

Response ID ANON-URZ4-5F8Y-1

Submitted to Fast-track approval applications  
Submitted on 2024-05-02 16:21:10

Submitter details

Is this application for section 2a or 2b?

2A

1 Submitter name

Individual or organisation name:  
CDL Land New Zealand Limited

2 Contact person

Contact person name:  
Phil Stickney - Consultant to CDL Land New Zealand Limited

3 What is your job title

Job title:  
Technical Director - Principal Planner

4 What is your contact email address?

Email:  
s 9(2)(a)

5 What is your phone number?

Phone number:  
s 9(2)(a)

6 What is your postal address?

Postal address:  
  
Development Nous Limited  
502 Karamu Road North  
Hastings  
NZ

7 Is your address for service different from your postal address?

No

Organisation:

Contact person:

Phone number:

Email address:

Job title:

Please enter your service address:

Section 1: Project location

Site address or location

Add the address or describe the location:

No's. 86, 108 & 122 Arataki Road, Havelock North, Hastings, Hawkes Bay.

File upload:

H20210084 - Arataki Extension - Lot Concept\_CDL Version\_J 2024 05 02-Context.pdf was uploaded

Upload file here:

Arataki\_Havelock North\_High Level Development Programme\_Fast Track Timeline-RMA Plan Change\_2405\_V2.pdf was uploaded

Do you have a current copy of the relevant Record(s) of Title?

Yes

upload file:

Record of Title\_Combined.pdf was uploaded

Who are the registered legal land owner(s)?

Please write your answer here:

CDL Land New Zealand Limited

Detail the nature of the applicant's legal interest (if any) in the land on which the project will occur

Please write your answer here:

The Applicant owns the land. The Applicant is a nationwide residential and commercial property developer who has been operating in NZ for 29+ years with a demonstrable track record of delivering large scale residential and commercial projects on time and budget. The Applicant acquired the Land for the purpose of developing the property/s into a residential subdivision to increase the supply of housing and address housing needs within the region, thus contributing positively to a well-functioning urban environment of Havelock North, Hawkes Bay

## Section 2: Project details

What is the project name?

Please write your answer here:

Arataki (the Project)

What is the project summary?

Please write your answer here:

Development and delivery of a residential subdivision capable of yielding between approximately 157 – 202 residential units of varying densities and typologies, with associated parks/walkways, roading and 3 waters infrastructure on approximately 11 hectares of land at Arataki (Havelock North).

What are the project details?

Please write your answer here:

The Project comprises design, obtaining the necessary subdivision and land use consents, bulk earthworks, constructing infrastructure services (i.e. wastewater, stormwater, water supply, roading, parks and walkways, and utility services) and titling of residential lots for sale to local building companies/ and individual owners to build residential housing. The project makes provision for the development of medium density housing down to a density of 1 unit/250sqm as well as single stand-alone homes on larger sites.

The Project represents an opportunity to complete the majority of the eastern extent of the urban area of Havelock North (which has been envisaged for at least 20 years) and will provide dwellings of varying typologies and varying price-points. The project has been designed to accommodate changes in market demands for higher density homes as may be required to meet future demand.

Describe the staging of the project, including the nature and timing of the staging

Please write your answer here:

Earthworks will be completed over the whole site in one stage during the first earthworks season following to the grant of consents, with a focus on completing the earthworks over the Stage 1 area to allow the Stage 1 Civil Works to proceed. The Civil Works will be undertaken in three (3) stages, each stage comprising circa 50-60 Lots, commencing with Stage 1, rolling into Stages 2 & 3. Each stage may include the creation of some "parent titles" for future Medium Density Development.

A High-Level Development Programme is attached under the Project Summary on the basis of a Fast Track process being followed.

What are the details of the regime under which approval is being sought?

Please write your answer here:

RMA Subdivision and Land Use Consents (earthworks & stormwater diversions and discharges) along with any other consents required to enable the development.

Associated NES consent required for the remediation of contaminated soil given the historical productive uses of the site.

If you seeking approval under the Resource Management Act, who are the relevant local authorities?

Please write your answer here:

Hastings District Council (HDC) and Hawkes Bay Regional Council (HBRC).

What applications have you already made for approvals on the same or a similar project?

Please write your answer here:

An RMA Non-complying Resource Consent Application for subdivision and associated land use consents was lodged with Hasting District Council for the Project in 2023. (the Arataki RC Application). The Arataki RC Application was accepted for processing but has been placed on hold at the request of The Applicant, in late 2023 (see engagement section below)

The Applicant will withdraw the Arataki RC Application to comply with Schedule 4 clause 31(3) of the Bill.

Is approval required for the project by someone other than the applicant?

No

Please explain your answer here:

No other landowner approvals are required.

If the approval(s) are granted, when do you anticipate construction activities will begin, and be completed?

Please write your answer here:

If Fast-Track approval is granted the construction activities associated with the development of the Project is anticipated to follow in one overall stage for the bulk earthworks, followed by 3 stages of construction and subdivision title release to ensure timely and consistent delivery of residential sections to the market, as outlined in the attached development programme. This would be commenced as soon as Engineering Plan Approvals were issued.

The attached programme under the Project Summary Section includes the Engineering Approvals Process with HDC, procurement and site works staging. Funding for the project is already available and secured.

### Section 3: Consultation

Who are the persons affected by the project?

Please write your answer here:

- a) Hastings District Council.
- b) Hawkes Bay Regional Council.
- c) Heretaunga Tamatea Settlement Trust (now named Tamatea Pokai Whenua) as a Treaty Settlement Entity.
- d) Adjoining owners and occupiers.

There are no persons with a registered interest in land which may need to be acquired under the Public Works Act 1981.

Detail all consultation undertaken with the persons referred to above. Include a statement explaining how engagement has informed the project.

Please write your answer here:

On the basis that there is an expectation that the land will be urbanised, discussions and engagement on the project have been contained to date, to those parties where there were specific matters that would potentially have a material bearing on the design and form of the Project. These parties are:

- a) The owners of 104 Arataki Road, commonly known as "Shaggy Range"; and
- b) The owners of Te Mata Mushrooms; and
- c) Various HDC politicians, management, and staff.

The owners of 104 Arataki Road (which includes a dwelling and an on-site dog kennel business) currently access their site via a driveway which bisects the

Land. Discussions were held between the Applicant and the owners of Shaggy Range to explore options for the relocation of their driveway access to the eastern-most extent of the lands, essentially as a land exchange. That adjustment would also potentially serve as an amenity buffer between the subject lands and the rural holding adjoining to the immediate south (70 Arataki Road). Concept Plans were drawn up, but these were not finalised. The opportunity exists to complete this engagement and design change as may be agreed during the approvals process and the nature of such an amendment does not inhibit the delivery of the Project. Conversely, the Project can proceed without relocating the driveway access for the Shaggy Range property, as is detailed by the attached Scheme Plan.

Te Mata Mushrooms is situated to the immediate north-east of the lands, accessed via Brookvale Road. In 2023, the business ceased trading at this location and has shut down the composting operation on the site. The Applicant had been involved in various discussions with Te Mata Mushrooms previously as to the ability for the planned residential landuse activities to co-exist next to the mushroom farm, on the basis that an Environment Court decision had placed conditions upon Te Mata mushrooms to mitigate the effects of their operations on residential areas given complaints arising from odour (the geographic extent of the complaints being well beyond the Lands and involving existing urban areas of Havelock North). To comply with the Court conditions required an upgrade to infrastructure on the mushroom farm site, and which was not undertaken presumably given the capital expenditure involved. Discussions between the parties have not been reactivated given that the mushroom operation has now ceased on the site.

Engagement with HDC staff and management was undertaken progressively during 2023 as a result of an initial application for resource consent being rejected for consideration by HDC. Subsequent discussions involved further assessment of technical reports and additional information provided, which formed the basis of a second application being lodged, and which was accepted for consideration.

However, after lodgement, a meeting was called between HDC and The Applicant (including senior management of HDC, legal advisors and the Mayor) at which time a clear preference for a Plan Change process to be followed was articulated by HDC and that in their opinion a resource consent process would be problematic given the underlying zoning of Plains Production and the recent introduction of the National Policy Statement on Highly Productive Lands in 2022 (while acknowledging the suitability of the lands for residential use). After that time, the resource consent application was put on hold at the request of the Applicant while the logistics of a Plan Change vs resource consent option was considered.

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Describe any processes already undertaken under the Public Works Act 1981 in relation to the land or any part of the land on which the project will occur:

Please write your answer here:

Not Applicable.

#### Section 4: Iwi authorities and Treaty settlements

What treaty settlements apply to the geographical location of the project?

Please write your answer here:

The Heretaunga Tamatea Claims Settlement Act 2018 is the only settlement of Treaty claims relating to the project area. Tamatea Pokai Whenua Trust (formerly Heretaunga Tamatea Settlement Trust) are the relevant iwi authority and post-settlement governance entity for the area of the project, as identified by the Te Puni Kōkiri Te Kāhui Māngai online directory.

The rohe of Heretaunga Tamatea is bound by the coast to the east and the foothills and eastern slopes of the Ruahine Range to the west. The northern limit is generally defined by the Tutaekuri River and the southern extent reaches the headwaters of the Manawatu River meeting the coast at Poroporo (to the north of Cape Turnagain).

Through the Heretaunga Tamatea Treaty settlement, the Crown offered acknowledgement and apology for repeated breaches of the Crown's obligations under the Treaty of Waitangi and for the resultant pain and damage the Crown actions caused to generations of Heretaunga Tamatea. In addition to an agreed historical account, acknowledgements and apology, the settlement provides cultural redress and financial and commercial redress.

Cultural redress provides recognition of the historical, cultural or traditional association with Crown owned places and sites within the Heretaunga Tamatea area of interest. This recognition enables Heretaunga Tamatea and the Crown to protect and enhance the conservation values associated with these sites. The Deed of Settlement provides for 27 statutory acknowledgements, most of which are also subject to deeds of recognition. The statutory acknowledgements cover:

- a) Clive River and its tributaries
- b) Elsthorpe Scenic Reserve
- c) Hiranui Scenic Reserve
- d) Inglis Bush Scenic Reserve
- e) Kāhika Conservation Area
- f) Karamū Stream (with official name Karamu Stream) and its tributaries
- g) Part of Kāweka State Forest Park (with official name Kaweka State Forest Park)
- h) Māharakeke Stream (with recorded name Maharakeke Stream) and its tributaries
- i) Mākāretu River (with recorded name Makaretu River) and its tributaries within the Heretaunga Tamatea area of interest
- j) Maraetōtara River and its tributaries (with recorded name Maraetotara River)
- k) Maraetōtara Scenic Reserve (with official name Maraetotara Scenic Reserve)
- l) Maraetōtara Gorge Scenic Reserve (with official name Maraetotara Gorge Scenic Reserve)

- m) Mātai Moana Scenic Reserve (with official name Matai Moana Scenic Reserve)
- n) McLeans Bush Scenic Reserve
- o) Mohi Bush Scenic Reserve
- p) Monckton Scenic Reserve
- q) Ngaruroro River and its tributaries within the Heretaunga Tamatea area of interest
- r) Parkers Bush Scenic Reserve
- s) Pōrangahau/Tāurekaitai River (with recorded name Porangahau River) and its tributaries
- t) Ruahine Forest (East) Conservation Area
- u) Part of Ruahine Forest Park
- v) Springhill Scenic Reserve
- w) Te Aute Conservation Area
- x) Tukipō River (with recorded name Tukipo River) and its tributaries
- y) Tukituki River and its tributaries within the Heretaunga Tamatea area of interest
- z) Tūtaekurī River (with official name Tutaekuri River) and its tributaries within the Heretaunga Tamatea area of interest
- aa) Waipawa River and its tributaries within the Heretaunga Tamatea area of interest

None of the identified sites or places are within the project area.

The site also is located outside the Karanema Reserve Area which is of significance to the Hapu of Te Heipora.

Are there any Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019 principles or provisions that are relevant to the project?

No

If yes, what are they?:

None

Are there any identified parcels of Māori land within the project area, marae, and identified wāhi tapu?

No

If yes, what are they?:

None

Is the project proposed on any land returned under a Treaty settlement or any identified Māori land described in the ineligibility criteria?

No

Has the applicant has secured the relevant landowners' consent?

No

Is the project proposed in any customary marine title area, protected customary rights area, or aquaculture settlement area declared under s 12 of the Māori Commercial Aquaculture Claims Settlement Act 2004 or identified within an individual iwi settlement?

No

If yes, what are they?:

Not applicable

Has there been an assessment of any effects of the activity on the exercise of a protected customary right?

No

If yes, please explain:

The exercise of customary rights is not relevant to the subject sites.

Upload your assessment if necessary:

No file uploaded

## Section 5: Adverse effects

What are the anticipated and known adverse effects of the project on the environment?

Please describe:

The Applicant has previously prepared a detailed Assessment of Environmental Effects (AEE) as part of a resource consent application previously prepared for this development and which has drawn on specialist reports from civil and geotechnical engineers, traffic engineers, landscape architects,

soil scientists, odour experts and acoustic engineers. The potential adverse effects are:

- Effect on the Soil Resource
- Reverse Sensitivity effects- Odour;
- Amenity and Visual effects;
- Natural Hazard effects;
- Infrastructure effects - Water, Wastewater and Stormwater;
- Traffic / Access effects;
- Effects arising from earthworks
- Other matters

Investigations have shown that these are all capable of mitigation through the imposition of standard conditions; ones that would be expected to be imposed on a resource consent application of this nature. A summary of the AEE is included.

Upload file:

H20210084\_RC2\_AEE\_Summary.pdf was uploaded

## Section 6: National policy statements and national environmental standards

What is the general assessment of the project in relation to any relevant national policy statement (including the New Zealand Coastal Policy Statement) and national environmental standard?

Please write your answer here:

NPS-HPL 2022

It is noted that the Government has committed to reduce consenting barriers for infrastructure, housing, and primary production as part of their 100-day plan. This work includes the Ministry for the Environment (MfE) exploring options around the definition of highly productive land (HPL) to enable more flexibility. Urban expansion onto HPL can already occur in certain circumstances, but officials are reviewing the NPS-HPL to consider how it could enable more 'greenfield' housing development. The outcomes of this review are not yet finalised and so the summary assessment below is in respect of the current NPS-HPL 2022.

At a Regional level, the importance of the land values associated with the Heretaunga Plains is one of the primary locational constraints for advancing growth options. Ideally, avoiding development on the versatile land for urban use would be an appropriate response and that future growth would be managed within existing boundaries (including identified greenfield growth areas) or located off the Plains. There are, however, counterbalancing considerations and consequences associated with adopting such a direction too rigidly. These include the increased costs to the community associated with intensification as a result of upgrading existing infrastructure, increased travel distances with growth areas off the Plains and increased development costs on the hills.

The challenge in the context of Hawkes Bay (and Hastings in particular) is that the urbanisation of land, of any meaningful scale is significant constrained, given that the vast majority of land surrounding the existing urban extent of Hastings is either LUC 1 or 2.

In this case, the Land is earmarked for urban development and has been since the late 1990s. It is recognized as an urban growth area within the HPUDS strategy; hence the underlying zoning of Plains Production and the LUC classification is considered to be overridden by the inclusion in a spatial strategy document, and one which is given effect to under the Regional Policy Statement. After 2 assessments of soils and productivity have been completed, those reports note that given the Land has no water allocation rendering primary production activities severely constrained, and further noting that the undertaking of horticultural/primary production activities on the site would generate the potential for reverse sensitivity effects in what is an urban fringe location.

Based upon the summary of matters above, the proposal is not considered to adversely impact upon the relevant matters set out in the Objectives and Policies of the NPS-HPL 2022.

NPS-UD 2020

The proposal aligns with the intent of the NPS-UD 2020 and will make a significant contribution to the creation of a well-functioning urban environment. In this respect, alignment with the Objectives and Policies of the NPS-UD 2020 is achieved given that:

It provides a substantial housing boost and housing choice within Havelock North, that settlement being a regionally Significant urban area in terms of scale and economic activity.

The proposal completes the eastern extent of Havelock and being located on an elevated terrace above the adjoining rural land, will achieve a logical and defensible urban boundary for Havelock North.

The proposal makes provision for the development of a range of housing typologies, including smaller townhouses and duplex development, providing additional choice in an area which has traditionally been associated with lower density suburban typologies.

The Land is well connected to key infrastructure including roading, near to adjacent recreational areas and can be serviced efficiently in respect of 3-Waters and roading infrastructure.

The development of the Land provides additional supply and competition in the Havelock (and wider Hastings District) residential market and at a

different price-point than the only other residential development area currently under construction on the western side of Havelock North.

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## Section 7: Eligibility

Will access to the fast-track process enable the project to be processed in a more timely and cost-efficient way than under normal processes?

Yes

Please explain your answer here:

The previous resource consent was to be a fully notified consent application, driven primarily by the underlying Plains Production Zoning, even though it was in an identified Future Growth Area within HPUDS. Potentially, that would give rise to submissions, a public hearing and the potential for appeals to the Environment Court, from either The Applicant or from submitters to the consenting process. This could take up to 9 - 12 months for the consent and an additional 6 - 12 months to resolve any appeals with the Court.

A subsequent Plan Change would also be required to be initiated, either by The Applicant or the Council, which is also an automatically full public notification process. Council expressed a strong preference for a Plan Change to be promulgated prior to a consent for subdivision to enable development. Indicative timeframes. Typically, a Plan Change can take between 18 months to 2 years.

The programmes uploaded above denote the variance in timeframes under both processes and the time savings expected to be achieved utilising the Fast Track process, and which is estimated to be approximately 18 months.

What is the impact referring this project will have on the efficient operation of the fast-track process?

Please write your answer here:

The nature of the proposal and the extensive assessment already undertaken is such that there will be no impact on the efficient operation of the Fast Track process.

Has the project been identified as a priority project in a:

Not Answered

Please explain your answer here:

While not identified as a "Priority Project" per say, the Land is expressly identified (and mapped) within the Hastings District Plan as an area that "may meet green fields needs within the life of The Plan". Given that the Arataki Extension will provide only an estimated 3.19% of the current estimated 10-year Housing Bottom Line assessment in the District Plan, it is considered that this is more of a certainty than a probability.

The Land is further identified (and mapped) within HPUDS as a "Reserve Growth Area", that being primarily as a result of the adjoining industrial land use (Te Mata Mushrooms) and the effects of odour arising from the composting operation of that facility and the need to have that reverse sensitivity issue resolved.

That issue has now been resolved with an Environment Court decision which imposed restrictions and mitigatory works on the operators of this business, and now further resolved given the mushroom operation has ceased and the business has relocated, however no changes have been made to the "Reserve Growth Area" status over the Lands.

Will the project deliver regionally or nationally significant infrastructure?

Not Answered

Please explain your answer here:

Not applicable

Will the project:

increase the supply of housing, address housing needs, contribute to a well-functioning urban environment

Please explain your answer here:

The scale of the project will add housing stock at a scale which is considered to be Regionally Significant given the current rate and pace at which other land areas in Hawkes Bay are capable of being consented and developed.

The proposal addresses housing need through providing a different market proposition and price-point than other developments in both Havelock North and Hastings as well as providing additional housing choice through the potential for townhouse and duplex developments, which are increasingly attractive to an area which has an ageing population.

The assessment of the NPS-UD 2020 concludes that the proposal will contribute to a well-functioning urban environment and on Lands that have been identified for a significant number of years as being suitable for urban growth and will complete the currently planned easternmost extent of Havelock North.

Will the project deliver significant economic benefits?

Yes

Please explain your answer here:

The Applicant has a track record of utilising Regionally based providers for a range of services in the planning, design and implementation of such projects including local consultants, contractors, construction companies and other service providers in the land development sector.

The scale of the proposal, at a Regional level, will generate economic benefits through the planning design and delivery of the project as well as ongoing economic benefits once the residential units are inhabited through additional demand for local goods and services.

Will the project support primary industries, including aquaculture?

No

Please explain your answer here:

Not applicable

Will the project support development of natural resources, including minerals and petroleum?

No

Please explain your answer here:

Not applicable

Will the project support climate change mitigation, including the reduction or removal of greenhouse gas emissions?

No

Please explain your answer here:

Not applicable

Will the project support adaptation, resilience, and recovery from natural hazards?

Yes

Please explain your answer here:

In the context of Hawkes Bay, the Lands have a low level of natural hazard risk, being outside the Tsunami Risk Zones, outside the 2120 Coastal inundation/erosion areas and not being subject to flooding or inundation given their elevation and contour. It is noted that the sites were unaffected by the effects of Cyclone Gabrielle in 2023. In this respect, the development of the land for residential uses will assist in creating a residential community that has a high level of resilience to the effects of natural hazards.

Will the project address significant environmental issues?

No

Please explain your answer here:

Not applicable

Is the project consistent with local or regional planning documents, including spatial strategies?

Yes

Please explain your answer here:

The proposal is considered to be consistent with the intent (and the mapped future settlement pattern) of the Heretaunga Plans Urban Development Strategy (HPUDS) as it is contained within land identified as a "Reserve Growth Area" within that Strategy. That "reserve" status is for additional lands that may be required to meet demand for housing and growth over the life of the Strategy. Given the accelerated rate of population growth in Hawkes Bay and allied with the additional loss of dwellings as a result of the effects of Cyclone Gabrielle, it is considered that the level of growth is such that the land can now be developed as envisaged. The density of development proposed exceeds that set out within the Strategy (and the RPS), with a target net density of approximately 19 houses per hectare as opposed to the 15 units per hectare set out in HPUDS. HPUDS is given effect to by the RPS, which District Plans must in turn give effect to, so the proposal is considered to also be consistent with the intent of those documents.



The Future Development Strategy (FDS) is currently being refined however an initial draft of Issues and Options was released in August 2023. That document broadly identifies the Lands as being ones that represent “potential growth on higher ground away from significant natural hazards”, although the existing Reserve Growth Area from HUPDS is excluded in the mapping. This document is still in a draft and not due for release until late 2024 as an adopted strategy. Until then, the current HPUDS mapping prevails.

Anything else?

Please write your answer here:

The challenge for The Applicant has been the continual overlapping and slow progression of Regional Planning Strategies, including the 2010 HPUDS strategy which was only “refreshed” in 2017 and one which despite having Arataki as a growth area, has not been advanced through Council initiated Plan Changes in that time.

The strategy was reviewed in 2017 and since then the status quo of a pattern of growth within that strategy has prevailed while HDC and Napier City Council (NCC) have focussed on the development of the FDS which is to be adopted in late 2024. The HPUDS strategy was predicated on a lower level of population growth than has actually transpired, rendering the extent of development areas inadequate to support the population growth and demand for housing. No comprehensive rezoning/upzoning of all future growth areas has been promulgated by Council to facilitate further development.

It is noted that even once the new FDS is adopted, a series of Plan Changes are still required to change the zoning to residential, which adds significantly more time between land being identified for growth and available for the construction of residential dwellings. There is currently no visibility as to the timing for the subsequent plan changes once the FDS is adopted.

The burden therefore falls onto the Applicant to undertake first the Plan Change process and then a subsequent set of consents to enable the subdivision and development of sites for residential construction to be enabled.

Does the project includes an activity which would make it ineligible?

No

If yes, please explain:

The Plan Change mechanism is a planning tool to render the attainment of a zoning framework which can in turn provide certainty of development rights, speed up the subdivision and consenting process and thus accelerate the delivery of the project. This is an activity which while not expressly provided for in the Fast Track Bill, is conversely not rendered ineligible for referral. The Applicant is aware that submissions have been made on this aspect of the Bill to the Select Committee, seeking that Plan Changes be expressly listed as a planning tool available to be utilised in the legislation. The proposal is not however, fully dependent on this matter being addressed up front.

## Section 8: Climate change and natural hazards

Will the project be affected by climate change and natural hazards?

No

If yes, please explain:

In the context of Hawkes Bay, the Lands have a low level of natural hazard risk, being outside the Tsunami Risk Zones, outside the 2120 Coastal inundation/erosion areas and not being subject to flooding or inundation given their elevation and contour. It is noted that the sites were unaffected by the effects of Cyclone Gabrielle in 2023. In this respect, the development of the land for residential uses will assist in creating a residential community that has a high level of resilience to the effects of natural hazards.

## Section 9: Track record

Please add a summary of all compliance and/or enforcement actions taken against the applicant by any entity with enforcement powers under the Acts referred to in the Bill, and the outcome of those actions.

Please write your answer here:

None

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## Declaration

Do you acknowledge your submission will be published on environment.govt.nz if required

Yes

By typing your name in the field below you are electronically signing this application form and certifying the information given in this application is true and correct.

Please write your name here:

phil stickney

Important notes