# Application for a project to be referred to an expert consenting panel

## (Pursuant to Section 20 of the COVID-19 Recovery (Fast-track Consenting) Act 2020)

For office use only:

Project name: Pohutukawa Drive, Whirinaki, Subdivision Application number: PJ-0000815 Date received: 19/08/2022

This form must be used by applicants making a request to the responsible Minister(s) for a project to be referred to an expert consenting panel under the COVID-19 Recovery (Fast-track Consenting) Act 2020.

All legislative references relate to the COVID-19 Recovery (Fast-track Consenting) Act 2020 (the Act), unless stated otherwise.

The information requirements for making an application are described in Section 20(3) of the Act. Your application must be made in this approved form and contain all of the required information. If these requirements are not met, the Minister(s) may decline your application due to insufficient information.

Section 20(2)(b) of the Act specifies that the application needs only to provide a general level of detail, sufficient to inform the Minister's decision on the application, as opposed to the level of detail provided to an expert consenting panel deciding applications for resource consents or notices of requirement for designations.

We recommend you discuss your application and the information requirements with the Ministry for the Environment (the Ministry) before the request is lodged. Please contact the Ministry via email: fasttrackconsenting@mfe.govt.nz

The Ministry has also prepared Fast-track guidance to help applicants prepare applications for projects to be referred.

## **Part I: Applicant**

## **Applicant details**

Person or entity making the request: Evans Family Trust

Contact person: Stan Evans	Job title: Director
Phone: s 9(2)(a)	<sub>Email:</sub> s 9(2)(a)
Postal address:	
996 State Highway 2	
RD2	
Napier 4182	
Address for service (if different from above)	
Organisation: Development Nous Limited	
Contact person: Jason Kaye	Job title: Senior Planner
Phone: s 9(2)(a)	<sub>Email:</sub> s 9(2)(a)
Email address for services 9(2)(a)	
Postal address:	
Development Nous Limited	
PO Box 385	
Hastings 4156	

## **Part II: Project location**

The application: does not relate to the coastal marine area

If the application relates to the coastal marine area wholly or in part, references to the Minister in this form should be read as the Minister for the Environment and Minister of Conservation.

Site address / location:

A cadastral map and/or aerial imagery to clearly show the project location will help.

996 State Highway 2, Eskdale, Hawke's Bay, 4182, New Zealand

Legal description(s):

A current copy of the relevant Record(s) of Title will help.

HBC3/858 – Lot 2 and Part Lot 1 DP 4741 and Lot 1 DP 9884, comprising 22.9482ha. HB203/8 – Part Section 25 Blk XII Puketapu SD and Lot 1 DP 3354, comprising 12.2185ha. 762699 – Section 44 Blk XII Puketapu SD, Lot 8 DP 381095 and Lot 101 DP 505383, comprising 16.9858ha.

Registered legal land owner(s):

The three records of title are all within the registered ownership of Stanley Evans, Linda Brown-Evans and Patrick Murphy. A copy of the records of title are provided at Enclosure A.

Detail the nature of the applicant's legal interest (if any) in the land on which the project will occur, including a statement of how that affects the applicant's ability to undertake the work that is required for the project:

The owners of the site are the Applicant (by way of a trust entity).

## Part III: Project details

## Description

Project name: Pohutukawa Drive, Whirinaki, Subdivision

## Project summary:

## Please provide a brief summary (no more than 2-3 lines) of the proposed project.

Staged subdivision of land to provide for 83 new homes with ancillary commercial floorspace, realignment of Whirinaki Drain, construction of communal (membrane bio reactor) wastewater treatment plant discharging to ground, and construction of solar electricity generation farm over wastewater discharge fields.

## Project details:

# Please provide details of the proposed project, its purpose, objectives and the activities it involves, noting that Section 20(2)(b) of the Act specifies that the application needs only to provide a general level of detail.

The application proposes the construction of a residential subdivision adjacent to the existing residential development of North Shore Road and Pohutukawa Drive, Whirinaki. The site and surrounds are described in the Site Description document provided at Enclosure B to the application.

The subdivision proposes 81 development lots for new homes and a commercial development lot with provision for two apartments to be constructed over commercial floorspace. Staged Subdivision Scheme Plans detailing the proposed scheme are provided at Enclosure C to the application.

As described in the accompanying Design Statement (Re-imagine Ltd) provided at Enclosure D and the Landscape Concept Plan (Development Nous Limited) provided at Enclosure E, the subdivision has been designed to provide a high quality extension to the existing coastal settlement of North Shore Road and Pohutukawa Drive.

The development is configured to create attractive public spaces with linkage from the existing adjacent residential development. A community park area is positioned at the eastern edge of the development, creating inclusion of the existing Pohutukawa Drive homes. It is hoped that commercial floorspace adjacent to this park area will be developed to provide a café that can open onto the park area.

While the road pattern foremostly facilitates access, the secondary (east-west) street alignment will retain views through and across the development to the proposed Whirinaki Drain enhancements. These secondary roads will be formed and landscaped to create a people focussed network, including social spaces for community interaction. These roads will provide walking routes to the Whirinaki Drain corridor, which will provide a long linear park form for sitting, walking and jogging.

## Subdivision Scheme

The residential lots range in area from 507m2 to 1367m2 with an average lot size of 735m2. The development provides predominantly larger lots to the Whirinaki Drain frontage, to retain a low density coastal development appearance in views from the state highway. Across the development the spread of lot sizes provides 29 lots between 507m2 and 700m2, 30 lots between 700m2 and 800m2, nine lots between 800m2 and 1,000m2 and thirteen lots over 1,000m2. The inclusion of smaller lot sizes is intended to provide a component of lower priced development lots or lots suited to smaller households.

The commercial lot has an area of 2369m2 and is intended to provide for a superette style retailer of up to 500m2 and one or two cafes of 100m2 each. The lot also provides for a one way road providing access to the commercial units and car parking space.

## Whirinaki Drain

The application proposes to divert the course of the Whirinaki Drain for a length of 260m to replace a pronounced curve that is susceptible to bank erosion with two easier curves. This realignment is detailed in drawing H20180064-30-A-04.

A bridge will be constructed over the realigned drain section, generally aligning with the southern end of Pohutukawa Drive. This bridge will provide vehicle access to the farm land and the wastewater treatment facility.

The subdivision seeks to significantly enhance the appearance and ecological function of the Whirinaki Drain through an extensive scheme of ecological restoration planting, that will create terrestrial and aquatic habitat. This restoration scheme is informed by the Whirinaki Drain ecological assessment and assessment of restoration options (EAM Environmental Consultants) provided at Enclosures F and G to the application.

## **Future Homes**

As the site is within the Rural Zone of the Partially Operative Hastings District Plan, the applicable development standards do not cater to residential development. A set of performance standards for future development, generally based on the Coastal Settlement provisions of the adjoining zone will be proposed to suitably control future lot development.

Commitments will be made requiring future homes to meet the Green Building Council Homestar Level 6 rating, to install solar panels with a minimum generation capacity of 4kW and for all homes to install facility for fast electric vehicle charging. The exception to these commitments will be the potential two apartments over the commercial floorspace, which may be constrained in their ability to meet the house based solar generation standards.

Assessment will be undertaken at detailed design to ensure that suitable noise attenuation is incorporated into house requirements to ensure that suitable living conditions are provided and to obviate reverse sensitivity issues.

## Hazard resilience

The development has been designed to mitigate the modelled Esk River valley flood risk and coastal erosion and inundation hazards that are defined in the HBRC Hazards Portal Property Report provided at Enclosure H.

## **Development Servicing**

A Preliminary Engineering Services Report by Development Nous Limited that includes preliminary engineering plans has been provided with the application to demonstrate the proposed approach to the servicing of the proposed development. The Preliminary Services Report is provided at Enclosure I.

## Stormwater

Stormwater will be directed to the adjacent Whirinaki Drain. As the Whirinaki Drain provides for an inland catchment, peak run-off flow from the development is not expected to coincide with the existing peak flow within the drain and will not therefore compromise the existing stormwater capacity of the drain.

A rain garden will be constructed at the southern end of the site to improve the quality of discharged stormwater through the settlement of suspended solids before discharge to the Whirinaki Drain. Stormwater will be conveyed to the rain garden through an open swale aligned generally parallel to the drain.

Detailed design will be undertaken for a Stage 2 application and a range of detention options are available if run off flow mitigation is required.

The details of the preliminary stormwater assessment are provided within the Preliminary Engineering Services Report.

## Wastewater

A communal Membrane Bioreactor wastewater treatment system by Apex Water is proposed to be constructed to facilitate discharge of treated wastewater to ground through 1.9ha of purpose constructed discharge fields. The discharge fields will be formed on the state highway side of the Whirinaki Drain and these are shown on Plan reference H20180064-60-A-01.

Discharge from the proposed wastewater treatment system will be based on a Nitrogen limit of 15mg/l and a Phosphorous limit of 3mg/l.

The preliminary assessment of the receiving soils and the required discharge parameters are set out in the soil assessment (Freeman Cook and Associates and Nexgen) and preliminary wastewater discharge report (Freeman Cook and Associates) provided at Enclosures J and K.

Each house will be required to install a holding tank and a macerating pump system to enable wastewater to be pumped through a pressurised network to the treatment plan located on the highway side of the Whirinaki Drain.

Treated wastewater would then be discharged to land through subsurface drip fields. Eight fields will be formed to enable daily rotation on an eight day cycle. The wastewater treatment plan would be vested in Council and the discharge fields would be controlled through an easement to provide for discharge in perpetuity.

It is intended that the wastewater treatment plan is powered from solar generated electricity.

#### Water Supply

The Council's reticulated water supply to the area is understood to have limited capacity. To avoid stressing this network further, all homes will be required to install a water tank to be trickle filled through throttled connections to the Council water main. Further investigation will be undertaken at detailed design to consider options such as preventing tank filling during peak water demand hours.

#### Access

The development will be accessed from State Highway 2, which provides connection southward to the main centres of Napier and Hastings. Assessment of the State Highway 2 – North Shore Road intersection capacity provided by East Cape Consulting provided at Enclosure L has confirmed that the intersection can readily accommodate traffic of the proposed development.

The small grid of roads within the development will link with North Shore Road and Pohutukawa Drive. All roads will be constructed to the Council's Engineering Code of Practice and a range of indicative cross sections are provided within the supporting engineering plans.

#### Solar Electricity Generation

A solar generation field of around 2ha is proposed to be constructed over the wastewater discharge fields on the land on the state highway side of the Whirinaki Drain. The Applicant has obtained preliminary level advice regarding the approach to solar generation and confirmation regarding the likely viability of a small scale generation facility in this location.

Solar panels would be mounted on structures to elevate them over the surrounding ground to avoid conflict with the subsurface discharge fields and to enable grazing of the land. The panel mounting can be readily accommodated on the discharge fields due to the spacing of the subsurface drip lines and drippers.

## As this aspect progresses, the Applicant will seek to promote a local energy network for residents to utilise the locally produced sustainable power.

## Where applicable, describe the staging of the project, including the nature and timing of the staging:

The subdivision is broken into three development stages to enable the progressive release of lots as the development works are completed. Development will commence at the southern end of the site to enable completion of the critical infrastructure, progressing through to the northern end of the site.

Stage 1 will require completion of the Whirinaki Drain realignment and new bridge crossing, the stormwater raingarden treatment system, the membrane bioreactor wastewater treatment system and discharge fields, and 24 residential lots. This stage will be accessed from Pohutukawa Drive.

Stage 2 will provide 22 residential lots and the commercial lot, which includes provision for construction of two apartments over commercial floorspace. This stage will also be accessed from Pohutukawa Drive. The solar electricity generation field is intended to be operational prior to the completion of Stage 2 of the subdivision.

Stage 3 will provide the remaining 35 residential lots and will open the new site entrance from North Shore Road. The ecological restoration planting of the Whirinaki Drain will progress in tandem with the subdivision formation and suitable completion triggers will be offered to ensure delivery of the planting without creating an undue risk to the release of residential development titles.

## Consents / approvals required

## Relevant local authorities: Hastings District Council, Hawke's Bay Regional Council

Resource consent(s) / designation required:

## Land-use consent, Water permit, Subdivision consent, Discharge permit

Relevant zoning, overlays and other features:

# Please provide details of the zoning, overlays and other features identified in the relevant plan(s) that relate to the project location.

Legal description(s)	Relevant plan	Zone	Overlays	Other features
HB203/8 – Part Section 25 Blk XII Puketapu SD and Lot 1 DP 3354, comprising 12.2185ha.	Partially Operative Hastings District Plan	Rural Zone	River Hazard Overlay	N/A
762699 – Section 44 Blk XII Puketapu SD, Lot 8 DP 381095 and Lot 101 DP 505383, comprising 16.9858ha.				
HB203/8 – Part Section 25 Blk XII Puketapu SD and Lot 1 DP 3354, comprising 12.2185ha.	Hawke's Bay Regional Council Regional Resource Management Plan	N/A	N/A	N/a
762699 – Section 44 Blk XII Puketapu SD, Lot 8 DP 381095 and Lot 101 DP 505383, comprising 16.9858ha.				
HB203/8 – Part Section 25 Blk XII Puketapu SD and Lot 1 DP 3354, comprising 12.2185ha.	Hawke's Bay Regional Council Regional Coastal Environment Plan	Coastal Margin	N/A	N/A
762699 – Section 44 Blk XII Puketapu SD, Lot 8 DP 381095 and Lot 101 DP 505383, comprising 16.9858ha.				

Rule(s) consent is required under and activity status:

Please provide details of all rules consent is required under. Please note that Section 18(3)(a) of the Act details that the project **must not include** an activity that is described as a prohibited activity in the Resource Management Act 1991, regulations made under that Act (including a national environmental standard), or a plan or proposed plan.

Relevant plan / standard	Relevant rule / regulation	Reason for consent	Activity status	Location of proposed activity
Partially Operative Hastings District Plan	Rule SL25	Staged subdivision of land within the Rural Zone to provide residential size lots.	Non-complying activity	HB203/8 – Part Section 25 Blk XII Puketapu SD and Lot 1 DP 3354. 762699 – Section 44 Blk XII Puketapu SD, Lot 8 DP 381095 and Lot 101 DP 505383.
Partially Operative Hastings District Plan	Rule RZ16	Construction of homes (on lots created by related subdivision) infringing side and front boundary setbacks of Performance Standard 5.2.5B.	Restricted discretionary activity	HB203/8 – Part Section 25 Blk XII Puketapu SD and Lot 1 DP 3354. 762699 – Section 44 Blk XII Puketapu SD, Lot 8 DP 381095 and Lot 101 DP 505383.
Partially Operative Hastings District Plan	Rule RZ19	Construction of homes (on lots created by related subdivision) infringing minimum site area of Performance Standard 5.2.6D.	Restricted discretionary activity	HB203/8 – Part Section 25 Blk XII Puketapu SD and Lot 1 DP 3354. 762699 – Section 44 Blk XII Puketapu SD, Lot 8 DP 381095 and Lot 101 DP 505383.
Partially Operative Hastings District Plan	Rule NH12	Construction of new homes (on lots created by related subdivision) within River Hazard Overlay.	Non-complying activity	HB203/8 – Part Section 25 Blk XII Puketapu SD and Lot 1 DP 3354. 762699 – Section 44 Blk XII Puketapu SD, Lot 8 DP 381095 and Lot 101 DP 505383.
Partially Operative Hastings District Plan	Rule RE6	Construction of a renewable (solar) electricity energy generation facility.	Discretionary activity	HB203/8 – Part Section 25 Blk XII Puketapu SD and Lot 1 DP 3354. 762699 – Section 44 Blk XII Puketapu SD, Lot 8 DP 381095 and Lot 101 DP 505383.
Regional Resource Management Plan	Rule 52	Discharge of contaminants, being wastewater treated through membrane bioreactor plant, to land.	Discretionary activity	HB203/8 – Part Section 25 Blk XII Puketapu SD and Lot 1 DP 3354. 762699 – Section 44 Blk XII Puketapu SD, Lot 8 DP 381095 and Lot 101 DP 505383.
Regional Resource Management Plan and Regional Coastal Environment Plan	Rule 59 Regional Resource Management Plan and Rule 46 of Regional Coastal Environment Plan	Diversion of Whirinaki Drain	Discretionary Activity	HB203/8 – Part Section 25 Blk XII Puketapu SD and Lot 1 DP 3354. 762699 – Section 44 Blk XII Puketapu SD,

				Lot 8 DP 381095 and Lot 101 DP 505383.
Regional Resource Management Plan and Regional Coastal Environment Plan	Rule 71 of Regional Resource Management Plan and Rule 62 of Regional Coastal Environment Plan	Works to Whirinaki Drain within a HBRC flood control scheme, including diversion, activity and landscaping within 6m of bed of Whirinaki Drain and construction of bridge crossing.	Discretionary activity	HB203/8 – Part Section 25 Blk XII Puketapu SD and Lot 1 DP 3354. 762699 – Section 44 Blk XII Puketapu SD, Lot 8 DP 381095 and Lot 101 DP 505383.

Resource consent applications already made, or notices of requirement already lodged, on the same or a similar project:

Please provide details of the applications and notices, and any decisions made on them. Schedule 6 clause 28(3) of the COVID-19 Recovery (Fast-track Consenting) Act 2020 details that a person who has lodged an application for a resource consent or a notice of requirement under the Resource Management Act 1991, in relation to a listed project or a referred project, must withdraw that application or notice of requirement before lodging a consent application or notice of requirement with an expert consenting panel under this Act for the same, or substantially the same, activity.

# The subject land is the subject of an approved subdivision to reconfigure and rationalise the lot and title structure under Hastings District Council reference RMA20200035). Application for section 223 and 224 (c) certification is expected to be submitted in September 2022. Two residential subdivision schemes have previously been approved and implemented for adjacent land to form Pohutukawa Drive.

Resource consent(s) / Designation required for the project by someone other than the applicant, including details on whether these have been obtained:

## No external consents or designations are required.

Other legal authorisations (other than contractual) required to begin the project (eg, authorities under the Heritage New Zealand Pouhere Taonga Act 2014 or concessions under the Conservation Act 1987), including details on whether these have been obtained:

## No further legal authorisations are required.

## **Construction readiness**

If the resource consent(s) are granted, and/or notice of requirement is confirmed, detail when you anticipate construction activities will begin, and be completed:

# Please provide a high-level timeline outlining key milestones, e.g. detailed design, procurement, funding, site works commencement and completion.

With no complications of land ownership or development partnerships, and as a scheme of subdivision to provide lots to house builders (as opposed to subdivision and housing development), the Applicant would be able, and intends to, immediately commence design and construction of the subdivision following the issuing of consent. As a development of vacant land, and noting that the engineering design is already substantially advanced, the detailed design of the development would be expected to be completed within six months of issuing of consent. A further three months would be expected for completion of Council review and certification of the detailed design. Site preparation work would be undertaken in parallel with the completion (and certification) of the detailed design. Implementation of development would follow with expectation of the first stage (including the commissioning of the wastewater treatment plant) being completed (through to issue of records of title) within two years of the issuing of consent. Implementation of the second and third stages would follow through to completion within years four and five post approval.

For clarity, the Applicant is not seeking an implementation limit beyond the standard five years lapse limit of the RM Act, with all stages required to be implemented and completed in accordance with the standard RM Act provisions for subdivision.

## **Part IV: Consultation**

## **Government ministries and departments**

Detail all consultation undertaken with relevant government ministries and departments:

No consultation undertaken.

## Local authorities

Detail all consultation undertaken with relevant local authorities:

Preliminary discussion was undertaken with Hawke's bay Regional Council staff to introduce them to the development proposal and to discuss consent matters and (water) engineering principles.

## **Other persons/parties**

Detail all other persons or parties you consider are likely to be affected by the project:

N/A

Detail all consultation undertaken with the above persons or parties:

N/A

## Part V: Iwi authorities and Treaty settlements

For help with identifying relevant iwi authorities, you may wish to refer to Te Kāhui Māngai – Directory of Iwi and Māori Organisations.

## Iwi authorities and Treaty settlement entities

Detail all consultation undertaken with Iwi authorities whose area of interest includes the area in which the project will occur:

lwi authority	Consultation undertaken
Ngati Kahungunu lwi Incorporated	No consultation undertaken
Mana Ahuriri Trust	No consultation undertaken
Maungaharuru Tangitu Trust	No consultation undertaken

Detail all consultation undertaken with Treaty settlement entities whose area of interest includes the area in which the project will occur:

Treaty settlement entity	Consultation undertaken
Mana Ahuriri Trust	No consultation undertaken
Maungaharuru Tangitu Trust	No consultation undertaken.

## **Treaty settlements**

Treaty settlements that apply to the geographical location of the project, and a summary of the relevant principles and provisions in those settlements, including any statutory acknowledgement areas:

Section 18(3)(b) of the Act details that the project **must not include** an activity that will occur on land returned under a Treaty settlement where that activity has not been agreed to in writing by the relevant land owner.

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Ahuriri Hapū Claims Settlement Act 2021

The Government summary of the Deed of Settlement acknowledgements and apology states:

The Deed of Settlement contains Crown acknowledgements of its acts and omissions that caused prejudice to Ahuriri Hapū and breached the Treaty of Waitangi and its principles. The Deed of Settlement also includes a Crown apology to Ahuriri Hapū for Crown acts and omissions and breaches of the Treaty of Waitangi and its principles. The Crown solemnly apologises for its policies, acts and omissions that have left Ahuriri Hapū virtually landless, and for the severe impacts the loss of ancestral lands and resources has had on the capacity of Ahuriri Hapū for economic and social development, and physical, cultural and spiritual well-being. The Crown also expresses profound regret for the distress and anguish generations of Ahuriri Hapū have endured due to the Crown's acts and omissions in relation to Te Whanganui-ā-Orotu.

Cultural redress was provided through the vesting of sites and the establishment of a permanent statutory committee to promote the protection and enhancement of the environmental, economic, social, spiritual, historical and cultural values of Te Muriwai o Te Whanga (Ahuriri Estuary) for present and future generations, overlay classification of two sites of significance and the establishment of statutory acknowledgments and deeds of recognition.

The subject site was not part of the vesting and is not located in proximity of the Ahuriri Estuary. The site and adjacent land are not subject to a statutory acknowledgment or deed of recognition of this settlement. However, as the Whirinaki Drain discharges into the Esk River coastal lagoon, the drain is a tributary to the Esk River, over which Ahuriri Hapū hold Statutory Acknowledgement and Deed of Recognition.

Maungaharuru-Tangitū Hapū Claims Settlement Act 2014

The Crown acknowledges that addressing the grievances of the Hapū is long overdue and sets out a full apology for past actions at Section 8 of the Act. The Government summary of the Deed of Settlement acknowledgements and apology states:

The deed contains a series of acknowledgments by the Crown where its actions arising from interaction with the Maungaharuru-Tangitū Hapū have breached the Treaty of Waitangi and its principles.

The Crown apologises to the Maungaharuru-Tangitū Hapū for past acts and omissions that breached the Crown's obligations under the Treaty of Waitangi. These include the impact of war and raupatu on the Maungaharuru-Tangitū Hapū; and the manner in which the Crown purchased most of the lands left to the Hapū after the raupatu. Cultural redress was provided through the vesting and the vesting and give back of sites and through the establishment of statutory acknowledgments and deeds of recognition.

The subject site was not part of the vesting. The site and adjacent land are not subject to a statutory acknowledgment or deed of recognition of this settlement. However, as the Whirinaki Drain discharges into the Esk River coastal lagoon, the drain is a tributary to the Esk River, over which Maungaharuru Tangitu Trust hold Statutory Acknowledgement and Deed of Recognition.

## Part VI: Marine and Coastal Area (Takutai Moana) Act 2011

## **Customary marine title areas**

Customary marine title areas under the Marine and Coastal Area (Takutai Moana) Act 2011 that apply to the location of the project:

Section 18(3)(c) of the Act details that the project **must not include** an activity that will occur in a customary marine title area where that activity has not been agreed to in writing by the holder of the relevant customary marine title order.

No customary marine title areas apply to the location of the proposed development.

## Protected customary rights areas

Protected customary rights areas under the Marine and Coastal Area (Takutai Moana) Act 2011 that apply to the location of the project:

Section 18(3)(d) of the Act details that the project **must not include** an activity that will occur in a protected customary rights area and have a more than minor adverse effect on the exercise of the protected customary right, where that activity has not been agreed to in writing by the holder of the relevant protected customary rights recognition order.

No protected customary rights areas apply to the location of the proposed development.

## Part VII: Adverse effects

Description of the anticipated and known adverse effects of the project on the environment, including greenhouse gas emissions:

In considering whether a project will help to achieve the purpose of the Act, the Minister may have regard to, under Section 19(e) of the Act, whether there is potential for the project to have significant adverse environmental effects. Please provide details on both the nature and scale of the anticipated and known adverse effects, noting that Section 20(2)(b) of the Act specifies that the application need only provide a general level of detail.

## Loss of Productive Land

The site is within the Rural Zone of the Partially Operative Hastings District Plan and has been traditionally utilised for cropping and similar productive activity spanning many decades. In recent years however, the land within the site on the coastal side of the Whirinaki Drain has been largely retired from the previous productive use by the Applicant due to the costs of production exceeding the resulting return. The land on the state highway side of the drain is materially different and continues to provide viable production conditions for the Applicant.

The Rural Productivity Appraisal (Agfirst) provided at Enclosure M has assessed the rural productivity potential and likely viability of the proposed development area. The assessment found material differences in the soil conditions on either side of the Whirinaki Drain, consistent with the Applicant's experience farming the land and the current pattern of use.

The land on the coastal side of the Whirinaki Drain was found to be constrained by various factors that can be generally attributed to the sandy silt soil composition, which in turn limit the productive potential of the land. It is these constraints that have resulted in the Applicant retiring this land from productive use.

As the land on the coastal side of the Whirinaki Drain does not provide viable productive potential, the development of this land as proposed by the application will not be detrimental to the overall rural production capacity of the district-wide land rural resource.

The land on the highway side of the Whirinaki Drain will be generally retained in productive use with minimal losses of land to the drain realignment and the wastewater treatment plant. The wastewater discharge fields will be utilised for a solar electricity generation field and this area will be utilised for sheep grazing, retaining productive rural utilisation of the land.

Effects on Existing Coastal Settlement Amenity and Appearance

The development will inevitably result in change to the experienced character of the North Shore Road community through the introduction of a supply of new development lots. However, the development lots will provide for development that is of a generally similar relaxed layout as the existing homes of the area, and the layout incorporates relatively large lot sizes to the periphery of the development to reinforce the consistency of character between the development and the existing coastal residential home lots.

In general, while the development will provide for additional development and consolidation of the community, the enabled development will not appear typically suburban in character, with the design and landscape measures reinforcing the coastal context of the development and the wider coastal character of the area.

As the site is separated by wide roads from the existing homes on North Shore Road and Pohutukawa Drive, there will be no immediate boundary affects on the existing neighbouring properties.

The development will provide public spaces and it is hoped that the commercial space will provide a convenience store and cafes that will be of benefit to the existing local residents. The east – west roads within the development have been configured to encourage use as walking routes across the development from Pohutukawa Drive to the linear park environment that will be formed along the Whirinaki Drain. Again, while not creating a suburban environment, the development will provide for additional social infrastructure to the benefit of the community.

The extensive scheme of restoration planting to the margins of the Whirinaki Drain will provide partial screening of the residential development in views across the site from the state highway, softening the appearance of the residential development. It is however expected that the solar electricity generation plant will dominate immediate views from the state highway.

There is no plan to screen views of the solar panels of the electricity generation facility, as there is a desire for this to be visible to encourage consideration and understanding of renewable generation. It is also noted that the solar panels will be seen in the context of the large industrial uses to the north.

Overall, while the additional of homes to the area will inevitably alter the character of the area, the format of the development will be consistent with the existing character of the area and the road separation of the site to the neighbouring development will avoid any immediate boundary effects.

#### Infrastructure Demand Effects

A preliminary engineering design for the development is included with the application to provide a summary of how the site can be serviced and the related effects on infrastructure services.

As the site is located adjacent the lower reach of the Whirinaki Drain, it is expected that peak storm discharge to the drain from the development will avoid the peak discharge from the wider catchment. The avoidance of a coincidental peak is expected to prevent adverse effects on the drainage function of the Whirinaki Drain.

A communal wastewater system will be constructed for the development providing a pressurised sewer network connecting houses to a membrane bioreactor treatment plant that will discharge through subsurface drip to discharge fields. The quality of wastewater treatment provided by a membrane bioreactor plant enables the low limits of 15mg/l for Nitrogen and 3mg/l for Phosphorous to be imposed on the discharge, avoiding adverse effects on the receiving environment.

The development will be dependent on water supplied by the Council's watermain, albeit based on a throttled trickle supply to individual tank storage. This approach seeks to minimise peak demand impact on the Council's existing reticulated service and users.

The site accesses the adjacent state highway through the State Highway 2 – North Shore Road intersection. The East Cape Consulting intersection capacity assessment provides confirmation that the morning and afternoon peaks will not exceed the intersection storage capacity. The existing network will therefore readily accommodate traffic generated by the development without compromising the existing conditions.

Archaeology, cultural and spiritual effects

The application recognises the presence of Nukurangi Pa and Ararata Urupa, which are both significant heritage assets, beyond the extent of the proposed development.

Nukurangi Pa is identified as archaeological site V20/69 on the New Zealand Archaeological Association database. Recent heritage assessment has sought to define the outer limit of the historic Nukurangi Pa site to enable this to be enclosed by fencing to separate this site from the surrounding land. This work is beyond the scope of the current application but will be progressed in tandem.

The site is not known to contain any archaeological or other cultural heritage assets. While there are no known culturally significant sites within the development, should any remains or artefacts be discovered through development of the site, the established Accidental Discovery Protocol of Heritage New Zealand Pouhere Taonga will obviously be followed.

A cultural impact assessment will be completed as part of the Stage 2 process to ensure that all cultural values of the land are understood and addressed through development. Effects in this respect are therefore less than minor. Effects relating to land hazards

The site specific geotechnical investigation by Initia Geotechnical provided at Enclosure N has concluded that liquefaction is unlikely to be triggered by a SLS condition event. While underlying soil is identified as being susceptible to liquefaction in a SLS condition event, such liquefaction is predicted as resulting in little to minor effects and negligible vertical settlement.

The site is currently exposed to the risk of flooding from storm events affecting the nearby Esk River and wider Esk Valley. Filling of the site to provide a suitably elevated surface level that will be beyond the modelled flood height will suitably mitigate this hazard.

The site is identified as being exposed to inundation in both distant and near source tsunami events. It is expected that the inundation risk of distant source tsunami will be avoided through the raising of the site to a minimum development level. Evacuation to the vertical refuge of the inland hills will be required in the event of a near source

tsunami event. This is a common response of residential and commercial development to the risk of tsunami across the coastal areas of Napier and Hastings.

For clarity, the site is beyond the HBRC coastal erosion (year 2065 and year 2120) and inundation modelling presented on the Hawke's Bay Hazard Portal.

Coastal retreat modelling prepared for HBRC by Tonkin and Taylor in the July 2022 Hawke's Bay Coastal Strategy – Implementation approaches and indicative costs for planned retreat report, which is provided at Enclosure O, shows that the North Shore Road row of beach front properties are predicted to be vulnerable to coastal erosion to the extent that retreat will be necessitated within 20 years due to the loss of the public road accessing these properties. The application site is beyond the 50 - 100 year retreat line of the Tonkin and Taylor report, and accordingly the development offers a potential land resource for the relocation of homes or households should managed retreat be followed for the North Shore Road beachfront properties.

#### Construction phase effects

Site preparation, drain realignment, land filling and wider civil engineering formation works will require a relatively large scheme of earthworks. However, these earthworks are technically straightforward given the flat site and the large area provides significant management flexibility.

The site has excellent access to State Highway 2, which will assist with the movement of fill and construction materials. Construction access to the site will be formed from North Shore Road, enabling construction vehicles to avoid the existing neighbouring homes.

Standard construction management measures will minimise adverse effects on the environment, infrastructure and neighbouring properties arising from the earthworks. While noise from the construction process will inevitably be evident to neighbouring properties, management measures will seek to avoid or reduce noise generation where possible and ensure that noise does not extend beyond commonly accepted construction hours. The temporary nature of the construction disturbance and acceptance of this as an inevitable by-product of development are such that effects on neighbouring properties and the wider environment in this respect will be less than minor in nature. Greenhouse gas emissions

The development proposal will include measures to be imposed on future development of the created lots, by way of RM Act s221 consent notice, requiring adherence to a range of matters to reduce carbon emissions.

The homes will be required to be constructed to level 6 of the Green Building Council Homestar rating accreditation. This will encourage the construction of well-designed homes that are warm, dry and well ventilated to reduce the demand for heating and cooling when considered against Building Regulation compliant homes.

The homes will also be required to incorporate a minimum of 4kW solar electricity generation panels to contribute to daytime electricity use, reducing the demand for power supplied by the National Grid. It is not proposed to require the homes to incorporate battery storage, but it is expected that at least some of the homes will incorporate this into their power systems enabling reduction of night-time reliance on National Grid supply.

Installation of an electrical vehicle fast charger will also be required at the time of house construction. The site is located beyond the existing centres of Napier and Hastings and can be expected to therefore result in additional traffic movement to the main centres for employment and goods and services. However, it should be recognised that the Whirinaki Mill is a significant employer, and the subdivision will offer staff the opportunity to build homes close to the Mill to reduce their work commute (which we have experienced on a recent subdivision further to the north at Tangoio).

The development will provide an opportunity for a convenience retailer to establish within the commercial lot, to service the surrounding community and the communities to the north. Such a retail offering would reduce the travel and associated emissions that these communities currently face to pick up miscellaneous items such as milk and bread, with the closest retailers currently in Bay View.

The requirement for homes to be constructed with a minimum of 4kW of solar power generation capacity and for homes to be fitted with an electric vehicle fast charger is intended to encourage uptake of electric vehicle ownership and use. While the inclusion of fast (and smart) chargers at the time of construction is a small step, it will nevertheless be one less barrier to convenient electric car ownership. The potential to utilise free electricity from domestic solar panels to charge vehicles during the day (or through battery storage for overnight charging) will provide an attractive option to reduce or obviate fuel costs for residents commuting to work places in Napier (16km), Taradale (20km) or Hastings (36km) and for general household vehicle trips about Hawke's bay and beyond.

The solar electricity generation facility proposed to be installed over the wastewater discharge fields will provide a contribution to renewable energy generation that will hopefully be directed to a local energy network, if sufficient demand can be established, or to the National Grid. Through summer months, this generation would be available to assist with morning and evening peak network loading. In broad terms, the generation will incrementally assist in reducing demand on the traditional electricity generation sources, easing the burden on hydro generation storage lake levels and in turn the fall back reliance on coal or diesel generation to reduce related greenhouse gas emissions. Positioned adjacent to the state highway on elevated mountings, the solar panels will be a visible reminder to passing traffic of renewable energy generation potential and the wider steps that are required by all to address greenhouse gas emissions and climate change.

The proposed development will therefore incorporate multiple measures to reduce the greenhouse gas emissions of the development occupiers.

# Part VIII: National policy statements and national environmental standards

General assessment of the project in relation to any relevant national policy statement (including the New Zealand Coastal Policy Statement) and national environmental standard:

#### National Policy Statement on Urban Development 2020 (NPS UD)

Hastings is identified as a Tier 2 urban environment for the purposes of the NPS UD and policy 2 of the NPS UD requires the Council to "provide at least sufficient development capacity to meet expected demand for housing and for business land over the short term, medium term, and long term".

As is set out in the Site Description (Enclosure B), while assessment has been undertaken by M.E Consulting for the local Councils (Enclosure S) showing that sufficient land has been provided to meet the future demand of the housing bottom lines, this assessment has neglected to address the existing backlog of unmet demand. Hastings District Council recognises the existence of a 1300 – 1600 home shortfall that stems from year on year construction failing to meet demand, with an expectation that this backlog deficiency will continue to grow resulting in development failing to meet housing bottom lines (Enclosure U). This is consistent with the analysis undertaken by Urban Economics (Enclosure T).

It is clear that, while there may be sufficient land zoned for development, immediate measures are required to address the existing backlog, and the most effective method is to facilitate feasible development proposals that can be realised by immediate commencement and that will contribute to well-functioning urban environments. In this case, the development can be implemented immediately following consent, particularly as it requires little in the way of Council servicing.

Policy 1 of the NPS UD provides guidance to what is considered to represent well-functioning in urban environments. The scheme is consistent with this guidance.

While providing an overall relaxed density commensurate with the coastal location, the development incorporates a mix of lot sizes, including relatively smaller lots for more compact development that will have a lower valuation. The development will provide opportunity for Maori with links to Petane Mare to construct homes closer to the marae. The site is removed from the main Napier and Hastings centres, but will consolidate an existing community and is within proximity of Pan Pac a significant local employer. In creating an additional supply of lots, the subdivision will assist the competitive operation of the land market. The development will incorporate meaningful obligations (Homestar level 6, 4Kw solar panels, vehicle fast chargers) that will assist with reduction to greenhouse gas emissions. The inclusion of a renewable (solar) energy generation facility will further assist in reduction of greenhouse gas emissions.

The Urban Design Statement (Enclosure D) provides further overview of the design approach and good quality outcomes of the development.

National Policy Statement for Freshwater Management 2020 (NPS FW)

The NPS FW provides direction to Councils to assist in giving effect to Te Mana o Te Wai.

The Whirinaki Drain was constructed to intercept overland flow and to convey water from the foothills and intervening farm land to the Esk River coastal lagoon. Assessment of the drain as it passes through the site has shown that it provides minimal aquatic and riparian habitat and little ecological value.

While the Whirinaki Drain will remain principally a drainage feature, the development will significantly improve the associated habitat and natural values of the water body.

The inclusion of a membrane bioreactor for wastewater treatment and a raingarden for stormwater quality improvement will assist in avoiding any detrimental discharge from the development to the Whirinaki Drain.

The proposed development will therefore be consistent with the direction of the NPS FW.

National Policy Statement for Renewable Electricity Generation 2011 (NPS REG)

The NPS REG seeks to promote renewable energy generation and to clearly express the national importance of this generation. The NPS REG is clear in stating that the benefits of renewable energy generation are beyond debate and that the benefits are a material consideration in assessing resource consent or other RM Act applications.

The NPS REG requires that regional policy statements and regional and district plans incorporate objectives, policies and methods (including rules) to support renewable energy generation activities.

The NPS REG also provides direction to consent authorities to recognise the nationally significant benefits of renewable electricity generation activities when considering consent applications.

The proposed inclusion of domestic scale renewable energy generation on each home and the construction of a solar renewable energy generation facility on the site are entirely consistent with the intent of the NES REG. The nationally significant benefits of the electricity generated through this renewable source will be a material consideration within a consent process.

The New Zealand Coastal Policy Statement 2010 (NZCPS)

The purpose of the NZCPS is described as being "to state policies in order to achieve the purpose of the Act in relation to the coastal environment of New Zealand". The NZCPS specifies high level coastal objectives and more detailed direction through 29 related policies.

Policy 1 of the NZCPS recognises that the extent and characteristics of the coastal environment vary across New Zealand. The site is beyond the extent of coastal processes but is part of the existing coastal community that falls within the defined coastal environment.

The relationship of the development to the NZCPS generally follows from this relationship of the inland position of the site with the adjacent coastal development and environment. The site is beyond the extent of modelled coastal erosion and inundation hazards and is not predicted to be affected by coastal erosion in the coming 100 years. Policies 5, 8, 9, 10, 12, 16, 17, 20, 28 and 29 are not relevant to the development.

Policy 2 of the NZCPS seeks to recognise Maori relationships with coastal areas. While an area of the wider site holds great significance to Maori, the proposed development area is not known to hold significance. The development will not constrain any traditional cultural relationship with the coast.

Policy 3 requires the adoption of a precautionary approach to development. As the site is beyond the modelled coastal erosion and inundation hazards that affect the sea front properties of North Shore Road and does not interact with coastal processes, there is no conflict with this policy. Similarly, the development does not conflict with policies 24, 25, 26 and 27, albeit that the site offers an opportunity for North Shore Road household retreat to resilient land within the same community area.

Policy 6 of the NZCPS requires consideration of positive development effects within the balance of decision making, including the consolidation of existing communities where this will contribute to wider avoidance of sprawling or ad hoc development.

Policy 11 of the NZCPS seeks to protect indigenous biodiversity within the coastal environment. While the site does not affect any natural biodiversity in the coastal environment, the Whirinaki Drain restoration planting will provide a significant addition to the native vegetation and associated habitat diversity provided immediately inland of the coast. Policy 13 of the NZCPS seeks to preserve the natural character of the coastal environment and this intent is expanded by policies 14 and 15. The natural character of the area has been largely defined by the interaction of the coastal aesthetic of the homes with the open and exposed beach environment, particularly those homes fronting the beach along North Shore Road. While this development commenced in the early 1960's, the beach front row is interspersed with homes of modern design, materials and construction and the built character of the area is not cemented in the 1960's style homes. The development will continue the coastal aesthetic through street and public space design and

will not directly interact with the beach environment. The development will not therefore compromise the existing natural character of the area.

Policies 18 and 19 of the NZCPS seek recognition of the need for public open space and walking routes within the coastal environment. The development will provide a central park and linear space along the Whirinaki Drain. Walking will be encouraged throughout the development, and the drain side space will provide an attractive and open route, connected to the wider area by the east-west routes of the development. This will offer open space and walking options for existing and future residents not currently available.

Policies 21, 22 and 23 of the NZCPS concern water quality. The treatment of wastewater through a MBR plant and discharge to ground and the inclusion of a rain garden settlement area for stormwater will assist in avoidance of detrimental discharge to the area.

National environmental standard for assessing and managing contaminants in soil to protect human health 2011 (NESCS)

The NESCS imposes a nationally consistent framework for the identification, investigation, reporting and consenting of actual and potentially contaminated sites.

As set out in the Site Description (Enclosure B), a preliminary site investigation (Enclosure P) with supporting soil analysis has confirmed the compliance of the soils with background contaminant concentrations. The site is therefore not considered "a piece of land" in terms of the NESCS Regulations, and no further investigation, reporting or consenting is required in this respect.

## Part IX: Purpose of the Act

Your application must be supported by an explanation how the project will help achieve the purpose of the Act, that is to "urgently promote employment to support New Zealand's recovery from the economic and social impacts of COVID-19 and to support the certainty of ongoing investment across New Zealand, while continuing to promote the sustainable management of natural and physical resources".

In considering whether the project will help to achieve the purpose of the Act, the Minister may have regard to the specific matters referred to below, and any other matter that the Minister considers relevant.

Project's economic benefits and costs for people or industries affected by COVID-19:

The economic modelling of the residential development estimates that the completed development will have a value of \$66.6m and make a \$19.5m contribution to GDP.

The land is currently not utilised for productive purposes due to the costs of production exceeding returns. The loss of the productive capacity of this land will not therefore represent an economic loss.

The impact of the Covid-19 disruption to the Hawke's Bay tourism economy has obviously been detrimental and in some cases terminal to Hawke's Bay businesses set up to service this sector. The estimated 147 FTE additional construction sector jobs will offer both skilled tradesperson and supporting unskilled employment opportunities. While the unskilled employment opportunities will offer immediate opportunities for those displaced from other industries by the effects of Covid 19 to transition into construction, the nature of the local residential construction industry scale and duration of the construction will also offer opportunities for retraining or upskilling targeted at accessing skilled employment positions with confidence of medium term employment demand.

The failure of residential land supply and construction to meet housing demand over recent years has resulted in annual shortfalls of around 200 homes and a current backlog of unmet supply of 1300 – 1600 homes in Hastings. This shortfall has contributed to a rapid residential land and home price escalation and loss of affordability within the market. The addition of a windfall supply of 81 residential lots to the local land market will provide supply that will provide an alternative development option and assist in the competitive operation of this currently demand biased market.

Separate to the residential development, the solar electricity generation will make an incremental contribution to wider electricity generation and transmission investment considerations. Such decentralised generation will assist in alleviating wider network demand

# pressures that are likely to increase through the increased transition to electric vehicles potentially obviating more costly solutions.

## Project's effects on the social and cultural wellbeing of current and future generations:

As set out in the background context to the site and the current Hastings and wider Hawke's Bay housing market, the consistent failure of the local residential development industry to keep pace with the demand for new homes has resulted in an annual shortfall of around 200 homes, resulting in a current backlog of unmet demand of 1300 – 1600 homes. Without significant intervention measures, the annual supply shortfall will continue, increasing the overall backlog deficit.

The continuing failure of housing supply to meet housing demand has resulted in rapid price escalation within the residential land and housing sale market and the related housing rental market. This has resulted in many prospective households competing for homes and being priced out of the sale market. Other households have been forced to compete in the rental market and enter into shared housing arrangements, with the overall effect of increased rental rates and reduced disposable income and reduced capacity to save towards home ownership.

The overall rental price rise has resulted in increased demand for social rent homes and a lengthening Ministry of Social Development social housing register. Locally, Kainga Ora Homes and Communities have been heavily reliant on short, medium and long term motel accommodation to provide a housing option for individuals and families.

The rapid delivery of the proposed 81 residential development lots to the constrained market will provide tangible benefits to the residential market.

While the development is not anticipated to directly provide for social rent housing, the supply contribution of this development and others will assist in bringing balance back to the housing economy, to the benefit of all sectors of the market.

The estimated 147 FTE construction jobs and associated economic activity arising from the development will provide positive effects to the local economy. Establishing a construction industry career for people currently unemployed or transitioning from other industries will provide long term benefits to their wellbeing and the employment opportunities will be particularly relevant for local Whirinaki residents

The development will also consolidate the existing North Shore Road community, providing access to open space and walking routes through the site and a wider sense of community.

# Whether the project would be likely to progress faster by using the processes provided by the Act than would otherwise be the case:

Consenting of the development through the provisions of the Covid Fast-track Act offers an ability to combine the district council and regional council consenting matters for combined assessment by a single authority hearing all of the matters. The avoidance of tandem consenting processes, even if they were subsequently combined to be heard together, will greatly accelerate the process. The notification of all neighbouring properties through an EPA consent process, without requirement for detailed s95 (RM Act) deliberation also accelerates the process, avoiding time consuming debate around the presence or absence and scale of any adverse effects on neighbouring properties. Determination of a Stage 2 consent application through an EPA appointed hearings panel also avoids delays arising from Council resourcing. A decision through an EPA appointed panel would also expect to comprise a set of conditions to Environment Court.

While it is difficult to quantify the difference in duration between processes, the MfE referral and EPA consenting route is expected to be faster through the resourcing of the bodies and clarity around notification and would offer a better decision quality to avoid the necessity of entering into an appeal of conditions process, which would quite reasonably add a year post decision for resolution.

Whether the project may result in a 'public benefit':

Examples of a public benefit as included in Section 19(d) of the Act are included below as prompts only.

Employment/job creation:

The Economic Impact Assessment (Urban Economics) for the development (Enclosure T) estimates that the site development and related construction activity will generate a total of 147 FTE jobs across the development. While a large proportion of the jobs will be for skilled and experienced tradespersons, jobs will nevertheless be available at all levels, including those for unskilled and upskilling labourers. The unskilled jobs will be suitable for many employees transferring to construction following displacement from covid 19 affected industries, such as the Hawke's Bay tourism industry.

The location of the site will also provide opportunities for Whirinaki residents to access local employment with potential for further progression with employers.

## Housing supply:

As set out in the Site Description (Enclosure B) the three local councils have prepared a combined development strategy, the Heretaunga Plains Urban Development Strategy (HPUDS), for the Napier and Hastings area. The background to HPUDS has included extensive assessment of the supply and demand for residential and commercial land.

The HPUDS land allocation was assessed by M.E Consulting to meet the capacity analysis requirements of the NPS UD. The study generally found that sufficient land had been allocated across Hastings and Napier to meet future needs. However, this analysis failed to consider the existing backlog of unmet housing demand that has arisen from the ongoing failure of construction to meet household demand.

Hastings District Council recognise the backlog of unmet demand as representing an existing shortfall of 1300 – 1600 homes (at a rate of 200 per year), with the shortfall predicted to grow as annual construction continues to fail to meet demand.

The Urban Economics assessment of the proposed subdivision provides a similar estimate of the current backlog shortfall of homes.

The persistent annual house construction shortfall across Napier and Hastings has resulted in significant shortages across all areas of the housing market, and rapid price escalation. The supply shortage and lack of affordability is apparent in any examination of the local housing market. This shortfall is particularly evident for social housing, with Kainga Ora Homes and Communities heavily reliant on motel accommodation to meet social rent needs. However, the reliance on motel accommodation is symptomatic of the overall market, which is fundamentally constrained by a shortfall of supply.

The addition of 81 windfall residential lots to the local market will provide a meaningful contribution to assist in addressing the existing backlog of unmet demand.

## Contributing to well-functioning urban environments:

The characteristics of well-functioning urban environments are defined at policy 1 of the NPS UD as being urban environments that, as a minimum:

- (a) have or enable a variety of homes that:
- (i) meet the needs, in terms of type, price, and location, of different households; and
- (ii) enable Māori to express their cultural traditions and norms; and

(b) have or enable a variety of sites that are suitable for different business sectors in terms of location and site size; and

(c) have good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport; and

(d) support, and limit as much as possible adverse impacts on, the competitive operation of land and development markets; and

- (e) support reductions in greenhouse gas emissions; and
- (f) are resilient to the likely current and future effects of climate change.

(a) Have or enable a variety of homes

The subdivision has sought to reflect the low development density of the existing North Shore Road settlement to best integrate the new lots with the existing community and this has directed towards medium and large sized lots

dominating the externally visible periphery of the development. However, the scheme has incorporated smaller lots of around 510m2 to 530m2 within the heart of the development suited to more contemporary forms of compact housing. These smaller lots will have a price difference to the larger lots of the subdivision, providing more affordable development options.

The Whirinaki community of North Shore Road and Whirinaki Road has traditionally been constrained by the limited number of available lots along the coastal strip. This has resulted in a general limitation of housing options for second or third generation Whirinaki families trying to establish new households in the area and for others seeking to relocate to the area, with the limited supply requiring flexibility of timing and pricing to secure a home when available. The development will provide a significant addition of flexible residential lots to the local area, assisting new households seeking to establish in the area and enabling them to design a house to their specific occupation requirements.

In the context of the currently limited Whirinaki property market, the development will also offer increased opportunity for Maori with links to Petane Marae, located within proximity of the site on Taits Road, to build homes within the community.

## (b) Have or enable a variety of sites for different business

The subdivision principally seeks to provide residential lots for the construction of new homes to address existing supply shortfalls. A small area of commercial floorspace is proposed at Lot 300, to provide for a mini supermarket style convenience goods shop and one or two café outlets. To increase the viability of this floorspace, the development seeks to provide for two apartments over the commercial floorspace. While this is a small commercial offering, it has been included to provide for retail units that would serve the community needs of the immediate and wider Whirinaki area.

## c) Good community accessibility for all

The existing amenity and open space recreation opportunities available to the North Shore Road community are focussed on the beach. The subdivision will provide additional public spaces for use by new and existing residents and seeks to provide commercial floorspace to provide for local services.

The subdivision will create a greater community scale with potential for a broader and more diverse community structure, potentially offering wider community support networks.

It is likely that the majority of the employment opportunities for residents will be in the Napier or Hastings commercial areas, but there is significant potential for employees of Pan Pac, which is a significant local employer, to live within the development. The development would also offer a great work from home environment. For those commuting to Napier or Hastings, the proximity to the state highway and subsequent arterial routes will provide favourable travel routes.

The consolidation of the community will provide an increased mass that potentially could better support public transport services in the future.

## (d) Competitive land market

As set out in the background details regarding the historic and ongoing failure of new home supply to meet demand, the resulting market is constrained with limited supply leading to elevated land prices.

The rapid addition of 81 residential lots for development would provide a meaningful addition to the local market, providing a windfall contribution to assist in addressing the historic undersupply of housing. This would assist in balancing the residential land market.

(d) Support reductions in greenhouse gas emissions

As set out in more detail in response to the specific climate change mitigation question, requirements will be imposed on new homes by way of consent notice requiring that homes are designed and constructed to the New Zealand Green Building Council Homestar 6 rating, that homes incorporate a minimum of 4kW solar electricity generation and that homes install fast electric vehicle chargers at the time of construction.

The above measures will lead to homes that are more energy efficient and less reliant on external energy supply. The inclusion of fast chargers within homes is intended to remove that barrier to effective electric car ownership.

The application also proposes the construction of a solar electricity generation field, with generated power to be directed to either a local energy network or to the National Grid. The benefits of renewable energy generation are accepted by the NPS REG as being beyond debate, and the generation and supply will provide national benefit. (f) Resilient to current and future climate change effects

As set out in more detail in response to the specific climate change effects section, the site is beyond the modelled coastal area affected by climate change (and other coastal processes). The land will be filled to a suitably resilient development level that will provide for current and future predicted storm events.

Providing infrastructure to improve economic, employment, and environmental outcomes, and increase productivity:

The subdivision will install in-ground residential infrastructure generally to service the development only. However, the membrane bioreactor wastewater treatment plant is of a design that can be readily expanded (with associated increased discharge field requirement). The wastewater treatment plant does therefore offer a future opportunity for the existing North Shore Road and Pohutukawa Drive homes to move from discharge to individual on-site systems to a higher quality treatment through the communal plant.

The solar electricity generation facility and domestic scale panels on the homes will provide a small scale but valuable addition to the nation-wide renewable energy generation to ease existing and future pressures on distribution, particularly in the context of the power and transmission demands arising predicted to accompany the increasing electric car ownership across the country. The formation of a local electricity network will provide another level of local infrastructure that will further strengthen the local area.

Improving environmental outcomes for coastal or freshwater quality, air quality, or indigenous biodiversity:

N/A

Minimising waste:

N/A

Contributing to New Zealand's efforts to mitigate climate change and transition more quickly to a low-emissions economy (in terms of reducing New Zealand's net emissions of greenhouse gases):

The application proposes that all homes within the development would need to meet Homestar 6 rating of the New Zealand Green Building Council. The achievement of the Homestar rating will assist in the construction of houses that are warm, dry and well ventilated resulting in lower energy demand for heating and cooling than homes designed just to meet the building code.

The application also proposes that all houses will be required to install a minimum of 4kW solar generation panels (with the exception of the two apartments over the commercial if the resulting building format cannot reasonably support such generation). While batteries are not proposed to be made mandatory, systems will be required to be constructed to at least be compatible with the addition of a battery storage system. This will reduce the overall dependency of the development on the nation wide electricity generation and transmission system, and the reliance on coal generation within that network.

All homes will be required to install electric vehicle fast charging facility. Noting that this can be incompatible with the supply provided from solar panel systems, the charging facilities will be required to incorporate suitable control of power flow to adjust to circumstances.

The construction of a solar power generation farm over the wastewater discharge fields adjacent to the state highway will provide a highly visible commitment to renewable energy generation, demonstrating that small scale generation facilities can viably and effectively function. A local energy network will be promoted to enable local residents to source locally produced solar electricity. The solar electricity generation of the large field and the domestic panels will

assist in supporting the transition to electric vehicles and the associated predicted strain on the national electricity transmission network.

## Promoting the protection of historic heritage:

The area of development is not known to contain any heritage assets but the development does recognise the adjacent heritage of Nukurangi Pa and the Ararata Urupa. The scheme of landscaping will improve the setting of the Urupa and the Pa through additional structured native planting across the site and immediately adjoining the Urupa. The Applicant has undertaken initial discussion with representative of the local marae about permission to incorporate local Maori names and features into the naming of the overall subdivision and streets within the subdivision. This naming provides an opportunity to strengthen the profile and recognition of the Maori heritage of the local area. This discussion will continue through the determination of this application and progression will be reported to MfE.

Strengthening environmental, economic, and social resilience, in terms of managing the risks from natural hazards and the effects of climate change:

As set out in response to Part X of the Application, the site is beyond the extent of modelled coastal erosion and inundation effects and filling of the site will elevate the surface level beyond the modelled Esk River flood level. The development will therefore be suitably resilient to the modelled effects of natural hazards as exacerbated by the effects of climate change.

Coastal erosion modelling has estimated that the beach front stretch of North Shore Road might be lost to coastal erosion within the twenty years, rendering the beach front properties inaccessible. While no decisions have been made on coastal defences or managed retreat, the development does offer an opportunity for the relocation of homes or households back to resilient land within the same community.

Regardless of the eventual decisions around coastal defence or retreat, the subdivision will consolidate the North Shore Road community and provide a greater community structure to support exposed residents through adverse storm events affecting property in the future. The solar electricity generation field, if fed to a local electricity network, will provide greater resilience for homes to factors affecting national power demand and distribution and this will ease the wider electricity transmission network pressure as it responds to increased residential growth and the uptake of electric vehicles.

## Other public benefit:

The public benefits of the housing supply, economic activity, employment opportunities and renewable (solar) electricity generation have already been covered in the application.

## Whether there is potential for the project to have significant adverse environmental effects:

As a relatively straightforward scheme of subdivision of land adjacent to an existing settlement that will address the identified natural hazards potentially affecting the site, the proposed development will not result in significant adverse environmental effects.

## Part X: Climate change and natural hazards

Description of whether and how the project would be affected by climate change and natural hazards:

## **Climate Change**

While the site is located adjacent to the coast, it is not affected by modelled coastal erosion or inundation arising from climate change and other coastal and land factors. Filling of the site required for development will raise the surface level to provide resilience to stormwater ponding or flood flow from the Esk River.

Natural Hazards

The HBRC Hawke's Bay Hazard Portal identifies the site as being subject to a range of natural hazards relating to underlying ground conditions, proximity to the coast and proximity to the Esk River. Liquefaction

There are no known earthquake fault lines crossing the site or within the wider area. The site is identified on the HBRC Hawke's Bay Hazard Portal as being subject to the risk of earthquake related liquefaction (medium risk) and amplification (from underlying alluvial sand, silt and gravel).

The identified risks have been further assessed through site specific investigation, and reporting by Initia Geotechnical (Enclosure N).

Borehole and CPT investigation across the site has supported a conclusion that liquefaction is unlikely to be triggered under SLS conditions with localised bands of material potentially exposed to liquefaction under ULS conditions.

Assessment of ULS condition liquefaction suggests that expected damage is likely to be little to minor with negligible vertical settlement. Lateral spread to the free face of the Whirinaki Drain is assessed as unlikely.

The reporting concludes that shallow (NZS3604 or rib raft style) foundations will be appropriate for site development. Coastal Hazards

As set out in further detail in the Site Description (Enclosure B), the site is located beyond the extent of the HBRC Coastal Hazards Zones, with the exception of a short length of the Whirinaki Drain that is recognised as being subject to potential coastal storm inundation (due to the low level of the drain surface).

The site is beyond the modelled 2120 Coastal Erosion contours and only the drain is identified as being subject to the modelled 2120 Coastal Inundation, again due to the low surface level.

Part of the site is identified as being subject to inundation in a distant source tsunami event. The land filling required for the development is likely to raise this part of the site beyond this inundation contour.

The site is identified as being subject to inundation in a near source tsunami event. Evacuation to the vertical refuge of the nearby inland hills would be necessary in such an event.

Esk River Flood Hazard

The site is identified as being at risk of flooding from storm events affecting the Esk River and Esk Valley. This risk has been further assessed through a recent catchment study undertaken by HBRC. This study has identified a 1% AEP flood level of RL16m (1962 local datum, which translates to RL5.7m New Zealand Vertical Datum 2016).

The development will include filling of the site to raise the surface level to a suitably resilient development level over the 1% AEP RL16m flood level to mitigate this flood risk.

## Part XI: Track record

A summary of all compliance and/or enforcement actions taken against the applicant by a local authority under the Resource Management Act 1991, and the outcome of those actions:

Local authority	Compliance/Enforcement Action and Outcome
Hawke's Bay Regional Council	The Applicant, through an associated company entity, is currently working through compliance matters with HBRC around the operation of a clean fill facility that has gradually progressed to a position of non-compliance with consent requirements over the course of around ten years operation.

## **Part XII: Declaration**

I acknowledge that a summary of this application will be made publicly available on the Ministry for the Environment website and that the full application will be released if requested.

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.

Jason Kaye Signature of person or entity making the request

## **Important notes:**

- Please note that this application form, including your name and contact details and all supporting
  documents, submitted to the Minister for the Environment and/or Minister of Conservation and the
  Ministry for the Environment, will be publicly released. Please clearly highlight any content on this
  application form and in supporting documents that is commercially or otherwise sensitive in nature,
  and to which you specifically object to the release.
- Please ensure all sections, where relevant, of the application form are completed as failure to provide the required details may result in your application being declined.
- Further information may be requested at any time before a decision is made on the application.
- Please note that if the Minister for the Environment and/or Minister of Conservation accepts your
  application for referral to an expert consenting panel, you will then need to lodge a consent application
  and/or notice of requirement for a designation (or to alter a designation) in the approved form with
  the Environmental Protection Authority. The application will need to contain the information set out
  in Schedule 6, clauses 9-13 of the Act.
- Information presented to the Minister for the Environment and/or Minister of Conservation and shared with other Ministers, local authorities and the Environmental Protection Authority under the Act (including officials at government departments and agencies) is subject to disclosure under the Official Information Act 1982 (OIA) or the Local Government Official Information and Meetings Act 1987 (LGOIMA). Certain information may be withheld in accordance with the grounds for withholding information under the OIA and LGOIMA although the grounds for withholding must always be balanced against considerations of public interest that may justify release. Although the Ministry for the Environment does not give any guarantees as to whether information can be withheld under the OIA, it may be helpful to discuss OIA issues with the Ministry for the Environment in advance if information provided with an application is commercially sensitive or release would, for instance, disclose a trade secret or other confidential information. Further information on the OIA and LGOIMA is available at www.ombudsman.parliament.nz.

## Checklist

Where relevant to your application, please provide a copy of the following information.

No	Correspondence from the registered legal land owner(s)
No	Correspondence from persons or parties you consider are likely to be affected by the project
No	Written agreement from the relevant landowner where the project includes an activity that will occur on land returned under a Treaty settlement.
No	Written agreement from the holder of the relevant customary marine title order where the project includes an activity that will occur in a customary marine title area.
No	Written agreement from the holder of the relevant protected customary marine rights recognition order where the project includes an activity that will occur in a protected customary rights area.