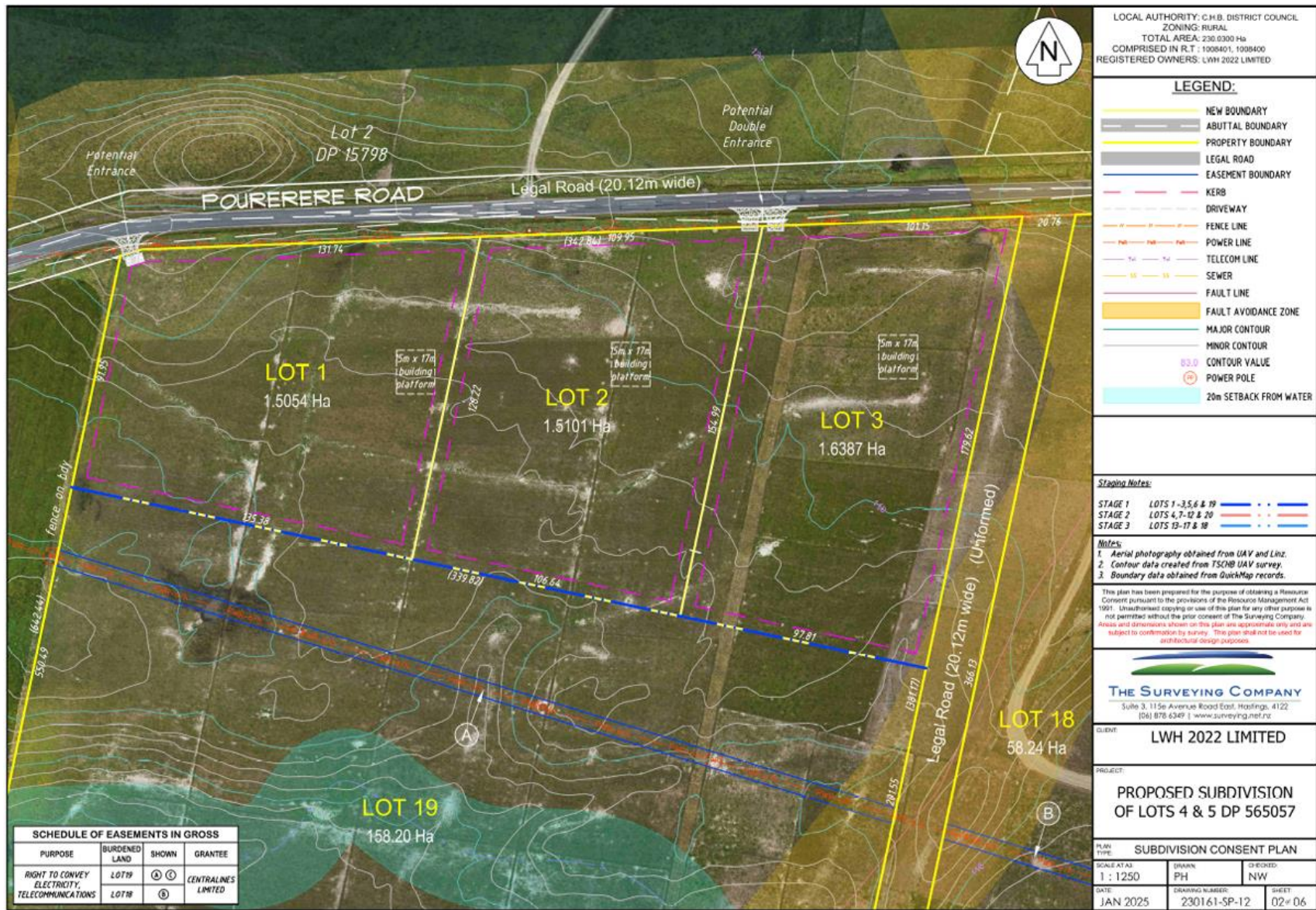
- a) *Access to this lot is by farm access only. At the time of occupation of a habitable building or construction of any other building, this access must be upgraded to Council's specifications. A further vehicle crossing application may be needed at this time. The vehicle crossing must be in a location that complies with the rules of the latest version of the District Plan.*

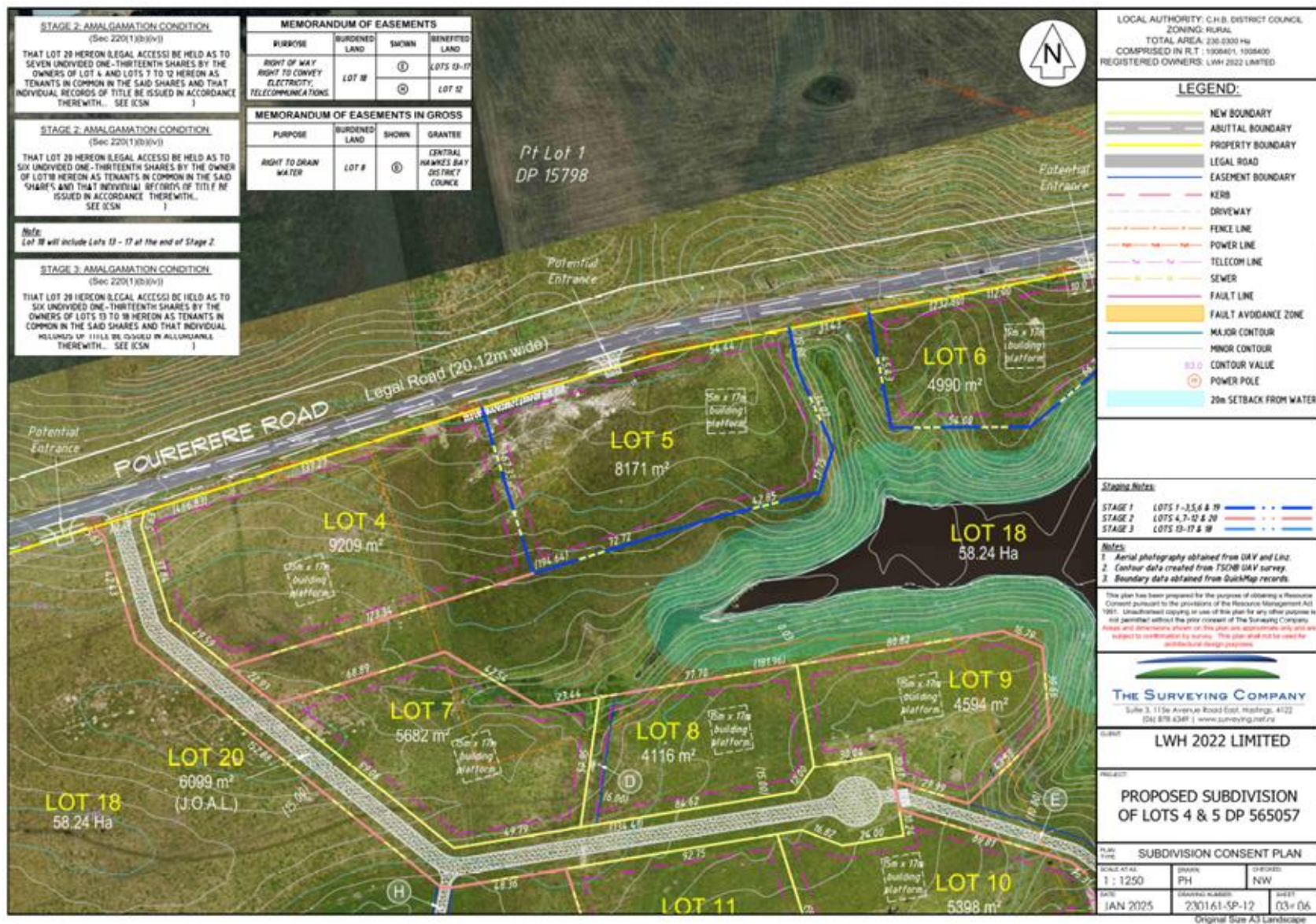


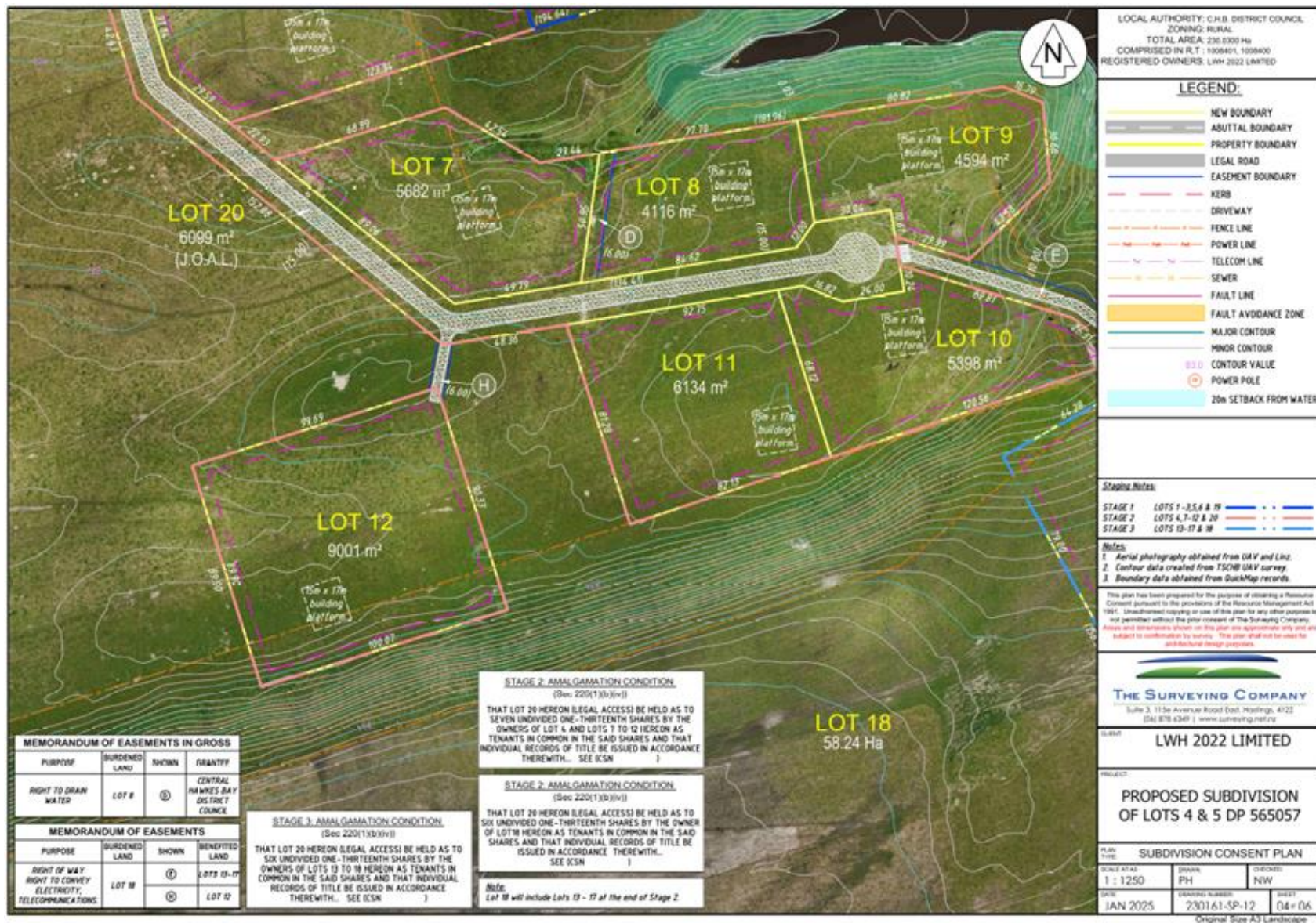
CENTRAL HAWKE'S BAY DISTRICT COUNCIL

APPROVED SCHEME PLAN



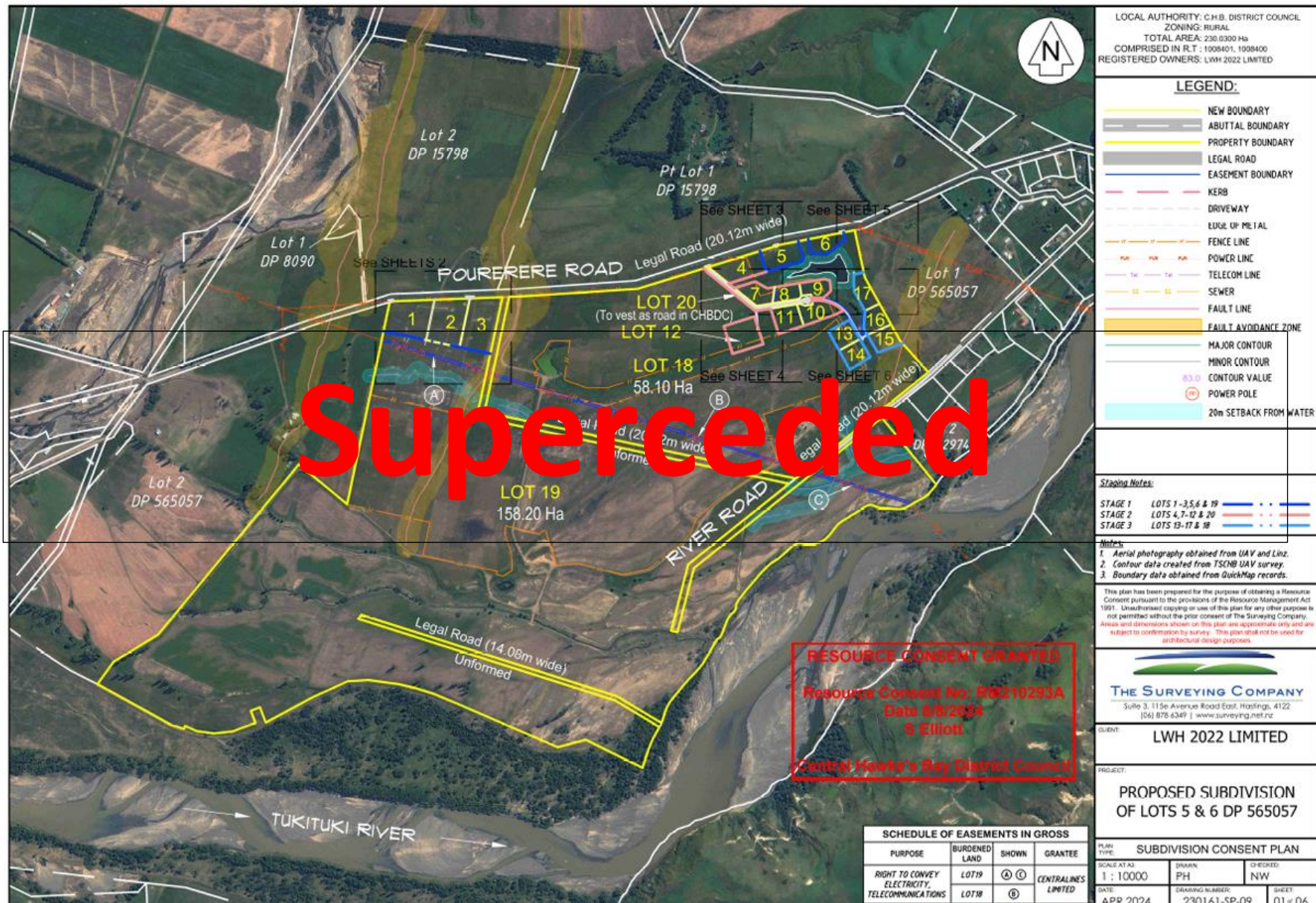












Resource Consent No: RM210293A
Date 8/8/2024
S Elliott

Central Hawke's Bay District Council

Potential
Entrance

Lot 2
DP 15798

Potential
Double
Entrance

POURERERE ROAD

Legal Road (20.12m wide)

LOT 1
1.5054 Ha

LOT 2
1.5101 Ha

LOT 3


LOT 19
158.20 Ha

LOT 18
58.10 Ha

LEGEND:

- | | |
|--|------------------------|
| | NEW BOUNDARY |
| | ABUTTAL BOUNDARY |
| | PROPERTY BOUNDARY |
| | LEGAL ROAD |
| | EASEMENT BOUNDARY |
| | KERB |
| | DRIVEWAY |
| | FENCE LINE |
| | POWER LINE |
| | TELECOM LINE |
| | SEWER |
| | FAULT LINE |
| | FAULT AVOIDANCE ZONE |
| | MAJOR CONTOUR |
| | MINOR CONTOUR |
| | CONTOUR VALUE |
| | POWER POLE |
| | 20m SETBACK FROM WATER |

Staging Notes:

| | | |
|---------|---------------------|---|
| STAGE 1 | LOTS 1-3, 5, 6 & 19 |  |
| STAGE 2 | LOTS 4, 7-12 & 20 |  |
| STAGE 3 | LOTS 13-17 & 18 | |

Notes:

1. Aerial photography obtained from UAV and Linz.
2. Contour data created from TSCB UAV survey.
3. Boundary data obtained from QuickMap records.

This plan has been prepared for the purpose of obtaining a Resource Consent pursuant to the provisions of the Resource Management Act 1991. Unauthorised copying or use of this plan for any other purpose is not permitted without the prior consent of The Surveying Company. Areas and dimensions shown on this plan are approximate only and are subject to confirmation by survey. This plan shall not be used for architectural design purposes.



CLIENT: LWH 2022 LIMITED

PROJECT

PROPOSED SUBDIVISION
OF LOTS 5 & 6 DP 565057

| | |
|------------|--------------------------|
| PLAN TYPE: | SUBDIVISION CONSENT PLAN |
|------------|--------------------------|

| | | |
|--------------------------|---------------------------------|--------------------|
| SCALE AT A3: 1 : 1250 | DRAWN PH | CHECKED NW |
| DATE: APR 2024 | DRAWING NUMBER: 230161-SP-09 | SHEET: 02 of 06 |

Original Size A3 Landscape

| MEMORANDUM OF EASEMENTS | | | |
|---|---------------|--------|----------------------|
| PURPOSE | BURDENED LAND | SHOWN | BENEFITED LAND |
| RIGHT OF WAY RIGHT TO CONVEY ELECTRICITY, TELECOMMUNICATIONS | LOT 18 | ① ② | LOTS 13-17 LOT 12 |

| MEMORANDUM OF EASEMENTS IN GROSS | | | |
|----------------------------------|---------------|-------|--|
| PURPOSE | BURDENED LAND | SHOWN | GRANTEE |
| RIGHT TO DRAIN WATER | LOT 8 | ③ | CENTRAL HAWKES BAY DISTRICT COUNCIL |

RESOURCE CONSENT GRANTED
Resource Consent No. RNS150253A
Date: 28/03/2024
S 232(2)

Pt Lot 1
DP 15798

Central Hawke's Bay District Council



LOCAL AUTHORITY: C.H.B. DISTRICT COUNCIL
ZONING: RURAL
TOTAL AREA: 230.000 Ha
COMPRISED IN LT: 1008401, 1008402
REGISTERED OWNERS: LWH 2022 LIMITED

LEGEND:

- NEW BOUNDARY
- ABUTTAL BOUNDARY
- PROPERTY BOUNDARY
- LEGAL ROAD
- EASEMENT BOUNDARY
- KERB
- DRIVEWAY
- FENCE LINE
- POWER LINE
- TELECOM LINE
- SEWER
- FAULT LINE
- FAULT AVOIDANCE ZONE
- MAJOR CONTOUR
- MINOR CONTOUR
- CONTOUR VALUE
- POWER POLE
- 20m SETBACK FROM WATER

Staging Notes:

- STAGE 1 LOTS 1-3, 5 & 19
- STAGE 2 LOTS 4, 7-12 & 20
- STAGE 3 LOTS 13-17 & 18

Notes:

1. Aerial photography obtained from UAV and Lint.
2. Contour data created from TSCNB UAV survey.
3. Boundary data obtained from QuikMap records.

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THE SURVEYING COMPANY
Suite 3, 115c Avenue Road East, Hastings, 4122
(04) 878 6381 | www.surveying.net.nz

LWH 2022 LIMITED

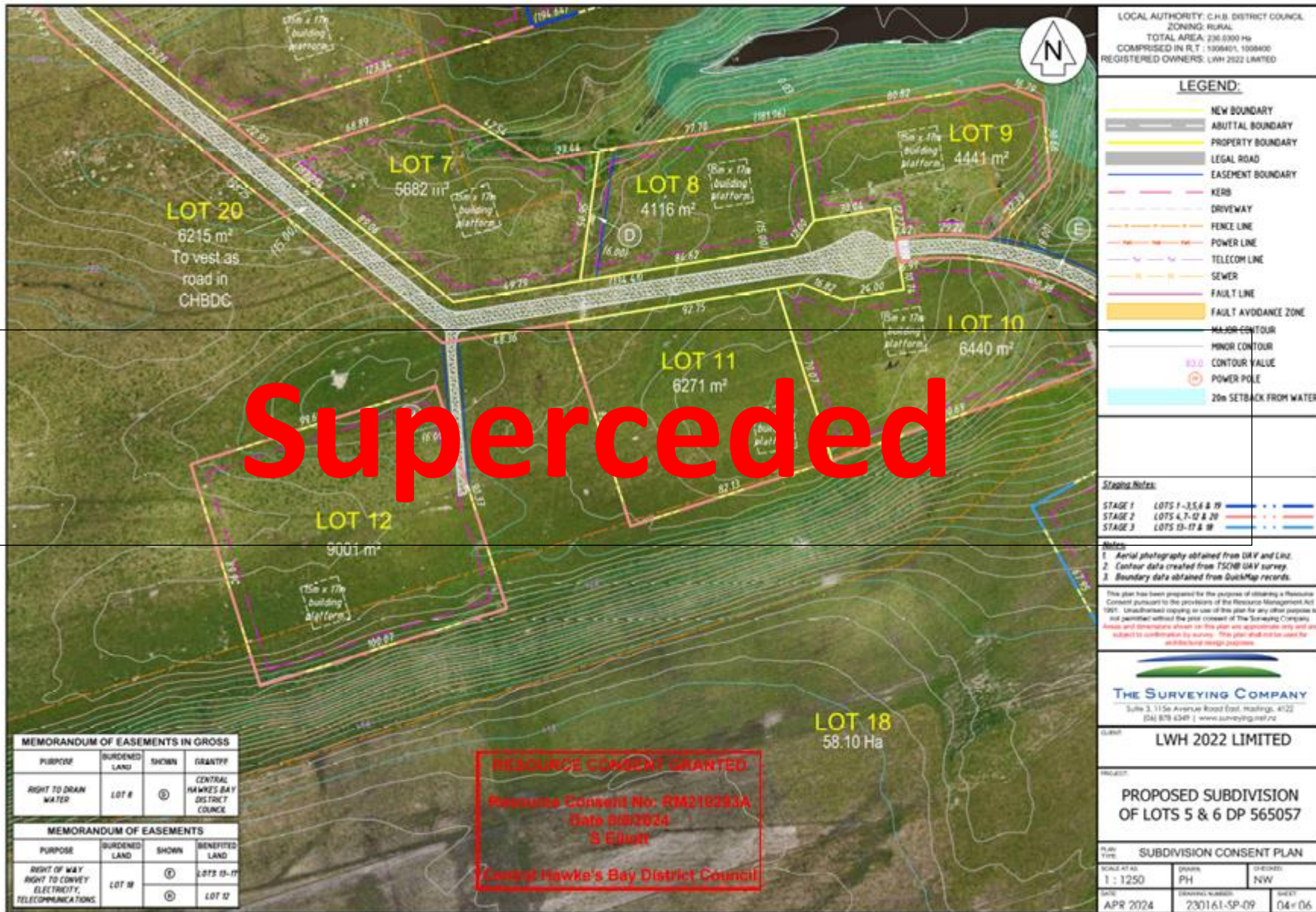
**PROPOSED SUBDIVISION
OF LOTS 5 & 6 DP 565057**

| SUBDIVISION CONSENT PLAN | | |
|-----------------------------|---------------------------------|--------------------|
| SCALE: AS SHOWN 1 : 1250 | OWNER: PH | DATE: APR 2024 |
| DATE: APR 2024 | DRAWING NUMBER: 230161-SP-09 | SHEET: 03 of 06 |

Superceded



Superceded



| MEMORANDUM OF EASEMENTS | | | |
|--|---------------|-------|----------------|
| PURPOSE | BURDENED LAND | KNOWN | BENEFITED LAND |
| RIGHT OF WAY RIGHT TO CONVEY ELECTRICITY, TELECOMMUNICATIONS | LOT 18 | ① | LOTS 13-17 |
| | | ② | LOT 12 |



RESOURCE CONSENT GRANTED
 Resource Consent No. RM2102064
 Date 8/8/2024
 S Elliott
 Central Hawke's Bay District Council

LOCAL AUTHORITY: C.H.B. DISTRICT COUNCIL
 ZONING: RURAL
 TOTAL AREA: 230 030 Ha
 COMPRISED IN P.L.T.: 1908401, 1908406
 REGISTERED OWNERS: LWH 2022 LIMITED

LEGEND:

- NEW BOUNDARY
- ADJUTAL BOUNDARY
- PROPERTY BOUNDARY
- LEGAL ROAD
- EASEMENT BOUNDARY
- KERB
- DRIVEWAY
- FENCE LINE
- POWER LINE
- TELECOM LINE
- SEWER
- FAULT LINE
- FAULT AVOIDANCE ZONE
- MAJOR CONTOUR
- MINOR CONTOUR
- CONTOUR VALUE
- POWER POLE
- 20m SETBACK FROM WATER

Stations Notes:

STAGE 1 LOTS 1-3, 6 & 19
 STAGE 2 LOTS 4, 7-12 & 20
 STAGE 3 LOTS 13-17 & 18

Notes:

- Aerial photography obtained from UAV and Lint.
- Contour data created from TSCND UAV survey.
- Boundary data obtained from QuickMap records.

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THE SURVEYING COMPANY
 Suite 3, 11 Se Avenue Road (East Hastings, 4122)
 (04) 878 6349 | www.surveying.net.nz

CLIENT: **LWH 2022 LIMITED**

PROJECT: **PROPOSED SUBDIVISION OF LOTS 5 & 6 DP 565057**

PLAN TYPE: **SUBDIVISION CONSENT PLAN**

| | | |
|--------------------------|---------------------------------|--------------------|
| SCALE AT A2: 1 : 1250 | DRAWN: PH | CHECKED: NW |
| DATE: APR 2024 | DRAWING NUMBER: 230161-SP-09 | SHEET: 05 of 06 |

Professional Engineer & P.L.T. Authorisation



**REPORT TO THE RESOURCE CONSENTS MANAGER – COMMUNITY INFRASTRUCTURE
AND DEVELOPMENT**

**NOTIFICATION AND SUBSTANTIVE REPORT FOR A S127 CHANGE OR
CANCELLATION OF RESOURCE CONSENT CONDITIONS UNDER THE RESOURCE
MANAGEMENT ACT 1991 (RMA)**

1.0 LOCATION

The subject site is located at 566 Pourerere Road, Waipawa, as shown in Figure 1 below.

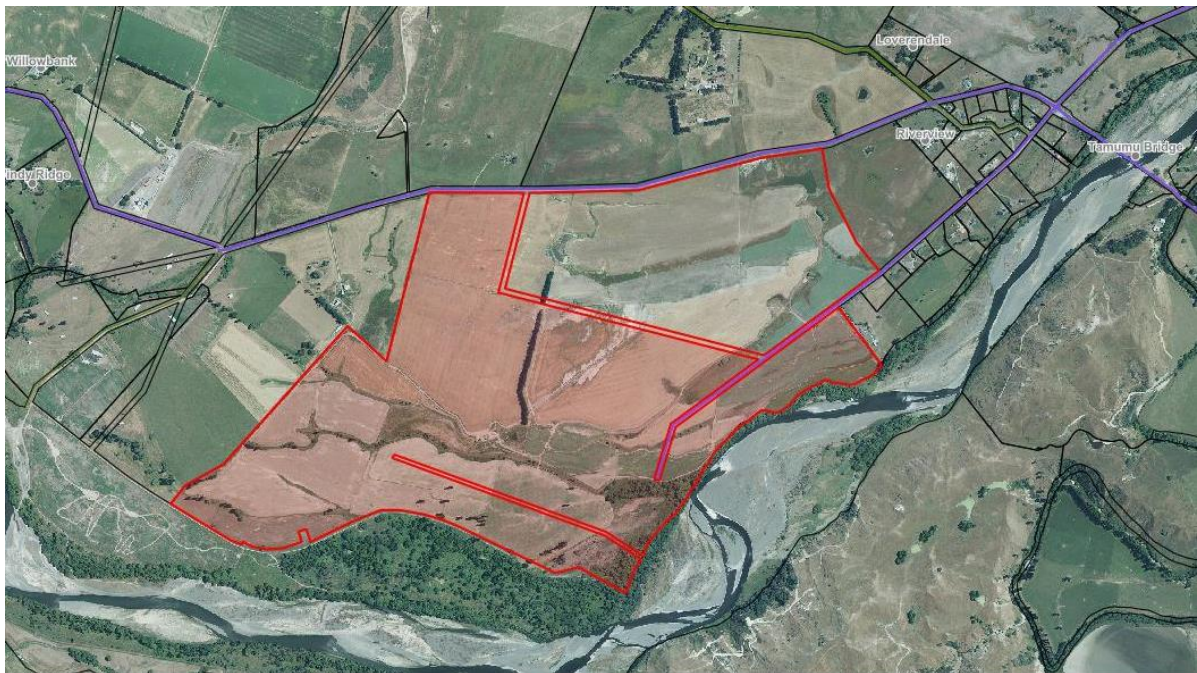


Figure 1: Location of site at 279 Racecourse Road (outlined/shaded in red) (Source: CHBDC Maps and GIS)

2.0 APPLICATION DOCUMENTS

The subject application is to vary conditions of subdivision consent RM210293 pursuant to section 127 of the Resource Management Act 1991 (RMA).

A description of the proposal is set out in the following:

- email from Marcus Hill to Sophie Elliott, dated 2/12/2024; and
- letter from Marcus Hill (on behalf of the applicant) to Sophie Elliott (Resource Consents Manager, Central Hawke's Bay District Council), dated 6/12/2024.

The applicant also submitted the following scheme plans for the proposed variation:

| Drawing Title and Refence | Author | Rev | Dated |
|---|--------------------------------|-----|----------|
| Subdivision Consent Plan of Lots 4 & 5 DP 565057, Drawing No. 230161-SP-12, Sheets 01 to 06 | PH, Surveying the Bay H.B. Ltd | - | Jan 2025 |

3.0 HISTORY

Subdivision consent RM210293 was granted by Council on 8 June 2022 to subdivide the subject site into 17 rural-residential lots and 2 balance farm lots.

On 8 August 2024, Council granted a variation to the consent (RM210293A) pursuant to section 127 of the Resource Management Act 1991 ("RMA"), to retain the originally proposed 17 rural-residential lots and 2 balance farm lots, but to also include an additional access lot to be vested as road, and reconfiguring the layout and location of the rural-residential lots to retain the high value productive land in the balance farm lots

The variation also enabled the subdivision to occur in 3 stages, instead of the original 2 stages. A revised scheme plan was approved, and changes to conditions were made, including to Condition 14 to require the vesting of Lot 20 with the Council as Road.

4.0 PROPOSAL

Pursuant to section 127 of the RMA, the applicant seeks resource consent to vary conditions of subdivision consent RM210293A such that Lot 20 is a Jointly Owned Access Lot (JOAL), and is not vested as road (as currently required under consent condition 14).

It is proposed that the JOAL be legally owned by all lots using it for vehicle access and the owners of these lots will be responsible for the ongoing maintenance of the access. The detailed design of the JOAL will be assessed at engineering approval stage for the subdivision, and the relevant Producer Statements will be provided to Council to ensure an appropriate standard of access is provided.

The approved scheme plan (under RM210293A) is shown in Figure 2, and the proposed updated scheme plan is shown in Figures 3 below.

The following amalgamation conditions are proposed for Stages 2 and 3 of the subdivision:

STAGE 2: AMALGAMATION CONDITION
(Sec 220(1)(b)(iv))

THAT LOT 20 HEREON (LEGAL ACCESS) BE HELD AS TO SEVEN UNDIVIDED ONE-THIRTEENTH SHARES BY THE OWNERS OF LOT 4 AND LOTS 7 TO 12 HEREON AS TENANTS IN COMMON IN THE SAID SHARES AND THAT INDIVIDUAL RECORDS OF TITLE BE ISSUED IN ACCORDANCE THEREWITH... SEE (CSN)

STAGE 2: AMALGAMATION CONDITION
(Sec 220(1)(b)(iv))

THAT LOT 20 HEREON (LEGAL ACCESS) BE HELD AS TO SIX UNDIVIDED ONE-THIRTEENTH SHARES BY THE OWNER OF LOT 18 HEREON AS TENANTS IN COMMON IN THE SAID SHARES AND THAT INDIVIDUAL RECORDS OF TITLE BE ISSUED IN ACCORDANCE THEREWITH... SEE (CSN)

Note:
Lot 18 will include Lots 13 - 17 at the end of Stage 2.

STAGE 3: AMALGAMATION CONDITION
(Sec 220(1)(b)(iv))

THAT LOT 20 HEREON (LEGAL ACCESS) BE HELD AS TO SIX UNDIVIDED ONE-THIRTEENTH SHARES BY THE OWNERS OF LOTS 13 TO 18 HEREON AS TENANTS IN COMMON IN THE SAID SHARES AND THAT INDIVIDUAL RECORDS OF TITLE BE ISSUED IN ACCORDANCE THEREWITH... SEE (CSN)

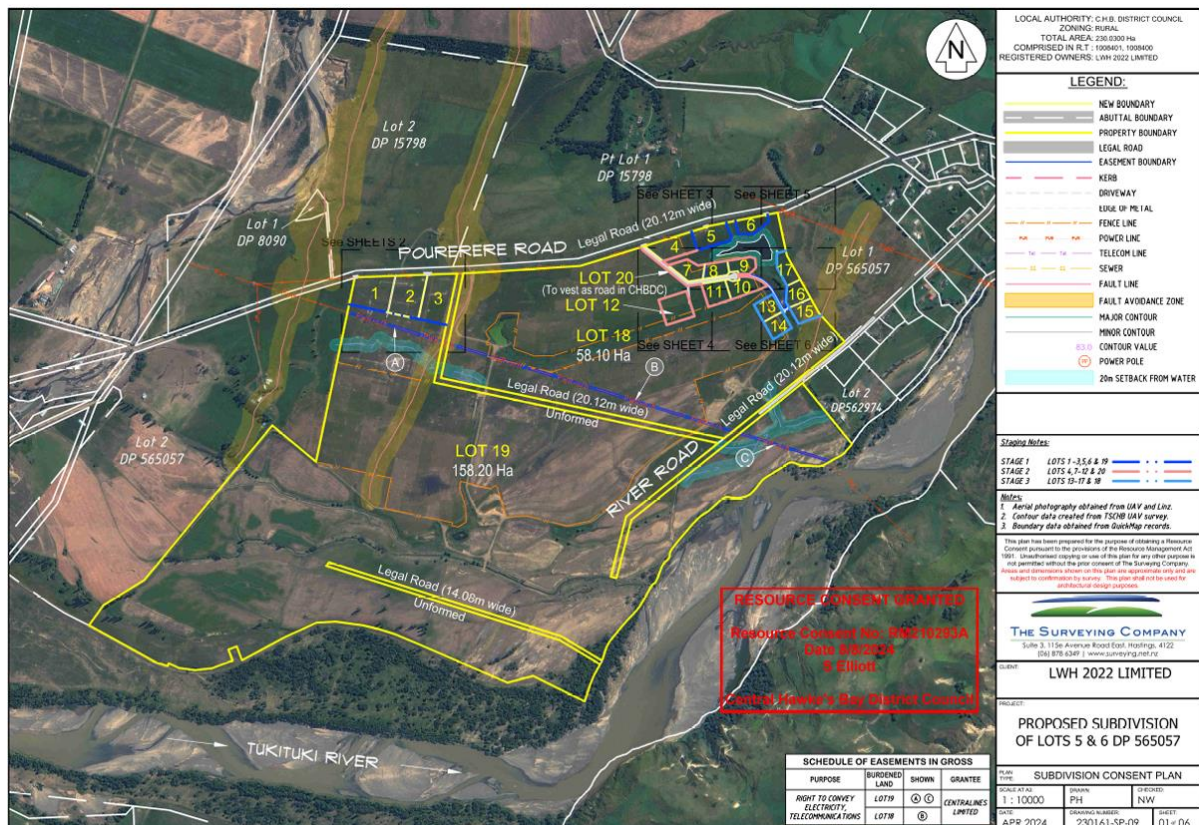


Figure 2: Scheme plan approved under RM210293A

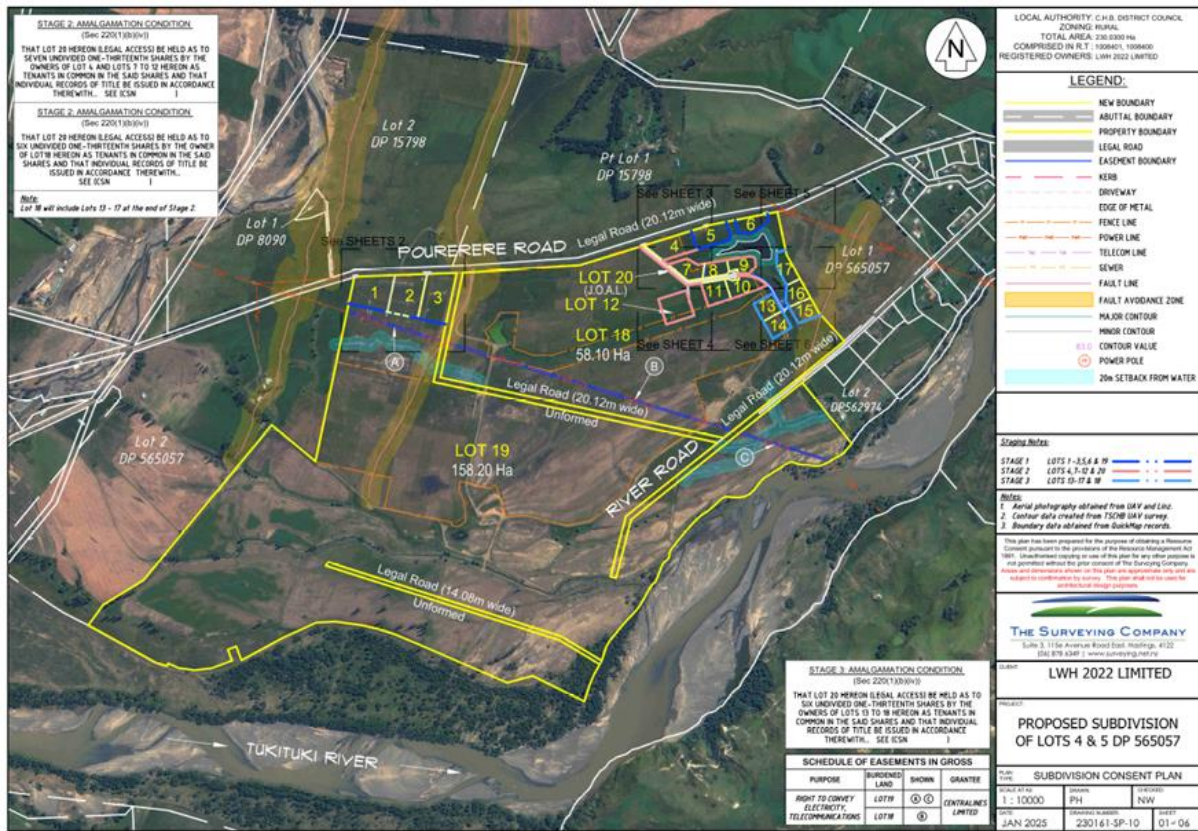


Figure 3: Proposed amended scheme plan

4.1 PROCESS MATTERS

An extension of 10 working days to the processing timeframe pursuant to section 37 of the RMA was agreed to by the applicant on 7 February 2025, to provide additional time for approval to be received from Land Information New Zealand to the proposed amalgamation conditions, and for the applicant to make some further minor amendments to the approved subdivision scheme plan.

The Applicant submitted (on 10 February 2025) a second updated scheme plan that included some minor changes to the location of vehicle access to Lot 6 from Pourerere Road, the layout of Lot 20 (including the design of the turning area at the end of Lot 20), and the layout of vehicle access for Lots 13-16 (within Easement H). These changes resulted in some minor changes to the size of lots 4, 6, 9, 10, 11, 13, 14, 18 and 20.

Approval from LINZ for the proposed amalgamation conditions was received by Council on 10 February 2025.

The applicant advised their acceptance of the draft changes to the consent conditions on 10 February 2025.

The application was circulated to Council's Senior Development Engineer for comment.

The Engineer advised that the updated plans submitted with the proposed variation are consistent with what he discussed with the applicant prior to the application being lodged. He advised that he had discussed with the applicant that any engineering and small layout amendments resulting from some tweaks to the layout and drainage,

required to support the subdivision, could be addressed at Engineering Approval stage and application for section 223/224 certification.

5.0 SITE DESCRIPTION

The property is legally described as Lot 4 DP 565057 and Lot 5 DP 565057. It comprises a total area of approx. 230.03 ha and is contained in Record of Titles 1008400 and 1008401. It is owned by Tukuwaru Developments Company Limited (the applicant).

A complete description of the site can be found within the original consent (RM210293).

The site is located within the Rural Production Zone in the District Plan – Operative in Part (2024) on the southern side of Pourerere Road, and adjoining River Road and the Tukituki River to the south.

6.0 REASON FOR THE APPLICATION

Section 127 of the RMA provides for conditions of consent to be changed or cancelled, with the provisions of sections 88 to 121 applying as if:

- The application was an application for a discretionary activity; and
- The references to a resource consent and to the activity were references only to the change or cancellation of a condition and the effects of the change or cancellation.

As provided in section 127(3)(a), this application to change a condition of consent is a **Discretionary Activity**.

Pursuant to section 127(3)(b) of the Act, this assessment does not revisit or reassess the original proposal in its entirety but limits the consideration to the effects generated by the changes only.

All other aspects of the development and the activities on the site are provided for under the existing resource consent.

As a Discretionary Activity, the matters of consideration are not restricted. In this instance, the only effects to be considered are those relating to the proposed changes.

7.0 PUBLIC AND LIMITED NOTIFICATION ASSESSMENT AND RECOMMENDATION (SECTIONS 95A-95G)

Section 127(4) states that:

- (4) For the purposes of determining who is adversely affected by the change or cancellation the consent authority must consider, in particular, every person who—*
- (a) made a submission on the original application; and*
 - (b) may be affected by the change or cancellation.*

The original application was non-notified, therefore, no parties submitted on the original application (s127(4)(a)). An assessment of persons who may be affected by the change or cancellation is provided below.

In accordance with section 127(3)(b) of the RMA, the following assessment identifies and assesses the effects that may arise from the proposed condition changes and cancellations only, and not the effects of the activity itself.

7.1 Public notification assessment s95A

Section 95A of the RMA specifies the steps the consent authority is to follow to determine whether an application is to be publicly notified.

Step 1: mandatory public notification in certain circumstances – s95A(2-3)

Mandatory public notification is not required as:

- the applicant has not requested that the application is publicly notified (s95A(3)(a))
- there are no outstanding or refused requests for further information (s95C and s95A(3)(b)), and
- the application does not involve any exchange of recreation reserve land under s15AA of the Reserves Act 1977 (s95A(3)(c)).

Step 2: If not required by Step 1, public notification precluded in certain circumstances – s95A (4-6)

Section 95A(5)(a) RMA requires consideration of whether public notification is precluded where 1 or more activities in a resource consent application are each precluded by a rule or national environment standard (NES).

The application is a section 127 change to consent conditions and is not being assessed under a rule within the District Plan – Operative in Part (2024) or a national environmental standard. As such, there are no rules or NES relevant to this proposal that preclude public notification.

Section 95A(5)(b) of the RMA requires that public notification is precluded when an application for resource consent relates to a:

- Controlled activity; or
- Restricted discretionary, discretionary or non-complying boundary activity.

The application is for a Discretionary Activity and is not a boundary activity. Therefore, public notification is not precluded under this provision.

Step 3: If not precluded by Step 2, public notification required in certain circumstances – s95A (7-8)

Section 95A(8) provides the criteria for consideration.

There are no rules in the ODP or COV-PDP or a national environmental standard that require public notification (section 95A(8)(a) RMA).

The consent authority may disregard an adverse effect of the activity if a rule or national environmental standard permits an activity with that effect (s95D(b)). All s127 change of consent conditions are a discretionary activity and there is no applicable permitted baseline.

Section 95A(8)(b) requires an assessment in accordance with s95D as to whether the activity will have or is likely to have adverse effects on the environment that are more than minor.

Section 127 of the RMA prescribes those matters which must be considered when assessing an application to be changed or cancel a condition of consent. The focus is only on the change or cancellation of the condition and resultant effects. The following assessment is limited to the scope of the proposed changes only and does not revisit all matters assessed in the original decision (RM210293 and RM210293A)

The changes to consent conditions sought by the applicant relate only to the proposal to change Lot 20 from a road to be vested in Council, to a Jointly Owned Access Lot (JOAL) to be held in shares by the owners of the lots that will achieve vehicle access from it to Pourerere Road (i.e. Lot 4, and Lots 7-18). Aside from the proposed changes to the ownership of Lot 20, the subdivision will remain consistent with the approved resource consent.

Therefore, I consider that any actual or potential adverse effects from the proposed changes on the wider environment will be less than minor.

Step 4: Public notification in special circumstances – s95A (9)

If an application has not been publicly notified as a result of any of the previous steps, then the council is required to determine whether special circumstances exist that warrant it being publicly notified.

Special circumstances are those that are:

- exceptional or unusual, but something less than extraordinary
- outside of the common run of applications of this nature, or
- circumstances which make notification desirable, notwithstanding the conclusion that the adverse effects will be no more than minor.

No aspects of the proposal are considered to be exceptional or unusual because the proposed changes to the conditions relate only to the ownership of the vehicle access to lots within the subdivision. As such, there are no special circumstances which warrant **public notification** under to s95A(5)(b)(i) of the RMA.

7.2 Limited Notification Assessment S95B

Section 95B of the RMA specifies the steps the consent authority is to follow to determine whether an application is to be limited notified.

Step 1: Limited notification for customary rights, customary marine titles and statutory acknowledgement groups and persons – s95B (2-4)

Limited notification is required if the consent authority believes any group with protected customary rights, customary marine titles, or those to whom a statutory acknowledgement is made are affected.

I am not aware of any protected customary rights of customary marine titles relevant to the application. The site is within a Statutory Acknowledgment Area for Heretaunga Tamatea, being the Tukituki River and its tributaries (District Plan – Operative in Part (2024) reference SA-16).

I have had regard to the specific nature of the proposed subdivision, its location, and the potential effects.

Overall, on the basis of the above, I consider that there are no adversely affected parties, groups or persons as a result of the proposed change or cancellation.

Step 2: Limited notification precluded in certain circumstances – s95B (5-6)

Limited notification of a resource consent application is precluded when the application:

- is subject to a rule or national environmental standard that precludes limited notification;
- is for a controlled activity (excluding subdivision of land);

The application is a Discretionary Activity under section 127 of the RMA 1991 and is not being assessed under a rule within the District Plan – Operative in Part (2024) or a national environmental standard. As such, there are no rules relevant to this application that preclude limited notification.

An assessment under Step 3 is required.

Step 3: Limited notification of affected persons – s95B (7-8)

An affected persons determination is required pursuant to s95E of the RMA. *“For the purpose of giving limited notification of an application for a resource consent for an activity to a person under section 95b(4) and (9) (as applicable), a person is an affected person if the consent authority decides that the activity’s adverse effects on the person are minor or more than minor (but are not less than minor)”(s95E(1)).*

No written approvals have been provided with this application.

The application remains very similar to consent RM210293A granted on 8/08/2024, except that the proposed section 127 application seeks to change the ownership of Lot 20, from road vested in Council to a JOAL. As such, there will be no discernible change in the actual or potential effects of the subdivision on adjacent land.

Overall, it is considered that no persons will be adversely affected by this proposal and the effects on any party will be less than minor.

Step 4: Limited notification in special circumstances – s95B(10)

There are no special circumstances that apply to this application. This proposal is not unique, nor unusual and public notification would not contribute to the assessment of this application.

Overall, no persons are considered to be affected to an extent that is minor or more than minor and, therefore, **limited notification is not required**.

7.3 Section 95 Notification Recommendation

It is recommended that pursuant to Sections 95A and 95B of the RMA, application RM210293B shall proceed on a **non-notified** basis for the reasons given above.

7.4 Decision on Notification

Accordingly, and for the reasons set out in the above assessment and recommendations, the application can be processed on a non-notified basis.

Notification Decision made under delegated authority by:



Sophie Elliott

Resource Consents Manager – Community Infrastructure and Development

Date: 13 February 2025

8.0 SECTION 104 ASSESSMENT

A decision was made under section 95 of the RMA to process the application on a non-notified basis. Section 104 prescribes those matters which must be considered when assessing an application. An assessment of the application under section 104 of the Act is provided below.

In accordance with section 127(3)(b) of the RMA, the following assessment focuses on the effects of the proposed condition changes and cancellations only, and not the effects of the activity itself.

The application is a discretionary activity, therefore, as per s104B of the RMA, after considering an application for a discretionary activity, a consent authority—

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

8.1 Actual and Potential Effects relevant to this proposal (s104(1)(a))

The assessment of adverse effects in the approved notification report is also relevant for the purposes of the assessment required under Section 104(1)(a) and therefore will not be repeated here.

The applicant identified the following positive effects from the proposed variation:

"...if the road is to be vested to Council, Council would gain a new asset which would require ongoing maintenance and associated costs. The road would not service the wider community due to being a dead end right of way. Therefore, with no wider community benefits the costs of the road maintenance are not considered appropriate when a suitable alternative can be implemented.

This change will have no material effect to the outcomes of the consent, and are mutually agreed between the applicant and Council that this outcome is appropriate given the nature and scale of the proposed development"

8.2 Offsetting - Section 104(1)(ab)

In accordance with section 104(1)(ab) of the RMA, there are no offsetting or compensation measures proposed or agreed to by the Applicant for the purpose of ensuring positive effects on the environment, to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity, that need consideration.

8.3 Section 104(1)(b) – Other Relevant Provisions

This application must be considered in terms of Section 104 of the RMA. Subject to Part 2 of the RMA, Section 104 sets out those matters to be considered by the consent authority when considering a resource consent application.

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*
- (ab) *any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from 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.*

I have had regard to the relevant provisions of the Hawkes Bay Regional Management Plan 2006 (RRMP) and I consider that the proposal is consistent with the strategic direction of this document.

8.3.1 National Policy Statement for Highly Productive Land 2022 (s104(1)(b)(iii))

An assessment of the subdivision was provided in Section 6.2.1 of the combined s95 and s42 Recommendation Report for RM210293A. That report identified the subject site as containing LUC 2 and LUC 3 soils, such that it is Highly Productive Land under the NPS-HPL. That assessment concluded the following:

"On balance, I consider here that the proposed subdivision does not necessarily assist in achieving the objectives and policies of the NPS-HPL, but in this specific context, it does not compromise these policies from being achieved either, noting the current proposal is for a change to the layout of an approved subdivision, and is not proposing an increase to rural-residential uses on the site. In conclusion, I consider that the proposal is not necessarily inconsistent with the NPS-HPL.

For completeness, I note that I have had regard to Policy 9 of the NPS-HPL. This requires that reverse sensitivity effects are managed as to not constrain land based primary production. As outlined elsewhere in this report, any reverse sensitivity effects of this proposal are considered acceptable, and will be mitigated further by the 'no complaints covenants' proposed by the applicant, and the proposal is therefore consistent with this policy."

Given the above, and as the proposed variation will only change the ownership of Lot 20 and will not result in any other changes to the consented subdivision, I consider that the above assessment remains relevant.

8.3.2 Relevant Objectives and Policies of the District Plan – Operative in Part (2024) (s104(1)(b)(vi))

On 14 November 2024, the Proposed District Plan became 'Operative in Part' in accordance with Schedule 1, Clause 20(2) of the Resource Management Act 1991, except for the following provisions:

- a. Part 1 – 'How the Plan Works' section.
- b. Part 2 – 'UFD – Urban Form and Development' section.
- c. Part 2 – NFL-SCHED6 – Schedule of Natural Features and Landscapes and Significant Amenity Features, including the reference to ONF-7.
- d. The planning maps for properties affected by ONF-7.
- e. The planning maps as they apply to the zoning at 94 – 96 Mt Herbert Road.
- f. The planning maps as they apply to the zoning at 25 Punawaitai Road, Pourerere.

None of the above exempt provisions are relevant to the subject proposal, therefore, no regard is required to be had to the objectives and policies of the Operative District Plan.

As the proposed variation relates only to changing the ownership of Lot 20, in relation to the provision of vehicle access to all lots, I consider that objectives and policies SUB-P4, SUB-P11, TRAN-O1, TRAN-O2, TRAN-P2, TRAN-P3 and TRAN-P5 are relevant. These objectives and policies seek to ensure that subdivisions are integrated with the existing land transport network in an efficient manner that provides for the safety and convenience of vehicles, that vehicle access to lots is appropriately designed and constructed to allow for safe and efficient traffic movements likely to be generated from development of lots, private roads are appropriate for the function they serve, and subdivision is managed to ensure the safety and efficiency of the transport network is not inappropriately compromised.

The proposed variation will only change the ownership of Lot 20 and will not result in any other changes to the consented subdivision or the design and layout of Lot 2 or the proposed vehicle access to the lots within the subdivision. I have assessed above that there will be no discernible change in the actual or potential effects of the subdivision on the wider environment (which includes the land transport network) or adjacent land.

Therefore, I consider that the proposed variation is consistent with the relevant objectives and policies of the District Plan – Operative in Part (2024).

8.4 Section 104(1)(c) – Other Matters

Section 104(1)(c) requires consideration of *any other matters the consent authority considers relevant and reasonably necessary to determine the application*. There are no other matters considered relevant to this proposal.

8.5 Section 104(2&3) - Effects Disregarded

Pursuant to Section 104(2) of the Act, when forming an opinion for the purposes of Section 104(1)(a), a Council may disregard an adverse effect of the activity on the environment if a plan or national environmental standard permits an activity with that effect (i.e. the Council may consider the 'permitted baseline').

As discussed in Sections 7.1 of the approved notification report, there is no permitted baseline in this case.

Pursuant to Section 104(3)(a) of the Act when forming an opinion for the purposes of Section 104(1)(a), a Council must not have regard to any effect on a person who has given written approval to the proposal, nor any trade competition or effects of trade competition. No written approvals have been obtained, and trade competition is not a relevant consideration.

9.0 SECTION 106 ASSESSMENT

A consent authority may refuse to grant a subdivision consent, or may grant a subdivision consent subject to conditions, if it considers that the land is or is likely to be subject to or is likely to accelerate material damage from natural hazards, or where sufficient provision for legal and physical access to each allotment has not been made.

In this case, legal access to the sites has been provided via the proposed JOAL.

Potential effects of natural hazards were assessed in the combined s95 and s42 reports for RM210293 and RM210293A and, subject to the imposition of conditions of consent, it was concluded that the potential adverse effects from natural hazards associated with the proposed subdivision would be less than minor. The proposed variation does not propose any changes to the relevant consent conditions.

On the basis of the above, I consider that consent can be granted having considered the necessary Section 106 matters.

10.0 PART 2 OF THE RMA

I have turned by mind to Part 2 of the RMA. In this context, I do not consider that an assessment against Part 2 would add anything to the evaluative assessment of the proposal beyond what was undertaken as part of the original resource consent decisions for RM210293 and RM210293A. Therefore, I have not completed an assessment of Part 2 of the RMA.

11.0 RECOMMENDATION

It is recommended that pursuant to sections 104, 104B, 106, 108, 127 and 220 of the Resource Management Act 1991 (the Act), resource consent is granted to vary or cancel the conditions of RM210293A for subdivision at 566 Pourerere Road, Waipawa (being Lot 4 and Lot 5 DP 565057 contained in Record of Titles 1008400 and 1008401, respectively), subject to the conditions suggested within the recommended conditions attached to this document.

REASONS FOR RECOMMENDATION

- (1) The adverse effects of the activity on the environment will be less than minor.
- (2) The adverse effects on any person are less than minor.
- (3) The proposal is consistent with the provisions of the District Plan – Operative in Part (2024).
- (4) The proposal meets the requirements set out in s106 of the RMA by ensuring that no hazards are created or exacerbated by this proposal and access from the road can be provided to each lot.

Report prepared by:



Janeen Kydd-Smith
Senior Planner
Date: 13 February 2025

Reviewed by:



Sophie Elliott
Resource Consents Manager
Date: 13 February 2025

12.0 DECISION

Under delegated authority from the Council, the Resource Consents Manager – Community Infrastructure and Development approves this application in line with the recommendation outlined in the Planning Report above.

Signed



Sophie Elliott
RESOURCE CONSENTS MANAGER – COMMUNITY INFRASTRUCTURE AND DEVELOPMENT

Date: 13 February 2025