

Response ID ANON-URZ4-5FQU-P

Submitted to Fast-track approval applications
Submitted on 2024-05-03 13:42:39

Submitter details

Is this application for section 2a or 2b?

2A

1 Submitter name

Individual or organisation name:
Napier City Council

2 Contact person

Contact person name:
Andrew Lebioda

3 What is your job title

Job title:
3 Waters Programme Planner

4 What is your contact email address?

Email:
s 9(2)(a)

5 What is your phone number?

Phone number:
s 9(2)(a)

6 What is your postal address?

Postal address:

Private Bag 6010
NAPIER 4142

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

Yes

Organisation:
Stradegey

Contact person:
s 9(2)(a)

Phone number:
s 9(2)(a)

Email address:
s 9(2)(a)

Job title:
Associate | Planner

Please enter your service address:

PO Box 239
NAPIER 4140

Section 1: Project location

Site address or location

Add the address or describe the location:

The project works involve connecting the stormwater catchment of Maraenui suburb of Napier to the Te Awa suburb and ultimately the coast. Maraenui is located approximately 3km south of the Napier CBD, inland from the coast. The Te Awa area represents the south-east extent of residential development in Napier city. Refer attached map (Appendix 1) for location of project works.

File upload:

Maraenui-Te Awa Location plan.pdf was uploaded

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

Yes

upload file:

Maraenui - Te Awa CTs.pdf was uploaded

Who are the registered legal land owner(s)?

Please write your answer here:

104G Latham Street - Napier City Council

s 9(2)(b)(ii)

54A Eriksen Road - Napier City Council

138A Te Awa Avenue - Napier City Council

Beach Domain - Napier City Council

157 Nuffield Avenue / 104B Latham Street - Napier City Council

SH51 - NZTA

Rail corridor - KiwiRail

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

Please write your answer here:

s 9(2)(b)(ii)

Section 2: Project details

What is the project name?

Please write your answer here:

IAF Maraenui to Te Awa Stormwater Improvements

What is the project summary?

Please write your answer here:

The IAF Maraenui to Te Awa Stormwater Improvements Project seeks to improve the resilience of Maraenui to high intensity rainfall events, and therefore enable the development of additional resilient affordable housing opportunities in the city of Napier. The project involves upgrades to the existing stormwater network, including its capacity, and the redirection of stormwater flows from Maraenui towards Te Awa (to the east) with ultimate discharge to the coast. It also reduces the volume of water being discharged through the city towards the Ahuriri Estuary and is anticipated to relieve pressure on infrastructure along these corridors.

What are the project details?

Please write your answer here:

The purpose of the project is to improve the resilience of Maraenui to high intensity rainfall events by undertaking stormwater upgrades and diversions. This will enable additional Kāinga ora and other affordable housing development to occur on vacant and underdeveloped sites in the area, contributing at least 400 additional homes (as required under the IAF agreement) to meet the high latent and projected demand for housing in Napier and the wider Hawke's Bay region. IAF funding has been obtained with funding to be released at key milestones for the project. Design is progressing to support regulatory approvals, procurement and construction.

The stormwater upgrade concept generally involves:

- In part, an upgrade of the stormwater system to manage increased flows from urban development/intensification in Maraenui,
- The redirection of stormwater flows from Maraenui towards Te Awa by regrading Plantation Drain,
- Increased storage capacity in the Plantation and Cowshed Drains,

- A new culvert where Cowshed Drain flows beneath Eriksen Road,
- The construction of a new pump station next to the Serpentine Pond at Te Awa,
- The construction of a coastal outfall structure(s) to discharge stormwater from the new pump station to the Coastal Marine Area.
- The potential acquisition of property to achieve the above.

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

Please write your answer here:

- The project is intended to be delivered in a single stage, anticipated to commence late 2025.

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

Please write your answer here:

• RMA 1991: Approvals (including resource consent and Notice of Requirement) are required under the Resource Management Act 1991 as further outlined below. Resource consent is likely to be required under the Napier District Plan, Hawkes Bay Regional Resource Management Plan, Hawkes Bay Regional Coastal Environment Plan, and the National Environmental standard for Freshwater. Preliminary analysis has identified resource consent may be required for:

- New network utility in a reserve and the coastal environment, including in a coastal hazard zone,
- Earthworks exceeding permitted thresholds,
- Earthworks on HAIL sites (contaminated land),
- Diversion of water,
- Discharge of drainage water,
- Non-consumptive water take to facilitate construction,
- Discharge of stormwater to the coastal margin and/or coastal marine area.

Overall, resource consent is likely to be required as a Discretionary Activity.

s 9(2)(b)(ii)

• Heritage New Zealand Pouhere Taonga 2014: Archaeological Authority may be required depending on the alignment of the outfall, and the potential to impact on the identified Archaeological Site V21/295 located within the beach domain (being a concrete pillbox part of the WWII coastal defence strategy).

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

Please write your answer here:

Napier City Council and Hawke's Bay Regional Council.

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

Please write your answer here:

Napier City Council received IAF funding for the project. No regulatory approvals have yet been sought.

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

Yes

Please explain your answer here:

Regulatory approvals and land access required as outlined above.

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

Please write your answer here:

- o Detailed design: May 2025
- o Procurement: September 2025
- o Funding: IAF funding has been approved and these funds are unlocked when specific milestones are met. Napier City Council is currently consulting on additional funding for the project through its 3 Year Plan and this will be confirmed by July 2024.
- o Site works commencement: Following procurement – late 2025.
- o Completion: Practical completion date is set to June 2027 (as agreed to in the P170 IAF agreement).

Section 3: Consultation

Who are the persons affected by the project?

Please write your answer here:

Relevant local authorities:

Napier City Council and Hawkes' Bay Regional Council

Relevant iwi authorities:

Ngāti Kahungunu; Te Waiwhenua o Te Whanganui Ā Orotū

Relevant Treaty settlement entities:

Mana Ahuriri Trust

Protected customary rights groups:

N/A

Customary marine title groups:

N/A

Applicant groups under the Marine and Coastal (Takutai Moana) Act 2011:

o Heretaunga Tamatea (MAC-01-09-001),

o Mana Ahuriri (MAC-01-09-003),

o Ngāti Pārau Hapū (MAC-01-09-016), and

o Te Aitanga a Puta, Ngati Kurupakia Ngai Tauri (MAC-01-09-021).

Ngā hapū o Ngāti Porou: N/A

Any person with a registered interest in land that may need to be acquired under the Public Works Act 1981:

s 9(2)(b)(ii)

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

Please write your answer here:

Meetings have been held with the regulatory teams of both Napier City Council and Hawke's Bay Regional Council as part of an initial piece of work to determine the planning context, the resource consents likely to be required and the nature of technical assessment required to support those applications.

The project has been 'signalled' / 'introduced' to Mana Ahuriri Trust – with more meaningful engagement yet to commence.

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

Please write your answer here:

Land required as part of the project has been identified and the council has resolved to commence a Public Works Act process in relation to this land. No further action has been undertaken at this time.

Section 4: Iwi authorities and Treaty settlements

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

Please write your answer here:

The Ahuriri Hapu Deed of Settlement as given effect to under the Ahuri Claims Settlement Act 2021 is relevant to the project site.

The relevant principles and provisions of this settlement include:

- The Crown acknowledges past failings and Ahuriri Hapu's grievances.
- The Crown provides an apology.
- The Coastal Marine Area is within the Ahuriri Hapu Coastal Marine Area Statutory Acknowledgement Area (OTS-206-20). The proposed stormwater outfall structure and associated discharge will occur in the CMA.
- The Ahuriri Hapū Claims Settlement Act 2021 requires relevant consent authorities, the Environment Court, and Heritage New Zealand Pouhere Taonga to have regard to statutory acknowledgement areas when deciding whether the trustees are affected persons in relation to the activity.
- Napier City Council will engage with Mana Ahuriri in preparing the application(s) for lodgement.

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

No

If yes, what are they?:

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

No

If yes, what are they?:

The land is within the rohe of Ahuriri affiliated marae, represented by Te Taiwhenua o Te Whanganui a Orotu, however there are no parcels of Māori land within the project area.

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

No

Has the applicant has secured the relevant landowners' consent?

No

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

No

If yes, what are they?:

No, however, we understand there are four active claims under Section 62 of the Marine and Coastal Area (Takutai Moana) Act 2011:

- Heretaunga Tamatea (MAC-01-09-001),
- Mana Ahuriri (MAC-01-09-003),
- Ngāti Pārau Hapū (MAC-01-09-016), and
- Te Aitanga a Puta, Ngati Kurupakia Ngai Tauira (MAC-01-09-021).

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

No

If yes, please explain:

Upload your assessment if necessary:

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Section 5: Adverse effects

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

Please describe:

Ecological (terrestrial and freshwater) and water quality:

- o Management of construction works will be required to minimize sedimentation on receiving environments (e.g. through erosion and sediment control plans).
- o Assessment will be required on potential effects if drain capacity increases are required e.g. impact on native fish (Plantation Drain) – if so, mitigation measures may be proposed and/or there is potential for the project to incorporate ecological connections to provide positive benefits.
- o Assessment of effects on the receiving coastal environment at the discharge point will be required. Effects are likely to be minor due to the high energy environment at the point of discharge, tidal flows, and the volume of discharge during a rainfall event (dilution).
- o Culvert replacement under Eriksen Road may require consideration of fish passage.
- o Not a highly sensitive ecological area given the residential/highly modified environment, so overall effects on ecological values likely to be low.

Notable trees:

- o Protected (notable) trees are located along Marine Parade. Works that cannot avoid the dripline of the notable trees will need arboricultural advice to minimize intrusion into the root zone.

Groundwater and geotechnical:

- o Dewatering and non-consumptive water take consents may be required for the culvert replacement under Eriksen Road – assessment and management of this work will be required to avoid/minimise potential effects including on infrastructure assets and physical structures.

Amenity and landscape values:

- o New pump station, outfall and ancillary activities may impact amenity values for surrounding residents and potentially the natural character of the coastal environment. Design of the structures will take this into consideration and a landscape architect will assist in design and mitigation to ensure effects are not significant.

o Confirmation will be required that operation noise/vibration levels will be met – including through insulation if required.

Cultural values:

o The proposed works and alignment of the stormwater network upgrades do not impact on any identified site of significance to māori.
o Changes to the open drain network and discharges to the coastal environment may have cultural values associated with the mauri of water. There is the potential for impacts on taonga species although due to the highly modified environment this risk is considered to be low. Further investigations are required to confirm potential effects.

Recreational values:

o The proposed outfall structure and discharge point will be designed to minimize effects on the recreational use of the foreshore reserve and coastal margin.
o Depending on requirements for construction laydown areas, there may be temporary restrictions on public access to all areas of the foreshore reserve and coastal area. These will be minimised to the extent practicable.

Archaeological values:

o An Archaeological Site (V21/295) is located within the beach domain. The site is non-Māori, post 1900 and described as being a concrete pillbox and part of the WWII coastal defense strategy. The precise location, and extent, of the Archaeological Site is to be identified and avoided as part of the project. Requirements under the Heritage New Zealand Pouhere Taonga Act 2014 may need to be considered.

Highly productive land:

o The Plantation Drain is zoned Main Rural Zone and is predominantly located within Land Use Capability Classification 3. However, due to its width, and proximity to residentially zoned land, it is unlikely this land would be economically viable for primary production activities. Effects of the stormwater project on the productive capacity of the land is therefore negligible.

Coastal hazards:

o The coastal outfall structure will be located in the Coastal Hazard Zone, identified as subject to storm erosion, short-term fluctuations, dune instability, potentially at risk due to long term rates of coastal erosion, and potential sea water inundation in a 1 in 50 year combined tide and storm surge event. These factors will be taken into consideration in the design of the outfall structure and discharge point.

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Section 6: National policy statements and national environmental standards

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

Please write your answer here:

New Zealand Coastal Policy Statement (NZCPS):

o Overall, the NZCPS seeks the avoidance of adverse effects on indigenous species, water quality and natural character. Of particular relevance:
☐ Policy 6 supports development of infrastructure in the CMA but should not compromise other values and must have a functional need to be there.
☐ Policy 13 requires the CMA to be protected from development and avoids significant adverse effects on natural character.
☐ Policy 22 of the NZCPS requires that use and development will not result in a significant increase in sedimentation in the coastal marine area.
☐ Policy 23 provides direction in relation to discharges to the CMA including the sensitivity of the receiving environment and the avoidance of significant adverse effects.
o The project, including the discharge outfall structure, and management of construction works, will be developed to minimize adverse effects on the coastal environment and address the above identified policies. The project will not be inconsistent with the policy direction of the NZCPS.

National Policy Statement for Indigenous Biodiversity (2023) (NPSIB)

o The objective of this National Policy Statement is to maintain indigenous biodiversity across Aotearoa New Zealand so that there is at least no overall loss in indigenous biodiversity. One of the key actions from this policy statement is a consistent approach for territorial local authorities to identify significant natural areas (SNAs) and manage these better in District Plans (Policy 6 – 7). Policy 8 recognises and provides for the importance of maintaining indigenous biodiversity outside SNAs.
o The corridor of land subject to the project is not within a currently identified SNA, however Clause 3.16 of the NPSIB refers to projects outside SNAs and requires any significant adverse effects of the new subdivision, use, or development on indigenous biodiversity to be managed by applying the effects management hierarchy.
o The ecological values along the corridor will be identified as part of the design development process so that the 'effects management hierarchy' can be applied to these values. As noted above, effects of ecological values are not likely to be significant and can be managed through appropriate design (including fish passage, if required and practical) and construction management methodologies (including erosion and sediment control measures).

National Policy Statement for Highly Productive Land (2022) (NPSHPL)

o The key principle of the NPSHPL is to protect the potential for land based productive activities on rural land with high productive capability. The Plantation Drain is zoned Main Rural and is largely within Land Use Capability 3 and is therefore falls within the interim definition of "highly productive land".
o Clause 3.9(2) of the NPS HPL however provides for a range of activities considered to be appropriate within HPL land as 'exceptions' to the overall approach required by the policy document. These exceptions have a lesser threshold to reach in terms of effects on HPL and are allowed to demonstrate how best the projects reduce and mitigate adverse effects on the production capacity. One of the exceptions is 'specified infrastructure'. The project will

be 'specified infrastructure' as it is 'drainage works' carried by a local authority. The use of the rural zoned land is required to facilitate the objectives of the project and therefore there is a functional and operational need to occur in this location.

o Further, the impact on the actual economically viable productive capacity of the land is likely to be low due to its proportions and proximity to residentially zoned land.

o Additional assessment is required to support the above policy approach, however, it is anticipated that the project will not be inconsistent with the policy direction of the NPS HPL.

National Policy Statement for Freshwater Management 2020 (NPSFM):

o The NPSFM sets objectives and policies for the management of freshwater quality and quantity. The new NPS FM seeks to manage freshwater in a way that:

o first, the health and well-being of water bodies and freshwater ecosystems; and,

o second, the health needs of people (such as drinking water); and,

o third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.

o The NPS FM seeks to give effect to Te Mana o te Wai and ensure that Tangata Whenua are actively involved in freshwater management (including decision-making processes), and Māori freshwater values are identified and provided for. Te Mana o te Wai is the fundamental concept of the NPS FM and sets out the hierarchy of obligations that are contained within the above objective.

o The project involves primarily artificial watercourses/open drains that have been created for the purpose of stormwater management. The proposal does involve the redirection of water flows.

o No consumptive water takes are required to facilitate the project. Effects on the health and wellbeing of natural water bodies and freshwater is anticipated to be minimal.

o Napier City Council will engage with mana whenua in developing the design of the project.

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Section 7: Eligibility

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

Yes

Please explain your answer here:

The project requires resource consents (that may trigger notification depending on the extent of effects and affected parties), Notice of Requirement, potential archaeological authority and Public Works Act processes. The overall timeframes for these approval processes would likely significantly exceed 6 months, including through allowance for a hearing(s) and the risk of rights of appeal. The fast-track process is appropriate as it will facilitate a streamlined process that enables comments from stakeholders to be received and considered on all required approvals in an integrated manner, while ensuring that conditions address potential environmental effects.

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

Please write your answer here:

This is a discrete project with confined assessment matters and potentially affected parties. This will enable an efficient fast-track process to achieve the benefits of the project without significant demand on the overall operation of the fast-track process system.

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

Local government plan or strategy

Please explain your answer here:

The project has obtained IAF funding and is a priority project for Napier City Council. Additional funding has been included in the three year plan currently out for consultation.

Will the project deliver regionally or nationally significant infrastructure?

Regional significant infrastructure

Please explain your answer here:

The proposed stormwater upgrade works will significantly improve the resilience of the Napier suburb of Maraenui to increased frequency of high intensity rainfall events; and will facilitate additional affordable housing/intensification in this area. This will have significant regional benefits in terms of providing for resilient housing options in an affordable area of Napier, close to employment opportunities and amenities, as well as reducing the risk of flooding to the existing Napier community.

The significant rainfall event of November 2020 event highlighted Napier's current flood vulnerabilities, albeit that the centre of the flood was a 1 in 250 year event. Much of Napier, and Maraenui in particular, is vulnerable to flooding, owing to its low-lying nature. In short, there was insufficient stormwater infrastructure provided when the area was first developed by the Housing Corporation.

The predicted impacts of climate change, including more frequent high intensity rainfall events, are likely to exacerbate flooding hazards over time unless

a network-wide solution is put in place for Maraenui.

Will the project:

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

Please explain your answer here:

Napier City Council has prepared a "Spatial Picture" which identifies where housing demand could be met, including through intensification in accordance with the National Policy Statement: Urban Development. This has informed the zoning pattern in the Proposed District Plan, notified for submissions in late 2023. Maraenui has been identified as an appropriate location for medium density residential development due to its accessibility to the city centre, local centre facilities including a medical centre, a reserve, the coast, and the planned Te Pihinga community facility. However, the area has significant legacy stormwater and flooding issues that are a constraint to providing a quality living environment for residents.

Currently, in order to reduce inundation risk, consents for new housing specifies varying levels of raised habitable floors, dependent on each property. Onsite stormwater detention is also required for multi-unit development. Although this reduces impacts in smaller rainfall events, onsite detention cannot mitigate flooding risk for larger events. Furthermore, requirements to elevate habitable floor levels have affected new build housing and its integration within the community, as the dwellings tend to be at a higher floor levels, decreasing privacy and necessitating large numbers of ramps to ensure accessibility requirements are met. Demographic projections show an increasing ageing population which will only add to the requirement for wheelchair and other accessibility requirements in an area where space is at a premium.

New housing of an increasingly intense nature will increase the area of impermeability, further contributing to the legacy stormwater and flooding issues in the area. Napier City Council seeks to increase the resilience of existing community, allow new house building to meet latent and projected demand, and allow for higher intensification for both Kāinga Ora and other future developers in accordance with the Napier Spatial Picture.

Kāinga Ora currently plans to build 158 homes on seven existing Kāinga Ora sites in Maraenui. The planned dwellings go some way to meet a current latent demand for housing but do not address the necessary future housing demand as set out in our Housing Development Capacity Assessment 2021. Based on a medium-high population projection, an additional 2,700 houses will be needed to meet demand in Napier by 2030. Demand is projected to be particularly strong for smaller (1-2 person) and affordable houses. Given Napier's unique geological and topographical constraints (coastal hazards, flood prone, liquefaction) it is essential that we maximise our brownfields areas with infill and intensification of our city. The proposed stormwater upgrades will enable a minimum of 400 additional homes to be delivered (as committed to through the IAF funding agreement) in Maraenui in a resilient and integrated way, achieving significant benefits for the city and region.

A funding agreement was reached through the IAF and funding will be released when key milestones are met. Design is now underway to support the regulatory approvals and procurement processes required to deliver this important project for the city and region.

Will the project deliver significant economic benefits?

No

Please explain your answer here:

Will the project support primary industries, including aquaculture?

No

Please explain your answer here:

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

No

Please explain your answer here:

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

No

Please explain your answer here:

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

Yes

Please explain your answer here:

The impacts of climate change and natural hazards on the community of Maraenui are a key driver for the project. The stormwater network improvements will directly improve the resilience of the existing and future community to high intensity rainfall events, while also reducing the burden on the city wide network.

Will the project address significant environmental issues?

No

Please explain your answer here:

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

Yes

Please explain your answer here:

As noted above, Maraenui has been identified in the Napier Spatial Picture (implemented through the zoning pattern identified in the notified Proposed District Plan) as being appropriate for medium density residential development. The stormwater improvements proposed in this project will facilitate resilient residential development in accordance with the local planning documents.

Anything else?

Please write your answer here:

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

No

If yes, please explain:

Section 8: Climate change and natural hazards

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

Yes

If yes, please explain:

The impacts of climate change and natural hazards on the community of Maraenui are a key driver for the project. The potential impacts including increased high intensity rainfall events and changes to the coastal environment will be addressed through the design of the stormwater network improvements including capacity of the drainage system and the placement and design of the outfall structure and pump station.

Section 9: Track record

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

Please write your answer here:

Napier City Council, as a local authority, is a responsible entity committed to achieving compliance and quality environmental outcomes for the community.

There have nevertheless been isolated instances of non-compliance with resource consent conditions over the years. These primarily relate to infrastructure funding and maintenance challenges (with respect to compliance with regional council discharge consents) and management of contractors for the delivery of projects – with matters generally being worked through a proactive and constructive manner with the Regional Council. Further information can be provided on request.

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Declaration

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

Yes

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

Please write your name here:

s 9(2)(a)

Important notes