

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: Clive Residential Subdivision Development
Application number: PJ-0000820
Date received: 02/09/2022

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: Tomorrow Developments Limited

Contact person: Michael Wilding

Job title: Director

Phone: s 9(2)(a)

Email s 9(2)(a)

Postal address:

C/- Development Nous Limited

PO Box 385

Hastings 4156

Address for service (if different from above)

Organisation: Development Nous Limited

Contact person: Matthew Holder

Job title: Director and Principal Planner

Phone: s 9(2)(a)

Email s 9(2)(a)

Email address for service s 9(2)(a)

Postal address:

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.

49 School Road, Clive, Hawke's Bay, 4102, New Zealand

Legal description(s):

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

Held in two records of title

- Part Suburban Section 23 West Clive contained in RT HB84/297 being approximately 6.3737 hectares in area
- Part Suburban Section 24 West Clive contained in RT HB84/297 being approximately 5.6203 hectares in area
- Lots 1-16 DP 345 and part shown road DP345 being approximately 8698m2 in area.

There are no consent notices, encumbrances or covenants applying to these titles that would preclude development from occurring. Records of Titles are attached (Enclosure A)

Registered legal land owner(s):

Joanne Maree Biss and Nicolas Matthew Biss

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 applicant Tomorrow Developments Ltd, holds conditional contract for purchase of the land with extended due diligence clauses. The applicants have the ability to undertake works of the land prior to settlement should it be required as part of a Stage 2 application. The applicant can settle on the property at any time. There is no impediments to the ability to undertake the work required for the project.

Part III: Project details

Description

Project name: Clive Residential Subdivision Development

Project summary:

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

The application seeks approval for a comprehensive residential subdivision development for up to approximately 173 residential dwellings based on mixed typologies of standalone, duplex and terraced houses. The application also provides a large area of land for stormwater detention/flood mitigation which will provide for an area wide solution and can be made available as a multi-use reserve area with direct connection to Clive School, Muddy Creek and esplanade reserves. see Enclosure D.

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 development of a staged 173 lot residential subdivision adjacent to existing residential development and in close proximity to Clive School, the Clive Commercial zone and recreational areas. Approval is sought for a staged subdivision and associated housing development, including site formation earthworks to, in part, raise the land for housing development to mitigate any potential flooding hazard and lower the land to provide stormwater storage to *avoid, remedy and/or mitigate* any actual or potential flooding events during adverse rain events. The intended cut to fill is described and depicted in the engineering reports of *Development Nous* and *Infir* (see Enclosure E).

The purpose of cutting and filling the site is to achieve stormwater neutrality, and it also has a wider benefit of addressing stormwater from the wider catchment for existing housing in the area. The southern portion of the site will be raised in part from fill excavated from the northern portion of the site, to ensure houses are above the 1 in 100-year flood level for the area and provide resilience during high rainfall events. It is envisaged that the open space area (created on the northern part of the land) be made available for amenity, recreation use and movement for the public including Clive School which is immediately adjacent and shown in the Context plans (Enclosure C). The application proposes to raise the land to no less than RL 11.8, 100mm above the modelled 1/100-year flood level, with additional freeboard, as necessary, added to the floor level of buildings (by way of consent notice). Hydraulic neutrality for the site will be achieved through this proposed engineered solution, incorporating onsite retention and detention prior to discharge and therefore no displacement of flood water will occur as a result of the proposed development.

Approval is also sought to provide subsequent residential development that will involve the construction new homes of varying typology and heights including detached, semi-detached and terraced building formats ranging from single to two storeys in nature. The appended enclosures provide indicative development detail of how lots can be developed and demonstrates how the proposed development quantum can be readily accommodated. The progressive staging of the development (earthworks and subdivision) will allow continuous supply of lots for housing to the market.

Connections to Council reticulated services is proposed. Enclosures C and E show points of connection.

Enclosure B provides a strategic background overview of the site with respect to past planning decisions in the area of Clive.

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

It is intended that the development be staged to allow for the early and progressive development of housing to the market. The exact nature of staging will be detailed in a Stage 2 application. Detailed engineering approval for the bulk earthworks and the detailed stages is anticipated to take six months to complete. The site formation earthworks for the initial stages can then commence relatively quickly following the awarding of tender. It is anticipated that through staging housing construction could commence within 18 months.

Consents / approvals required

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

Resource consent(s) / designation required:

Land-use consent, 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
49 School Road Clive <ul style="list-style-type: none"> Pt Suburban Section 23 West Clive contained in record of title HB84/297 being approximately 6.3737 hectares in area. Pt Suburban Section 24 West Clive contained in record of title HB84/297 being approximately 5.6203 hectares in area. Lot 1-16 DP 345 and part shown road DP345 HB84/296 being approximately 8698m² in area 	Hastings District Plan Partially Operative Hawke's Bay Regional Resource Management Plan	Plains production Zone	The site is encapsulated within a wider large area identified as being in tsunami inundation area (Appendix 58) does apply but no rules apply for residential dwellings. It is largely informative in nature.	New HDC water reservoir has been subdivided from site at 31 Tucker Lane. Abutting designation Clive school (separated by Muddy Creek)

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
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<p>Hastings District Plan Partially Operative</p> <p>Hawkes Bay Regional Council Regional Resource Management Plan</p> <p>National Environmental Standard (NES) – Assessing and Managing Contaminants in Soil to Protect Human Health</p>	<p>Rule SLD25 - Subdivisions not provided for in the District Plan</p> <p>Rule SLD17 – Subdivisions that do not comply with a standard and term in Section 30.1.7</p> <p>Land use Rule PP39 – activities not provided for under other activity status rules</p> <p>Rule 42 - Diversion and Discharge of stormwater</p> <p>TANK 21 – Diversion and discharge of stormwater from an existing or new local authority managed stormwater network into water, or onto land where it may enter water</p> <p>Rule 71 – Activities affecting river control schemes and drainage schemes</p> <p>NES Regulations Subclause (7)</p>	<p>In the Plains Production Zone the minimum lot size is 12 hectares (Table 30.1.6A). The proposed subdivision would create lots smaller than this and is accordingly a non-complying activity (Rule SLD25).</p> <p>Individual lots within the subdivision (which is on land currently zoned Rural) will not be capable of fitting a building platform measuring 30m x 30m, which is a General Site Performance Standard from section 30.1.7A.</p> <p>Non-compliance with land use standard 6.2.6B ('Residential Buildings'), under which only one residential building is allowed per site, Standard 6.2.5B Yards where residential buildings on the lots proposed will not meet rural setback standards, and with standard 6.2.5J, which sets a maximum net site coverage of 35% or 1,500m² (whichever is the lesser).</p> <p>Certificate of Compliance required</p> <p>Along with standard terms and conditions an application for resource consent must include an Integrated Catchment Management Plan in accordance with Schedule 35B.</p> <p>Construction of stormwater outlet</p>	<p>OVERALL NON-COMPLYING ACTIVITY- individual components encompass the following activity statuses</p> <p>Non-complying,</p> <p>Restricted Discretionary, and</p> <p>Permitted (subject to onsite mitigation to ensure compliance with standards/terms for permitted activities)</p> <p>Controlled</p> <p>Discretionary</p> <p>Restricted Discretionary Consent under the NES is required.</p>	<p>49 School Road Clive</p> <p>The subject site is 2 parcels of land held in two records of title.</p> <ul style="list-style-type: none"> • Pt Suburban Section 23 West Clive contained in record of title HB84/297 being approximately 6.3737 hectares in area. • Pt Suburban Section 24 West Clive contained in record of title HB84/297 being approximately 5.6203 hectares in area. • Lot 1-16 DP 345 and part shown road DP345 HB84/296 being approximately 8698m² in area
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		<p>structures (if required) and works within a drainage scheme.</p> <p>It should be noted that HB Regional Council's TANK provisions are proposed rule changes having immediate legislative effect; however no decisions have been made in respect of submissions.</p> <p>In terms of (7) (a) the site has in part been used for a HAIL activity. In terms of the Hazardous Activities and Industries List (HAIL) Section A10, the site has previously been used for cropping</p>		
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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.

N/A

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

N/A

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 other legal authorisations are required. following the issuing of resource consent, detailed engineering approval will be sought from Hastings District Council and Building consent consent will be required for construction.

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.

Funding is immediately available to the applicant, upon confirmation of Stage 1 and progression to stage 2. The resource consent submitted for approval will include the staged subdivision of the full site and detailed development plans for the initial development stages of up to 173 homes. It is intended that the inclusion of detailed

subdivision and land use consents will accelerate the commencement of house construction for these stages through avoiding the need for any further resource consent approval.

Immediately following the grant of resource consent, engineering approval will be sought from the Hastings District Council for the bulk earthworks design across the site, including the cut required to create onsite stormwater detention, retention and low impact design treatment of stormwater prior to discharge and the fill required to lift the land used for residential dwellings above the 1/100 year flood event to avoid, remedy and/or mitigate any actual or potential flood hazard as per the attached engineering report and in order to meet NZ Construction Standard 4044. This approval process is envisaged to be completed within six months. Site formation earthworks to raise the surface level are anticipated to take 12-18 months to complete for the full site- based on working around 9 months per year to provide for construction breaks during adversely wet construction conditions. There is no requirements to rely on any third parties for fill sourcing (avoids sourcing, negotiating, obtaining additional consents and transporting), a cut to fill balance can be achieved over the site and has significant time and cost savings for the development.

The engineering approval and site formation would therefore be expected to deliver sites for progressive house construction within 24 months after the approval of resource consent- as development is progressively constructed and titled in stages.

The applicant is discussing the development with local building companies, including K3 Property- an iwi led housing construction company to investigate options for offsite construction and modular design to understand if these could provide for house construction in tandem with site formation to accelerate the completion and delivery of homes, particularly in the early stages of development. See Enclosure L.

The critical shortage of supply and demand for homes both locally and regionally are such that the market can support the ongoing delivery of lots and completed houses generally as rapidly as they can be delivered from site construction as supported by the enclosed economic assessment report of Property Economics (Enclosure F).

The applicant is not seeking an implementation period beyond the standard five years time lapse period of the RMA, all stages are to be implemented and completed in accordance with the RMA subdivision provisions.

Part IV: Consultation

Government ministries and departments

Detail all consultation undertaken with relevant government ministries and departments:

The applicant has not had specific pre application meetings with officials, an initial enquiry was made to discuss the merits of presenting an application and expectations around the process.

it is understood that preliminary discussions with the Ministry of Housing and Urban (MHUD) development has occurred with an expression of interest in the development (potentially partnering with K3 Property who are a development company owned by the Kahungunu Asset Holding Company, which holds and manages assets on behalf of Ngati Kahungunu Iwi incorporated). See Enclosure L.

Should the application be approved for Stage 2 progression then it is expected discussions with Kainga Ora

Local authorities

Detail all consultation undertaken with relevant local authorities:

Hastings District Council (HDC)

Preliminary discussions have been held with HDC engineering staff and executives. The purpose of discussion with engineering staff was to understand development options around servicing. Discussions with Council executives on a *without prejudice basis* was to determine their support for a council led process via a non-complying resource consent (Enclosure C Context Plan) and treats wastewater prior to its discharge to ocean. Confirmation has been obtained that the treatment plant has capacity to receive additional flow from the development. The preferred option of getting the wastewater to the treatment plant (as suggested by Council) is via an existing decommissioned 200mm rising main. Investigations are underway to ensure the condition of this rising main is satisfactory for its intended purpose. Alternative options are to insert a sleeve within the pipe or replace it. An upgrade or possible replacement to the existing pump station (see Enclosure C for location) is also likely. suffice to say engineered solutions are available and will be confirmed at time of the stage 2 referral. In terms of water HDC have recently purchased and subdivided a

small site off the applicant's property now known as 31 Tuckers Lane (see Enclosure C) to establish and operate a water treatment plant and reservoir for the purposes of supplying the township of Clive with safe drinking water. In the absence of an ability to connect directly to this reservoir, there will be a requirement for additional storage on site which will need to be considered and is achievable. Confirmation at stage 2 will be available.

Hawkes Bay Regional Council (HBRC)

Preliminary discussions have been undertaken with the HBRC staff to discuss the mitigation of the identified flooding hazard. The feed back from Council was that if development can be shown to address the flooding hazard through onsite then they would be supportive of residential development of the site from an engineering perspective. If it can be demonstrated via modelling that the effects to neighbouring properties and the wider Clive community are less than minor there should be no problem developing the land. As demonstrated in the enclosed preliminary engineering report and modelling have shown that this can be achieved. Further modelling to integrate the design is anticipated in a stage 2 application.

Other persons/parties

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

The applicant has not consulted with any other persons or parties including neighbouring properties. The applicant is waiting until there is more certainty with the form of development proposed and the means of servicing it.

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:

Iwi authority	Consultation undertaken
Ngati Kahungunu Iwi Incorporated - via K3 Property and Te Taiwhenua O Heretaunga	The Applicant is in active discussion to form a partnership with K3 Kahungunu Property (K3). K3 are a development company wholly owned by the Kahungunu Asset Holding Company, which holds and manages assets on behalf of Ngāti Kahungunu Iwi Incorporated. K3 have stated their support for the scheme in recognition of the opportunity to provide homes for iwi, hapu and whanau. see enclosure for letter confirmation. Consultation yet to occur with Te Taiwhenua O Heretaunga

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
Heretaunga Tamatea Settlement Trust	none. will occur in stage 2

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.

Heretaunga Tamatea Settlement Act

The Government summary of the Deed of settlement acknowledgements and apology is at <https://www.govt.nz/browse/history-cultureand-heritage/treaty-settlements/find-a-treaty-settlement/> Cultural redress was provided through the vesting and give back of sites and through the establishment of statutory of statutory acknowledgements and deeds of recognition. The subject site was not part of the vesting. The site and adjacent land are not subject to a statutory acknowledgement or deed of recognition as part of this settlement. However, Heretaunga Tamatea hold Statutory Acknowledgement and Deed of Recognition covering the Clive River and its tributaries, of which Muddy Creek is a tributary that discharges into the Clive River near its mouth. Consultation will occur as part of Stage 2.

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.

N/A

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.

N/A

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.

Productive Soils

While the site is within the Plains Productive Zone of the Hastings District Plan (operative in part) and benefits from proximity to key transport routes and potential sources of labour, historical imagery confirms that the land has only been used for grazing and low intensity cropping rather than orcharding or intensive rural production since 1949. A very preliminary soil productivity (Enclosure F) report identifies the site have some versatility in terms of its quality,

however, acknowledges the site does not have onsite water take permit and this limits its future ability to be used productively.

Notwithstanding the versatility of the soil, the locational and existing environment surrounding the subject land would practically dictate that high intensity productive uses are inappropriate. The site is surrounded on three sides by sensitive activities including:

- residential activities
- A registered water supply
- A primary school also providing after care programmes and active transport by children walking, scootering and cycling so heavy traffic use (i.e./harvesting and cropping), and any activity requiring regular spraying for pest control would be inappropriate.

The proximity of the above creates potential reverse sensitivity effects (noise, spray drift, harvesting etc.).

Allowing for the development of this land, with clearly defined boundaries (existing housing, roading and muddy creek) and readily available services is a positive effect, despite its current Plains Production zoning and the sites versatility, there are some known limitations and there is more productive and valuable land in the wider Plains Production zone (approximately 25,000 hectares in area) which warrants greater protection than this site- if land has to be sacrificed for urban growth, particularly as it borders existing houses and has definable defensible boundaries. This enables a clear distinction of the extended suburban boundary and the productive rural land of the Plains Production. See Enclosure G.

Character and Amenity

The proposed development will create a contemporary suburban housing with a mix of typology and densities that will appear as an attractive extension to the adjacent suburban areas. While the character of the streetscape and wider areas will change through the development, the design of the subdivision and new homes will provide a positive addition to the area. Enclosure C provides some images of expected typologies.

The addition of a large detention reserve and upgrade of esplanade reserves adjacent to Muddy Creek will enhance the amenity of the area and provide positive amenity and recreational benefits for residents and visitors to the area.

Infrastructure

As detailed earlier and confirmed in the appended engineering report (enclosure E) the site can access public reticulated three water services and can be readily serviced without adversely affecting the capacity and existing users. The effects of this demand on infrastructure will also be mitigated by established development contributions. A condition of consent can be applied through a Stage 2 approval to reinforce this. The effects on infrastructure are considered to be minor.

Any existing overland stormwater flows through the land will be accommodated within the development without displacing onto other sites.

A potable water supply is available to each of the proposed new lots.

Archaeology, Cultural and Spiritual effects

The site is not known to contain any archaeological or other recorded cultural heritage items. While there are no known culturally significant sites within the development land, should any remains or artefacts be discovered through the development of the site, the established Accidental Discovery Protocol of Heritage New Zealand Pouhere Taonga will be followed. Further consultation will also provide a valuable source of knowledge with respect to any known sites of significance requiring protection or recording. Accordingly, the effects are considered less than minor.

Natural Hazards Effects

The land is identified, based on historical data, as being within a flood hazard area, and also inundation in a Tsunami event and like the majority of the district is subject to potential Liquefaction. These will be considered in the design of the development.

As addressed earlier it is intended that the site be raised above the 1/100-year flood event with an added finished floor level to each building for hazard avoidance. Foundations will be established in accordance with the Structural and Geotechnical engineering recommendations to address the risk of liquefaction and related lateral spread. The appended geotechnical report of Initia states-

1. Lateral spread is not considered a risk to the development; and
2. Liquefaction can be mitigated over both areas utilising a TC2 type foundation. This can be reinforced through a registered consent notice against each lot.

The risk of tsunami inundation is common throughout the region and the established defence (employed in other similar developments) is through evacuation beyond the affected area.

Based on the above, in terms of section 106 of the Resource Management Act the site can be developed to ensure

- *the land, or any structure on the land, is unlikely to be subject to damage by erosion, falling debris, subsidence, slippage or inundation from any source, or*
- *any subsequent use that is likely to be made of land is unlikely to accelerate, worsen or result in material damage to the land by erosion, falling debris, subsidence, slippage or inundation; or*
- *Sufficient provision will be made for legal and physical access to each allotment to be created by the subdivision.*

The proposed detailed development investigations provide the opportunity through comprehensive stormwater assessments to evaluate the relationship of the currently mapped and somewhat disconnected flood hazard extents of the existing residential environment and the larger flood hazard across the rural land uses on the opposite side of Muddy Creek. Detailed assessments provide the ability to properly quantify the true extents of the already identified hazard, which are currently predicted to be conservative. Preliminary investigations (Enclosure E) suggest the two hazard areas are physically disconnected and as such suggest the mapped hazard that impacts the subject site (and other neighbouring sites towards Main Road Clive) may not be as significant as currently shown (notwithstanding the development has been designed on a worst-case scenario). The proposed solution of flood storage to manage displacement and increased development runoff, as well as wider network upgrades to the primary drainage infrastructure within Tucker Lane and School Road and also provides the opportunity to deliver relief to the existing urban environment through upgraded infrastructure, reducing any hazard that may in fact exist.

Traffic Effects

The development will result in an increase in traffic movements to the area, increased linkages road within the development between School Road and Tuckers Lane will enable traffic to be split between intersection points onto the Main Road. Because of proximity to schooling Bus routes, cycleways, recreational facilities and the suburban commercial centre, it is expected that traffic movements may be less than typically those associated with residential developments. The central location to both Napier and Hastings will also present an opportunity the split travel between Napier and Hastings for work and play. The layout of the development will accommodate footpaths, cycleways, pedestrian refuge areas, intersections and design features to ensure any effects are less than minor.

Greenhouse Gases

It is understood buildings are a big contributor to greenhouse gas emissions in NZ, both during construction and while people live in them. Contractors will be required as part of any contracts let to specify and provide a waste minimisation plan, to reduce landfill waste, encourage recycling and travel trips to and from the site.

The reduction in greenhouse gases is something to be further explored at the design phase, but as minimum it will be expected that all homes be required to employ Homestar ratings, future proofed dwellings and lots that will allow for additional energy saving measures to be adopted time such as solar panels, EV chargers (via pre-established power cables in each lot), use of solar powered street lighting. By providing warmer drier homes constructed using modern building design features (orientation, insulation and thermal mass/breaks), materials and techniques, the energy efficiency of homes will be enhanced particularly in terms of power consumption and energy to heat (floor area size, lighting, heating and appliances). In order to cope with climate change and encourage a reduction in greenhouse gas emissions, building design will consider enhanced use of shaded cover, natural ventilation and incorporating water saving features such as plumbing products and rainwater collection.

The ability to undertake such measures is immediately available because the development will be entirely new, as opposed to retrofitting existing developments and dwellings.

The central location of Clive allows for less vehicle movements with a greater walkable catchment to amenities, and between cities for commuters. There is a bus route back into Hastings, Havelock north and Napier and the coastal recreational areas are within easy distance.

Cumulative Effects

It is considered that there will be no more than minor cumulative effects resulting from the proposed development.

The existing roading network, stormwater, water and sewer network can accommodate the development. Any upgrades to ensure this will be incorporated in a stage 2 application.

Temporary Effects- Construction Effects

There will be some change to the existing site while the subdivision and subsequent housing construction takes place, however these are only temporary effects until the site is progressively developed new buildings constructed. During the construction phase residents and occupiers of properties on the way to the site and adjoining may be affected by the construction activities. Potential effects include traffic, noise and vibration from construction machinery and potential dust generation during earthworks. Work will only be carried out during normal daytime hours and noise levels will be required to comply with the appropriate New Zealand Standard, being NZS6803P:1999- "*The Measurements and Assessment of Noise and Construction, Maintenance and Demolition Work*". A condition of consent to this effect will be suggested. Any potential nuisance dust emissions are likely to be a product of wind-borne particulate discharge associated with earthworks. The earthworks contractor will be required to have on site, for the period of construction, water carts to minimise dust emissions beyond the site. During periods of high winds (typically above 30kmph) earthworks will be paused. An air discharge from the HB Regional Council will not be required, as the works will be managed so as to comply with the "conditions for permitted activities" in the Regional Air Plan. Vibration from earth rollers and machinery may be generated during construction, however it is anticipated that any effects outside of the development site will have a small localised effect over a short period of time. No more than minor adverse effects are anticipated. Silt runoff during earthworks can be avoided, remedied and mitigated through conditions of consent.

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 (NPSUD)

Hastings is identified as a Tier 2 Council. The NPSUD requires Tier 2 Councils to undertake an assessment of the expected demand and supply of housing in their areas over the next 30 years. The NPSUD requires local authorities to provide *at least sufficient development capacity* to enable sufficient housing in response to demand and to create more affordable housing. Housing assessment must be carried out every three years and in time to inform Long Term Plans. Two mandatory outcomes of the assessment are firstly; to set bottom lines for future housing provision in Regional Policy statements and District Plans and secondly, in relation to those bottom lines, to advise the Minister of Housing if a deficiency is likely to occur in the short, medium or long term. Enclosures I and J provide additional reference to housing supply shortfalls within the district.

In the context of the NPSUD 2020 and particularly as it relates to density, variation in housing typologies and accessibility in an urban environment this proposed development aligns well particularly with the outcomes sought by Policies 1 and 6. This proposal is considered to make a significant contribution to the outcomes sought by the NPSUD 2020, noting that these objectives and policies represent a more recent policy approach to diversity and importantly, change in amenity values in the urban environment than is captured in the current Hastings District plan.

Housing Bottom Lines

The purpose of housing bottom lines is to clearly articulate the amount of development capacity that is sufficient to meet expected demand, as identified through the housing assessment plus a competitiveness margin. Hastings has already inserted the following housing bottom line in its partially adopted Operative District Plan. in conjunction with *OBJ UD07* in *Section 2.4* (as has the HBRC in its RPS in *Section 3.1AA OBJ 3.1AA.1*).

- Housing Bottoms Lines (number of Dwellings) for the Hastings Environment
- Short to medium term (2020 to 2030) including an additional 20% margin = 5,190 dwellings
- Long Term (2031-2050) including an additional margin of 15% = 7,540 dwellings
- 202-2050 Total (including margins) = 12,830 dwellings

All planning decisions on urban development that affect urban environments must have regard to these bottom lines and in accordance with Policy 6(d) of the NPSUD to provide or realise development capacity. importantly these Housing Bottom Lines are in no way intended to represent the maximum number of dwellings the Hastings District Council needs to provide. The development of School Road will provide an additional 173 lots and dwellings in the

short term, which will be beneficial in assisting the Hastings District Council to meet their statutory responsibilities and meet housing bottom lines.

See Enclosures I, J and K

National Policy Statement for Freshwater Management 2020 (NPSFW)

The NPSFW provides direction to Council's to assist in giving effect to Te Mana o Te Wai. Given the proximity Muddy Creek it is important that a stage 2 application determines aquatic and riparian habitat values and any ecological value required for preservation and or enhancement. It is not envisaged that there be any need or requirement for alteration of disturbance of this waterway. It is anticipated that this proposed development will be consistent with the direction of the NPSFW.

The NZ Coastal Policy Statement 2010 (NZCPS)

The NZCPS is not directly relevant to this application.

National Policy Statement for Assessing and Managing Contaminants in Soil to Protect Human Health (NESCS)

The NESCS is relevant to this application. As the subject site has been used for cropping in the past it is defined as a 'piece of land' in terms of this NES. Accordingly, a detailed site investigation will be undertaken as part of a Stage 2 application. Restricted Discretionary Consent under the NESCS is required as identified earlier.

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 benefits and costs of the proposed development of the subject site has been assessed by Property Economics (See Enclosure F). This report demonstrates the large positive economic benefits for the Hastings District with respect to job creation, contribution to the economy, and the opportunities of proceeding via a Fast Track process as opposed to a standard RMA process. The direct impact on the construction and construction services sections is quantified with respect to direct employment measures, total economic impact within the District and Hawkes Bay region as a result of the development. There are no negative costs rather the economic benefits include increased land/dwelling supply, more affordable housing, decreased marginal infrastructure costs, increased employment levels and importantly additional competitive residential opportunities with particular regard to the NPS-UD through additional capacity across a range of typologies and more choice in the market in relation to price points and location.

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

The delivery of 173 houses within very close proximity to Clive township (a walkable catchment), schooling, recreational facilities, established bus routes and a midpoint location to Hastings, Napier and Havelock North as well as the Coastal Settlements of Te Awanga and Haumoana represents a substantial benefit (working, recreational, cultural and amenity well-being) for future individuals and families that will occupy them, including future generations.

There is a well-documented housing shortage in the Hawkes Bay Region and a growing social housing register for those looking for housing. Both Napier and Hastings have a large number of families living in motels and transitional housing. The social aspects of these type of arrangements are negatively impacting on families and the wider community. The advancement of this developments provides a definitive proposal that can be brought to the market in a relatively quick timeframes as opposed to a more conventional Resource Management act process.

The Ministry of Social Development's housing register as of June 2022 (enclosure I) records a waiting list of 762 in Hastings District and 774 in Napier City. The required bedrooms range from 1 bedroom to 5 plus. See Enclosure I, J and K.

There are clear social and cultural wellbeing benefits in increasing dwelling numbers to the current deficient housing stocks of the Hastings District (and spillover into Napier City) with a mix of modern housing typologies. These homes will be more energy efficient, healthier, and the design of the development provides a framework that can accommodate a variety of ownership models. A range of site sizes and housing typologies will support those employed by NZ Housing Foundation, Kainga Ora, Mana Whenua Housing providers like K3 property - Ngati Kahungunu. K3 have expressed an interest in the construction of homes at School Road Clive as a Kahungunu led construction opportunity. This development presents an opportunity to grow their business and mandate of trade training and Iwi Led design. To date K3 like other housing providers are being stifled by a lack of availability and variety of residential land in the Hawkes Bay Region. Clive as a location mid-point between Hastings and Napier and outlying township areas presents a wonderful opportunity to grow their mandate.

Furthermore, again with an anticipated increased housing requirement, coupled with existing shortfalls (see enclosures F, H, I and J) the additional of 173 centrally located dwellings will have more than minor positive effects. Additional open space and amenity provides enhanced social benefits and subject to final design the open space to be retained has an added potential added benefit of recreational use by Clive School.

The construction of new housing will provide increased job opportunities and commercial benefits, that will bring workers into the township of Clive during construction, particularly as in terms of location it is a walkable catchment providing ease of access to the suburban commercial business hub, public amenities and transportation links. As with future residents, workers and visitors have the potential to use public transport with easy access to bus routes relative to the subject site. The additional of housing and workers adds to the sustainability of Clive township as a destination and place to reside.

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

The Covid Fast Track Act consenting process offers an ability to combine the Hastings District Council and Hawkes Bay Regional Council consenting matters into a combined assessment by a single authority. The avoidance of tandem or delayed consenting (obtaining consents from one authority pending the outcome of the others decision before progressing) will greatly accelerate the process. It utilises a targeted limited notification type process and avoids the uncertainty an appeals process under a Resource Management Act pathway.

Determination and assessment through an EPA appointed panel also avoids delays arising from Council resourcing, as currently experienced. The economic report of Property economics has considered the enhanced benefits of proceeding under the Fast Track legislation as opposed to a traditional RMA process.

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 report appended (Enclosure F) to this application sets out the employment benefits that the development will likely generate.

It provides potential public benefits in the form of job creation, job retention, business support, growth and sustainability. For example, it provides opportunity for those who may wish to access local employment and similarly increased opportunities to fill job vacancies in the local community. There are also public benefits resulting from the development in both a tangible and intangible form, like enhanced amenity, positive growth, increased community spirit and well-being.

Housing supply:

1. As identified in Enclosure J appended, the Hastings District Council has recognised that there is a backlog of unmet demand at a compounding rate of 200 homes per year. The executive summary to a future growth management report (dated 22 March 2022) presented to the Hastings District Council stated "*Hastings is*

experiencing rapid and significant growth. This growth has contributed to a severe housing shortage and strong uptake of residential and industrial development capacity" and; based on the 2021 Housing Capacity Assessment and the recent Statistics New Zealand population estimates, there is a current shortage of between 1300 and 1600 houses in Hastings, with demand expected to grow by another 1600-1800 households by the end of 2023.

This report went further to state-

Council is acting to make new development areas available in the short to medium term.....However, Council has also understood that action is required now to ensure the availability of development land and infrastructure capacity over the medium to longer term.

Given the above identified shortfalls, the Council alone cannot realistically meet this demand without the approval of application such as this. The NPS-UD 2020 requires the Council to "provide at least sufficient capacity in its region or district to meet expected demand for housing. This application provides additional capacity to meet demand.

Contributing to well-functioning urban environments:

Policy 1 of the NPS-UD 2020 defines the following minimum characteristics of a well-functioning urban environment:

(a) have or enable a variety of homes that

1.

1. *meet the needs, in terms of type, price, and location, of different households; and*
2. *enable Maori 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 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 emission; and

(f) are resilient to the likely current and future effects of climate change

(g) have or enable a variety of homes.

To this end, the subdivision and subsequent residential development on each lot reflects an ability to meet the above characteristics. The development displays a mix of lot sizes and proposed house typologies that will provide a difference in price points, allow for a variety of homes and households including an ability to express cultural traditions and norms. The centralised location between cities and proximity to existing infrastructure including Clive commercial centre and recreation areas, coupled with house designs, supports a reduction in greenhouse gases and adds greater choice to housing developments and areas in the Hastings District. The enhanced benefits resulting from increased households, an influx of workers during construction and potential new labour for existing businesses in the area are vast, particularly given new development in the area has been constrained.

This development will increase supply to a constrained market, this will potentially provide a more balanced market equilibrium- with a greater choice of house and land packages.

The house sites will be built well above the 1/100-year flood event and enhanced flood storage during adverse rainfall period will be managed on site, with wider benefits to existing houses affected who have a lower established floor level. The site is away from the coast and will not be directly affected by climate change. The finalised design will afford continued consideration of current and future climate change effects.

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

The development will provide environmental enhancement and along muddy creek, through riparian plantings and walkways. This will allow for alternative access to Clive school and the Township. It will also provide additional community connections to the street network.

The availability of additional open space will enhance the area and provide a potential new reserve area, this could be further investigated in Stage 2.

The addition of 173 new dwellings will bring additional workers and customers into the community and children to the school and childcare facilities. There will be enhanced employment choice and opportunities given the central location

of Clive to the main commercial centres of region, coastal communities, rural activities (such as orchards, vineyards, and cropping), the industrial areas of Whakatu and Awatoto, and a greater choice of secondary schooling (Hastings Schools as well as Napier). The ability to secure employees is an added windfall for local business who may currently struggle to find a reliable pool of employees.

The use of onsite stormwater retention will improve existing localised flooding in the area during periods of high rainfall.

The development will consist of street lighting, roading, footpaths and landscape plantings will have community benefits and enhanced aesthetic qualities of the area.

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

The development will bring about an opportunity to enhance the margins of Muddy Creek as a tributary that leads into the Clive Rive and in turn into the Pacific. The applicant proposes riparian enhancement and through subdivision there is an opportunity to take an esplanade reserve or strip. An ecological assessment of Muddy Creek will form part if a Stage 2 application as will a full landscape assessment and urban design report.

Minimising waste:

As stated earlier the applicants propose to ensure contracts let would include a requirement to provide a waste minimisation plan, to reduce waste to landfill, reduce emissions of greenhouse gas and foster environmental protection through recycling and reuse.

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):

As identified earlier, the proposed development will seek to contribute to NZ's efforts to transition more quickly to a low emissions economy, through modern building design, waste minimisation programs, future proofing lots for EV charging stations, encouraging use of solar power.

Promoting the protection of historic heritage:

There are no known historic heritage items onsite that require preservation. A historic church abuts part of the site, however there will be no anticipated adverse impacts on this building.

Stage 2 consultation with Iwi, will present an opportunity to determine any historical recognition, for example this may take the form of street naming and features such as Toi whakairo, Pouwhenua and landscape plantings. All of these help strengthen the profile and recognition of Maori Heritage of the local area.

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

As discussed earlier, managing the risks from natural hazards, and the effects of climate change forms a major component of the development. Geotechnical engineering investigation has identified that the site is not affected by lateral spread and liquefaction (occurring throughout the region) can be appropriately managed through specific foundation design.

Historically for the Clive area a flood level of RL 11.5 has been used as a minimum standard for flood protection, however in 2003 the HBRC completed a study of the Muddy Creek catchment (included in the engineering enclosure) and modelled a major storm event (assuming pump outages during the event) which determined water levels could rise to 11.6 in the area. The current ground levels over both sites range from approximately RL10.75 through to RL12.5m.

The development will be designed to ensure the *Principals of Crime Prevention Through Design* (CPTED) are met. CPTED focuses on tactical design and effective use of the built environment, which when applied, reduces both crime and the fear of crime. The main principals are *natural access control, natural surveillance, territoriality, and maintenance*.

The appended flood engineering report (Enclosure E) of *Infir* has adopted a 1/100-year flood level of RL11.70 in the interests of conservatism above which houses will be constructed with an additional 500mm freeboard above this level. The development will impose (via consent notice) a finished floor level of RL12.3. *Infir* confirms that any

stormwater effects of the development can be mitigated by raising part of the site to RL11.70 and lowering the remainder of the site to RL10.60 which is displayed in the developments design. The majority of the northern portion of the site is shown for increased storage and the southern portion site will accommodate most of the housing. The development will strengthen environmental, economic and social resilience for reasons set out above. It will provide an opportunity for new housing in Clive and build resilience to existing infrastructure, schools, recreational activities and clubs, commercial business through increased spending, increased labour opportunities with increased population in the area.

The economic benefits are well demonstrated in the appended economic report of Property Economics (Enclosure F).

Other public benefit:

The public benefits have been set out above. These include the introduction of modern new housing of missed typology that will cater for a variety of housing options, bringing increased population to the area, economic growth, labour, job opportunities, environmental enhancement of muddy creek, flood mitigation for the Muddy Creek catchment and recreational benefits. The main public benefit is the enhancement of community and new growth that will add resilience to the township of Clive.

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

The development is relatively straight forward and will introduce housing immediately adjacent to the existing Clive settlement that will address the identified flooding hazard affecting the site and wider area. 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:

While the site is located in close proximity to the coast, it is not affected by modelled coastal erosion or inundation arising from climate change and other coastal and land factors. The site is identified in a Flooding area; however, this was based on old data and has since been remodeled and the development will provide greater flooding resilience than previously approved developments in the area. Filling the site required for development and lowering the site where no development is proposed addresses the 1/100-year flooding event.

As mentioned earlier the development will not be adversely affected by liquefaction or lateral spread hazards.

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
No details	

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.

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.

