



CENTRAL HAWKE'S BAY DISTRICT COUNCIL

NOTIFICATION REPORT PURSUANT TO S168A OF THE RESOURCE MANAGEMENT ACT 1991

02 April 2024

RC Number: RM230061

Notice of Requirement Received: 11 May 2023

Requiring Authority: Central Hawke's Bay District Council

Location: 1920 State Highway 2, Waipukurau

Legal Description: Lot 2 DP 455077

Valuation Number: 1077027702

Proposal: Notice of Requirement for a Designation under s168A of the Resource Management Act for the purposes of Water Storage.

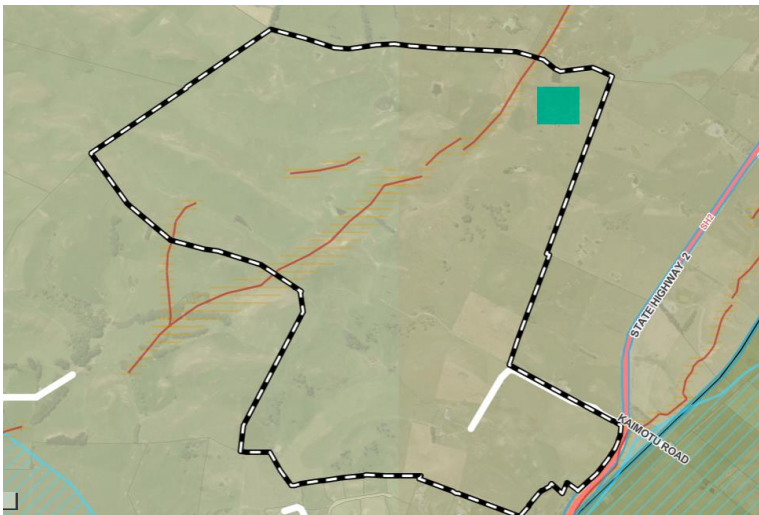
Operative District Plan Zone: Rural Zone

Decisions Version Proposed District Plan

Zone: General Rural Zone

Overlays: Fault Hazard with Fault Avoidance Zone.

Figure 1: Subject site, approximate area of Designation shown in blue square (CHBDC GIS)



1.0 PROPOSAL AND PROCESS

Central Hawke's Bay District Council (the Council) has given notice of its requirement to designate land at the subject site, being 1920 State Highway 2, Waipukurau (Lot 2 DP 455077) (the property) for water storage purposes (NoR).

The nature of the proposed works is fully described in Section 4 of the submitted Notice of Requirement (NoR) dated 11 May 2023. I accept the description of the proposal and note the key points being:

- The Council are in the process of purchasing a piece of land at the subject site in order to designate the land for water storage purposes. This will involve:
 - The construction of two 3,000m³ (approx.) water reservoirs, each circular and approximately 29m in diameter and 10m in height.
 - A dosing shed (2m x 3m), 3m in height.
 - The reservoirs will be constructed in two stages, the first stage in the immediate future and the second when the population reaches a certain size.
 - All earthworks to construct the platform and access are complete.
 - This proposal does not include any designation for the pipes that feed and discharge from the water storage reservoirs.

The NoR application includes:

- Concept plans of the two reservoirs
- Information on the concept design and alternatives
- A Landscape Visual Assessment

There is no request for an Outline Plan Waiver as part of this Notice of Requirement. All proposed works will be subject to an Outline Plan pursuant to section 176A of the Resource Management Act 1991 (RMA) when required.

The application was placed on hold pursuant to s92 on 28 July 2023 with requests for the following information:

- Specific details of the proposal to be included, such as elevations of the reservoirs, expected activity on site once the reservoirs are constructed, lighting, fencing and parking provisions.
- Further information to satisfy s168A(3)(c) as to why the Designation is reasonably necessary for achieving the Council's objectives.
- Further information on the alternatives to satisfy s168A(3)(b).
- Further assessment against the relevant National Environmental Standards and National Policy Statements.
- Review of reasons for consent required under the HBRC RRMP.
- Further information on the cultural values assessment and consultation with iwi.
- Technical clarification on the section of the RMA 1991 that was relevant.
- Updated assessment against what was at the time, the Proposed District Plan.

This information was received on 12 October 2023 and was considered sufficient to allow for the further processing of this NoR.

2.0 SITE DESCRIPTION

The Council has provided a site description in section 3.1 of the AEE submitted with the NoR. Having visited the site, I concur with this assessment. In short:

- The site is part of a large rural landholding that stretches to the west from State Highway 2 up into rolling hill country. The site is located between Waipawa and Waipukurau.
- There is no direct access to the State Highway from the location of the Designation, and a Right of Way through the neighbouring title (Section 56 Block XV Waipukurau SD) will be provided to allow access to the site.
- All earthworks to provide for the access and building platform for the reservoirs are complete.
- There is minimal vegetation in the immediate vicinity.

3.0 DISTRICT PLAN

Under the Operative District Plan, the property is within the **Rural Zone**.

The Decisions Version of the Proposed District Plan (DVPDP) was released on 25 May 2023. Under the DVPDP, the property is within the **General Rural Zone**.

4.0 PUBLIC AND LIMITED NOTIFICATION ASSESSMENT AND RECOMMENDATION (SECTION 168A(1A))

Section 168A(1A) of the RMA provides:

The territorial authority must decide whether to notify the notice of requirement under—

- (a) subsection (1AA); or
- (b) sections 149ZCB(1) to (4), 149ZCC(1) to (4), 149ZCE, and 149ZCF, which apply with all necessary modifications and as if—
 - (i) a reference to an application or notice were a reference to the notice of requirement; and
 - (ii) a reference to an applicant, the Minister, or the EPA were a reference to the territorial authority; and
 - (iii) a reference to an activity were a reference to the designation.

Subsection (1AA) applies where further information has been requested but not provided, or the requiring authority has not agreed to the commissioning of a report. Neither of those circumstances apply here, so I have considered notification in accordance with s 168A(1A)(b).

4.1 Public notification assessment

Section 149ZCB provides as follows (with the changes required by s168A(1A)(b) and with reference to the 'Council' when referring to the territorial authority as the requiring authority, for clarity):

- (1) The [territorial authority] may, in his or her discretion, decide whether to require [public notification of a NoR].
- (2) Despite subsection (1), the [territorial authority] must publicly notify an [NoR] if—

- (a) the [territorial authority] decides (under section 149ZCE) that the [designation] that is the subject of the [NoR] will have, or is likely to have, adverse effects on the environment that are more than minor; or
 - (b) the [Council] requests public notification of the application or notice; or
 - (c) a rule or national environmental standard requires public notification of the application or notice.
- (3) Despite subsections (1) and (2)(a), the [territorial authority] must not publicly notify the [NoR] if—
 - (a) a rule or national environmental standard precludes public notification of the [NoR]; and
 - (b) subsection (2)(b) does not apply.
- (4) Despite subsection (3), the [territorial authority] may publicly notify an application or a notice if [it] decides that special circumstances exist in relation to the application or notice.

Having applied these tests, I consider that mandatory public notification is not required as:

- The designation and the proposed activity will not have, or is not likely to have, adverse effects on the environment that are more than minor. The assessment undertaken to reach this view is set out below;
- The Council has not requested that the NoR be publicly notified;
- There is no rule or NES requiring public notification of the NoR;

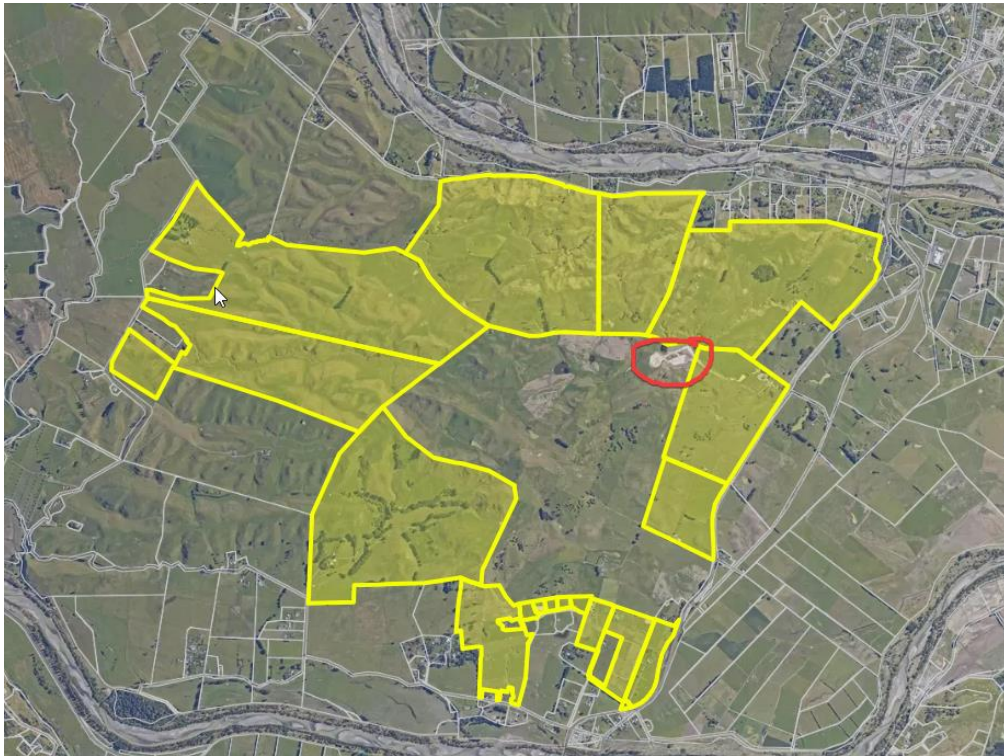
I do not consider there are any special circumstances that exist in this case to warrant public notification as per s149ZCB(4).

4.2 Assessment of Effects for public notification

Pursuant to s149ZCB(2)(a) the NoR is assessed in accordance with s149ZCE, and I note:

- I have disregarded effects on the owners and occupiers of the property and the adjacent land. These properties are identified in the plan below;

Figure 2: Neighbouring properties, area of works shown in red circle.



As no subdivision has been completed for the site (which will be taken under the Public Works Act), the subject site is the large rural parent lot. The map above shows the location of the tanks and access road in the red circle.

The neighbouring properties are:

- 2/30 Lindsay Road (Part Lot 2 DP 354882)
- 28B Lindsay Road (Lot 1 DP 354882)
- 3/30 Lindsay Road (Lot 4 DP 26719)
- Lots 1 – 5 DP 566498
- Lot 11 DP 566498
- 298 Lindsay Road (Lot 1 DP 8929)
- Part Section 59 SO 8542
- Lot 3 DP 412846
- 259 Ongaonga Road (Section 55 Block X Waipukurau SD)
- Section 67 SO 8379
- Part Section 64 Block XI Waipukurau SD
- 1770 State Highway 2 (Section 56 Block XV Waipukurau SD) – this is the property the right of way access is through

- 1920 State Highway 2 (Lot 1 DO 443080)

The applicant has not made an assessment of the permitted baseline.

The following activities are permitted under the Operative District Plan in the Rural Zone:

- S10.4.1 Permitted Activities
 - (f) Buildings used for utility activities provided that the building(s) do not exceed the following:
 - ii. 50m² in gross floor area and 5.0m height in the Rural or Business Zone.
 - (h) Reservoirs, wells and supply intakes for the reticulation or provision of public water supply.
- S4.9 Rural Zone Performance Standards:

The relevant performance standards are set out below:

- 4.9.1 Building Coverage: The net area of any site covered by buildings and impervious surfaces shall not exceed 700m² or 7% of the site area, whichever is greater.
- 4.9.2: Height of buildings: 10m
- 4.9.3 Recession Lines: No part of a building shall exceed a height of 2m plus the shortest horizontal distance between that part of the building and the nearest site boundary.
- 4.9.4 Setback from Roads: Minimum setback for any building for any other activity (including stockyards, and stock loading ramp/race) from road boundaries shall be 20m.

The construction of the two reservoirs and the chlorine dosing shed would likely be permitted under the Operative District Plan.

The following activities are permitted under the DVPDP (noting that in my view the reservoirs and chlorine dosing shed would likely be considered part of a 'network utility'):

- NU-R4: Construction of new network utilities, and upgrading of existing network utilities (that are not regulated by an NES), not already provided for in NU-R3, provided the following activity conditions are met:
 - NU-S1(9): Above ground buildings and structures must not exceed a ground floor area limit of:
 - b. 50m² (where located outside road reserve)
 - NU-S2(3): Any part of an above ground building or structure (located outside road reserve) must be set back from the site boundary (excluding road boundaries) by a minimum of 5m.
 - NU-S3(6): Above ground buildings (where located outside road reserve and the rail corridor) must not exceed a height of 5m.

- NU-S4 (1): Above ground buildings or structures (except those located within the road reserve) must not exceed a height of 2m plus the shortest horizontal distance between that part of the building or structure and the nearest site boundary (but excluding a road boundary).
- NU-S5(1): Activities on sites greater than 200m² in area must comply with the relevant provisions of the TRAN – Transport Chapter for access, parking and loading.
- NU-S6(1): Outdoor storage areas and permanently formed parking areas (where required under Standard NU-S5) must be screened by:
 - a) Landscaping to a depth of 1m with a minimum average height of 1m at the time of planting and being capable of reaching a height of 1.8m; or
 - b) Fencing to a maximum height of 1.8m; or
 - c) A combination of both landscaping or fencing under clauses a. and b. above.
- And the activity is not within the National Grid Yard.
- GRUZ Standards that apply:
 - GRUZ-S2(1) Height of Buildings: 10m
 - GRUZ-S3(1) HIRB: No part of a building must exceed a height of 2 metres plus the shortest horizontal distance between that part of the building and the nearest site boundary.
 - GRUZ-S4(7) Minimum setback from roads and rail: 20m
 - GRUZ-S5(2) Minimum setback from neighbours: 15m
- The permitted baseline would provide for the reservoirs and chlorine dosing shed as a Network Utility provided they were not more than 50m² gross floor area, not more than 5m in height and setback more than 5m from the boundaries of the site. This is an appropriate permitted baseline to apply, as similarly, large farm sheds that support the productive use on the site could be built up to 10m in height with no limit on gross floor area. Therefore, only the effects of the reservoirs that exceed the above limits are relevant for assessment.
- As the NoR is assessed in accordance with s168A RMA, it is not a controlled or restricted discretionary activity, and I have not disregarded effects on that basis.
- Trade competition is not relevant to the NoR;
- No written approvals have been received and I have not disregarded any effects on that basis.

The Council provided an assessment of effects in section 5 of the NoR. I concur with the matters of assessment undertaken by the Council and make the following comments:

Effects on visual character and amenity values of the area:

The Council states in the NoR (section 5.2):

The reservoirs will be constructed on a platform nestled into the surrounding rolling hills and open pasture. With the reservoir platform constructed at a height of 217m above mean high sea level, and the height of the hill behind the reservoirs being approximately 232m in height, a backdrop of land of between 4.0 to 5.0m will be maintained:

The Council then proceeds to consider that as only glimpses of the site will be visible from surrounding public areas, being the State Highway and cycle path and from properties further afield, the *“hills, their slopes and open paddocks will continue to dominate the landscape”*.

I agree with the Council that the reservoirs will not be highly visible from public places due to the topography of the surrounding landform. However, as part of the s92 request for further information, a Landscape Visual Assessment by a qualified expert was requested, as the Council in their AEE stated that no landscaping was necessary to mitigate the visual effect.

In the response to this s92 request (Waipukurau Second Water Supply Central Reservoirs, Landscape and Visual Assessment (LVA), dated 27 September 2023, author WSP), the landscape specialist, Mr S Steyn, describes the surrounding area as follows:

“The land use in and around the site is predominantly pastoral with a small number of woodlots scattered throughout the area. There are no dwellings within a 1 km radius to the north, south and west. The closest dwelling is approximately 1.1km to the east on Limpus Road. Overall, the landscape exhibits a positive landscape character typical of the Central Hawke’s Bay working rural landscape and not one of significance. The site itself is relatively isolated being within a large area of rolling hills and pastoral farmland.”

I concur with this assessment. The LVA goes on to determine that the viewing audience of the subject site will be:

- Occupiers and owners along Limpus Road.
- Users of State Highway 2 and Limpus Road.
- Occupiers of rural properties within the wider rural environment who might see these tanks in their wider rural view.

The author of the LVA has undertaken an assessment using a seven-point scale of effects in accordance with the Te Tani a te Manu Guidelines. Overall, the author considers that the effects of the project on the rural landscape character is “very low” and the effects on views and visual amenity to be “very low” or “negligible”.

Given the rolling topography of the landform, the location setback from the state highway and the fact that the only public space in the immediate area is the state highway, I agree with the assessment provided by the landscape specialist. Further, no lighting is proposed other than any temporary lighting for crews who may need to be on site. Generally, the tanks will not be visible after dark.

The Council has proposed a landscape plan be prepared and submitted to Council as a condition of the Designation. This will ensure that as the site is developed, landscaping can be used to further mitigate the visual effects of the reservoir tanks.

The reservoir tanks will not be visually dissimilar in scale to large farm sheds that are common in the area and when viewed from a distance, will not stand out or be incongruous with the surrounding rural environment. Further, the Landscape Visual Assessment confirms that the reservoirs and chlorine dosing shed will be painted with a low reflective dark green surface coat. This will allow for these structures to further blend in with the surrounding rural environment and will minimise the visual effects. There are no areas of significant natural features or high amenity value in the immediate area and, overall, the effects on the rural character will be minor.

Effects on traffic and state highway network:

The proposal is accessed directly from State Highway 2, through the property at 1770 State Highway 2. This is an established trucking business, with room for storage, parking and maintenance of the company's fleet of trucks on site. A Right of Way has been built through this property onto the subject site and this has been completed at the time of this report.

The Council stated in the Notice of Requirement (s5.3):

"A heightened level of vehicle movements, including heavy vehicles is expected during the construction of the reservoirs. Sightlines in excess of 260m north and south of the existing vehicle crossing so vehicles entering and exiting the site can see oncoming traffic and other road users can see and adjust their driving to accommodate turning and exiting vehicles. Temporary traffic management will be in place to assist in warning road users of the increase in movements to and from the site."

Further information was provided as part of the s92 response, the expected traffic on site once the construction of each reservoir is complete is likely to be:

- *Regular visits by operators – passenger vehicle – two visits each week.*
- *Periodic truck maintenance – grader – one week every five to ten years.*
- *Periodic reservoir maintenance – groups of passenger vehicles and small truck – four weeks every ten years*

No specified car parking is proposed, given the above information it is not considered necessary as the visits to the site will be minimal.

Apart from the temporary effects on the highway from construction traffic, which are considered to be minor, the proposal is not expected to result in any noticeable effects on the road and traffic network.

Earthworks and Natural Hazards:

No further significant earthworks are proposed, as the access way and building platform has been established. All building works can take place on the subject site and only small scale earthworks such as foundation excavation will be required. An erosion and sediment control plan is proposed with the Construction Management Plan at Outline Plan stage.

The Council has identified a fault line that runs near the site on the western boundary, however the reservoirs will not be located within the fault avoidance zone. There are no other natural hazards that are present on site that could result in a hazard to the site or the wider area.

Cultural Effects

The Council has been unable to secure a Cultural Impact Assessment. Throughout the preparation of the NoR, the Council has sought feedback from the Heretaunga Tamatea Settlement Trust and relevant iwi and hapū. No response has been provided despite repeated attempts.

The Council has provided some comments on the possible cultural effects, albeit noting that neither the author of the NoR, nor myself, are experts in this field.

As there are no known or identified sites of significance in the immediate area, and the NoR is for the defined area that has been physically created by the past earthworks, I am satisfied that there is no proper basis to conclude there will be, or would be likely to be, adverse cultural effects that are more than minor. The proposal does involve the storage of water, however, the taking of the water and transfer to the reservoirs does not form part of this NoR. Further engagement with mana whenua will likely be required separately, as part of those applications.

Summary of Environmental Effects

Overall, the adverse effects from the proposed reservoir tanks will be less than minor on the wider environment, with visual effects mitigated with conditions of a landscape plan and the proposed colour scheme for the reservoirs and chlorine dosing shed to be clad and painted in recessive colours.

Further, the Council does not wish to apply for an Outline Plan waiver, therefore, all construction effects can be managed when an Outline Plan is applied for prior to construction.

While there is a general discretion to publicly notify a NoR under s149ZCB(1), I am satisfied that there is no additional reason to warrant publicly notifying the NoR.

4.3 Limited notification assessment

Section 149ZCC provides as follows (with the changes required by s 168A(1A)(b) and with reference to the 'Council' when referring to the territorial authority as requiring authority, for clarity):

- (1) If the [territorial authority] decides not to require [public notification of a NoR], the [territorial authority] must, in relation to the activity,—
 - (a) decide if there is any affected person (under section 149ZCF); and
 - (b) identify any affected protected customary rights group or affected customary marine title group.
- (2) The [territorial authority] must give limited notification of the [NoR] to any affected person unless a rule or national environmental standard precludes limited notification of the application or notice.
- (3) The [territorial authority] must give limited notification of the [NoR] to an affected protected customary rights group or affected customary marine title group even if a rule or national environmental standard precludes public or limited notification of the application or notice.
- (4) In subsections (1) and (3), the requirements relating to an affected customary marine title group apply only in the case of applications for accommodated activities.

I consider these tests as follows.

4.4 Assessment of affected persons

At the outset, I note that there is no rule or NES precluding limited notification of the NoR.

An affected persons determination is required pursuant to s149ZCF of the RMA which requires that the territorial authority “*must decide that a person is an affected person, in relation to a [NoR], if the adverse effects of the activity on the person are minor or more than minor (but are not less than minor)*”.

In making its decision, the territorial authority:

- May disregard the adverse effects of an activity if the Plan permits an activity with the same effects. This is commonly referred to as the permitted baseline. It is appropriate to have regard to the permitted baseline and it has been considered in section 4.2 of this report. In short, network utilities are provided for in the General Rural Zone of the DVPDP as permitted activities subject to meeting performance standards. While the maximum height for permitted network utilities is 5m, the maximum height of buildings is 10m, which is the proposed height of the reservoir tanks. It would not be unexpected for large farm sheds to be built that could be similar in size to the proposed reservoir tanks. As no subdivision has taken place, the tanks are set well within the subject site, and all yard and Height in Relation to Boundary performance standards are met. Therefore, I consider that any adverse effects from bulk and location can be disregarded in this assessment.
- Must disregard an adverse effect of a controlled activity or a restricted discretionary activity if that effect is not controlled or restricted. As noted above under the public notification assessment, this is not relevant for a NoR.
- Must have regard to every relevant statutory acknowledgement made in accordance with an Act in Schedule 11. The site is included in the Tukituki River and Tributaries Statutory Acknowledgement area of the Heretaunga Tamatea Hapū. This is a large area that encompasses the Tukituki River and surrounds. The area is significant to the Heretaunga Tamatea Hapū as it was “used extensively for mahinga kai, and for transporting people and goods” (HBRC Statutory Acknowledgements, dated 2 February 2022, pg 81).
- While the proposal involves the storage of water, this NoR is not for the take of water or transport of water across land. The site is near the crest of a hill and there are no known tributaries to the Tukituki in the immediate vicinity. I am satisfied that there is no requirement to engage with the Heretaunga Tamatea Hapū any further.
- Must decide a person is not an affected person if the person has given written approval to the NoR. No written approvals have been provided.

The actual and potential effects of the proposal on adjacent landowners and occupiers is as follows:

Properties to the south and west of the lot being:

- 2/30 Lindsay Road (Part Lot 2 DP 354882)
- 28B Lindsay Road (Lot 1 DP 354882)
- 3/30 Lindsay Road (Lot 4 DP 26719)
- Lots 1 – 5 DP 566498

- Lot 11 DP 566498
- 298 Lindsay Road (Lot 1 DP 8929)
- Part Section 59 SO 8542
- Lot 3 DP 412846

The nearest boundaries of the above properties are a minimum of 1.4km from the site of the reservoirs. These Lots are all accessed from Lindsay Road and are a mix of rural lifestyle properties and larger rural land holdings. The land between the building platform for the proposed reservoirs and these subject properties is undulating and it is unlikely that the reservoirs will be visible from these properties. All traffic for the construction and management of the reservoirs enters and exits from the East, off State Highway 2 and there will be no impact on these properties. Overall, the effects on these properties are considered to be less than minor.

Properties to the north:

- Section 55 Block X Waipukurau SD
- Section 67 SO 8379
- Part Section 64 Block XI Waipukurau SD

These properties share the same owners. They form the northern boundary of the subject site and are closest to the activity on the site, with the building platform located approximately 90m to the south. These properties are generally undeveloped apart from a house and farm buildings to the north-east. The topography is undulating all through these properties. It is likely that the reservoirs will be visible from some points to the north on these properties. As the reservoirs will be similar in size and shape to large rural farm sheds, and are set back a suitable distance from the boundary, and will be painted in a recessive green colour, I do not consider there to be any adverse effects on the rural character and amenity experienced by these properties. Further, all vehicle access into and out of the site will be via an existing vehicle crossing that is located some 1.8km from the nearest entrance into these properties. Overall, the proposal will have less than minor effects on these properties.

- 1770 State Highway 2 (Section 56 Block XV Waipukurau SD)

This property is immediately to the east of the building platform and accommodates the right of way access through the property to the building site. The Council has provided as part of this NoR a Right of Way agreement over this property for the proposal, including the right to occupy part of the property for the right of way, the temporary occupation for the construction of the access track (now complete) and compensation details, along with the installation of an extraordinary water connection at the owner's request.

While this does not constitute the written approval of this property for the proposal, it does indicate that this landowner is aware of the project and the proposal. Further, the construction work within their property has now been completed.

This property is accommodated with a dwelling and the sheds and parking areas for the property owner's business, Twist Trucking. This is an established trucking business that operates from the site, with parking, manoeuvring and maintenance activities operating from the site. The proposed reservoir tanks will be visible from this property, with the building

platform located approximately 900m to the west of the dwelling. It is considered that as the trucking depot is operating between the dwelling and the reservoirs, the rural character and amenity is already diminished. The reservoirs are no larger than rural farm sheds that could be established on this lot. Further, the proposed colour scheme will minimise the visual effects of the reservoirs on the surrounding landscape.

The effects of construction traffic will be noticeable, however, tempered with the existing trucking activities on site and the temporary nature of the construction activities, the effects are considered to be less than minor.

Overall, the proposal is considered to have less than minor effects on the neighbour to the east.

- 1920 State Highway 2 (Lot 1 DP 443080)

This property is located to the south-east of the building platform. It is owned by the same owners as the subject site and used in conjunction with the farming activities on site. The site has some farm sheds along the southern boundary, but is otherwise undeveloped. Given the distance to the building platform and the relationship of the property with the subject site, the effects on this property are considered to be less than minor.

- 1962 State Highway 2 (Lot 1 DP 4558077)

This property is located on the south eastern corner of the subject site. It is a small rural lifestyle lot, accommodated with a dwelling and vehicle access from State Highway 2. It is located more than 1.8km from the building platform. Given the distance between the site and the undulating nature of the topography, it is unlikely that the building platform will be visible from this site. The vehicle access is well separated from the proposed right of way into the site. Overall, the proposal is considered to have less than minor effects on this property.

It is considered that no persons will be adversely affected by the installation of the proposed reservoirs.

4.5 Assessment of affected customary rights groups

Limited notification is required if the consent authority believes any group with protected customary rights or customary marine titles is affected. Section 149ZCC(4) provides that requirements in relation to customary marine title groups apply only in the case of applications for accommodated activities. The NoR is not an application for an accommodated activity so I have not considered this further.

A “protected customary right” is defined in s 2 RMA with reference to s 9(1) of the Marine and Coastal Area (Takutai Moana) Act 2011, and means:

... an activity, use, or practice—

- (a) established by an applicant group in accordance with subpart 2 of Part 3; and
- (b) recognised by—
 - (i) a protected customary rights order; or
 - (ii) an agreement

I therefore consider there are no affected protected customary rights groups or affected customary marine title groups, and limited notification is not required to any such group.

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**.

4.6 Conclusion on Notification

It is recommended that pursuant to Section 168A(1A) of the RMA, the Notice of Requirement proceed on a **non-notified** basis for the reasons given above.

Recommendation prepared by:



Alison Francis
Consultant Planner

Date: 1 March 2024

5.0 DECISION

That under Section 168A(1A) of the RMA 1991, the Notice of Requirement for Water Storage, made by Central Hawke's Bay District Council (the Requiring Authority) at 1920 State Highway 2, Waipukurau (RT: Lot 2 DP 455077), is to proceed on a **non-notified** basis.

Notification Decision made under delegated authority by:



Doug Tate
Central Hawke's Bay Chief Executive

Date: 02 April 2024

CENTRAL HAWKE'S BAY DISTRICT COUNCIL

RECOMMENDATION REPORT PURSUANT TO S168A OF THE RESOURCE MANAGEMENT ACT 1991

2 April 2024

RC Number: RM230061

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Requiring Authority: Central Hawke's Bay District Council

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5.0 PREAMBLE

Central Hawke's Bay District Council (the Council) has given notice of its requirement to designate land at the subject site, being 1920 State Highway 2, Waipukurau (Lot 2 DP 455077) (the property) for water storage purposes (NoR).

The nature of the proposed works is fully described in Section 4 of the submitted Assessment of Environmental Effects (AEE) dated 15 September 2023. I accept the description of the proposal and note the key points being:

- The Council have purchased a piece of land at the subject site in order to designate the land for water storage purposes. This will involve:
 - The construction of two 3,000m³ (approx.) water reservoirs, each circular and approximately 29m in diameter and 10m in height.
 - A dosing shed (2m x 3m), 3m in height.
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 - All earthworks to construct the platform and access are complete.
 - This proposal does not include any designation for the pipes that feed and discharge from the water storage reservoirs.

The NoR application includes:

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There is no request for an Outline Plan Waiver as part of this Notice of Requirement. All proposed works will be subject to an Outline Plan when required.

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- Review of reasons for consent required under the HBRC RRMP.
- Further information on the cultural values assessment and consultation with iwi.
- Technical clarification on the section of the RMA 1991 that was relevant.
- Updated assessment against what was at the time, the Proposed District Plan.

This information was received on 12 October 2023 and was considered sufficient to allow for the further processing of this NoR.

The decision to process this NoR on a non-notified basis was made on 2 April 2024.

5.1 SECTION 168A(3) – EFFECTS ON THE ENVIRONMENT

Section 168A(3)(a) RMA provides that when considering the NoR, a territorial authority must, subject to Part 2, consider the effects on the environment of allowing the requirement.

The effects on the environment were considered in part 4.2 of the Notification Recommendation and are summarised as:

- The effects on the visual character and amenity values of the area will be minor. While the reservoirs will be visible from some properties and some parts of State

Highway 2, the overall effect will be minor. The reservoirs will have a similar visual effect to that of large rural farm sheds and will be painted in a recessive green colour to further minimise the impact. The applicant has proposed that a landscape plan be provided at the time of an Outline Plan of Works, this will help to screen the reservoirs and provide visual consistency with the existing pattern of small stands of vegetation and woodlots.

- The effects on the transport network are considered to be minor. The traffic effects at the time of construction will be noticeable, however, they will be temporary and the Council will provide a traffic management plan at the time of an Outline Plan of Works. All other traffic to and from the site will be minimal and will have a negligible impact on the transport network and safety of the State Highway.
- The effects from any further earthworks will be less than minor. As the access and building platform have been created, any future earthworks will be specified at the time of an Outline Plan of Works and will be managed by an erosion and sediment control plan as part of the Construction Management Plan.
- As the site is free of sites of significance or wahi tapu sites, and located a considerable distance from nearby awa, it is considered that there are no adverse cultural effects.
- The Council states that:

“The proposed Notice of Requirement is a critical part of the Second Water Supply Project, which significantly improves the resilience and sustainability of the water supply for Waipukurau and Waipawa. The infrastructure improves the security of a water supply to the townships. Accordingly, the establishment of the reservoirs is vital to the successful delivery of the water supply to the community.”

I agree with the Council.

Overall, the effects on the environment are considered to be less than minor and mitigated by proposed conditions.

5.2 SECTION 168A(3)(A) – OTHER RELEVANT PROVISIONS

The assessment of effects must be undertaken having particular regard to any relevant provisions of –

- (i) a national policy statement;*
- (ii) a New Zealand coastal policy statement;*
- (iii) a regional policy statement or proposed regional policy statement; and*
- (iv) a plan or proposed plan.*

The objectives and policies of the National Policy Statement for Highly Productive Land, the Hawke’s Bay Regional Policy Statement, the Central Hawke’s Bay Operative District Plan and the Decisions Version of the Proposed District Plan (DVPDP), are relevant to this application. These are addressed below.

Note, the Council has confirmed the National Policy Statement – Freshwater Management does not apply, this information has been supplied in the response to the s92 issued and I concur with that statement.

5.3 NATIONAL POLICY STATEMENT FOR HIGHLY PRODUCTIVE LAND 2022

The National Policy Statement for Highly Productive Land (NPS-HPL) was made operative on 17 October 2022. The Objective of this Policy Statement is:

Highly productive land is protected for use in land-based primary production, both now and for future generations.

“Highly productive land” is defined in the NPS-HPL as land mapped as such by the Regional Council or, if the mapping has not been undertaken, then the transitional definition in cl 3.5(7) applies. The transitional definition provides that land is treated as ‘highly productive land’ if it is zoned General Rural or Rural Production and is land use capability classification LUC 1, 2 or 3 land, but it is not identified for future urban development, or is subject to a Council-initiated or an adopted notified plan change to rezone it from general rural or rural production to urban or rural lifestyle.

The property is zoned General Rural Zone, and part of the property to the north of the proposed designation land is LUC 3. However, the LUC 3 land does not cover the area of land used for the access and proposed designation (see Figures 3 and 4 below), and the proposed designation does not involve subdivision of the property on which the LUC 3 land is located.

Figure 3: Site with LUC3 in green (the area of the established building platform is just to the south of the stand of trees, in the red circle):

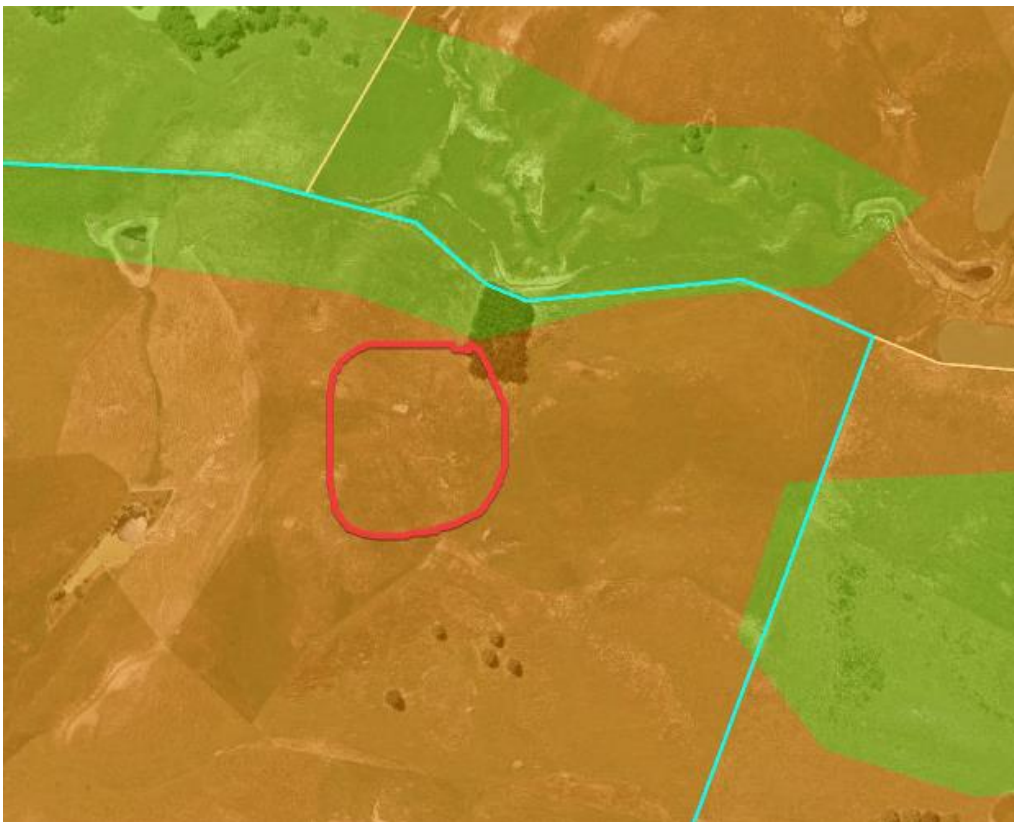


Figure 4: Site plan provided by Council (building platform shown in the red circle to correspond with map in Figure 3):



I am satisfied that the area of the access and the building platform sits outside of the adjacent LUC 3 land and no activities specified by the NoR will take place on the LUC 3 land. Therefore, the NoR does not affect highly productive land and the NPS-HPL does not apply.

However, even if the site was highly productive land, clause 3.9(2) specifies that: “A use or development of highly productive land is inappropriate except where at least one of the following applies to the use or development, and the measures in subclause (3) are applied:

(2) A use or development of highly productive land is inappropriate except where at least one of the following applies to the use or development, and the measures in subclause (3) are applied:

...

(h) it is for an activity by a requiring authority in relation to a designation or notice of requirement under the Act:

...

Clause 3.9(3) specifies that:

(3) Territorial authorities must take measures to ensure that any use or development on highly productive land:

(a) minimises or mitigates any actual loss or potential cumulative loss of the availability and productive capacity of highly productive land in their district; and

(b) avoids if possible, or otherwise mitigates, any actual or potential reverse sensitivity effects on land-based primary production activities from the use or development.

As the proposed use of land relates to a notice of requirement, I consider that it is exempt under clause 3.9(2). It will also achieve clause 3.9(3) as it will not result in the loss of any highly productive LUC 3 land or establish a sensitive activity that could cause any actual or potential reverse sensitivity effects on land-based primary production activities.

Therefore, the NoR does not affect highly productive land and the NPS-HPL does not apply.

5.4 HAWKE'S BAY REGIONAL POLICY STATEMENT

The Hawke's Bay Regional Policy Statement (RPS) is contained within the Hawke's Bay Regional Resource Management Plan (RMMP).

The Council has had regard to the RPS and RMMP in sections 6.4 and 6.5 of the NoR and further in the s92 response letter. I concur with the Council that the following Objectives and Policies are relevant:

OBJ1: *To achieve the integrated sustainable management of the natural and physical resources of the Hawke's Bay region, while recognising the importance of resource use activity in Hawke's Bay, and its contribution to the development and prosperity of the region.*

OBJ32: *The ongoing operation, maintenance and development of physical infrastructure that supports the economic, social and/or cultural wellbeing of the regions people and communities and provides for their health and safety.*

OBJ33: *Recognition that some infrastructure which is regionally significant has specific locational requirements.*

OBJUD5: *Ensure through long-term planning for land use change through the Region, that the rate and location of development is integrated with the provision of strategic and other infrastructure, the provision of services, and associated funding mechanisms.*

UD13: *Within the region, territorial authorities shall ensure development is appropriately and efficiently serviced for the collection, treatment, disposal or re-use of sewage and stormwater, and the provision of potable water by:*

- a) *Avoiding development which will not be serviced in a timely manner to avoid or mitigate adverse effects on the environment and human health; and*
- b) *Requiring these services to be designed, built, managed or upgraded to maximise their ongoing effectiveness.*

OBJ16: *For future activities, the avoidance or mitigation of off site impacts or nuisance effects arising from the location of conflicting land use activities.*

The Council has stated in the NoR that the proposal is consistent with the above objectives and policies as:

- The reticulated water supply network (and the specific infrastructure that makes it up) provides an essential service and has a very important contribution to the development prosperity of the Hawke's Bay Region;

- The proposed designation assists in providing critical infrastructure that is regionally significant.

I concur with that assessment.

I also consider that the proposal is consistent with OBJ33, as the location of the proposed designation has been chosen after consideration of various alternatives to ensure the most efficient network can be provided.

The NoR does not cover any water take or water transportation to the designated reservoirs. Those matters will be managed through a separate consenting process with the Hawke's Bay Regional Council.

Overall, I consider that the proposal is consistent with the RPS and RRMP.

5.5 CENTRAL HAWKE'S BAY OPERATIVE DISTRICT PLAN

As the Operative District Plan remains in force, an assessment against the relevant Operative District Plan Objectives and Policies is required. The Council has provided this assessment in section 6.6 of the NoR and correctly states that the reservoir tanks could be constructed as a permitted activity pursuant to Rule 10.4.1(h).

I concur with the Council's assessment and adopt it for the purposes of this report.

5.6 DECISIONS VERSION CENTRAL HAWKE'S PROPOSED DISTRICT PLAN

The Council has assessed the application against the NU – Network Utilities chapter of the Decisions Version Proposed District Plan. I have also provided further assessment against the relevant Objectives and Policies of the GRUZ and TRAN chapters.

I consider that the following Objectives and Policies are relevant:

GRUZ-O1: *The General Rural Zone is predominantly used for primary production activities (including intensive primary production) and ancillary activities.*

GRUZ-O2: *The predominant character of the General Rural Zone is maintained, which includes:*

1. *Overall low-density built form, with open spaces and few structures;*
2. *A predominance of primary production activities and associated buildings, such as barns and sheds, post-harvest facilities, seasonal workers accommodation, and artificial crop protection structures and crop support structures, which may vary across the district and seasonally;*
3. *The sounds, smells, and traffic associated with primary production activities and established rural industries, anticipated from a working rural environment;*
4. *Existing rural communities and community activities, such as rural halls, reserves and educational facilities;*

5. *A landscape within which the natural environment (including farming and forest landscapes) predominates over the built one; and*
6. *An environmental contrast and clear distinction between town and country (including a general lack of urban infrastructure, such as street lighting, solid fences and footpaths).*

GRUZ-O3: *Activities are managed to ensure rural character and amenity and, where applicable, the natural character and amenity values present within the coastal environment are maintained.*

GRUZ-O4: *The primary productive purpose and predominant character of the General Rural Zone are not compromised by the establishment or potentially incompatible activities.*

GRUZ-P1: *To enable primary production (including intensive primary production) and ancillary activities, recognising the primary productive purpose and predominant character and amenity of the General Rural Zone.*

GRUZ-P2: *To provide for non-primary production related activities that have a functional or operational need for a rural location, and/or that support the function and wellbeing of rural communities and/or the enjoyment of the rural environment, and contribute to the vitality and resilience of the District's economy, and where they are managed to ensure that:*

1. *Their scale, intensity and built form are in keeping with the rural character of the General Rural Zone;*
2. *They maintain a level of amenity in keeping with the rural character of the General Rural Zone;*
3. *They minimise reverse sensitivity effects on activities otherwise anticipated within the General Rural Zone; and*
4. *Adverse effects are avoided, remedied or mitigated.*

GRUZ-P4: *To manage the bulk, scale and location of buildings to maintain the character and amenity of the rural area and, where applicable, to protect the natural character and amenity of the coastal environment.*

GRUZ-P7: *To ensure incompatible activities do not locate in the General Rural Zone where the activity:*

1. *Undermines the primary productive purpose and predominant character of the General Rural Zone;*
2. *Constrains the establishment and use of land for primary production;*
3. *Result in a reverse sensitivity and/or lead to land use conflict; and/or*
4. *Does not have a functional or operational need for a rural location.*

I consider that the proposal is appropriate for the GRUZ zone as while it is not a primary production activity, it is consistent with policy GRUZ-P2 as it is an activity that supports the

function and wellbeing of communities and will contribute to the vitality and resilience of the District's economy. The built form of the reservoirs will be restricted to a similar size and shape of large rural sheds and will be consistent with the surrounding rural character. Overall, the proposal is not inconsistent with the above objectives and policies.

NU-O1: *Recognise and provide for safe, efficient and resilient network utilities throughout the District that provide essential and secure services and connections, including in emergencies, enabling them to integrate with urban development, contribute to the economy and provide for the health, safety and wellbeing of people and communities.*

NU-O2: *The adverse effects of network utilities on the environment are avoided, remedied or mitigated, while recognising the functional and operational needs of network utilities (including those associated with their scale, design and locational requirements).*

NU-P1: *Recognise the national, regional and local importance and benefits of network utilities, including as lifeline utilities during an emergency, by:*

1. *Enabling the operation, maintenance, repair, minor upgrade or removal of network utilities throughout the District;*
2. *Providing for upgrades to, and the development of new, network utilities;*
3. *Providing flexibility for network utilities to adopt new technologies that improve access to and efficient use of networks and services, allow for re-use of redundant services or structures, increase resilience, safety or reliability, or result in environmental benefits and enhancements; and*
4. *Recognising the functional and operational needs of network utilities.*

NU-P4: *Manage the effects of network utilities on the environment by:*

1. *Avoiding, remedying or mitigating adverse effects on:*
 - a) *Natural and physical resources;*
 - b) *Amenity values, including from shading, visual dominance, noise, vibration, light spill, traffic and access, dust nuisance;*
 - c) *The safe and efficient operation of other network utilities, including effects on electricity distribution and transmission networks and the National Grid, gas transmission pipelines, road and rail networks, and infrastructural service networks;*
 - d) *The health, well-being and safety of people and communities, including from exposure to radio-frequency fields and electric and magnetic fields, and by posing a significant risk or exacerbating an existing risk of natural hazards;*

The Council has assessed that the proposal is consistent with the above Objectives and Policies as:

- The proposal will improve the safe, effective, efficient and resilience of the reticulated water supply network for the communities of Waipawa and Waipukurau.

- The reservoirs will support the supply of water capable of meeting the communities needs and providing volume and flow of water capable for firefighting purposes.
- The visual appearance, being set within the side of the hills surrounding it, will not dominate the rural environment.

I concur with the Council's assessment of the relevant objectives and policies of the NU – Network Utilities chapter of the DV-PDP.

TRAN-O1: *The transport network is sustainable, safe, resilient, efficient and effective in moving people and goods within and beyond the District.*

TRAN-O2: *Activities generate a type or level of traffic that is appropriately accommodated within the local transport network.*

TRAN-P1: *To manage the number, location and type of parking, access, and loading facilities to support the functional and operational requirements of activities, while maintaining the safe, efficient, and effective operation of the transport network and the amenity of the streetscape.*

TRAN-P3: *To manage subdivision and development to ensure the safety and efficiency of the transport network is not inappropriately compromised.*

The access into the site is complete, this has been established and constructed. The site proposed for the reservoirs is large enough to allow for on site manoeuvring and parking for construction vehicles and to provide for vehicles that access the site once the reservoir is installed.

The traffic associated with the reservoir activity post construction is low and will easily be accommodated by the existing road network, as the access is onto a State Highway.

I consider the proposal is consistent with the TRAN objectives and policies.

Overall, I am satisfied that the proposal is consistent with the above Objectives and Policies of the DV-PDP.

5.7 SECTION 168A(3)(B) - ALTERNATIVE SITES, ROUTES, OR METHODS

Under Section 168A(3)(b) the Council must consider whether adequate consideration has been given to alternative sites, routes or methods if the requiring authority does not have an interest in the land sufficient for undertaking the work, or the work will have a significant adverse effect on the environment.

While the Council does not yet own the land that the reservoirs will be located on, there is a Sale and Purchase Agreement. By the time work is commenced, I would expect the Council to have ownership.

As noted above, the work will not have significant adverse effects on the environment.

I have nevertheless considered alternatives. The Council has provided information on the options assessment undertaken. Six options were assessed, along with a range of routes and locations. The Council provided the following comments as to why the proposed site was chosen:

“The reservoir elevation is effectively dictated by hydraulic considerations, needing to be high enough to provide the required operating pressure in the water network, and not so high as to require extra pumping effort and operating cost. There were a limited number of sites at the right elevation along the pipeline route and each of those was assessed considering access, constructability and geotechnical risks before the current site was selected.”

I am satisfied that that Council as the Requiring Authority has appropriately assessed alternative sites, routes and methods.

5.8 SECTION 168A(3)(C) - NEED FOR THE PROPOSED WORK

Section 168A(3)(c) requires consideration of whether the work and designation are reasonably necessary for achieving the objectives of the requiring authority for which the designation is sought.

The Requiring Authority has provided this information by way of the *Options report (Waipukurau Second Water Supply – Option 4 Waipawa Link*, author WSP, dated 9 February 2021).

While the above document does not provide the overarching purpose for the NoR, it does provide the following objectives with regards to the proposed reservoir:

- More robust infrastructure with lower risk of damage
- Improved network redundancy to reduce reliance on any one component.
- Increase time available to respond to a component failure.
- Consistent compliance with DWSNZ (Drinking Water Standards NZ)
- Consistent water supply provided at the right quantity and pressure.
- Sufficient water available for sustainable growth.
- Infrastructure that delivers water to area of desired growth.

The central reservoir applied for in this NoR is one of a suite of tools that the Council will use to meet the above objectives. The area identified had to deliver on:

- Sufficient height to provide a viable hydraulic design.
- Located at the highest point on the linking pipelines so the pipelines are under positive pressure over their entire length.
- A feasible site from a geotechnical and earthworks perspective.
- Adequate access can be provided for all-weather operations.

The Council also provided an assessment of the proposal against the objectives of the Requiring Authority, stating in their s92 response:

“The reservoir and associated piped network forms part of the wider resilience project to deliver a more secure and reliable drinking water network for the community of Central Hawke’s Bay. The project will assist in reducing the risks to the network and will allow for an integrated network as described above. This proposal is reasonable and a necessary component of Council’s plan to deliver a sustainable water supply to their community and there is consistent with regulation 168A(3)(c) of the RMA.”

The Council has designations over other water supply locations and this proposal is consistent with how the Council manages their water supply assets.

I am satisfied that the work, being the reservoirs, and the designation as a planning mechanism, are reasonably necessary to achieve the Council's objectives as set out above.

5.9 SECTION 168(A)(3)(D) – ANY OTHER MATTERS

Section 168(A)(3)(d) allows the territorial authority to consider any other matters reasonably necessary in order to make a decision on the requirement. I consider the following to be relevant to the overall assessment:

- The final design of the reservoirs, construction management and landscaping will be managed by way of an Outline Plan of Works application, ensuring that the Council has the opportunity to provide further comments prior to construction;
- A landscape plan will be provided prior to construction, with the resulting planting mitigating any potential adverse visual effects of the reservoirs on the surrounding environment;
- The Council as the Requiring Authority will also be the landowner, further protecting the use of the land for reservoir purposes.

6.0 PART 2 RESOURCE MANAGEMENT ACT 1991

The purpose of the RMA 1991 is to promote the sustainable management of natural and physical resources. In summary, enabling people and communities to provide for their well-being, while avoiding, remedying, or mitigating any adverse effect of activities on the environment.

The Council has made an assessment of Part 2 matters in Section 8 of the NOR, in summary:

Section 5 – Purpose and Principles:

The Council states:

“Section 5 of the RMA imposes a duty to promote the sustainable management of natural and physical resource while endeavouring to avoid, remedy or mitigate adverse effects of activities and the environment.

As outlined in the assessment of effects on the environment... any adverse effects will be less than minor. The proposal is considered to be consistent with Section 5 of the RMA”

I note that the proposed conditions of the Designation will further mitigate any adverse effects and I am satisfied that the proposal is consistent with Section 5 of the RMA.

Section 6 – Matters of National Importance

The Council states:

“In exercising its functions and powers under the RMA, Council is required to recognise and provide for the following matters which are considered to be of national importance.

There are no Section 6 Matters of National Importance of relevance to this notice of requirement.”

I agree that there are no Matters of National Importance and Section 6 is satisfied.

Section 7 – Other Matters

The Council states:

“Section 7 details other matters that should be considered by Council when deciding to grant or refuse consent, including the efficient use of natural and physical resources, and the maintenance and enhancement of amenity values.

The other matters in Section 7 which are applicable to this notice of requirement include:

- (a) The efficient use and development of natural and physical resources;*
- (c) the maintenance and enhancement of amenity values;*
- (g) any finite characteristics of natural and physical resources.*

The Central Hawke’s Bay District Council (the requiring authority) operates the municipal water network in Central Hawke’s Bay and has a function to provide ‘water services’ (as defined in the Local Government Act 2002 and the Building Act 2004). The Central Hawke’s Bay District Council has a sale and purchase agreement to purchase and construct the reservoirs onsite for the purpose of ensuring there is a sustainable and reliable water supply to meet the current and future needs of the community. The site has been selected because it is in a suitable location in relation to both existing water networks and the customers it will supply.

This NoR will ensure that Central Hawke’s Bay District Council can continue to carry out its function of providing ‘water services’ as demand for supply increases and will result in: the efficient development of physical resources (network infrastructure); and the efficient distribution of potable water. It is considered that the proposed designation is consistent with the relevant provisions of Section 7 of the RMA.”

I agree with the above assessment and further note that the proposal is not located on highly productive land. The amenity of the surrounding rural area is protected by proposed future landscaping and the proposed colour scheme of the tanks.

Section 8 – Treaty of Waitangi

The Council states:

Section 8 requires Council to take into account the principles of the Treaty of Waitangi. It is considered that the proposal does not raise any matters which would be contrary to the Principles of the Treaty of Waitangi.

I concur with this assessment.

7.0 SUMMARY

1. This Notice of Requirement seeks to designate part of the site legally described as Lot 2 DP 455077 (RT: 584990) for the purposes of water storage to provide for a second water supply to Waipukurau and carry out the Waipukurau Second Water Supply Project.
2. The proposed work is reasonably necessary to achieve the Requiring Authority’s objective.
3. The effects of the proposal are considered less than minor and no notification has been recommended.

4. The requirement is consistent with the relevant NPS, RPS, RRMP and the Operative District Plan and Decisions Versions of the Proposed District Plan.
5. In conclusion, it is recommended that the requirement is confirmed, subject to conditions being imposed.

8.0 RECOMMENDATIONS

- A.** That the notice of requirement for the designation for the water reservoirs and associated infrastructure be confirmed under section 168A(4)(a), subject to the following conditions imposed under section 168A(4)(c) of the Act:

General

1. The works to give effect to the designation for the water reservoirs and associated infrastructure shall be in general accordance with the information supplied with the Notice of Requirement by WSP, dated 11 May 2023, and the further information from WSP, dated 27 September 2023, and the supporting documents, including the following plans:

Plan Title	Author	Reference and Date	Date
Central Reservoir East Elevation	WSP	3-C2089.01 SK609 rev. A	-
Proposed Plan	WSP	3-C2089.01 C340 Rev. A	25/10/2021
Central Reservoir Wider Site Plan and Locality Plan	WSP	3-C2089.01 C600 Rev. B	25/11/2022
Central Reservoir Detailed Site Plan	WSP	3-C2089.01 C601 Rev. B	25/11/2022
Central Reservoir Inlet Pipework	WSP	3-C2089.01 C602 Rev. B	25/11/2022

2. Any handrail at the top of the reservoirs shall not exceed 2m in height above the height of the reservoirs.
3. The walls and roofs of the reservoirs shall be clad or painted in dark recessive colours. The cladding materials or paint shall not exceed a Light Reflectance Value (LRV) of 45%.
4. The walls and roofs of the accessory reservoir buildings (the chlorine dosing plant) shall be clad or painted in dark recessive colours. The cladding materials or paint shall not exceed a Light Reflectance Value (LRV) of 45%.
5. The noise from construction works for the reservoir and associated infrastructure shall comply with the provisions of New Zealand Standard NZS 6803:1999 '*Acoustics – Construction Noise*'. The construction noise level shall be measured in accordance with New Zealand Standard NZS 6801:1999 Measurement of Environmental Sound, and be assessed in accordance with New Zealand Standard NZS 6802:1999 Assessment of Environmental Noise.

Outline Plan

6. The outline plan(s) for works to give effect to the designation for the water reservoirs and associated infrastructure shall be submitted by the Requiring Authority to the the Central Hawke's Bay District Council's Customer and Consents Manager prior to construction commencing and cover the matters set out in s176A of the RMA 1991, including:

- a) A Construction Management Plan;
- b) A Geotechnical Assessment undertaken by a geo-professional specialising in the field of geotechnical engineering to the satisfaction of the Central Hawke's Bay District Council; and
- c) A Landscape Plan prepared by a suitably qualified landscape architect.

Construction Management Plan (CMP)

7. The CMP to be provided under Condition 6(a) shall set out the management procedures and construction methods to be undertaken to avoid, remedy or mitigate potential adverse effects on the environment arising from construction activities. The CMP shall include:
- a) Confirmation of the proposed staging and order of the construction of the reservoirs, including the accessory chlorine dosing shed;
 - b) An outline construction programme;
 - c) Contact details of the site supervisor or project manager and the construction liaison person;
 - d) The proposed hours of work;
 - e) An erosion and sediment control plan, in accordance with the Hawke's Bay Regional Council *Hawke's Bay Waterway Guidelines Erosion and Sediment Control* (HBRC Plan Number 4109, ISBN NO 1-877405-35-3, dated April 2009).
 - f) Measure to be adopted to maintain the land affected by the works in a tidy condition in terms of disposal/storage of rubbish;
 - g) Location of site infrastructure, including site offices, site amenities, contractors access, equipment unloading and storage areas, contractor car parking and security;
 - h) Procedure for controlling sediment runoff and the removal of soil debris;
 - i) Procedure for responding to complaints about the construction activities;
 - j) A Construction Traffic Management Plan; and
 - k) A Temporary Lighting Plan, which shall provide details about lighting to be used on the site and the access way during construction, including the types of luminance levels, location and design of lighting, and hours of operation of lighting.
8. The approved CMP shall be implemented and maintained throughout the entire construction period.

Geotechnical Assessment

9. The reservoirs shall be constructed in accordance with the recommendations of the Geotechnical Assessment required under Condition 6(b).

Landscape Plan

10. The Landscape Plan to be provided under Condition 6(c) shall:
- a) Include planting to screen the reservoirs from view from the east and State Highway 2, incorporating screen planting to provide visual consistency with the existing pattern of small stands of vegetation and woodlots;
 - b) Specify the type and final location of new plant species, plant grades, densities, stock sizes, plant quantities and the arrangement of vegetation to be planted and maintained on site; and
 - c) A programme for the ongoing maintenance of the planting, including the replacement of any dead, dying or diseased plants within the next available planting season with the same or similar plant species.

Signed:



Alison Francis – Consultant Planner

Date: 28 March 2024

Peer reviewed by:



Janeen Kydd-Smith – Consultant Planner

Date: 28 March 2024

9.0 DECISION

That the Territorial Authority confirms the requirement.

Decision made under delegated authority by:



Doug Tate
Central Hawke's Bay Chief Executive

Date: 02 April 2024
