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27 October 2022

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Fast Track Consenting Team
Ministry for the Environment | Manatū Mō Te Taiao

06 876 2159

Attention: Samantha Maxwell- Analyst | Kaitātari

s 9(2)(a)

Dear Samantha

Re: Clive Residential Development - Additional Information (Fast Track Consenting Act) 2020 - Request for Further Information, Referral Application Clive Residential Subdivision Development Project- ref: application PJ0000820

We provide the following information in response to your further information request dated 12 October 2022.

We do so with a heading format which matches each of the four questions presented in your request.

- 1. Provide a detailed breakdown of the ongoing full time equivalent (FTE) jobs that are expected to be produced by the whole project in FTE jobs per year, rather than FTE years. Also provide further clarification on the breakdown of jobs likely to be created because of the project, including differentiation between direct and indirect FTE jobs created per year in FTE jobs per year, rather than FTE years*

In terms of employment multipliers this would contribute 7827 jobs during the peak development and operation year within Hawkes Bay, with a total number of FTE jobs created over a 4- 5-year period of 1,529 over the period. In terms of FTE jobs **per year** table 3.2 of the economic report (table 1) appended to the application is anticipated to be as follows

- Year 2022- 20 FTE jobs
- Year 2023- 160 FTE jobs
- Year 2024- 782 FTE jobs
- Year 2025 567 FTE jobs

These are all jobs created through the direct construction phase including indirect and induced employment through all business sectors (not solely construction jobs)- averaged out this development will **create approximately 382 FTE jobs per year** over 4-5 year time period.

It is expected that a stage 2 application will further expand upon the direct and indirect economic benefits for Clive and the Region resulting from this subdivision development.

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2. Provide an assessment of the project against the objectives and policies of the National Policy Statement for Highly Productive Land 2020 (NPS-HPL).

Background Context

- This application was lodged prior to the NPS-HPL coming into force.
- The land has some unique characteristics in that it is a relatively small area, is bounded by urban areas (including schooling), roading and muddy Creek, is able to be fully serviced and in the past the land has been zoned residential (southern block between School Rd and Tucker Lane) and identified as future urban (northern block).
- The site does not have access to water, with its most recent water take consent having expired and water allocation limits being applied by Hawkes Bay Regional Council.
- The status of the activity is non-complying meaning all relevant matters can be considered and properly assessed.

NPS-HPL Objective and Policies.

The objective (Part 2 Section 2.1) of the NPS-HPL is that *“highly productive land is protected for use in land based primary production, both now and for future generations”* and similarly Policy 1 which seeks to *recognise highly productive land as a resource with finite characteristics and long term values for land-based primary production.*

The Hastings District contains primarily a mix of Class 1-3 soils in the vicinity of 500,000 hectares. Accordingly, any expansion of the urban development, particularly in line with the meeting the requirements and mandate of the NPS- Urban Development will, unavoidably involve the use of Class 1 to 3 soils. This site represents a very small and insignificant amount of land area within the context of the overall land resource pool.

The subject land is classified at a very high level by Land Mapping as Class 2. This classification has not been mapped in detail and does not assess this classification or define it based on limiting factors of the site, including but not limited to its inability to obtain water, a relatively high-water table, its proximity to urban activities (reverse sensitivity), site size, and drainage.

Policy 2: The identification and management of highly productive land is undertaken in an integrated way that considers the interactions with freshwater management and urban development is very relevant in terms of how these are other national policies all work together in this ‘integrated’ fashion.

It is critical that a decision maker looks to provide a pathway rather than puts up barriers which will result in the unsustainable use of resources and economic and social benefits which directly underpin Part 2 of the Resource Management Act. Avoid policies and enabling policies can work together to ensure that appropriate and considered outcomes are reached, particularly between the competing needs and legislative direction of the NPS-UD and the NPS-HPL. There remains a very critical shortage of housing in the Hawkes Bay Region that must be addressed.

Policy 3: Highly productive land is mapped and included in regional policy statements and district plans.

This has not happened. Part 3 which implements the NPS and its Objectives and Policies sets out a number of matters (via clauses) that local authorities must do to give effect to the objectives and policies. These processes have yet to commence, and these are critical to ensure Policy 2 is given effect to. For example, Clauses 3.2, 3.3 and 3.4.

Clause 3.5 requires mapping no later than 3 years from the NPS ‘s commencement which is long time to wait for this process to occur in the context of a documented shortfall in housing that has been detailed in the application.

We believe Clause 3.10 provides a pathway for the consideration of the application (and consistency with Policies 4-9 of the NPS- HPL) as *the subdivision, use, development can avoid any significant loss (either individually or cumulatively) of productive capacity of highly productive land in the district; and will avoid the fragmentation of large and geographically cohesive areas of highly productive land; and will allow for the avoidance of reverse sensitivity effects on surrounding land based primary production by virtue of the sites characteristics and a shifting of the current interface away from the present urban edge (housing and school).*

This will be appropriately (and required to be) addressed as part of a Stage 2 application.

3. *Confirm whether consent is required for the project under the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 including under section 54(c).*

Page 13 of the application states-

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.

We have further consulted with Hawke Bay Regional Council¹ regarding the potential presence of identified wetlands within proximity of the site, and that they have confirmed that there are no identified wetlands within proximity on their database. However, we have been advised that the current HBRC mapping system does not pick up all areas that would fit the NPSFM definition of wetland and therefore there might still be some requirement under the NES-FW.

Accordingly, the applicant will potentially require a discretionary activity consent under the NES-FW. If so this will form part of a Stage 2 application requirement that Discretionary Resource Consent under the NPS-FW be obtained from Hawkes Bay Regional Council.

We have updated the Rule table provided in our client's application to reflect the above.

RELEVANT PLAN / STANDARD	RELEVANT RULE / REGULATION	REASON FOR CONSENT	ACTIVITY STATUS
District Plan			
Hastings District Plan Partially Operative	Rule SLD25 - Subdivisions not provided for in the District Plan	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).	Non-complying
Hastings District Plan Partially Operative	Rule SLD17 – Subdivisions that do not comply with a standard and term in Section 30.1.7	Individual lots within the subdivision (which is on land currently zoned Plains Production) 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	Restricted Discretionary

¹ Sophia Edmead- HBRC Team Leader Consents 20 September 2022 via email

Hastings District Plan Partially Operative	land use Rule PP39 – activities not provided for under other activity status rules	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 1,500m ² (whichever is the lesser).	Non-complying
Regional Plan			
Hawkes Bay Regional Council Regional Resource Management Plan	Rule 42 - Diversion and Discharge of stormwater	Certificate of Compliance required	Permitted (subject to onsite mitigation to ensure compliance with standards/terms for permitted activities)
Hawkes Bay Regional Council Regional Resource Management Plan	TANK 20 – Small Scale stormwater diversion and discharge	The activity does not comply with the conditions of Rule TANK 19; and b) the activity is not from an industrial or trade premise.	Restricted Discretionary
Hawkes Bay Regional Council Regional Resource Management Plan	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	Along with standard terms and conditions an application for resource consent must include an Integrated Catchment Management Plan in accordance with Schedule 35B	Controlled
Hawkes Bay Regional Council Regional Resource Management Plan	Rule 71 – Activities affecting river control schemes and drainage schemes	Construction of stormwater outlet structures (if required) and works within a drainage scheme	Discretionary
Other Legislation			
	NES- National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NESCS).	In terms of Regulation sub clause (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.	Restricted Discretionary Consent under the NES is required

	NES for Freshwater	<p>Clause 55 provides general conditions that must be met, if the receiving environment for stormwater contains any natural wetland.</p> <p>Under Clause 71 The placement, use, alteration, extension, or reconstruction of a culvert in, on, over, or under the bed of a river is a discretionary activity if it does not comply with any of the conditions in regulation 70(2).</p>	<p>If the receiving environment for stormwater contains any natural wetland</p> <p>Both Restricted Discretionary and Discretionary Activity resource consent may be required.</p>
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A stage 2 application will also include a ground assessment- via an ecological assessment to ensure accuracy of mapping and to support.

4. *There is a proposed plot 401 on the applicant plans, we consider this be an anomaly as the record of title check shows this as being recently subdivided and vested in the council, 31 Tucker Lane (SEC 1 SO 562104). Please therefore clarify the extent of the project site.*

Proposed Lot 401 is now an anomaly. At the time the application and associated information was prepared and submitted the land as shown and described was correct. However as was highlighted in the application the Hastings District Council has now completed acquired a portion of the site for the purposes of establishing water treatment supply infrastructure. At the time of lodgement, the acquiring of this portion of the site had not been completed.

This has now been completed, with new Records of Title having been issued². The application site is now described and comprised in Record of Title RT1084115 being legally described as

- Part Suburban Section 24 West Clive (5.6203 ha) and Section 2 Survey Office Plan 562104 (6.5888 ha) being 12.2091 hectares in area.

See attached Record of Title.

We trust the above answers your questions and provides the necessary information to allow for the application to be put before the Minister for consideration. Should you wish to discuss matters further, please do not hesitate to contact me on 0272888762 and/or matthew.holder@developmentnous.nz

Yours faithfully
Development Nous Ltd

Matthew Holder
Director and Principal Planner

² Please see attached, RT1084115 applies to the subject land. RT1084114 was registered 2 August 2022 for the portion of land subdivided off from the original record of Title HB84/297.