

RESOURCE CONSENT DECISION
RMA20260191

Applicant:	RA and AC Black Family Trust
Address of Site:	75 Millar Road, Haumoana
Legal Description:	Lot 1 DP 27544 and Lot 1-3 DP 469465, Lot 2 DP 23328 (1/4 share) and Lot 4 DP 27544 (1/2 share) (RT 632040)
Zoning / Overlays:	Tuki Tuki Special Character zone – Operative Hastings District Plan (July 2024)
Decision:	Pursuant to: (a) Rule SLD25 and TT17 of the Operative Hastings District Plan (July 2024); (b) Sections 104, 104B and 104D of the Resource Management Act 1991; Resource Consent as a Non-Complying Activity is GRANTED to RA and AC Black Family Trust to undertake a rural lifestyle subdivision that: - Does not meet the minimum net site area required by Table 30.1.16A of the Hastings District Plan; and - Resulting in a shelterbelt located within 10 metres from the proposed internal boundary between Lot 1 and 2
Recommended By:	Liam Wang PRINCIPAL ENVIRONMENTAL PLANNER (CONSENTS)
Issued under Delegated Authority By:	 Caleb Sutton DIRECTOR – CONSENTING AND COMPLIANCE HASTINGS DISTRICT COUNCIL
Date:	3 July 2026
Conditions:	Subject to the following conditions imposed pursuant to Sections 108,108AA and 220 of the Resource Management Act 1991:

General

1. That the subdivision shall proceed in accordance with the attached approved subdivision plan included within application RMA20260191, unless otherwise altered by the consent conditions.
2. That the Memorandum of Easements and Land Transfer Plan to give effect to this subdivision consent shall be consistent with the attached approved plan submitted with the application:

Prepared by: The Surveying Company

Dated: May 2026

Surveyors Reference: 264875-SP-02

HDC Reference: RMA20260191#0004

3. No service or right of way required herein shall extend beyond the boundary of the site served unless an appropriate easement is shown within a memorandum of easements on the face of the Land

Transfer Plan. All such easements shall be dimensioned to the satisfaction of the Environmental Consents Manager, Planning and Regulatory Services, cover the entire physical alignment of that service or right of way, and shall provide all the necessary legal entitlements for the on-going operation and maintenance of that service or right of way.

4. The Consent Holder shall show the location of any new pipes or infrastructure over another title (existing or proposed) and these shall be covered by appropriate easements, to be confirmed at Section 223 and/or 224c stage. As built plans shall be provided to confirm compliance with this condition.
5. Pursuant to Section 220(1)(f) of the Resource Management Act 1991, all required easements as shown in Schedule of Easements on the approved plan shall be created and duly granted or reserved.
6. Pursuant to Section 220(1)(b)(iv) of the Resource Management Act 1991, the following amalgamation conditions shall be imposed as part of the Title Plan:
 - (a) That Lot 2 DP 23328 (legal access) be held as to two undivided one-eighth shares by the owners of Lots 1 and 2 hereon as tenants in common in the said shares and that individual records of title be issued in accordance therewith.
 - (b) That Lot 4 DP 27544 (legal access) be held as to two undivided one-quarter shares by the owners of Lots 1 and 2 hereon as tenants in common in the said shares and that individual records of title be issued in accordance therewith.

(LINZ Reference Number: **TBC**).

7. Pursuant to Section 241(3) of the Resource Management Act 1991, the applicant shall cancel the existing amalgamation condition requiring that Lot 1 DP 27544, Lots 1-3 DP 469465, Lot 2 DP 23328 and Lot 4 DP 27544 to be held together in the Same Record of Title.
8. That all works within the boundaries of the legal road shall be undertaken by a contractor who is pre-approved by Hastings District Council to work within the legal road.
9. That all works shall be completed in accordance with the Engineering Code of Practice 2020 (ECOP 2020), unless an alternative design has been approved by the Council's Development Engineer or nominee.

Advice Note

That prior to the commencement of works, any reticulated water, wastewater or stormwater services on private land shall not occur until Building Consent has also been approved by Hastings District Council, if required. Please contact the 'duty building officer' to discuss this consenting process. If Building Consent is required, a copy of any 'Code Compliance Certificate' under the Building Act 2004 for any private services shall be provided with any section 224(c) application.

Right of way

10. That the right of way access and passing bays shall be formed and constructed in accordance with the Hastings District Council ECOP 2020, including, stormwater control and the permanent surfacing of any part of the access in excess of 12% longitudinal grade, prior to Section 224 Certification.

Advice Note

Existing vegetation to be trimmed back to allow for the passing at the ROW entry.

Consent Notices

11. That a Consent Notice pursuant to Section 221 of the Resource Management Act 1991 shall be registered against the record of title to be issued for Lot 1 hereon. The notice shall be registered at the consent holders' expense and shall read as follows:

Restriction on further subdivisions

Lot 1 DP TBC was created as part of subdivision consent RMA20260191, which consented an undersized rural lifestyle lot (Lot 2 DP TBC) that did not comply with the minimum net site area required by the Operative Hastings District Plan (2024). The consent was granted on the basis that the average net site area across all lots created remained consistent with the District Plan requirements.

Accordingly, the site shall not be subdivided, amalgamated with any adjoining land, or subject to any boundary adjustment in a manner that would result any additional development right, unless Lot 2 DP TBC is included in that assessment on the additional development right and number of lots that could be created from the total land area.

12. That a Consent Notice pursuant to Section 221 of the Resource Management Act 1991 shall be registered against the record of title to be issued for Lot 2 hereon. The notice shall be registered at the consent holders' expense and shall read as follows:

Geotechnical Investigation Report

This site was created through subdivision consent RMA20260191. All development on this site shall meet all recommendations and conditions in the Geotechnical Investigation Report prepared by Hawkes Bay Geotechnical, Dated 6 May 2026 submitted and approved through that subdivision consent (HDC Reference: RMA20260191#0006), or any subsequent geotechnical investigation report submitted to, and approved by the Environmental Consents Manager, Hastings District Council (or nominee) as part of the building consent process.

With the Reasons for this Decision Being:

1. As assessed in the Section 95A and Section 95B notification reports for this application, there are no special circumstances that would warrant limited or public notification and there are no affected persons in terms of Section 95E of the Resource Management Act 1991.
2. The adverse effects of this proposal are less than minor, in that:
 - Despite the proposed lot being undersized, the overall average lot size across all subdivided lots will remain consistent with the intention of the District Plan. The additional development rights created by this subdivision are therefore not unanticipated.
 - The potential visual and landscape amenity effects have been assessed as less than minor, in that the proposed new building platform is well separated from other existing development and is not located in a visually prominent location.
 - Subject to the condition requiring the accessway to be upgraded with passing bays, adequate access can be provided to the new lot.
 - The shelterbelt is existing, and the technical infringement is created by the subdivision. As the shelterbelt is along the internal boundary, written approval is therefore implicit.
3. For the reasons discussed above, the proposal is considered not inconsistent with the Objectives, Policies and other provisions of the Hastings District Plan.
4. No circumstances exist in Section 106 of the Resource Management Act 1991 (access and natural hazards) that would require council to refuse the application, in that:
 - The site is not subject to any known significant risk from natural hazard, and a residential development can be accommodated on the new vacant lot.
 - The proposal will not accelerate, worsen or result in material damage to land from any natural hazards; and
 - Appropriate legal and physical access can be provided to all sites.
5. The application meets the requirements of the Resource Management Act 1991.

Advice Notes

Further land use consent required

1. *Any new building over 20 m² gross floor area in the Tuki Tuki Special Character Zone requires resource consent under Rule TT13 of the Hastings District Plan. As no specific building design has been provided or assessed as part of this subdivision consent, a further land use consent will be required before residential development can be undertaken on the new lot created.*

Fees & Charges

2. *At the time of applying for Certification under sections 223 and 224(c) of the Resource Management Act 1991, fees shall be payable under Council's Schedule of Resource Management Fees and Charges: <http://www.hastingsdc.govt.nz/resource-management-fees>. In respect of any charges under the Resource Management Act 1991, charges shown above shall be applicable to any additional charge payable in terms of section 36(3) of the Act, where the actual and reasonable costs incurred exceed the standard charge paid.*

Subdivision

3. *If it is intended to make any changes to the easements, staging or scheme plan approved by the Council as part of this resource consent, a new approval may be required. If you have any doubts as to whether or not a new application will be required, please contact one of Council's Environmental Consent Planners.*
4. *In exceptional circumstances, Council will consider bonds for residential vehicle crossings only. Any other bonds or 'letters of undertaking' will not be accepted by Council. Those persons project managing a development will need to ensure all conditions (including any required re-grassing and sediment control plans) are met before section 224(c) applications are submitted to Council. Incomplete section 224(c) applications will be returned to agents and/or landowners.*

Lapsing of this Consent

5. *Under section 125 of the Resource Management Act 1991 a resource consent will lapse if not given effect to within 5 years of the date the consent was granted. An application may be made under section 125 of the Resource Management Act 1991 to extend the duration of the resource consent, and this must be submitted and approved prior to the consent lapsing. To avoid doubt, all stages of a subdivision must have section 223 certification prior to the lapse date.*

Lapsing of Section 223 Certification (Approved as to Survey)

6. *The section 223 certification will lapse 3 years after the date of issue if that certified plan has not been deposited in accordance with section 224 of the Resource Management Act 1991. The section 223 certificate can only be re-certified if the subdivision consent has not lapsed.*

Building Consent

7. *Please note that this consent only relates to District Plan requirements. Building Consent must be obtained before any building or drainage work commences. This work can include the construction of stormwater, sewer and/or water services. Please contact the duty Building Officer on (06) 871 5000 who will be able to assist you in this regard.*

Engineering

8. *All engineering plans must be submitted to developmentengineer@hdc.govt.nz, with a cover letter clearly stating the resource consent number, address and which condition/s the plans relates to.*

9. The Engineering Code of Practice drawings can be viewed online at: <https://www.hastingsdc.govt.nz/assets/Uploads/Engineering-Code-of-Practice-ECOP-Final-2020.pdf>
10. All works on existing public wastewater, stormwater and water mains shall be carried out by approved contractors at the consent holder's expense. For new service connection application guidance refer to: <https://www.hastingsdc.govt.nz/services/water/water-service-connections/>
11. Any new or upgraded vehicle crossing requires a vehicle crossing application from Council's Transportation Department prior to installation. For vehicle crossing guidance refer to: <https://www.hastingsdc.govt.nz/services/roads-and-streets/vehicle-crossings/>
12. Satisfactory public vehicle and pedestrian access shall be maintained at all times when undertaking works within the road reserve, unless alternative arrangements are made to the satisfaction of the Council.
13. All necessary precautions shall be taken to protect the public from open trenches and all other hazards associated with the construction works.

Impact on Council Assets

14. Any damage to fixtures or features within the Council road reserve that is caused as a result of construction or demolition on the site shall be repaired or reinstated to the satisfaction of the Development Engineer and at the expense of the consent holder.

Compliance with other Acts/Regulations

15. To avoid doubt, except as otherwise allowed by this resource consent, all land uses must comply with all remaining standards and terms of the relevant Hastings District Plan. The proposal must also comply with the Building Act 2004, Engineering Code of Practice 2020 and Hawke's Bay Regional Council requirements. All necessary consents and permits shall be obtained prior to development.
16. This approval does not override any existing private easements, land covenants or other interests on the Record of Title. The consent holder should seek independent legal advice on such matters and how they might impact on the development.

Development Contributions

17. Please note that a development contribution may be required under the provisions of the HDC Development Contributions Policy applicable at the time of application. The Council requires Development Contributions to be paid prior to the issue of the Code Compliance Certificate for a building consent, the issue of a section 224 certificate for a subdivision consent, or authorisation of a service connection. Development contribution requirements are as defined in Council's Development Contributions Policy established under the Local Government Act 2002. Full details of the policy are available from the Council website. The relevant assessment for Development Contributions for this development will follow in due course.

Approved Scheme Plans (HDC Reference: RMA20260191#0004)



